

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

Interview # 10 - Executive Summary

Interviewed by: Barbara Nielsen
Initial Interview date: July 12, 2006
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This interviewee focuses primarily on the implementation phase of the CPA. He clarifies some of the complexities involved in the formula for wealth-sharing in the petroleum sector, indicating the many points on which there is agreement concerning implementation as well as the areas of ongoing disagreement. The interviewee also analyses why the Sudanese Government has not yet implemented the Abyei Boundary Commission Report. He makes the key assertion that one of the primary strengths of the CPA is its extensive detail. He also argues that the various technical commissions required for successful implementation are being progressively established, and that these commissions either have sufficient local expertise or are confident that they can receive whatever technical assistance they require. In this respect, the interviewee notes that the U.S. is engaged in an on-going effort to encourage the Sudanese diaspora to return to help build the country's infrastructure.

The interrelationship between implementation of the CPA and the Darfur conflict is discussed in detail. The interviewee stresses that the U.S. believes that progress on both fronts needs to be made simultaneously, and that the U.S. does not prioritize one over the other, contrary to some assertions. Forward movement on one inevitably carries forward movement on the other. The interviewee also admits that there is some truth to the notion that marginalized groups in Darfur resorted to violence because they perceived only the concerns of the Southern Sudanese being addressed by the CPA. He takes pains, however, to refute the argument that the U.S. was too focused on completing the North-South Agreement to pay attention to Darfur, noting that the U.S. was the first in the international community to speak out on Darfur and to take the situation to the UN Security Council. The interviewee also tries to shed light on the Sudanese Government's miscalculation in unleashing the Janjaweed.

In summarizing the importance of the CPA, this interviewee states that it is an excellent agreement, with no obvious gaps. Rather, in his opinion, the Agreement sets the conditions for "peaceful, democratic change into what will be a unified Sudan." The CPA sets up dynamics that have never existed in Sudan before, and gives the people a real opportunity to bring about transformational change through elections and other democratic processes. He predicts that the U.S. will continue to be in the forefront of the process, leading the international community on Sudan even after the Bush Administration concludes, because of the widespread bipartisan support in Congress and the varied constituencies who consider Sudan a priority.

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Q: One of the key aspects of the CPA concerns the Abyei Commissions Report. That's been a topic of considerable discussion, so I wanted to ask you, from your vantage point, what is the state of the implementation?

A: Well, the issue of Abyei is key to U.S. interests. It was one of the key pieces of the Comprehensive Peace Agreement that the U.S. helped to broker. When this compromise was drafted up, the issue was presented to both sides. It formed the basis for moving forward. There was a real logjam in the negotiation process that we were able to move forward, so we took a lot of ownership in it. Abyei was very critical in starting the negotiations. It was extremely important to the SPLM, and a lot of the Dinka in that area have ties to the leadership of the SPLM. It was important politically for them to achieve that compromise as well. So the fact that implementation of Abyei is being delayed now is of substantial consequence. Abyei has been characterized as one of those areas that, if conflict were to restart again between the North and the South, it would probably start there. And so, we think it's very important that this delay be reversed as soon as it can. The Abyei Boundary Commission has finished its report. The Commission did present its Report to the Presidency, as it's been called. The Presidency has not yet taken action to implement it as required by the CPA. This is certainly something that we think is important and that needs to be worked out in the Presidency, which Vice President Kiir is part of. I think that Abyei will be certainly be part of the discussion that we continue to have with the SPLM about how to go ahead and move toward implementation of this Agreement, whether it is by increasing the pressure on the members of the Government, or working in other ways that we can influence and move this forward. But we think that, certainly, as we approach the elections that are coming up in 2009, and then eventually the referendum in 2011, there will have to be some resolution of this situation. We're looking to try and see what we can do.

Q: Would it be fair to say that the Government of Sudan, or some actors within the Unity Government, obviously didn't like the Boundaries Agreement, and therefore have continued to not do what they're supposed to?

A: Certainly, I think that there were some concerns. The official line we got was that Bashir had said that the ABC—the Abyei Boundaries Commission—exceeded its mandate. That's the term that he used. From a purely legal analysis of it, and it's hard to really tell, the ABC's mandate was to determine the area of the nine non-Dinkan

chieftains in 1905. The Commission was apparently unable to precisely calculate, by finding maps and records, exactly what the territory was in 1905. And so they used their best judgment and research to come up with what they thought looked like the right picture. And that's what the ABC Report recommended. I think there are certainly those who disagreed with the findings. They may also be challenging the methodology that was used., But the fact of the matter is that there was agreement between the parties that this Commission would do this Report, and that it would be final and binding. I mean, that's what is in the CPA. Absolutely, there are those, I think, who are opposed to it. But I think a lot of it is because those who are in Abyei are an important political constituency for the Government. A lot of this is trying to convince them that, by adopting this Report, they're not destroying their interests. A lot of it, I think, is that you have to continue reconciliation efforts at the local level. You need to have more grassroots-level support for it. In fact, all of those activities are going on. I know that USAID is supporting activities of that nature there, so there are some ways to do it. You have to approach that on the political level, and on the senior level, as well as on the local level.

Q: That's an interesting point that I don't think has been brought out much in other interviews. AID or other international donors may be carrying out projects to achieve some form of reconciliation, and that's a good word. Could you go into that a little more, in terms of AID projects, or U.S. Government projects, or other donor projects?

A: Yes. I'm not aware of all the details. I would direct you to USAID to give you a better sense, but my judgment is that there were some activities to set up political dialogue-type of meetings, conferences, and other things I think have been proposed before. I know that, even before the CPA was signed, there was an all-Abyei conference that was hosted. A U.S. Government official was very involved in that. So, there are these types of things that go on. A lot of them don't receive as much media attention as certain other things do in Sudan, but these little things can add up, and do help change the political situation.

Q: For sure. I know that one of the Ambassadors mentioned that to me, at some point, a meeting was convened with parties who had never physically been in the same room or spoken with one another. It's amazing to think that that hadn't happened before. Sometimes we play that catalyst role. Okay, another topic that has been criticized in terms of implementation is the wealth-sharing part of the Agreement. The South, I guess, has complained that they haven't received what they thought they would be getting in terms of oil revenues. Has that situation been corrected, or is it still a problem?

A: Well, there are lots of issues here, with wealth-sharing. There is a formula set out in the Peace Agreement that says that fifty percent of revenues derived from oil wells in Southern Sudan should be transferred to the Government of Southern Sudan. From what I understand, the SPLM is not disputing the amount of funds that were agreed to be transferred or what were actually transferred. I think \$700 million were transferred last year. Where there is some dispute is where the oil lies. Whether or not it is technically in the North or technically in the South matters a lot to that formula because it's based upon the actual geographic location. In fact, there are oil concessions that deal with this all around the world. An oil well can be thought of like an underground lake. You might dig

a hole in one particular area into this lake and begin to extract the oil. So you could argue that the oil is on the North side of the line, or on the South side of the line. However, the lake may straddle both sides of that line. In Sudan, a lot of the oil wells are right along the North-South line, including the ones that are being exploited right now. And so, there is some argument that can be made about what amount of oil actually comes from the South. That is an area where the National Congress Party has the upper hand. They've been involved in all the contracting, where the SPLM doesn't have that kind of expertise. And so I know that the Norwegians and others, including ourselves, are looking at ways to provide the SPLM with that kind of help and that kind of expertise, so that when they come to the table at the National Petroleum Commission, where these things are supposed to be worked out. The SPLM needs the kind of information they need to make credible arguments. So, there's a lot of debate about what the actual amount of revenues should be. There are also lots of stages between extraction and sale, affecting how much is actually coming out of the ground, how much goes into the pipeline, how much comes out of the pipeline, how much goes into the refinery, and how much goes onto the ship. At each of those stages, oil can disappear, and so you almost have to have a consistent measurement at every single stage. Then you have to resolve the issue of the boundary. Where is the North-South boundary? How much of the oil actually comes from the South? How much comes from the North? That piece has not been done. But if you take, for example, the last measurement piece, what goes into the ship, let's say, in Port Sudan, and you price that out, there could be a debate there about how much it costs versus how much it's actually being sold for and what the revenue is. You have to take into account all those factors, and accept the formula that's been given for how much oil comes from the South. Let's say that 70% of the oil comes from the South. Then you end up with a number like \$700 million, and that's what was transferred. From that stage on, the SPLM has accepted it. But, there has always been a lot of debate, and the South has not yet had a chance to verify amounts.

Q: Most of that, of course, turns on technical matters. They did set up a number of commissions that sound like technical commissions, such as the National Petroleum Commission. As a prototype for how the CPA is working, is that a good example? Does that Commission have the right members? Have we and other international players been working with the Assessments and Evaluation Commission, which also exists, and with other commissions? Is the mechanism there or is it something that, as implementation goes along, we're discovering we need more technical expertise?

A: What's important to recognize with this particular Peace Agreement is that it is fairly detailed, which is to its advantage. But I think like any other kind of peace agreement that goes out in the world for parties to ultimately implement, we can help by putting international pressure and continuing to push for things to be done when otherwise one party or the other may not have the particular will to do. A lot of mechanisms were set up in this Peace Agreement, and you mentioned a couple of them. The Assessments and Evaluation Commission is supposed to be the overview commission, if you will, and the highest political commission. A Norwegian, who was a big part of the CPA negotiations with us, chairs it. The U.S. has a representative on it, as do the two parties. The idea is that they are supposed to bring their dispute about implementation to this commission.

Problems are supposed to be discussed and hopefully resolved, or referred to the Presidency or to other international bodies, like the UN Security Council or others. So the AEC is supposed to be very functional. In terms of the U.S. Government, we've been very focused on getting that stood up. We've pushed very hard to get that established. We're providing several million dollars in support for getting it stood up and get the logistics—the office building, the equipment, all of that—set up for them so they can function. So we are moving forward as quickly as we can to make this happen. The AEC is very important, but there are a lot of other key commissions, such as the Border Commission and the National Petroleum Commission, which we talked about. A lot of these do not have international representation. A lot of them are just between the two parties. With respect to some of those, we need to continue to push for them to be active. But it's up to the parties themselves to provide members who are able to bring their issues to bear and discuss them, and try to resolve them. That is the key. The essential ingredient to this Agreement is that, if the parties don't have the will to implement it, it won't be implemented. We can help as much as we can because we can pressure them to implement the CPA, and we do so. That is a key ingredient.

Q: Are you pretty confident that the commissions that are constituted by the two parties have the technical expertise that they require? Will they request assistance if they need it? Are they in a position to make that work without interference?

A: Well, Yes. We have certainly offered technical assistance to the two parties. I can't tell you how long we've had assistance hanging out there, including in the regions, not only on the oil sector, but with other commissions. Our assistance hasn't always been readily accepted for a lot of reasons. One reason may be because any one party just hasn't had time to focus on it. Maybe the capacity issue is a big one, especially for the SPLM. There are only so many Southerners who are part of the SPLM who are politically astute enough to engage at the national level. USAID has tried to encourage the diaspora, particularly those from Southern Sudan who've come to the United States or England to study, or settle, to go back to Southern Sudan or to Khartoum and offer their expertise, skills, and help to rebuild Sudan. There's been some of that, but probably not nearly on the scale we would have liked to see.

Q: That's certainly a good idea, and a logical one, too. I presume the Sudanese overseas community is as patriotic as the Iraqi communities. You get the sense that they flocked back when their country was being rebuilt. Was that your observation, too?

A: I'm not going to judge patriotism. You're talking about a country that's been divided and at war for most of its independence, so the sense of national identity, I think, is something that's not entirely uniform. However, there are a lot of Southern Sudanese who feel very attached to Sudan and Southern Sudan. They are very concerned and interested in the fate of the country and do want to be involved.

Q: What are some of the ways that you might suggest for building up greater support for the CPA in the North? I would assume that there isn't as much as there could be from the NCP and Northerners in general.

A: Well, the advantage for the North is that the CPA is, in a sense, a “comprehensive” peace agreement. The democratic mechanisms that it sets up are particularly with a view towards elections in 2009, the referendum in 2011, and the concepts of sharing power and wealth outside of the center to the periphery. I think that these are things that both Southerners and Northerners can buy into, and should buy into. They really are interested in having voice and ending political and economic marginalization. The CPA is the best way to do that. I think that, for a large part, it is clear that the National Congress Party does not represent an overwhelming number of Sudanese, or even all Northern Sudanese. The Democratic Unionist Party is the largest party in Sudan, or at least was in the last election that was held in the ‘80’s. The National Congress Party at the time only received something like less than 10%, so this party is not well-represented. The CPA provides for the other parties and political strata in Sudan to be represented. I think that’s a big selling point for Northerners. This is something they can buy into.

Q: And the NCP is a minority party on the order of—what percent would you guess?

A: I’ve heard the number somewhere under 10%.

Q: Okay, I hadn’t realized it was so small.

A: What I said was that the last election was twenty years ago. So, they may have more political allies now. But in terms of actual quantity if there’s an election, I’m not so sure they would fare much better.

Q: Currently, are there efforts to bring some of these non-signatories of the CPA into the process? How are people going about that?

A: You mean in terms of other parties that weren’t part of the CPA?

Q: The other parties that are in existence and we hope will be participating in the elections.

A: The CPA actually makes allowances for other parties, both at the state level and the national level. Small percentages do have some representation now. The National Democratic Alliance, for example, a coalition of opposition parties, did join the Government of National Unity. The point we made to them is, “Yes we know it’s not fair. We know that the current representation is not accurate. But you have to see it as a means to get to a fair election.” This is the same thing that we say to Darfurians as well. “Don’t focus on now. Focus on July 2009.” It’s a tough message for them to understand because they’re not from a political culture where you can rely on elections to really have your voice heard. They are coming from a political culture of coups and regime changes and those kinds of things. So it’s a tough message to sell to them. But ultimately, it’s really the only option they have that makes any sense. Does it lead to more violent conflict? Possibly. So, that part of the strategy is to convince all the groups in Sudan -- whether it’s Eastern Sudan or the Nubians, the Southern Sudanese, or the Darfurians --

that the Comprehensive Peace Agreement provides that framework for real transformation. It is in their interest to support the CPA and, right now, to begin to transform themselves politically into parties and movements so that they can then compete effectively in the elections.

Q: Speaking of Darfur, some people have said that Darfur has distracted the Government in Khartoum. Obviously they have to pay attention to it. How has Darfur impacted the implementation of the CPA?

A: We have been very clear that implementation of the CPA and resolution of the conflict in Darfur are mutually related issues. We do not treat them as separate issues. They need to move forward in parallel. I think that the Deputy Secretary described the situation as an upward or downward spiral. You can't have spiraling up violence in Darfur without it beginning to spill over in other areas of Sudan and really eating away at the CPA. In the same situation, we can't have a situation in Darfur that's getting better when you have a CPA that's not being implemented and people beginning to have no confidence in it. The Comprehensive Peace Agreement provides that framework I talked about. But you can't have violence in Darfur and try to have a peaceful framework and a peaceful means of resolving the marginalization. They are interrelated, and they need to be worked in parallel. And so, we have been very clear and very adamant that we, the U.S. Government, have not sacrificed the South for Darfur by any means. Certainly, the tragic humanitarian situation in Darfur has demanded the attention of the international community in a much larger way than the South has. Certainly the pressures that we've had to put on Khartoum have been to end the violence in Darfur first and foremost. But it was very important for us that we continually focus on the CPA to raise those issues in conversations that we had with senior officials there and to keep that moving. It's important to note that the CPA was signed while the Darfur situation was going on. There were all sorts of resolutions that were being passed on Sudan, including on accountability, because of the Darfur situation. At the same time, the Sudanese stood up the Government of National Unity. They stood up the Government of Southern Sudan. They swore in some of these national commissions for reform. There was momentum happening on the CPA at the same time, and we saw that as being a byproduct of our pressure on both aspects of this. What I would say is, while Darfur has certainly captured our attention, and needed to in a large way, we certainly have not sacrificed our goals, particularly the CPA and the South, in order to focus on Darfur.

Q: it has been argued that the peace process itself was a cause of the violence in Darfur, that the folks who didn't see their needs being attended to in the North-South Agreement then felt they needed to resort to violence in Darfur. How do you react to that argument?

A: You know, it probably is somewhat true. There are other marginalized groups in Sudan. As I explained to you, the political culture is not one of understanding how a democratic process works, and the people have no real experience with that. When they see one particular group from one geographic area negotiating essentially a cut for itself, and they're more focused on that than they are on the larger, long-term prospects of elections and the kinds of things which they have no experience with, you can see how

they might be encouraged to take up their own arms, to try and achieve their civil aims. So, it's a possible consequence. But the North-South process had been going on for a couple of years before. I mean, why was it that particular moment that the Government decided to arm and unleash the Janjaweed militias, to carry out this brutal campaign of displacement and violence and rape and other sorts of horrendous human rights atrocities? We think of that as a strategic error that they made. I think that, on the one hand, while you can see it as putting additional pressure on the Government, you can also see it as undermining the Government's resolve to actually finish the Agreement with the Southerners. It's hard to tell, but the other criticism that we've heard is that the U.S. was so focused on completing the North-South Agreement, that we were ignoring Darfur and the situation as it unfolded. That's completely untrue. We were the first to take the situation in Darfur to the UN Security Council. We were the first in the international community to speak out on it and to call attention to it. And so, we have been very focused and recognized very early on that we wanted to preserve the CPA. But we weren't going to let violence run uncontrolled in another part of the country in order to achieve that. We understood the mutual relationship of using the CPA to improve conditions in all of Sudan.

Q: You alluded to the Government taking the moment to unleash the Janjaweed when the Agreement was within reach. Was there a calculation? Why did they think that they could move at that point?

A: Well, I think that it's always hard to get into the mind of this government. Their calculations are always based upon their survival. One of the things I usually point out to people is that, historically, Darfur has served as the traditional invasion route into Khartoum. So, from a purely military perspective, if you actually thought an armed opposition could collect enough strength and force to actually be a real threat to the capital, you might want to take some preemptive measures to stop that from happening. Equally important or even more important is the fact that the National Congress Party has taken a lot of its military from Darfur. About one-third of its military are from Darfur. So, when you have rebel groups carrying out attacks on the military and who are being a threat to peace there, you have an important political constituency and tribal allegiances there as well that you will need to protect. Other Sudanese cultures are also very tribal in nature. And there are long histories there. I think that they made the decision that, in order to survive, they needed to back their political allies in order to carry out a counterinsurgency campaign that essentially got out of control.

Q: So I gather that they're taking a step back from that and trying to reign in the Janjaweed now? Is the hope that they would become part of a future national force? Is that reasonable?

A: The Janjaweed? Well, the Darfur Peace Agreement says unequivocally that the Janjaweed must be accordingly disarmed. That is unequivocal. The Government has a responsibility for that, In fact, a number of the Security Council resolutions, including 50 and 56, say that the Government is responsible for disarming the Janjaweed immediately. They have that responsibility. Whether they are going ahead and integrating some of

them as a means to disarm them that may be a solution that they think that they can get away with. What is important, of course, is that we stop the violence there, and that the Janjaweed militias are not continuing their raiding and violence, so people feel secure enough to start going home. In terms of actual integration per the Darfur Peace Agreement, up to four thousand rebel troops, after disarmament of the Janjaweed, will then mobilize to the camps, disarm, and be integrated into the military. There's no official sanction of integration of the Janjaweed.

Q: Let's see if we can draw a few conclusions. When you look at the Agreement and its implementation a year and a half after its signing, are you pretty optimistic that it was an excellent agreement? It was very detailed, as you point out, on all these important issues. Or, at the same time, were there any obvious gaps? If you had to do it over again, would you have done something differently?

A: I certainly think that it's an excellent agreement. Unfortunately, it took about a year too long to negotiate. If it had been able to be completed a year earlier, we might have avoided the whole situation in Darfur. Be that as it may, it was a negotiation. Both sides had to give up something. Both sides had to work very hard to make the case and take care of their constituencies. I think it really does set the conditions for peaceful, democratic change into what we hope will be a unified Sudan. I think that that is unprecedented. I mean, from the very beginning of the negotiation, everyone said, "There's no way the Government will agree to self-determination for the South. It just will not." And in fact, it turned out to be untrue. The North eventually did concede to that, and now the challenge for the North is to make unity attractive. The CPA sets up dynamics that I don't think have ever existed in Sudan before. This country, since independence, has only known conflict. And I think this is a much better agreement because it is very specific on how it can be implemented. It sets up timelines for implementation, and it gives people a real chance to be a part of the transformation through democratic elections and other transforming processes. I'm biased because I was part of the team that helped to negotiate it. I remember the challenges we went through. But certainly, I think that as long as the will of the parties is still there to implement it, the CPA will be successful in ending that conflict. We haven't seen, really, any major resurgence of violence in the South since before the signing of the CPA. So that's positive. I really don't see any gaps that I'm aware of. Of course, if you had more time, you could have negotiated more details, gotten more specific in the implementation modalities section of the Agreement. A lot of it was rushed, at the end, to try to get it done by the end of 2004. But the political moment had arrived, and they went with what they had. I still think it's a solid agreement.

Q: And the extra year that it took was required to convince the parties somehow that it was in their interest to finally reach an accord?

A: There were a few pieces of it that weren't agreed yet. Certainly Abyei had not yet been agreed. It was a very important issue for the SPLM. But the other two areas, Blue Nile and Nuba Mountains and Kordofan, had been agreed. A lot of protocols weren't agreed until that year. Wealth-sharing was being worked in January and then finally the

power-sharing and implementation modalities were agreed towards the end of the year. So it was really that last year that the pressure really began to bring things together. Although, if you look back to August of '04, or maybe it was the year before, there were a series of documents put on the table. It was IGAD's attempt to have a compromise document to finish the negotiations at that point. And, if you compare them, what they ultimately ended up with is actually not too far from that proposal. It's just that the political moment wasn't there yet and the Government protracted the process. So we ended up with another year and a half of negotiations to get it on track. However, what that document did do was to bring two important people directly into the negotiations: Vice President Taha and John Garang. These two weren't directly engaged in the negotiation until after what seemed to be the peace process in shambles. They got engaged, and they were able to hammer out the Security Arrangement Protocol that Fall. That set the stage for further talks, which were serious and resulted in six week rounds in Naivasha and other places. Seemed to go on endlessly.

Q: In some ways, a year doesn't seem too bad, once you finally get it done.

A: If we didn't have Darfur, they could've taken as long as they wanted. The fighting really had subsided by then.

Q: Well, I do appreciate you taking some time today. I'd be happy to give you the last word if you can think of anything else that you think is important in the implementation.

A: Well, there's a lot going into implementation still. There's still a role for the international community. There's still a role for the United States. I think that Sudan is going to be a huge issue to important domestic constituencies in the United States for some time, regardless of whatever party controls the administration. You know, President Bush has been very active in launching the whole process, putting the U.S. in the forefront, and leading the international community on Sudan. I think that will continue after he's finished. Whoever comes next will most likely continue that interest. It's the only foreign or domestic policy issue that I'm aware of that actually has bipartisan support in the Congress -- and I mean overwhelming bipartisan support. This issue brings together constituencies that generally do not sit in the same room together: African-American groups, Christian Evangelical groups, human rights groups, Jewish groups, the activists. All of these groups come around, particularly on the issue of Darfur, but even before that, on Sudan, and have made it a priority for themselves. And I don't think that's going away. Sudan has a real opportunity to come out of its pariah status if the CPA is implemented, if the violence in Darfur ends there, and if there really is a move towards democratic transformation. If there's not, then none of these things will survive.