

United States Institute of Peace
Association for Diplomatic Studies and Training
Sudan Experience Project

Interview # 68 - Executive Summary

Interviewed by: Barbara Nielsen
Initial interview date: February 15, 2007
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This interviewee has been involved with the Sudan negotiations since 1998, when she was the Norwegian Minister of Human Rights and Development, and determined that the time was right to try to help move the peace process forward. She narrates why and how, following the Cessation of Hostilities accord in 2002, she was approached by Vice President Ali Osman Taha to help end the war. Her experience demonstrates the importance of establishing a direct personal relationship between the two main leaders (Garang and Taha), where in this case, they sat “in one room together for months, alone, without anyone.” In addition, she describes the utility of each of these leaders having a large number of private discussions, just the interviewee and the principal, with her role to overcome their not understanding each other’s positions. She also describes the vulnerability of this formula, in the event that one leader departs the scene, (e.g., John Garang.)

The interviewee delineates the very different motivations of the two main Sudanese leaders, i.e., John Garang’s vision for a New Sudan versus Ali Osman Taha’s desire to end an unwinnable military conflict, as well as some of the difficulties Taha in particular faced in getting agreement from the other leaders in Khartoum. She also describes the birth of the Troika, and the logic in its composition. She assesses the contributions of the Danforth mission, as well as the role of General Sumbeiywo, especially his key contribution in mediating the First Protocol on state and religion and on self-determination.

Regarding CPA implementation, the interviewee explains that the unusually high degree of specificity in the Accord, along with an ambitious timeline, is to prevent history from repeating itself, to prevent Khartoum’s non-implementation. She stresses that the agreement is a completely Sudanese product. In her view, one might question the need for so many commissions, given the extent to which they overlap and the difficulty in implementation because of capacity problems, especially in the South, but this was the deliberate choice of the parties.

Finally, the interviewee sees grave danger in the international community now neglecting to ensure CPA implementation because of the focus on Darfur, and provides insights as to why Darfur and other regional conflicts could not be included in the CPA negotiations.

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Q: You've been involved in the Sudan peace negotiations since approximately 1998, when you were Minister of Human Rights and Development; is that right?

A: Yes.

Q: We note that Norway, throughout the peace process, was very willing to exercise a leadership role. What would you say was Norway's principal motivating interest in doing so?

A: I think the main reason is that a number of Norwegians and, in particular, people that have been working in the two key Norwegian NGOs, the Norwegian Church and Norwegian Peoples Aid, have been engaged over twenty, thirty years in Sudan, so there's a very strong kind of engagement among our key NGOs.

Secondly, the humanitarian crisis in Sudan that has been coming repeatedly in the past, which was usually not caused by famine but caused by displacement due to the war, that always got headlines in Norway. A humanitarian crisis always catches Norwegians' minds and also politicians or they ought to engage politicians. So basically Sudan was always important, but I guess it was when I came into the ministerial position that it gained the weight that it did and that was my personal engagement.

I think a combination of strong engagement from the NGO side, personal engagement by some key people and then my own engagement, in combination, led to this. Just a footnote on that: this is the same tendency that has been in other peace processes where Norway has been engaged; there has been a strong NGO component. Individuals with strong ties to both parts of the conflict, for example, or to one of the parties, which has this competence and also personal knowledge of the players, on either side of the conflict, which again is key to play a role. That kind of a pattern is at least a partial answer to Norway's kind of central role in several peace negotiations, be it in Sri Lanka or in the Middle East or, in this case, Sudan. So I think the personal knowledge and the personal contacts come from, partly, those long traditions of presence on the ground, knowing the field, knowing the people, knowing at least one if not both parties.

Q: You mentioned not only your Norwegian organizations that had an interest, but your own personal background. I understand that you did grow up in Africa, but your interest in Sudan, when did that begin?

A: I was born in Tanzania and I have a very strong African type of identity. I grew up in East Africa and that is quite far away from Sudan, in fact, and the culture is very different. The Sudanese connection came much more from two things, I guess. One is, I was on the board of Norwegian Church Aid and I followed, either engaged in development or as a politician, for many years I followed Sudan from the sidelines. But it was when I first got there as minister and in particular during the famine of 1998 in Bahr el Ghazal, where 250,000 people were at risk of dying and I knew that the reason for that famine was the war. That was when I just decided: "I know this is a terrible conflict. It's almost impossible to resolve. But I think now it's time that we start trying to do something with that, because otherwise this will happen repeatedly, over and over and over again and people will die." So it was kind of from that visit, that was in May 1998, that I kind of decided at least I would do what I could, for what it was worth, to help move a peace process.

Q: Jumping to the more intense phase of the negotiations -- I'm not quite sure which date to pick up on, but one turning point was the decision in 2002 when John Garang agreed to a ceasefire. That was an important milestone. Another was the final round, beginning in September, 2003, when the two major parties, Garang and Vice President Taha, agreed to direct negotiations. I'm looking to get to maybe that point, because you were playing a role in bringing that about and I'm interested to have you speak to the process of establishing trust between these two gentlemen, who of course did not start out as friends.

A: Before doing so, maybe I could say just two or three things about the framework, or are you coming back to that?

Q: I'll come back to that.

A: That's okay. After the first breakthrough, you were referring to the ceasefire, which also was important. It was actually what they call the Agreement on the Cessation of Hostilities. For the SPLM it was important that ceasefire came only after the CPA had been signed or the overall peace agreement. So it's just cessation of hostilities, I think, in October of that year. But before that you had the self-determination agreement, which happened in July 2002. I think if that decision hadn't been made, that was actually, the two delegations, one from the SPLM and one from Khartoum, if that decision hadn't been made there wouldn't have been a foundation for the two, John Garang and Ali Osman Taha, to have direct negotiations. Because that was a kind of key make or break point. When that issue had been resolved, there suddenly was a basis for a peace agreement to be negotiated seriously, with vigor and for the two leaders to themselves, actually, do the job.

So what happened was that after that agreement had been signed there was a period of back and forth, which was difficult and where there were attacks in Torit. Then we had the Cessation of Hostilities Agreement, we had the U.S. engaging more strongly with four kinds of tests, the Danforth tests. I met with Danforth during that phase and we discussed those. Anyway, it came to a stage where Ali Osman Taha, the first vice president at the time, was telling me also that he understood that the framework of negotiations could not lead to a final settlement without the leadership themselves doing the job and flying in, that the framework was too weak, that two delegations from the two sides were not able to have sufficient kind of stamina and vigor and mandate to be able to resolve it. His view was that it had to be done by the leadership.

So what happened was that I got a call from him. This is in my papers. His view was that they should negotiate and he wanted to negotiate with Dr. John Garang himself and he asked me whether I could talk to Doctor John about it.

I knew it wouldn't be easy, because Doctor John was hesitant about negotiating directly at this stage. I knew that he would have wanted to let the negotiations go forward with delegations first and then they would step in at a later stage. Then he also had the difficulty of negotiating with him or with President Bashir, since President Bashir was the counterpart of John Garang. If you look at the two parties, it wasn't the deputy but the leader himself that he should have negotiated with. And at that time there was always a discussion in Khartoum, "Who's actually the boss?" Is it the First Vice President, Ali Osman Taha or is it President Bashir? So there was always a discussion about their relationship and who was calling the shots, so to speak.

But I was quite convinced also that it was the best option for Doctor John at the time and for the SPLM to sit down with direct talks and negotiate. And I knew that there were strong forces also among the leadership in the SPLM that were of the same opinion. They had to have a serious discussion internally but Doctor John ended up agreeing to come to Nairobi. And that's when the Naivasha negotiation started and the most intense negotiation period, in September 2003.

Q: You had met Dr. John Garang sometime before that. What were the circumstances that allowed you to get to know him?

A: I met with Doctor John from 1998 onwards. I had had frequent contact with him. My first encounter with him was actually in 1998 and not before. The basis for the first introduction was, to a large extent, the contacts that the Norwegian NGOs had with the SPLM and in particular, of course, Norwegian Peoples' Aid. They helped us with the first encounter. But after that, we hit it off well on a personal basis and over time I built a relationship with him and we met frequently. And that was the basis on which Ali Osman Taha approached me, because he then obviously knew that there was a close relationship and this was something that was very important for him. If you draw some lessons I think from that, and not everything is comparable to other peace processes, but there's always a discussion, whether one is to function as some type of mediator or be a

useful go-between between two parties. Should you be a neutral observer or should you have close relations to either of the two sides?

This is a very interesting discussion and I don't think you can say that there's a clear-cut answer to in all situations. But I think the reason why Ali Osman Taha approached me and not a neutral body was that I had close relations with Doctor John; everybody in Sudan, the SPLM and the Southerners, knew that, and for that reason I could be helpful to him and to the North.

If you end up with a neutral situation, in some cases that's necessary. But sometimes you end up with a situation where you can't be that neutral and help move things. Of course, my challenge was that I needed to then create or build a sufficiently strong relationship with Ali Osman Taha, which I did over time. So then I was able to play a role with both of them.

Q: Personal relations are extremely important in diplomacy and Mr. Taha felt that you were a good person to approach. How, then, were you able to build the relationship with him? What qualities allowed that to occur?

A: It's difficult to answer because it's a very personal thing, but I think building personal relations over time can be done with frequency, with ability to communicate and with using private discussions. And this is what I did. So I built my relations with him and also of course with Doctor John, but in particular with Ali Osman Taha by having a lot of private discussions, meaning just me and him. This is not usual internationally, but this is what I wanted to do because I knew that it would be complicated to have, we of course had the normal meetings, but I usually had more time with him alone than with him together with others. I asked for that and that was useful for negotiation purposes primarily, because we could then discuss, but it was also useful because you get to know each other much better and you don't have to be on stage, so to speak, with five advisors on either side.

Q: This is how you went about building trust, which is of course going to be fundamental if an agreement is going to be reached. The two parties have to have a high degree of trust, and that wasn't something they were born with.

A: No. There was an incredible mistrust in the beginning. It was very interesting to listen to both of them speak, and they talked to me about the other side quite a lot. The beginning was really bumpy, in terms of getting the negotiations going, because there was very, very strong mistrust between the two of them but they managed to overcome that themselves. I was there on the phone; I wasn't there physically. So this they worked on on their own and they managed to overcome that. They had some setbacks, frequently, but they moved along and they managed to build this relationship, slowly.

Q: Now to what degree did the three of you have a shared vision for the future of Sudan that might contribute to growth in the relationship? Is that a fair characterization or not?

A: Not necessarily a shared vision. John Garang's vision was very clear: the New Sudan, with unity, justice and bringing all the marginalized peoples of Sudan into an equal sharing of the resources and the power in the country. I don't think that's where Ali Osman Taha really came from, but Ali Osman Taha had a strong desire to end the war. I think that was the point in time when they both acknowledged, "We will not win militarily. It will not work." They were really, really worn out, in terms of that war between the North and the South and they were really, really tired from the war and they wanted to end it. I think Ali Osman Taha saw the opportunity and kind of realized when you got this first breakthrough that this was when it had to happen, on state religion and self-determination, because the critical thing for them was to be able to keep Sharia in the North. Of course, this deal has been criticized by many, but I don't think there was any other option. For the South, for them it was critical with the referendum and self-determination.

With those two key cornerstones in place the opportunity was there. So I think for Ali Osman Taha it wasn't necessarily sharing a vision but I think he, over time, as they negotiated, realized that what they ended up with as the CPA was the only feasible and realistic agreement that would have a possibility to hold over time. I think he negotiated to keep the country together and he felt "this is the way we can do that."

So they came from very different angles. I don't think they originally had a shared vision, but they ended up with an agreement which actually did encompass the thrust of what was necessary for a sustainable peace in Sudan and also for the possibility of keeping the country together with a just peace. But, of course that is only if it is implemented.

Q: While we're discussing Mr. Taha, obviously he didn't operate in a vacuum. How was he able to bring along, you mentioned President Bashir, he would be the first one, and then of course the others in his government. Was it difficult to convince them that the war could not be won militarily or were they all ready to accept that at this point? How was Mr. Taha able to get agreement from his side?

A: He had a tough time and I know that. He really worked very, very hard to bring the others in Khartoum on board. He was in Naivasha and he suffered from being absent for so long in that intense negotiation period. A lot of foul play was going on in Khartoum and he had to go back quite a number of times. I know that he negotiated heavily on the Khartoum side, as well. So he was doing double negotiations. He never told me at the time how much he had to negotiate. He told me afterwards that he really had to negotiate on the other side and that it was tough, but they were all on board. And he never, as far as I understand from him, never gave any concessions that hadn't been discussed and worked out in Khartoum. But it was quite clearly controversial and quite clearly very, very difficult negotiations and also concessions that were made.

There was a lot of tension around the negotiations. He brought in some of the, what the international community would call hardliners, known hardliners into the negotiations

also, so that it wouldn't be a situation where they would be in Khartoum not knowing what went on and then be in a position to attack the agreement and not be part of the negotiations. So some of them were part of the negotiation team and they were part of the whole thing and part of the signing and so on. But of course, that doesn't always imply that they will stick to whatever they were part of in the beginning, which is one of the problems we have now.

Q: That's a historical problem, I guess, in Sudan, and we'll have a chance to elaborate on that. There have been many agreements in the past that haven't been lived up to.

A: I guess most agreements haven't been lived up to.

Q: Extending a bit the focus of our discussion, we were talking about you and the other two principals, but of course the run-up to the final agreement was a multinational process and a lot of other individuals and organizations were involved. Expanding it to the other members of the troika, as well as Norway, I'm interested to hear from you how you would delineate the principal contributions made by each of those three main countries.

A: The troika was actually started by the three: U.S., UK, Norway. I remember very vividly when that was. Clare Short had engaged very strongly in Sudan in her last couple of years as Secretary in the UK. So Clare Short, Walter Kansteiner and I, we met in New York and had this meeting at the U.S. embassy where we actually decided to create the troika. This was not to try to kind of sideline anyone, meaning the IGAD Partners Forum, where I was the chair, where you have a number of international organizations and countries present, nor the IGAD core group, which consisted of I think seven or eight countries, including the troika members. We just acknowledged that if we were to be able to create an efficient negotiation framework that could deliver and we would be able to support the negotiations well, that we couldn't be eight or nine countries, because as you know during the negotiations there will be very, very tight and difficult moments where you would have a lot of knowledge about strictly confidential things. If you are to play a role in relation to that you can't have that knowledge being distributed among a huge number of countries. It will never work.

What happened was that we shared that information among the three of us and we managed then to push forward. Now the role of the three countries is, basically, why we chose these three. Britain has an obvious interest in Sudan from their colonial past, and they also had quite strong presence in Khartoum and understood Khartoum politics very well, the North better than the South. That was helpful.

The U.S., for obvious reasons; no solution in any conflict of this kind and nature would be possible without the U.S. Their engagement is also very strong in Sudan. It has grown since. At the time we started this it wasn't very strong. NGOs were engaged in Sudan but it wasn't as prominent, for example, on the Congressional agenda as it is now. Now it is huge, as you know. But still it was seen as an important priority, and as far as I understood, from the conservative Christian side and President Bush, I know, took an

interest in this quite early on. So the U.S. was critical and necessary and really able to, if you talk about leveraging, sticks and carrots, the U.S. is critical.

And then Norway, of course we have for a long, long time had quite close relations with the South and knew the South very well. So it was a kind of quite obvious selection of countries, the troika. And then we had also been among those countries that had been working more closely together and in particular Norway and the U.S., of course. So I guess that's why it ended up being that group.

And then we at the political level engaged more than the other countries. I think over time you got an engagement also in the Netherlands and some of the other countries, the EU, etc. But that was much later.

Q: So we're talking about 2001, probably, for the establishment of the sub-group?

A: Yes, that was 2001. I'm pretty sure that was after the spring meetings of the World Bank and IMF. So I think it was April or May 2001.

Q: In talking to some of the U.S. participants about that time frame, of course there were comments about the Danforth mission and there was some controversy initially whether a special envoy should be appointed. We know that one was and he did achieve some results. How would you describe in what way the Danforth mission was helpful to the process?

A: Well, initially, I liked the ceasefire part, cessation part, of the tests.

Q: The Nuba Mountains?

A: The Nuba Mountains, I think that was critical. But I was uncertain about this approach of the four tests, frankly, at the time, because I thought some of them were kind of sideline issues, compared to the core issue, which was the negotiation part. Nuba was not. Nuba was a key and core part of the approach. I was hoping we would have been consulted on which tests should be put forward and what would be most helpful to the negotiations. We were not. It just came out of the blue, as sometimes happens in the U.S., with U.S. foreign policies. Not meaning that it comes out of the blue on their side but it comes out of the blue for us, their partners.

But when it was tabled and this mission took place, it functioned pretty well in putting pressure on Khartoum and moving focus on the agenda. So it didn't, I was afraid that it would distract from the core thing, which was to get the peace negotiations going between the North and the South. But it ended up not being a distraction. It ended up functioning well for Nuba. Not all those tests were that operational after a while, but still it helped focus, I think, also Khartoum's agenda on delivery on some things so that they could prove they were serious and so on. So it worked out pretty well. But, I would never say that the Danforth tests were the key for negotiations to succeed. I think we shouldn't overestimate them, either. But it worked well in terms of showing U.S.

interest, pressure, showing to Khartoum the importance that they're now engaging strongly and I think it conveyed to them the need to take them seriously and it worked well in that kind of sense.

Q: That's a fair assessment. And now, expanding to the IGAD members themselves and the role of General Sumbeiywo, who has been evaluated as well. How would you describe his contribution to the process?

A: His role was most critical in the first phase of the negotiations, up to the breakthrough on self-determination and state and religion, protocol one. That's my view. He then, in that intense phase when the two leaders negotiated by themselves, that was a phase where he was not at the table in the same sense. He was a very important player in the sense that he facilitated the negotiations. He facilitated in a way that also implied putting deadlines. So he pushed the negotiations and when they were stuck he set deadlines and asked them to report to him, but of course he was not mediating between the two in the room. So it was a different type of role. In the first phase it was a mediating role, specifically. In the second, it was more of a facilitator/coordinator role but with a critical function in terms of a deadline, in terms of holding them accountable to their own process, etc and bringing all the international supporters to the negotiations and so on. So it was kind of a phase one, phase two role he played, but he did it very, very well and I think he needs to be really praised for the role he played in attaining the first breakthrough. There's no doubt that he helped facilitate that really, really strongly, meaning the self-determination, state and religion, protocol one.

Q: Now the phase two that you mentioned, to put a date when that began, are we talking about September 2003 forward for the period of direct negotiations?

A: I think so. This is the only peace negotiation that I have heard of in history where the two adversary parties, actually the two leaders are sitting in one room together for months, alone, without anyone. And then, of course, they consulted with their people and they went back, but they sat alone in one room. They didn't use a mediator. In the Middle East, Sri Lanka, they didn't shake hands before almost the agreement was signed. An incredible unique negotiating process, where the trust built between the two was key to getting the solution. So it's very, very unique and that of course implied that Sumbeiywo would play a less important role, because they took over the negotiations themselves, basically. But then his role, when they got stuck and of course I played a role on the phone and visiting from time to time in that intense negotiation process and then I kind of intervened when they asked me to do so. But then, of course, his role was also very important in holding them to these deadlines.

I remember at some point, for example, when they invited everybody to come to sign an agreement, there were still some sticking points; this was one of the protocol signing ceremonies and everybody thought that things would move and then suddenly there were hiccups, hiccups and everything was kind of uncertain again. Then he put the table out, the loudspeakers, the chairs; people were coming in from Nairobi to just wait for them. So the pressure was on for them to do it and come out and sign. This was extremely

efficient, because he just said: “Okay, this is the day of the signing. You have to agree and then come out, okay?” That was the message. That role was important also during that phase.

Q: I'm trying to imagine the picture you just described of these leaders sitting there for months on end in the same room talking to one another and then from time to time they'd make a call out to you and say, "Well, what do you think about this?" or "We're having trouble at this point." or how did they engage you on this? On a weekly basis?

A: That could be on a several times a day basis, actually, from time to time.

Q: Several times a day. So you had to be available at any time.

A: No, during that period I was available absolutely, always. It was a very tough time.

Q: Do you remember any particular dramatic moments that you can recount where they said, "Well, Hilde, we need you to help us on this!" and "What do you think?" and then you were able to give just the right advice?

A: Yes, I did that on two or three occasions; there are two types of roles. One is to try to, in the initial phase, when they were entering into a new area of negotiations, it was the difficulty of getting them to understand each other's positions. The beginning was always a difficult period, because they were so far apart and they almost couldn't understand why on earth this other party couldn't get their point right. So in that period it was very important to try to explain to them, “This is what he thinks. This is what you think,” so when they were going back to see each other they had more of a sense of what the other planet looked like, to put it that way. And I said, “You have to find an area where those planets cross somewhere and that gray zone is where your solution lies. You have to move in that direction, understand the other's position.” I kind of explained to both of them what the other position was, because they'd phone me and were frustrated, etc. So that phase was important.

And then when the negotiations were at their hottest the role was twofold, in a way. One was, if necessary, to coordinate with the other two troika members to put pressure on them on specific solutions. The U.S. would intervene and there would be calls from high levels in the U.S. and the UK from time to time, more the U.S. than the UK, though. And then there would be moments where there would be sticking points and where they just were stuck and you couldn't find a solution at all. Then you could come in with an attempt at finding a solution that maybe could fly with both sides and it did happen on several occasions that worked. I'm not sure I should go into the details about which areas that was, but that happened on several occasions.

Q: Now this process, of course, begins to take on a very particular stamp in terms of replicability for any future negotiations. If you have the right personalities and someone like you can play this role, such a negotiation formula could be used. I don't know if we could imagine things falling into place quite as nicely in another situation.

A: I've reflected on that; are there lessons learned from this process that could be applied to others? Sudan is kind of Africa's Middle East. It's really such a difficult country and people are so, the parties are so far apart and they still are. It's so difficult for them to understand each other and really kind of get the other's point. So I guess this was a unique negotiation and to have the two leaders sitting in one room I think is important, because if you don't shake hands before you're on the lawn of the White House the mistrust is incredibly huge. Now, in this case the two really built a relationship and trusted each other over time and you would still have serious hiccups from time to time, but they still built this relationship, a partnership that had a potential of holding.

The vulnerability with that, as also actually was the case in the Middle East, although they didn't build the trust as much, of course is when one party dies. In the Middle East it was Yitzhak Rabin that was shot. In the case of the Sudan, John Garang went down with a helicopter crash. And, of course, this is a very vulnerable thing, because the negotiations were built on the basis of the two leaders and he was very, very key for the SPLM. He was *the* leader, basically. That also happens with many guerilla movements, rebel groups, where the leaders are very strong and the basis in the overall leadership is weaker. So there's a positive aspect of it and there's also a very vulnerable aspect of it, meaning that if one leader is lost, is the peace lost as well?

It doesn't have to be; it shouldn't be; it not necessarily is, but it certainly is a very vulnerable kind of framework. So, yes, you can replicate it, but you should be aware of that vulnerability.

The two of them tried to prevent that from being too vulnerable in the sense that they always went back to their leadership and cleared positions and always made sure it was anchored. But still, given the complexity of the conflict, the leaders are so crucial that it is a really vulnerable thing. On the other hand, I can't really see there was any other way that you could get an agreement on the Sudan, nor would I expect that there is any other possibility of getting an agreement in some of these most intense and difficult conflicts and complex conflict situations without having their leader doing the job and the transformation of a leadership negotiation, that's where peace can be built, an agreement signed. So it's really a difficult thing.

Q: Let's look now at the implementation phase, the post-signing. Obviously, there have been some quick successes, over the last two years. How would you characterize what has occurred in terms of what has been successful and what has been, surprisingly or not surprisingly, less successful?

A: Well overall, there's no doubt there have been serious delays in the implementation of the Comprehensive Peace Agreement. One of the reasons, of course, is Garang's death, because a lot was delayed due to that. And, of course, implementation was slow for practical and other reasons. One gets the understanding, looking at the matrix of the CPA elements and looking at what has happened afterwards that, "yes, a number of things have happened; yes, there have been delays but it's still moving, albeit slowly." Yet, my

interpretation and I think many others' is there is a lack of willingness to fully implement the CPA on the part of certain forces in the government in Khartoum. And the question is whether that sentiment will prevail and continue to slow down the implementation of the peace accords or whether there will be change. I think that question mark is still hanging there and time will tell. What I think is important is the chance for the Sudan to remain united. And if the CPA is not implemented, I think it's quite obvious what is going to happen. What I hope is that strong forces in Khartoum soon will see what the implications of slowing down and not implementing the CPA will have for the country as a whole.

Q: Some Sudanese have said that perhaps the target date for the elections, for example, was unrealistic; as things have unfolded, the preparations for the census and for the elections are behind schedule. Do you think that some of those dates could be adjusted? Was it something that maybe was miscalculated in the CPA?

A: Interestingly, the CPA is also the only peace agreement I know of which is so fully negotiated before it's implemented, which includes an implementation protocol, with dates. I don't know of any other peace agreement that does have that. Other peace agreements I've seen and related to, worked on, are framework agreements. There is always a process for further negotiation. An incredible amount of work has been done in the detail of negotiations and in the detail of the implementation arrangements. This was exactly to prevent history from repeating itself in Sudan, which at least for Dr. John was key, which was to prevent non-implementation. So the dates were set and maybe very ambitious dates, to ensure that there was implementation and not give room and time for delays, which generally has been the tendency with most agreements in the Sudan over the years. I think it was a very deliberate kind of policy from the negotiators that they needed to have an ambitious timeline to ensure that the historic opportunity was used and that it wasn't missed.

Of course, with Dr John's death, those timelines obviously became unrealistic because the SPLM lost at least four months before they got themselves together in just dealing with the situation. They elected Salva Kiir very quickly, but getting the government established, the Southern government, all those things took more time, for obvious reasons. So I'm not sure I would say that the timelines were unrealistic if you had Dr. John still there plus an eager Khartoum government.

Q: We haven't talked about the specific commissions. I'd be interested to have your views, for example, on the Evaluation and Assessment Commission, which I gather is to have an overarching view of how things are going in general.

A: There were three things that were key for at least the South, but I think for both parties, at least at the top level, to ensure implementation. One was knowing the history of broken promises, so to speak, at least with the Nimeiri government in 1983, from the 1972 peace accords in Addis Ababa, and a number of other historic examples, learning from that, the SPLM wanted international guarantees related to the peace agreement. These happened with the Security Council resolutions, which included the presence of

UN peacekeepers, although Dr. John originally wanted a different format than what was chosen finally. Secondly, they wanted international guarantees in the sense of a monitoring mechanism that would monitor follow-up, which is the Assessment and Evaluation Commission. And the third thing was the possibility for the SPLM to retain its own army. Those three were put in as preconditions for him to be able to sign an agreement, to ensure these important follow-up elements.

As for the second, the AEC, that commission is supposed to monitor follow-up of the peace agreement. It has a very strong international presence. It's chaired by Ambassador Tom Vraalsen. At the moment, it is suffering from the fact that both parties need to agree to the conclusions of the Assessment and Evaluation Commission on how implementation of the peace accords is proceeding. So when both parties are not agreeing, you won't get very clear conclusions.

Q: On the facts, in other words.

A: No, because they have different interests at the moment. So the AEC is suffering from that. The international community has very clear views on what's happening but the two parties don't really agree all the time on what the reasons for the delays are or whether there's an unwillingness to implement or not. Obviously, what we heard from Salva Kiir on the 9th of January this year, when he made a speech commemorating the two years after the signing of the peace agreement, he accused President Bashir and the government of not following up in implementing the security protocols by, for example, still arming the militias, which comes under the term "other armed forces" in the agreement. So there are these debates going on all the time between the two parties and it shows that there are elements of the peace accords that are not implemented and then obviously there would be disagreements in the AEC. For that reason, the instrument is maybe not as powerful as it could be.

Q: In establishing these commissions, would it have been better to do it in a different way or was it too hard to know how they were going to play out?

A: I'm not sure. The Abyei Commission is critical of course, and Abyei, concerning the roles of the troika I forgot to say that initially the U.S. really took charge of negotiating the Abyei protocol and proposing that solution. They have their role in Abyei. So when I was saying we were working together on a lot of these different areas, we usually did that together but Abyei was the U.S. responsibility. They took that upon themselves to deliver and help move that protocol forward. So we did have some division of labor, also. And, of course, that's one of the critical points where there's a potential for conflict, actually and it's really, really difficult.

The Land Border Commission to a large extent is hanging on Abyei. This is also linked to oil resources, of course.

Q: Those are four that I'd written down, too, the election commission, the evaluation and assessment, Abyei and the North-South border. Those seem to be the ones that emerge as the most crucial and the most...

A: ...The most difficult.

Q: So as we wrap up, looking at an agreement with 1100 action items, it's a tremendous and an amazing achievement. Are there any things that you would point to and say, "Well, I wish we'd done this or I wish we'd done that just to make it even stronger?"

A: Since I did not negotiate the agreement, it was an agreement between the two parties and, uniquely, this product is theirs. They did this. It is completely Sudanese. Whatever role we had, from the outside, was to help them break deadlocks and provide ideas on where solutions could be found and then they did it. It's their agreement. So I couldn't even say, "I wish I would have done this or that" because when they came into deadlocks we had to try to help them resolve them, but we never forced a conclusion. I was in no position to do so. The U.S. maybe a little bit more. But still this is the parties' own agreement. What I did say to John at the time was, "Do you have to have so many commissions?" For example; it's a very complex agreement.

To some extent things are overlapping and it's very, very difficult to implement because of the capacity problems, not least in the South. They don't have the capacity. But this was their choice. This was the solution they found to the problems. So some of the constructural stuff I was not playing a part in, have a commission for that, have a commission for this. This was their own decision. I was warning against the proliferation of commissions and that the follow-up matrix would be very complicated.

But, for example, of course we had discussions with them on the election dates, etc., and the international community was afraid of delaying the elections for too long, because then the agreement would have been seen by the parties that were not at the table, all the other political forces in Sudan that have been complaining about this, as an attempt at manipulating and ensuring that the two parties would move forward with a twofold dictatorship, that the NCP would retain its power in the North and the SPLM in the South and there would be no possibility for other actors to play their part in the political scene. So I think there are many ways of looking at this. And one also needs to be very aware of all these other political forces that have felt marginalized in Sudanese politics and in Sudanese society for so many years and they also deserve to have a seat at the table. So on the one hand, there's a question of the realism of deadlines, with regard to the practical implementation; in addition, a sustainable solution can only be found if you also build bridges and include others and ensure that this is an overall national process.

What is critical is that that concern also has to be taken care of. I wouldn't say that there are things in the agreement that I would have done differently, because it's not mine. Secondly, are there things in the agreement that should have been different? I wouldn't even start that discussion, because, to me, this is an agreement that was the solution to all these complex problems at the time and still is, in my view. And I would then say that it

should be implemented to the letter, which is what I've said in all my speeches. The peace agreement is only a signature on paper.

The peace agreement will be tested. It's only through its implementation that it really becomes a peace agreement for the Sudan. So peace is not achieved unless it is implemented. And that's the challenge in this country and I think we're seeing that now. So this is the key to a sustainable peace in Sudan and that's why it's so important.

Q: Would you like to say whether the international community should be doing more to assist the implementation? I know you have chaired the donors groups as well and you clearly have an interest in how that goes.

A: Yes, I'm really, really worried. You haven't asked a lot of questions about Darfur and about whether it should have been included and the inclusion of other groups and that's fine. But for me, I'm really, really worried that the Darfur conflict overshadows the implementation of the CPA, because actually the implementation of the CPA is the road to peace in Darfur as well. Not that that is the agreement that they should sign in Darfur. They have signed their own, but that is not being implemented and not signed by everyone. A separate negotiation process has to take care of that.

Why I'm saying this is that the issues of the marginalized peoples of the country actually are the complaints of the Darfur rebel groups. Were the CPA to be implemented fully, a lot of their concerns would be taken care of and then you would have Darfur-specific issues that needed to be handled. But this is an agreement that brings in the marginalized peoples of the country and provides a just peace.

And so the problem, I think, is that because of the ongoing conflict in Darfur and the terrible situation there, atrocities and everything, that overshadows the implementation of the CPA and what happens then is that one feels that the pressure is off the parties and the pressure is off those who have every interest in not implementing it. And what then happens is that they would feel free, they feel that the international community doesn't care that much and then the situation in Sudan can really deteriorate, because this is where you need to retain peace and provide a sustainable peace over time.

So I really, really think the international community should pick up the pace and focus on the implementation of the CPA. That's why I'm really pleased that there have been two hearings in Congress recently, or there's one hearing and I think there was a statement at least some days ago, where the implementation of the CPA has been focused on. And that's critical. If the international community feels that now there is peace in Sudan between the North and the South and things are okay in Sudan, that is not the case. Things are not okay with a signature on a piece of paper. So it's critical for peace in Sudan and for also preventing a full deterioration in the situation in the country that the pressure is on that implementation. Unfortunately, there hasn't been a focus on that lately.

Q: One question that has come up repeatedly is whether the negotiators failed in their task by not including Darfur?

A: Well, I repeatedly discussed this with both Ali Osman Taha and Dr. John Garang. Of course, these are two different conflicts but some of the core elements are the same. And it was very clear Khartoum did not want Darfur at all to be part of these negotiations. They saw this as a North-South negotiation, trying to end the war with the SPLM, not a kind of national solution to all the conflicts in the country. Dr. John Garang was more interested in trying to have a mechanism where he both would have a dialogue with the other political forces in the country who felt marginalized and where there were possibilities of trying to deal with the Darfur crisis, though not bringing them in the negotiations because he was also afraid that would complicate the negotiations, they would never get a deal. But, there would be some kind of a dialogue on how to address that conflict and the conflict in the east.

Now, Khartoum was absolutely adamant not to include them. So that was never a feasible solution. So either you didn't negotiate or you negotiated the North-South agreement. That was the choice we had. We could try to get them to address the situation and I actually spoke with them many, many times about the Darfur solution. They were very aware about the situation from the SPLM side and very worried.

Dr. John's thinking was then, "Let's do this in sequences. Let's first get the CPA negotiated and prevent any delays in doing that. Then we apply the CPA to Darfur and we have a separate negotiation. I'm willing to help. Others will be willing to help. And then we move forward with the second phase in relation to applying it in Darfur and trying to resolve the conflict there."

That was his thinking: that there would be a sequencing, rather than broadening the scope horizontally you would have a vertical process where you sequence it. One with Darfur, and second, also bringing all the other political forces in the country on board. That was his thinking, that you could sequence this.

Now the situation in Darfur unraveled, I think, more quickly than both he and many others expected. In a way the sequencing possibility, I don't think he expected it to go that quickly. The sequencing was more difficult, because the situation deteriorated much more quickly. It ended up with the AU starting negotiations before he got into government and they could have a Government of National Unity dealing with these things on the basis of the CPA. Then you got two parallel negotiating processes where one was almost finished and the other one was starting. Things kind of deteriorated more quickly, I think, which meant that negotiations had to start. So it was a tricky situation for him and I think for everyone engaged in the North-South negotiations, but we just had no possibility to enforce a different framework in Naivasha. We discussed it and it was absolutely a no-go for Khartoum. So that's why it ended up being the way it was.

Q: And it made sense at the time, as well.

A: But in hindsight one always reflects on these things, could one have done things differently? But it was not in our hands, basically.

Q: Okay, well, I thank you very much.