

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

Interview #25 –Executive Summary

*Interviewed by: W. Haven North
Initial interview date: September 20, 2006
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On the prospect for the Comprehensive Peace Agreement (CPA), the interviewee concluded that the train is “on track” but traveling too slowly. It can be accelerated a bit, but there will be some slippage. The question remains whether good will and statesmen-like considerations, as opposed to selfish interests, will prevail. The role of the international community is to be encouraging and supportive and not take sides. The key things to do are to get outstanding issues touching on oil resolved, get election procedures underway, build up capacities, and encourage confidence between the two parties. Because of Darfur, the international community may be losing focus and diverting resources.

It is essential for both sides to realize that, whatever the outcome of the referendum, it is imperative that there be good relations between the two neighbors as two parts of one country or two countries; otherwise they will slip into the Eritrea-Ethiopia trap and start a war. Moreover, it is important for the parties to think ahead about what is needed (structures, capacities) to implement the agreement.

The two parties, though they signed the agreement, have not fully decided that they can trust the other. The jury is still out the decision of the South. A decision for independence would give them a lot more problems and not necessarily a lot more autonomy and control over their own affairs. The agreement was conceived as offering enough control over their affairs to dispose of the demand for independence.

The IGAD (Inter-Governmental Authority on Development) had been going on for 10 years and had not made enough progress by 2002 by which time there was widespread war weariness and suffering, and a recognition that there could be no military solution and thus a willingness to negotiate.

The CPA process worked, first, because the Sudanese were ready for an agreement; second, the IGAD negotiators were patient and determined, and they had coherent international backing. The international observers worked together to support the mediation and did not open the door to alternative mediators. They avoided any division among themselves and the mediators that might allow the two parties to drive wedges between them. They provided expertise on technical matters.

On the separate protocols, the one on security has been the most successful with some work to be done on integrating armed groups. The protocols on wealth sharing, and oil and boundaries are related as they affect the cash return from oil resources — bit of greed creeps in. The National Constitutional Review has been established to vet laws for compliance with the CPA.

On monitoring, the original idea was that the two parties should monitor the agreement through an Assessment and Evaluation Commission, which would have international representatives.

The Commission exists chaired by a representative from Norway. It has meetings and is mandated to report after three years.

On lessons learned, work to support the mediator and avoid divisions; keep the parties up to their responsibilities; and make them take responsibility for the negotiations.

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Q: Could we start off with some background on your association with Sudan and with the Comprehensive Peace Agreement (CPA)?

A: I first went to Sudan just before the Addis Agreement in February 1972, was there for three years, dealt with Sudan from Washington from 1981 to '85 from London until 1990 when I transferred to Cairo and kept an eye on Sudanese things. I was ambassador in Sudan from 1995 until 1998 when the Americans bombed the Shifa factory and I was asked to withdraw. I returned for a week to pack up in the middle of 1999 and resumed responsibility of Sudan in the year 2000 when I became director of the Middle East and North Africa in the Foreign Office. I was appointed special representative for Sudan in February 2002 with particular focus on what became the Machakos/Naivasha process. I abandoned that responsibility in July 2004 when I was appointed to my present job in Tunis, came back to Sudan for a year from May 2005 as special representative for Darfur, a job I now have relinquished.

Q: How would you characterize the situation in Sudan just before the Comprehensive Agreement process?

A: It depends when you consider that process to have started because the IGAD (Inter-Governmental Authority on Development) process had been going on for some ten years. It had not made enough progress by the early part of the year 2002. There was widespread war weariness throughout Sudan and equally widespread suffering.

In January of that year I accompanied our development minister on a visit to Khartoum and Rumbek, when she saw both Dr. Garang and several of his key advisors and on return to Khartoum, President Bashir, and established from both of them that a deal might be possible on the basis of one country, two systems, crudely put. So that decided the British Government to invest some capital and effort into the search for a solution in support of the IGAD mediation, which is, of course, why I was appointed; we had a team that supported me.

Q: How did the IGAD process work out and proceed? What made it work?

A: It had been proceeding for a long time. It worked because of a number of factors, but the basic point was that the Sudanese were ready for an agreement. That was the key thing because nobody outside can impose an agreement in that sort of situation. So the Sudanese were ready, that was the main point. The IGAD negotiators were patient and determined and they had coherent international backing. Those were relatively minor points; the key thing was that the Sudanese were ready for an agreement.

Q: You mean even the North itself was ready to come to an agreement?

A: Yes, there was widespread war weariness in the North; there was no enthusiasm among Northern women to seeing their sons and husbands coming back on stretchers or in coffins, absolutely not. The war weariness applied to the whole country. And President Bashir told me as early as 1995 that he recognized there could be no military solution to the problem of the South, as he put it; the Southerners would call it the problem of Sudan. He reckoned that the key point was that there could be no military solution. And there were those two elements in the North, the trickle of casualties, which they did not like, presumably accompanied by taxation they did not like and recognition that there was no future in a constant struggle to try to get a military answer.

Q: How about the negotiation process itself?

A: IGAD was responsible for driving the process forward, and it was their mediation. The troika, who were the main observers at the beginning of the process, worked together in support of the mediation. It was very important that we did not open the door to forum shopping, as we called it at the time; that is to say, the search for alternative mediators. And we did not allow any scope for divisions to appear between the international observers and the mediators so that neither side could drive wedges between us insofar as it was possible to avoid that. So, for example, when General Sumbeiywo suddenly took an initiative in a meeting the rest of us backed him up even if we might have had qualms or reservations or doubts because it was essential to show, as we saw it, solidarity. The unity of the mediation was crucial from our point of view.

Q: Then there was developed a series of commissions and protocols. How were these brought about and what decision was made that these different protocols were to be instituted?

A: The Machakos protocol; first of all, was the first agreement, July 20, 2002. And that, as you will see from the text, was numbered and set out in such a way as to leave gaps, which, it was thought, would be filled with a similar sort of text. When it came for these issues to be studied, the power sharing, wealth sharing, the so-called three areas and security matters, it was found that more detail was needed than could be conveniently encompassed by filling up the gaps in the Machakos protocol. So the gaps were plugged, the issues were dealt with but in a series separate protocols.

Q: What has been accomplished on each of those, like on the security one?

A: That has been more successful, in that two-thirds of the Sudanese armed forces as of now have been redeployed from the South. The SPLM (Sudanese People's Liberation Movement) have been redeployed from the East, the UN (United Nations) force has been successfully deployed more or less in full, and they have a ceasefire commission that is up and working; they have had over 30 meetings. There are still things to be done in terms of integrating the other armed groups in the South, setting up the joint integrated units but basically on the security side progress has been quite good.

Q: On the wealth sharing and oil protocols?

A: There is still a bit of greed that creeps in. People want to maximize their cash return from the oil resources, and that underlines most of the major outstanding issues in the implementation. The status of Abyei, the actual demarcation of the border and the establishment of a petroleum commission, because all of those could threaten or could adjudicate the fate of oil fields and oil revenues, because the protocol provides that oil fields in the South yield 50 percent of the revenues to the Southern Government. So it makes a big difference where the line goes, if it is going to go through an oil field, for example.

Q: Has there been any implementation of those?

A: These are the outstanding issues which need progress.

Q: And then there was the Boundary Commission which was obviously connected with that, but it was a separate commission on boundaries, right?

A: Yes, there is a separate commission on boundaries, that also needs to get on with its work. But the work is held up for the reason I have just outlined, that any decision or recommendation it came to would affect the line, and therefore the potential or actual oil fields are on which side of the line.

Q: Was a National Constitutional Review also to be established at some point?

A: Yes, that has been established, that has done its stuff.

Q: Is it functioning now?

A: As far as I know it is, but I gave up responsibility for Sudan a long time ago. Certainly it was there, there is an interim constitution, there is a Southern constitution, and the National Review Commission is still in place to vet laws for compliance with the CPA (Comprehensive Peace Agreement).

Q: The overall question we are interested in is the implementation of all these agreements. How is that being monitored and who is monitoring it to see that these things take place?

A: The original idea was that the two parties to the agreement should monitor it; it should be their agreement and they would monitor it through an assessment and evaluation commission, which would have international representatives on it. That commission exists, it has a majority of international representatives and is chaired by Ambassador Tom Vraalsen of Norway. And that commission is the main, as its name suggests, the main vehicle for examining how things are going and eventually reporting on that.

Q: Has it made any reports as yet?

A: It is mandated in the Machakos protocol to report after three years, but it has had meetings, the representatives of both parties are there, they are members of the commission also and they have discussed what needs to be done.

Q: There seems to be some question in other peoples' minds about whether the two parties are really actually going to go ahead with carrying out their roles leading towards the referendum. How do you see that?

A: There are bound to be questions if you see things moving more slowly than you would like. The important thing is that the train is on track; it may be late, as trains so often are, but it is still moving and it is still going in the right direction. It is essential for both sides to realize that whatever the outcome of the referendum, it will be imperative for there to be good relations between the two neighbors, whether they are two parts of one country or two separate countries. Otherwise they will slip into the Eritrea-Ethiopia trap and start a war.

There is still a process of confidence building to overcome. The two parties, though they have reached an agreement, have not suddenly decided that they can fully trust each other. There is still the matter of greed over the division of the oil revenues, and the desire to have the maximum share. But they are condemned by geography to live at least alongside one another -- whether or not in one state is a lesser question. The agreement was conceived as offering enough control over their own affairs for the Southern Sudanese to dispose of their demand for independence, because an independent state would give them a lot more problems but not necessarily a lot more autonomy and control over their own affairs. The jury is still out on whether that will be the decision the Southern people come to or whether they will feel that independence is a must.

Q: What can or should the international community do to push this process forward building up trust and making sure that there is implementation?

A: We need to provide the resources we promised to provide, and to assist both sides to build up their capacity.

Q: Is that happening?

A: Yes, but not to a sufficiently great extent. But that again reflects the problem of the lack of capacity. If aid cannot be absorbed by the recipients, there is no point in hurling more cash at them. The need is to train cadres or to have trained cadres in place to run an administration in an area where there was no administration before.

Q: You are talking about the South now.

A: Right. But there is also the question of capacity in the North or at the National level because this agreement set up over 40 commissions at various levels, and in the whole history of Sudan since independence there have only been two commissions. So there is no expertise in how to run a commission, keep the records, staff it, appoint the members. It is not as though it was a well tried arrangement like the royal commissions in Britain or Congressional committees in the United States; there is not that sort of precedent. And there certainly are not lots and lots of spare trained civil servants in Sudan who are available to take on all these new jobs. So that has been a problem. The pressure of implementing the agreement by finding jobs in the national level for some Sudanese or finding some Sudanese to fill those jobs compounds the lack of staff available for the administrations in the South, which are getting up and running but not so efficiently that they can cope with the requirements of the international aid.

Q: How does the Darfur situation affect all this?

A: That distracts everybody's attention. You will see by opening your newspaper this morning that Darfur is in the news and the South of Sudan is not. It is still true that casualties and mayhem in Darfur are but a fraction of those that have occurred in South Sudan over the 20 years or so prior to the Naivasha Accords. But there again the judgment is affected by what the media is interested in, not by the facts or the relative degree of suffering. That said, Darfur is diverting not only international attention but resources from within Sudan and outside which might otherwise have gone to the South or other parts of the country; and it is holding up work on issues like debt relief, for example, which originally was planned to be considered as soon as there was a Southern agreement. That has been put on hold because of the outbreak of new fighting, new troubles in Darfur. So it is having an affect, it cannot be denied.

Q: Is there any aspect of the process on the agreement itself that you want to emphasize?

A: No, I think the important part of the process was that people encouraged the Sudanese parties to take responsibility for their own agreement. We were not lured, as the Darfur rebels and groups have lured the international community, into expressing views as to what the outcome should be, or to take over the negotiations because of political imperatives back home, because nobody back home thought we could help to achieve an agreement at all, so we were not troubled by too many domestic pressures. So when the Southern Sudanese, for example, came to me after a bilateral session with the Government and said, "We really cannot reach an agreement on this point, it is totally impossible, they are absolutely intransigent and I have got nowhere to go, no freedom of maneuver, so you have got a problem." So I said to him, "Wrong -- while you have got a problem, it is your negotiation, your agreement, not mine. So you have got to find a way through it and why don't we sit down and discuss what you might try to do then?" That is what we tried to do. We had tried to help and cajole and counsel and advise, but not to do it ourselves.

Q: You did not put forward solutions or suggestions?

A: Yes, we did, we put forward ideas and it did not always work. Once in Nakura in the middle of 2003, it was positively counterproductive. We produced a collective paper, the mediation and the observers and the Government did not like part of it. And perhaps rather foolishly the SPLM said they did like the whole of it so the negotiations stalled on that point, whether or not we were to take that paper as a basis for further discussion. It took two months before we were able to get the negotiation kick started again.

Q: There have been comments that not all the parties in Sudan participated in the negotiation process, that some local groups were being left out and therefore are still not sure they are getting what they deserve in the process. Are you aware of that?

A: Oh yes. It was quite clear to us throughout the negotiation that there were two parties involved and that others were not there. We did our best around the fringes as the troika, or as individual observers, to make sure that we knew what other parties were thinking and that their views were taken into account. I had a lot of meetings myself with the SSDF (Southern Sudanese Defense Forces) commanders, for example, in Khartoum whenever I went there. I met people from Abyei, representatives of the Miseria and members of other political forces, but

there is no gainsaying that they were not present. Had they been present there would not be an agreement in my view; there would still be ongoing discussions, because all these people have different interests to be accommodated and, as one sees in Darfur, when you have more than two parties the negotiation becomes immensely complicated. We did our best to keep them informed. We produced an agreement that would not totally ignore their claims and their interests.

Q: So their views were taken into account somewhat?

A: Somewhat.

Q: Looking back over this whole process, what would you say are some of the important things that worked or lessons that have been learned from this process, and what were the lessons on things that should have been avoided?

A: From the point of view of the international community it was loyal support of the mediation. We were most successful when we stuck together and gave the parties a coherent message, not always in the same words but always pointing in the same direction. When we went off and did individual things, it did not work as well. When we worked in support of the mediator; I went, at General Sumbeiywo's request, to see Garang a couple of times, to go to Khartoum a couple of times and one or two other things, when that was done we worked in support of the mediation, it worked quite well.

The other very important point was to keep the parties up to their responsibilities and make them do the negotiation, take responsibility, even if they were looking at an idea I put forward or one of the other observers produced, it was still for them to decide. I was not pushing it and going to get huffy and impose sanctions if they did not take my idea; we just had to think of another idea to help them reach agreement.

One area where we did not succeed, was to get the parties to think ahead. The Government may have been doing so, but to get them to think ahead to how the structures they were in the process of creating would actually work and what would be needed among themselves and their colleagues back home, as it were, to make this whole rather complicated agreement work.

Q: Could you give an example of that?

A: Yes. I urged Dr. Garang several times to consider appointments. There was a constitutional review commission established, it was in the text, it had been agreed: who, I said, are you going to appoint to this commission? It is very important. And because it had little time to do the first part of its work, draw up an interim constitution within the interim period, it had obviously to get started very soon, so I said that to him, have you got it clear idea of whom you are going to appoint to this because they will have to start almost immediately. No, no he said, we will cross that bridge when we come to it. And he used to say that every time. Eventually I got a bit tired of it and I said well, suppose there is no bridge and you are faced with a river. Would it not be as well to plan ahead as to how you are going to get your chaps across, whether by a boat or by swimming or by even by building a bridge? And he chuckled and he said we will deal with that problem when it arises.

Q: What about in the Northern involvement in the process?

A: The Northerners felt that we have a government structure; we can cope with whatever this process throws up. And it will not really be our problem. And there they also failed a bit because they assumed that they could draw on the weight of structures and experience that already existed and have their way after the agreement. Whereas they would have been better advised to do more planning ahead as to how it was going to work and help the Southerners to make it work. A really statesmanlike approach would have said, We cannot make this work on a competitive basis, something will go wrong, which it will if they are not a bit more magnanimous, share the oil revenues, accept the decision of the Abyei Boundary Commission, there will be more trouble. And if the elections do not happen on time, that was the one element that I felt that we had to insist on and that I could not guarantee that the British Government would back me up and support any agreement if there was not some democratic provision in it, some provision for the people who were not present at the negotiation. The sum element is that the whole process is supposed to lead to elections in four years, there is the census and the drawing up of an election law and the appointment of an election commission and so on and all that is lagging a bit behind. Which is a worrying element because people do not want to lose.

At the time people agreed to all these provisions, the parties agreed to these provisions about elections because they thought they would win. The SPLM thought they had a nationwide appeal and would sweep the South. The Government were pretty convinced that their competition in the North was to be disregarded, and that they could fix the election as they had in the past, which is why there were procedures introduced to specify free and fair international observers and so on. All that remains to be seen in how it works out, but that was an element we thought was important to get in because again, we had to do something for the people who were not actually there in the negotiations.

Q: And in terms of the international community, you talked about providing resources, what specific kind of programs or actions should the international community that would be most helpful?

A: In a negotiation like that, what we did provide was funds to pay for the process, and experts to help it along when they were necessary. The IGAD recruited themselves a South African lawyer, and also an American lawyer sponsored by the State Department; for our part we produced experts at very short notice in various aspects-

Q: For example?

A: There was General Angus Ramsey, a retired general who helped with the security element. We produced an international lawyer at one point to help as a resource person. That sort of thing.

Q: In a larger context helping to make the environment more conducive to peace and a solution to these problems apart from just the process itself, what kind of assistance would be most necessary?

A: That is what we tried to do through my team. We acted as an observer; we had a constant presence at the negotiations and a colleague based in Nairobi, and we had a small team in London who relayed out to the talks or to neighboring capitals working closely with our

embassies in those places, and they improved the atmosphere. I went personally several times to Cairo to ensure that the Egyptians were briefed. I am sure they were briefed by others and had their own sources, but it was important to reassure them and others, the Libyans, for example, that this was not an attempt to exclude them from the process because they had taken an initiative of their own which the IGAD, revived IGAD rather, overtook. So we tried to make sure that there were not any outside spoilers; that was why we spent a lot of time with the parties who were not present. I am not sure other colleagues did as much, but that worked out all right because it was a division of labor; some people had some things to do, others different things.

Q: Was the core group the British, Americans and Norwegians; did they meet a lot together with a joint strategy and approach?

A: Yes. The core group really was what we called the troika. Ourselves, the Americans and the Norwegians. I and colleagues founded it in about 2000. We were the original observers to which was added Italy as the then co-chair with Norway of the body called The Friends of IGAD, largely a donor body that supported the process in respect to both Sudan and Somalia, which IGAD was also working on the time. And we worked very closely with the Italians too at Machakos at the subsequent stages. So we were the original ones and then at the later stage the AU (African Union) came in, the UN came in and we tried to work very closely with them, have the talks because they had very useful expertise and skills that we could draw on.

Q: Did the UN have a particular role in this process?

A: They were advising on the security arrangements in particular, because it was always considered that there would be a request for a UN presence to monitor the agreement. And so we wanted the DPKO (United Nations Department of Peacekeeping Operations) people to be engaged in the negotiating process so that they would know the background. They were not negotiating what the UN should be but they were giving advice on what would be needed and what would be useful if and when there was an agreement and a deployment request. So we tried to avoid creating the sort of agreement that the UN would then turn around and say was unimplementable, unmonitorable and so on. So their input and their technical expertise on these issues was very useful.

Q: Looking at the requirement for international aid more broadly, I gather this was supposed to be an important part of it, at least for the South. Did they get major resources?

A: The major resources they are getting are the oil resources from the South; they far outweigh anything they are going to get by way of cash transfers from the international community. What the international community can and should provide is the expertise to set up structures and laws, to get trained personnel; train the Southern Sudanese personnel. But there is a chicken and egg problem. Until you can get services going, are you going to return from exile, there is no way for your family to go to school, for example, especially if you have a nice base in Illinois, or somewhere, however alien it might be to home. Are you going to take the kids out of school and go to somewhere where there is not a school? No, you are not. So that is a problem; trying to break through that circle so that people can go back and contribute to their own country, if they want to do so.

Q: Are there specific programs that the international community should be providing resources for, that will move this process forward or keep it going?

A: There is so much that needs to be done to implement the peace agreement, to help the Southern authorities to provide services and the same in the so-called three areas, that the needs are almost endless. What you have got to do is try and make sure that you do what you can do quickly. You do not stumble across donors. In other words, there is good effective donation. And that the procedures are as straightforward and simple as possible so that you can avoid delays, because the bureaucrats who are not really bureaucrats, the Southern authorities are not swamped with paperwork. On the other hand, there is a danger on the other side which is that if you get American or Norwegian NGOs (Non-Governmental Organizations) running a whole raft of programs in some chunk of Sudan you disempower the embryo local authority because everything is being decided by the American or Norwegian NGO. That happened to some extent in Eastern Equatoria with the Norwegians in the 1970s. The local authorities just could not do anything, not because they were being prevented but they had no resources. The only people with resources were the Norwegians. So everybody went to them. You need to avoid that. Part of the lesson learned of that episode is that you need to build up the local authorities, not disempower them, which means moving more slowly, which leads to more frustration.

Q: The NGOs, have they been influential in the peace process or have they been more disruptive to the process?

A: Neither. They focused during the process as far as I remember on delivering relief aid, taking advantage of the ceasefire that the process generated. Rather than on advocacy work. So there was a division of labor and the NGOs got on with what they could do, and were grateful to have a slightly better environment to do it in.

Q: Were they getting ahead of the local government capacities?

A: No, I am not saying that that did happen. There was not at the time any local government capacity to speak of anyway. It is a danger that needs to be avoided; you can draw a careful balance between the need for speedy provision of services and not overriding the local authorities you are trying to deal with. There is a tendency for keen NGOs as one saw in the late '80s in the Darfur famine, to upset local authorities by telling them what they must do. There are ways of handling that sort of thing and the more tactful NGOs got on a lot better.

Q: Are there some other areas where you think that work could have been handled differently or worked very well?

A: There were things that we could perhaps have done differently. The problem was that we kept taking long breaks, which lost the momentum. But the breaks were necessary, or thought to be necessary, so that the negotiators on both sides could draw breath, see their families, consult, brief their people, consider new instructions. So perhaps it was necessary, but it did lead to long gaps in the process.

Q: The long gaps may have meant falling back from where they were in talks?

A: That usually happened when there was an interruption; one step back from where they had each arrived at the end of the previous action or meeting. And then there was a Kenyan presidential election at the end of 2002, beginning of 2003, which again led to an inevitable interruption when General Sumbeiywo had to be on hand for the election proceedings; he was running the Kenyan army at the time. And then there was a question of whether he would be continued as the Kenyan representative by the new president, which he was in the end, but all that imposed a bit of a delay. And then the one technical thing we got wrong was the so-called Nakuru Document, where we produced a paper designed to cover all the then outstanding issues. We included provisions on one subject, the status of the capital city of Khartoum, which I knew would not fly with the Government, but I allowed myself to be persuaded by all my colleagues, the rest of the troika, that it was worth a try. So I acquiesced and we tabled the paper; the Government did not like that provision.

Q: What was the provision?

A: It was to do with the status of the capital; they wanted it to be part of the Northern Sudan, i.e., subject to the Islamic rule, and the proposal was to have some sort of compromise to make it equally neutral for everybody. We had been arguing about this for some time, where fruitlessly we tried various compromises. Eventually a compromise was found, but the debate shifted to whether the next discussions should be on the basis of this paper or not. We spent ages trying to solve that problem without success until eventually we found the formula of getting the Kenyans invited, and Dr. Garang and the vice president, Ali Osman, to meet together with a view to restarting, kick starting the negotiations, getting past this obstacle. When they got together they decided; we might as well actually do the negotiation. So then the remainder of the negotiation was done by the two men personally, supported by their teams. But a great deal was done tête-à-tête without even the IGAD mediators being present. So that turned out well; but there was no guarantee it would turn out well or that that would have been the outcome because it took a great deal of time from both men.

Q: Are there other areas where things worked well or did not work?

A: What worked well was treating both sides as sensible negotiators and canvassing possibilities and reasoning with them. Not trying to impose our own views or to be condemnatory as to which side was right or wrong. My team took the line that if we were going to play a third party role, a supportive role, in fact it turned out to be a third party supportive role we should not be on anybody's side. We were behaving like technicians. Of course, the Government continued to condemn violations of the ceasefire, human rights breaches when they occurred; we were not neutral as between right and wrong. We did not take a view that one party in the negotiations was more right than the other or more deserving than another. We tried to inculcate a bit of elementary negotiation skill through use of the work of the Harvard Negotiating Project, getting to yes. We distributed copies of that book and made ourselves obnoxious by preaching its virtues, but actually it did have some effect because it was part of a general effort to get both sides to see that the other side had a point, had a case and we were not arguing that case for them, just saying, you know, that is what they say they are worried about, think how you can take advantage of it or you can accommodate it without prejudicing your own position. They got better at doing that but as they both got better simultaneously it did not necessarily mean that they found the agreement much easier.

Q: And that helped to build some trust between them?

A: It helped to build understanding. I do not think they ever really shed the idea that the other side was going to be taking some unfair advantage; we helped them get some idea of how to deal with a demand. There were plenty of examples in the negotiations where somebody would take an argument head on. There was one case where the SPLM had put forward some proposition, which was quite clearly to us observers a sort of sighting shot, an advance position, just to see what would happen. Actually we knew that they had a fallback position, which in itself was probably not their bottom line. It was quite a well prepared area of discussion. And somebody on the Government side, rather foolishly, took this initial probe head on and said you cannot put that forward, it is an utterly stupid proposition, it is unreasonable, we cannot have that, absolute nonsense, if that is the way you are going to negotiate we cannot discuss it. Of course, that produced the inevitable result that the SPLM started to say, Well, we are not going to be told that we are stupid; they started digging in on this position which was hopelessly isolated out front; it was a military thing, drawing trenches around it and fortifying it. It wasted a couple of days getting both sides into a slightly more reasonable posture on this not very important issue. So we tried to draw lessons as we went along from what happened in the negotiations and we learned a lot ourselves, too.

At the first very first working session at Machakos, every member of the working team spoke, and numbers two through six said the same thing as number one, sometimes in slightly different words. I said to them afterwards, why do you find it necessary for everybody to speak, and they said in our culture, if you go to a meeting and you do not speak your wife will beat you up when you get home because she will be ashamed of you for not speaking up, so we have to say something. Eventually, I ceased being quite so critical, but we gently encouraged them to have fewer interventions and eventually they settled down and came to realize that they were all working together and they could have one or two spokesmen and that would be okay.

Q: Can you look ahead to see what the prospects are? We are always interested in how these things might turn out when they get to the referendum.

A: The problem with looking ahead is of capacity, and whether this rather complicated agreement can be implemented in a country which lacks the human resources. I am talking about Sudan, which lacks the infrastructure, especially in the South. Because in the South, after all these years of war and relative neglect, starting from a very low base, there are very few buildings, except in the three main towns; there are a lot of landmines there; there are no tarmac roads to speak of; communications are interrupted in the rains; there are no schools; there are no hospitals except in the biggest towns and they are very elementary. And you certainly do not have a local government structure extending through the whole territory, which is very large.

So that is the challenge, can you implement a rather complicated agreement with complicated timetables and timelines when you do not have the people on the ground to do it? The UN force can help a bit here and there; NGOs help enormously; donors who fund the NGOs can provide extra expertise, but the real challenge is to build a structure where physically the infrastructure has either been destroyed or does not exist and the human resources are concerned with survival rather than anything else. There is not an easy mechanism, for example, just to pay civil servants in far-flung places. You have to get them some cash in hand, which is not very easy when you still have rumbling insecurity and banditry.

So the challenges are huge. The key thing is to get the outstanding issues touching on oil, which we have discussed, get those resolved, to get the election procedures underway and to do what one can do to encourage the building of confidence between the two parties to the agreement and between the two governments, Southern Sudan and the National Government.

Q: Do you think it likely that if you build up the confidence in the Southern area, they will then feel more capable of going their own way?

A: If the vote is for independence, you have a lot of issues to resolve. The border becomes even more important. How do you get the oil out through an independent neighboring country? Most of the oil is in the South; it has got to go out at the moment through the North. What do you do about divisions of assets and liabilities? What do you do about patrolling the border? Do you have common movement of your citizens? What do you do about passports? What do you do about government assets? The Sudanese embassy in London is in a prime site in the center of the city, worth millions. Does that fall to what is now the National Government, or do the Southern Sudanese get a third of it? There are all sorts of questions. Do you have a common customs area? What do you do about the transhumans who cross the border in both directions twice a year with their herds? Who polices them? There are a whole raft of questions which do not have to be answered if the vote is the other way.

There is obvious simplicity and ease of handling arguments for a unity vote, but that depends on building of confidence which has to be built actively by both sides. The Northerners have to reassure the Southerners that they do have an equal status in the whole country, and that they are not going to be discriminated against and treated as second class. And the Southerners need to do some reassurance to the Northerners that they will play their part in the whole of Sudan, and they are not out just to grab the oil revenues and take them away from Khartoum.

Q: There are some views that the Southern area is becoming more disenchanted with the CPA process. Is that your understanding?

A: People will always complain. The CPA process is a process, and it needs constant work. And there are differences among Southerners. There are those, largely newer tribesmen, who have fought on the Government side or against the SPLA; there are those in Equatoria who, for obvious geographic reasons, tend to look more to East Africa who are Anglophone and whose Arabic is not quite so good. The people further north are use to going north for work; there are more of them in Khartoum. There are Muslims in the two Northern provinces of the South rather than in Equatoria so there are differences there and, of course, people after a war expect the benefits of peace, they expect a peace dividend. If the benefits are slow to come, they will complain. But it will not come any faster, if they pick up their guns and go back to the bush.

Q: What do you see as the prospects; how do you see this working out to the time of the referendum?

A: The train is on track but traveling too slowly. It can be accelerated a bit; there will be slippage but with good will on both sides the agreement—it was a good agreement—can be implemented. The question is whether that good will will exist and whether statesmen-like considerations will prevail over the selfish rush to get into the trough deeper than one's neighbor.

Q: Is there anything the international community can do to speed up this train?

A: The answer is to be continually supportive building up capacities. Do what you can to be neutral as between the parties, not take sides and blame one party rather than another. And continue to be encouraging and supportive. If there is a fault—and I think London and Washington are more prone to this fault than others—it is that we tend to see the National Congress better than the Government and sometimes loosely we talk of the Government of National Unity as though it was only National Congress; we tend to see them as responsible for the ills and the other side by comparison as the good guys. That is an understandable reaction given the history, but it is important that we continue to talk in depth with the National Congress and the Government in Khartoum as well as with Southerners. When I read or hear of people in your Congress talking about exempting Southerners from this or that sanction, or confining the lifting of sanctions only to Southerners, this is a divisive tactic which will be resented by more people in the North than just the National Congress; it will lose friends for the United States and will push the situation towards a division of the country, which will generate all these extra problems that I outlined a moment ago. That is a shortsighted reaction to suffering and abuses. The reaction is natural, but it is not necessarily the best policy.

Q: Do you think the international community is losing interest in this issue?

A: There is plenty of interest in Darfur; it seems to be the top of everybody's agenda and it is all one Sudan at the moment so I do not think the international community is losing interest. It may be losing focus but that is a different matter.