

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

Interview # 26 – Executive Summary

Interviewed by: Haven North
Initial interview date: October 4, 2006
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On the prospects for the referendum, the interviewee anticipates the possibility of incidents that will threaten the agreement. A conflict may blow up in places like Abyei and other places where there has been no implementation. The key indicator of success is the elections. If they are not successful, then a free, fair and timely referendum after that is doubtful. Slow implementation is backing up, i.e. the census, the elections, the referendum in the South and in Abyei. No one wants to move; a strong feeling that the NCP (National Congress Party) is not willing to implement the agreement,

The negotiations of the CPA (Comprehensive Peace Agreement) were triggered, primarily, by the four tests put forward by Ambassador Danforth, particularly the Nuba Mountains ceasefire, which allowed the free flow of humanitarian assistance and the movement of people. The key to the final agreement was Garang and Taha sitting down together and getting on with it; more than the structure and mediation process though important.

The core problem is that there is a minority group who control political, economic and social life from the center in an authoritarian way by controlling the election process, security process, finances, and restricting the international community from seriously engaging in the country. Add to this three different peace agreements or processes underway to address the same problem: the CPA agreement, Darfur, ongoing eastern Sudan talks. The result of these three agreements is seven different arrangements, forms of devolved authority, within the same country: arrangements for the South, for Abyei, for Southern Kordofan and Blue Nile, for Darfur, for the East, for the Khartoum state and for the rest of the northern states.

The IGAD (Inter-Governmental Authority on Development) has mediated the three area talks for years. The core grievances listed by representatives from Nuba Mountains, Blue Nile and Abyei in separate talks include lack of representation, lack of self-determination, lack of democracy, confiscation of land, lack of recognition of customary rights to land, arabization, Islamization, education curriculum (policy and language). The government listed lack of development, political opportunism—the SPLM wanted power.

The negotiations for the three areas represented models for solving the problems in the rest of Sudan. They were important because, first, the question of center and state

relationships, second, a test of the parties willingness to negotiate, third, the national economic importance of the areas, and fourth, they remain the frontlines of the local conflicts.

Weaknesses of the protocols include security (no joint integrated unit or no joint police in the three areas); wealth sharing; and oil agreements are not being implement;

Lessons learned: 1. If CPA was to be a truly national agreement, it should have attempted to have national players in it; 2. The international community should have a unified position for overall peace in Sudan, which brings together the conflict in Darfur, the East, the North, the “three areas,” and the South; 3. The UN peacekeeping mission does not do very much.

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Q: Let me start out by asking you about your association with Sudan and with the Comprehensive Peace Agreement (CPA).

A: I am an advisor to the USAID on the “three areas” of southern Sudan. That would be the Nuba Mountains, which is now Southern Kordofan, southern Blue Nile, which is now Blue Nile and Abyei. I started in Sudan in 1994 with the UN World Food Program. In 2000, I started under the USDA PASA (US Department of Agriculture Participating Agency Service Agreement). During the talks, I was an observer at the peace talks for the “three areas,” the Keren talks, when the “three areas” had their own talks. They were later brought into the wider process.

Q: What was your understanding of what triggered the CPA process?

A: Two things came together: the appointment of Senator Danforth came with an early tests to the parties’ willingness to negotiate. Senator Danforth’s four tests for both the SPLM and the Government of Sudan were to see if they were willing to engage in a serious peace process. The government had put a blockade on the Nuba Mountains, where it was systematically denying all UN flights. It shelled 11 of 16 humanitarian flights that there were sent through the NGOs, and it was displacing the civilian population and there was a famine. This constituted a blockade of the UN assistance, and a conflict-induced famine was created by the displacement of a large number of Nuba people into the hills. This dilemma was presented to Andrew Natsios (USAID Administrator).

He negotiated between the U.S. government and the Sudan to have a direct flight to bring in one planeload of relief food; it was really a starting point for our more direct involvement with the government. That led to the ceasefire, which allowed for the free flow of humanitarian assistance and the movement of people. The humanitarian ceasefire, in many ways, was the most successful test of the four tests Danforth and the U.S. put on Sudan. The Nuba Mountains ceasefire was very successful, and eventually it was handed over to the UN mission in Sudan.

Q: What were the other tests?

A: The other tests were national immunization, periods of tranquility for national immunization day; there was a study on slavery, an examination of slavery in the South, and the Nuba Mountains ceasefire. There was also an arrangement to allow international monitors to investigate attacks on civilians.

Q: How did these tests then lead up to the origins of the CPA?

A: First, there were these tests of the SPLM and the government parties' willingness to engage in direct discussions of an agreement that the international community, as shepherded through IGAD, would support. In many ways, it was just starting with something small, securing some tests, building some relationships. The first bilateral flight, the negotiation for this one plane, that said to the Government of Sudan that we are serious, the U.S. government is serious about peace. We are serious as well about the issue of the protection of civilians and the free flow of humanitarian assistance, which was really about the Nuba Mountains. There was a blockade; there was a famine. Andrew Natsios spoke at the Holocaust Museum when they put a genocide watch against the Government of Sudan on what was taking place in the Nuba Mountains. Natsios made a speech there highlighting the importance of being involved. I would say the ceasefire prevented a famine, ended the genocidal process, and led very directly to an emerging peace process.

Q: And you found the Northern government and the Southern government cooperative?

A: The reception by the Government of Sudan in the UN, when they first discussed Nuba Mountains, was, "We're interested in talking to you, the U.S. government, not so much the UN." My personal opinion is that for the UN to be strong, it needs other governments to be strong. So when the U.S. is strong, the UN will also gain strength. Getting directly involved in the Nuba Mountains as a test, as a starting point, was a success; it was a way for us to move in and start to engage directly with the two parties.

Q: You were involved in the process of the CPA negotiations?

A: I was an observer for the talks on the "three areas." It is important, by way of background, to have a position on what is the actual root cause of the conflict in Sudan, because a lot of people talk about a southern agreement and southern solution, Condoleeza Rice talks about the southern agreement. In fact, the CPA is supposed to be a national agreement; but it was only negotiated by two parties, and it does not do enough to deliver reforms in the north. The phrasing has usually been that the main problem of Sudan is that a minority group of people control political, economic and social life. Some people say an elite authoritarian regime in the center dominates political, economic and social life, or dominates the government. It depends on whom you talk to, because there are quite few different advocacy groups that talk about Sudan; they say Sudan is a problem of religious persecution or of oil.

The question is: is the government controlling the economy and using political Islam to keep power? Is it a bunch of people who want money who control the government and

are using Islam to keep power? Is it an Islamic-based movement that is using the government and the economy to keep power? I do not know if there is an answer to which is dominant, but I do know that there are just a few people that seem to control the government, they control the economy, and they control social, religious, political and social life.

Right now you have the CPA, which is a national agreement, but which does not obviously do enough for Darfur and the East and the other northern states, outside the “three areas.” You now have three different peace agreements or peace processes underway to address the same common problem. You have the CPA agreement, which is national; you have the Darfur agreement; and you have the ongoing eastern Sudan talks. So you have three different agreements addressing the same problem. The result is that you have seven different arrangements, forms of devolved authority, within the same country. You have an arrangement for the South; an arrangement for Abyei, in particular; an arrangement for Southern Kordofan and Blue Nile, specifically for those states; an arrangement for Darfur; and an arrangement for the East. Khartoum state has its own special arrangement and the rest of the northern states have their own arrangement. So what you have are seven different forms of government within the same state, seven different sets of arrangements within the same country, to deal with one problem.

This leaves a weakened periphery, a strong center, and a disjointed international effort. If you want to make progress on one agreement, i.e., the CPA, it is hard to condemn them on another agreement, e.g., for lack of progress on Darfur. So they have constantly played against it. The same people still hold control, because the opposition is becoming disjointed and weak. So this idea of confusing and overlapping and multiple arrangements or forms of devolved authority weaken the chance of actually addressing Sudan’s core problem.

The core problem is that there is a minority group of people who control political, economic and social life and generally from the center in a very authoritarian way. And they control that life through the election process, through the security process, controlling finances and really restricting the international community from seriously engaging in their country. Those are four ways in which they keep power, and this minority group comes across as being threatened by the big West and being marginalized by the international community when they, in their own country, have done far worse. So this idea that they are being threatened and attacked by the bigger powers is false. They are still a minority group of people and what they have done to the people in Sudan, since independence, is criminal.

Q: How did the CPA negotiation process go? What worked and what didn’t work in trying to bring the people together?

A: The CPA is made up of six protocols.) In the first protocol, the Machakos Protocol, the SPLM, or Dr. Garang, the government at the time, agreed to use the 1956 boundaries at independence that divided internally the North and the South. There are five regions in the SPLM’s “New Sudan.” By agreeing to use the 1956 boundaries, they left two

regions, the Nuba Mountains and southern Blue Nile and one area, and Abyei in the North. So they gained a southern referendum and a potential for secession in the South, but they gave up two of its five regions and one area. It seems the Government of Sudan thought that that was the agreement. Garang then came out and the SPLM looked at him and said, "We're not done fighting, then. If you have left us out of this agreement, there is no peace for us in these two areas."

Now the three areas, i.e., Blue Nile, Nuba and Abyei areas, have been part of the struggle beginning in the 1980s. They were senior SPLM leadership; they were core to the overall national struggle of the SPLM, which Garang had always articulated in Machakos and accepted the referendum. To me, the referendum is not the agreement. The referendum is an incentive to implement the agreement; it is the leverage behind, making unity attractive. In making unity attractive, we have to think what is in the agreement actually for the South and for the North and for the other areas that are marginalized.

So separate talks were organized for the "three areas." The government is always saying that it is a southern problem and is always talking about the SPLM being in the South, facing a dilemma. They had SPLM in the North. So they accepted to negotiate on the "three areas," but they did not accept it to be part of IGAD part of the wider peace process. It had to be separate. For it to be separate, they allowed IGAD to mediate it but in separate talks. In the beginning, they tried to make it a different peace process and the SPLM said, "We will not move ahead on any other issue until we have negotiated on the 'three areas'." That was their initial position.

So talks were held in Keren and went for a couple of weeks. The first thing the government did was to say that each delegation needs to represent their own area, meaning you need separate talks again for southern Blue Nile, the Nuba Mountains, and for Abyei. And then they said that head of each delegation has to come from the area. So what they were effectively doing was making them -- if you read the protocols' names -- look like localized conflicts, not a wider national opposition but smaller rebels in three areas in the North, because there is resolution for the conflict of Abyei, for the conflict of Southern Kordofan. There are specific resolutions; they are not national. There is nothing that says the resolution is for the entire conflict of Sudan, outside of what the CPA does in the end. But anything above the 1956 line, they (the North) wanted to keep it local. They wanted to keep the SPLM disunited and divided; and they wanted to do that by making everybody represented themselves and making sure that they did not come together and have a common plan.

Several things happened. First of all, the SPLM did not come out with a joint position. The process for mediation was that each delegation had to list the core grievances that gave rise to the conflict. What are the root causes of the conflict that they want the agreement to address? The next process was to identify possible solutions. And then the third approach was to establish criteria for judging these solutions?

Q: This is now the IGAD, right?

A: This is how the IGAD mediated the talks for years. They had agreed on this process. What happened was that for Abyei, the government took a long time. The Abyei delegation took a very long time to agree on what it means to be from the area. They spent a week negotiating what would be four criteria that would determine whether you were from Abyei. What happened was, the minute they sat back down, after a week of negotiating just that question, the government presented a head of the delegation who fit none of the four criteria and the SPLM walked out and they said, "They asked for this condition; we accepted. We spent a week agreeing on it and their candidate does not fit this criteria. They are at fault." And they walked out. That pretty much ended the talks for Abyei at the Keren talks; that was the end of their negotiation in the separate "three areas" talks.

For Southern Kordofan and Blue Nile or Nuba Mountains and southern Blue Nile, they listed everything from core grievances being lack of representation, lack of self-determination, lack of democracy. They listed the confiscation of land by the government and the lack of recognition of customary rights to land. In 1971, the government had a law that said all unregistered land belongs to the state, which basically ignored all customary rights. So the SPLM listed that and the leasing of that land to investors from outside the "three areas." It listed Arabization, Islamization, as a cause of the conflict. It listed education, not just lack of education but the education curriculum and policy and language, which was seen as the institution which promotes Arabization and Islamization and discriminates against diverse cultures, including Muslims, in the area. The government listed a lack of development, and greed or political opportunism, as causes of the conflict, implying that the SPLM wanted power so they took it by the gun.

What basically happened is the Machakos Protocol created a southern solution for what is fundamentally not a Southern problem. The national solution, or the list of grievances, which are shared whether you are in Darfur, the East or the South, shifted in large part to the negotiation for the two states, southern Blue Nile or Blue Nile and Southern Kordofan or the Nuba Mountains. So it really became the role of these two states to address the relationship of the center to the periphery that made these areas models; and the protocols for resolution of the conflict in these two states recognizes these areas as models for solving the problems in the rest of Sudan.

Q: How do they represent a model?

A: First, Sudan is now set up into so many complex forms of government that a relationship between the center and the state is very important. Also, there is the issue of autonomy of the states or a federal system, which is much more what was being advocated by the SPLM in the beginning of the talks, more autonomous states in a federal system, but also because they listed the core grievances and those core grievances are nationally relevant. They are important in that they are a model.

Second, right now they are at a test, because they are about reform in the North. They are seen clearly as a test of the parties' willingness to implement the agreement. So people are watching these areas to see if they let Abyei, in particular, have a fair referendum,

with the oil in Abyei, then they are obviously willing to let the South have its fair referendum. If they let Abyei implement the ABC, the Abyei Boundaries Commission, which then lays the foundation for where the oil is; and then, if they allow the referendum commission to decide who gets to vote in the referendum, then the parties appear willing to allow for the overall southern referendum to go on. Right now, there has been no implementation in Abyei of the ABC findings. So there is no progress; there is no government. So as a test it is a failure. They are seen as tests, because they are the SPLM in the North.

The third reason they are important is that they have national economic importance. They have national economical importance not just for the oil but for the agricultural land, which the government confiscated through the national Unregistered Land Act, for gum arabic, for the Blue Nile, which is nearly eighty percent of the Nile waters which flow north of Khartoum. They have gold, wood, wood products. So they are of major economic importance. Actually, the way in which all these resources were developed by the government, i.e., nationalizing the properties, nationalizing the resources, leasing them out to a few investors, often related, is again one of the root causes of the war.

And the fourth reason why they are important is that they remain the front line. The SPLA and SAF have their troops straddling north and south of the 1956 borders. A lot of local conflicts built upon the war. Competition was turned into militarized rivalry between nomadic groups and farmers or between one tribe and another. So there is very little local conflict left in people's minds. Small incidents can escalate and can, more likely there than anywhere else, draw back in the wider armies, the SAF and the SPLA.

Q: There was a security protocol that was supposed to solve some of these problems.

A: Right now there is no joint integrated unit, really, in these "three areas," and there is no joint police. The heads meet but there is no integration, so there is a vacuum. In Abyei, there is no government. So something happens, one group runs, the SPLM runs to the SPLA, the other group runs to the NCP and the chances increase of their being drawn back into these local conflicts. It is very militarized, a lot of people are armed, and this makes these areas fragile.

Q: Were these part of the security protocol or was this something separate?

A: They are supposed to belong to the security protocol, but there is not supposed to be a third armed group. So you are either in the SPLA or in the SAF, or you are in the joint integrated unit, which is the two. Right now, there is no joint integrated unit. The SPLA has not really moved and the SAF are moving around, including deploying to Darfur from the "three areas." So there is a bit of a mess, and lots of speculation. I have no evidence that again the NCP -- but I have heard this many times -- is arming and organizing some of the nomadic groups to come down and destabilize the area. There have been a lot of incidents of conflict, especially in the areas where the population had "joined" the SPLM, but they were living in formerly government-controlled areas during the war. So new communities seem to be getting hit by these conflicts. According to one

of the nomad leaders, about 200 people from the nomad side were killed in the last year and the SPLM have it about the same. So it is a serious threat to the agreement if there is no joint military; there is no joint police to manage civilian affairs.

The UN does not have full monitoring access in Abyei; they are not allowed to move north of Abyei town, so the areas where there is potential conflict the UN mission is not allowed to monitor. The NCP will not allow them. You have partial monitoring but no joint police, no joint military. Integration of the government in all three areas is barely done. Only the top of government has effectively absorbed mostly the SPLM and left the NCP in charge.

Q: There was a wealth sharing and an oil protocol?

A: Start with Abyei. Abyei has (it is different from anywhere else), ethnic shares of oil, so the Ngok Dinka get a share of oil; they have two per cent. The Misseriya, which is a tribe that also shares the former state of Western Kordofan, they have two per cent. And then the state, between Western Kordofan, which has now been absorbed, most of it, into Southern Kordofan, has some oil. Then the southern state, Abyei, has a very particular agreement. It is directly under the presidency. They are citizens with representation in two states, Southern Kordofan and Bahr el Ghazal, which is now called Warab state, in the South. So they are part of the North, Northern state of Southern Kordofan, the Southern state of Warab or Bahr el Ghazal. They fall directly under the presidency. They get ethnic shares of oil. They are the only place whose area is determined as an ethnic area, the nine chiefdoms of the Ngok Dinka. That is what the Abyei area comprises and the Abyei Boundaries Commission determined. And then they get an appointed government and everything like that under the presidency. So it is a very strong agreement, but it is one of the hardest to implement.

Q: Is it being implemented?

A: No, it's not. As a test, it is failing. The first challenge is that around 84, 85, 90 per cent of the people of Abyei were displaced out of Abyei, were outside of Abyei at the signing of the agreement. So they have to return. They almost have no mandate. There are no people on the ground. So the return process is as much about securing the rights of the people of Abyei as it is about people going away and moving home after a war. In fact, it is more about a political choice than it is about a choice for where they want to live; it is about an immediate political choice.

Q: Let's talk about the negotiation process. How do you view the attitude of the different parties as they tried to build trust and tried to work together; how did that process work?

A: The two parties were at war for many years. They can sit in a room and they can get along and they can be very cordial and there are a lot of discussions that take place out of the room. So put them in a good place where they can meet off hours and a lot gets done. That is a clear lesson. They both have very strong opinions of what they would and would not do. Mediation helps, but mostly it is about their will. My sense is the NCP and

the Government of Sudan, their main objective was not to set a precedent, not to establish things that would later be considered a precedent. They did a lot to keep localizing the problem.

What happened is that, in the “three areas” talks, the government did not want to solve these areas problems. They wanted them to be an add-on and the international community, who are not well informed, thought it was a Southern problem; it was a Southern agreement. They had a couple areas north of the line that they had to appease and then they had the agreement and that is how it was approached, as opposed to saying, “This is about changing Sudan and dealing with the nature of conflicts in Sudan.” The agreement was hindered by the lack of third parties to make it a national and comprehensive agreement, beyond it being called a national and comprehensive agreement.

The “three areas” kept getting pushed to the back of the agenda and eventually, when they finally signed the CPA, the last issue on the table was Nuba Mountains and Blue Nile, and whether the three areas would accept significant compromises on their key demands. They wanted a referendum. They wanted separation of religion and state. They wanted the Nuba area to be recognized as a state. There are certain things that they wanted that they had to compromise and give in mostly to internal pressure within the SPLM. But also the U.S. made a commitment that, if the SPLM accepted compromises in those two states, they would receive benefits in terms of development and assistance after the peace agreement. These are model areas which have an agreement that does very little to directly address their core grievances and, in fact, defers the resolution of these core grievances to very complex political processes, the commissions.

They have to draft a constitution; they have to draft new laws; they have to set up commissions and they have to go through elections. But the key on this agreement, for the two states, not Abyei, is that these two states, Southern Kordofan and Blue Nile, do not have a final agreement. And this was put in by the SPLM and it said, “We have no mandate to decide what is a fair and just solution to our conflict. That must be done by the people. We are both rebel movements. We have no mandate and therefore after elections and through the elected representatives, they can review the agreement, endorse it or open it up and renegotiate with the new post-election central government.”

So of all the agreements, it was the one that basically said, “This is not legitimate until it is tested against the popular will of the people through some process of democratization.” They (the three areas) got this agreement. They were forced at the last minute to accept it; they kept getting pushed to the top of the agenda and shoved all the way back to the bottom of the agenda. In the end, I understand from the SPLM representative for Nuba that that was the last issue on the table. The journalists were outside; the embassies were ready. Everybody spent 12 hours in the sun at Naivasha waiting for them to present the agreement. The last issue on the table was the same Nuba Mountains and southern Blue Nile. So I think the question is: were those compromises too severe for a lasting peace?

Q: How would you characterize the role of the international community in trying to facilitate this?

A: First, General Sumbeiywo did a very good job. I think he maintained control and I do believe he eventually got the U.S., the UK and the other partners, Italy, to come back behind and support his process. The key to the final agreement was more about Garang and Taha sitting down together and just getting on with it, than it had to do with the structure and mediation process, though you could not have by-passed those steps.

Q: Was there pressure from the international community to come to an agreement?

A: When the two sat down they shut the door, they got on with it and they came away with some of the key decisions that were made; the decisions were mostly made between the two. There were a lot of people sitting, waiting, discussing the elements of the agreement, presenting positions and debating. That is the job of the mediators to put the responsibility on the parties, keep the pressure on in terms of the parties, create an environment where they can move ahead and then when they do make decisions, try to lock those decisions down and add the detail required to make them implementable. That is the role of IGAD. They did do that. The problem is that a lot of people do not understand the agreement.

There is misinformation and confusion about the agreement. For example, the people in Nuba Mountains and southern Blue Nile think they have a referendum. Most of them think they will get to join the South. They do not know that they do not have this referendum. That will be a real problem once it starts to come out.

A lot of people in the North do not even know that there are benefits to them from the CPA. That is a significant problem, considering elections are coming and the most important group to vote is the North. They have the most people; they need to reform the most, but the areas of opposition are not stable. Look at Darfur. They need to vote, but they cannot. So there is a national agreement, but it is not moving throughout the North in the same kind of way.

The biggest problem right now is that the SPLM, most of them, after Garang died, are hiding in the South, counting out their six years, waiting to have their own country. Therefore, they are not going to the center; they are not sending their best people; they are not challenging the government of the NCP on issues that do not relate to the South. So they are not strong on Darfur; they are not strong as they could be. There are only a few of them, a handful of SPLM, who are maintaining the national position, which is to send your best people to Khartoum, spend six years working very hard to make that sure you actually can hold a referendum in the South.

People say, "Is it unity? Are you going for secession or unity?" There is no choice here because they have agreed to go for unity. It is not just the government of the SPLM in the South, but it is also their best chance of actually having a referendum by going for unity; being a national party; looking at national reform; dealing with national security reform;

dealing with national financial reform so that everyone is not begging the center for money; and making sure the international community has a substantial presence to keep these things on line. They want the money and the food, but they do not want the political pressure and the peacekeepers.

Q: How do you bring the national perspective back into the picture?

A: You do this first of all by assuring that the SPLM, together with other opposition groups, have more of a unified national position. If they do not have a character for the North who can take this role, they need to build themselves up, they need to unite the opposition in Sudan, as opposed to letting it be divided into many small groups. Then they need support for the elections, not necessarily in the South but in the North, where you have the most people and need it the most; they also have similar issues and grievances. For those elections you need stability; you need information; you need media; you need civil society; you need the usual package for an informed, free and fair choice for the elections. So you need a lot of work to get the North actually engaged and be aware of the debate and have some chance to reflect on some of these issues; lack of development and centralized government are common grievances. Issues like education and land reform, which are really significant in other areas. They need to be worked out.

Q: Is anything being done to inform the population of the South or of the North about the agreement and what is ahead?

A: Yes. There is a lot of work being done on dissemination of the agreement. There is a lot of work with civil society that USAID is doing to try to build it up, to make people aware. More can be done and right now we are looking at how to do more, but it does not help when you cannot move 12 kilometers out of Khartoum. It does not help when they block access to these places.

Q: That is in the North you're talking about?

A: That is in the North. In the South, USAID is working with the SPLM and seven other new political parties, to help them become a political party, run a campaign, define their platform. There is a lot of work on dissemination; there is a lot of work especially on conflict management, particularly in areas where conflicts have a greater chance of escalating or destabilizing the overall implementation of the agreement. There is a lot of work on getting services out to the poorest areas and trying to stand up to government, especially in the South.

Just to move across the "three areas," the Abyei Boundaries Commission, which was supposed to determine what is the Abyei area, submitted its findings. It is not debatable; it is supposed to be implemented by the presidency. President Bashir will not implement it. There is no government. There is a vacuum of authority. There is a vacuum of security. The UN mission is there but their counterparts are just the heads of the two different armies and there is separate police training. So I would say that Abyei, if it is a

forerunner, a test of the government's will to have to allow the South to have a referendum, it is a failed test.

In the Nuba Mountains, and in Southern Kordofan as a whole, they still do not have a constitution. Only the governor's office is set up, which is rotating; 45 per cent of the government goes to SPLM and 55 per cent goes to NCP. There is no third party. They have not, in Southern Kordofan, endorsed a constitution. It is hung up on one issue, about the rotating speaker of the house of the state assembly. The SPLM have put 35 people into a caretaker government. The actual size of the government is between 12,000 permanent and 19,000 other staff members. There is a massive government structure, which is not integrated. So neither has legitimacy, in this case, except for the fact the NCP remains in control, because they are the majority; they are the most developed; and they are the most linked to the center from which the money comes.

In many cases, they have not devolved authority to the local level. So when the two parties meet, the NCP has to call Khartoum for decisions. It looks like they have absorbed the SPLM into the state government and some of the local or county governments. The government is not really spending money on development. These guys bought 77 new Toyota four-wheel drives; they all have houses. So in many ways by absorbing just the top and giving them the personal benefits of being in government without demonstrating really any substantial benefits to the people, they have been more discredited than they have helped. So a little bit of implementation does not look better than nothing. People are looking, saying, "Look at this guy. He has his car. He has his house. We have got nothing." So they look like they have been bought off. The elections are key in these two states. This escalation of nomad-settler conflicts with the Nuba, with the Ngok and with the Funj, which are the farming communities in those three areas, the SPLA has not been engaged. So what you have is the SPLA people are getting attacked. In the past, they would have someone who would step in, and now they are not stepping in discrediting the SPLM/SPLA for providing protection.

You judge a government in many ways by their ability to deliver services and protect home and property, it is a very significant thing and on both of those it is failing, the SPLM is coming across as having failed. And with elections coming up, people are very unhappy. They expect, even with 45 per cent of the power, that the SPLM can deliver on some of their commitments. My argument is even if they were very effective with 45 per cent of the power, the government really has not reformed itself according to the agreement, and remains largely in control of finances and security.

Southern Kordofan did receive oil, 1.2 million for a month. They spent the first month or two of revenues not on development but on 77 cars. The first allocation of funds for development that came through the government went mainly to former government controlled areas, the better off areas, the more developed areas — opposite to the agreement, opposite to the technical plan, the JAM, the Joint Assessment Mission's technical plan. So people are seeing not only that they are not getting developed, but development is going to the former government controlled areas and the more developed areas as well. The tensions are building. There is a vacuum in these areas.

In the Blue Nile region, where they have progressed the most, there is a constitution. There is a government, not just a caretaker government; but again integration is really only at the top. There are thirty people from the SPLM who joined the government, which is probably about 7000. They look like they have been absorbed; they are not actually providing benefits to their people. There are no new laws, and the commissions are not set up. The government, the NCP, is saying that integration of the two parties, the 45/55 per cent, is only for the top of the government, and that those who will join the 7000 strong government must be qualified. The SPLM do not have qualified people. The complaint from the SPLM is that, if they now have to come in and fire 3000 people, they are not going to be very popular when it comes to the election. They have an agreement for overall integration, but they are treading carefully because they would have to remove about 45 per cent of about 7000 strong.

In Southern Kordofan , it is either a 12 or 19,000 strong government. It is the same problem. They do not have the capacity. If they did come in and started firing everybody, you could imagine how unpopular they would be.

So a little bit of implementation is not better than nothing. Basic things like security, basic services, opening markets and income generation, are not necessarily turning around. There is stability because of the peace agreement.

Q: Is anything happening with the national constitutional review process?

A: The national constitution is there. There is a back and forth on the southern state constitutions.

Q: What about the national constitution?

A: A firm national constitution has been accepted.

Q: Is there some kind of a review process for that?

A: I am not sure where that is.

Q: Is there something more that the international community should be doing to pull this thing together and make it go?

A: If we continue to deal with every excuse that is given for why there is not compliance with the agreement given by the NCP, then we are going to be playing a never ending game of chipping away at every excuse until another one appears. We need to look strategically at what is inside the agreement that actually deals with the core problems of Sudan. We can work from the periphery, strengthening the periphery, but that will never take it far enough unless there is a real effort in the center to start to devolve authority, make some of these decisions transparent, especially around financial allocations.

And then there is the security reform sector. The international community is very well controlled, not simply just by visas but travel permits, work permits, flight clearances. There are about 15 ways in which we are restricted from moving and operating freely as required. We need to get on top of those, so that we are not subject to them. The key in this agreement is, beside security reform and financial reform, the elections. The elections will provide benefits far faster than any of these straggling, pushing along peace agreements that we are trying to push and push ahead.

My strong feeling is the NCP is not willing to implement this agreement. They have given us every sign that they are not willing to implement this agreement. They are probably doing more of a rope-a-dope, letting us punch ourselves out and then leave Sudan and then get on with it. The elections, faster than anything else, would put this government within its proportional place within the Sudan political arena, and might create a government at the center more willing to start to go through these core grievances, like land, like development.

Q: You mean the national elections?

A: These elections are national and local. Local elections will do a lot to switch from the appointed and armed and appointed representatives to somebody that actually has a mandate from the people to speak. It would be great if Darfur could participate, but we are obviously heading the wrong way there. And on national elections for the government, if national elections are successful, in terms of representing the national view, we would see that this minority government is a minority government.

Q: When do you think these elections will take place?

A: The national elections, if you look at implementation, after the fourth year. In the implementation modalities it talks about national elections. The SPLM in the South has 70 per cent of the power. Elections for them in the South are not as important, because they are going to probably lose some of their 70 percent. They just want to protect themselves for the referendum; the approach of isolating oneself in the South and trying to get out in six years will not protect their interests in six years. They need to be in Khartoum; they need to be national; they need to be seen as a national party or allied to a national position. The SPLM's and Garang's vision is national. The idea of making it a southern problem and a southern solution is never going to work, it risks failing a lot; lets put it that one away. As Roger Winter put it, many good people have left the movement because of this lack of commitment to challenge the government at the center.

Q: If you look over this whole process that you have been observing and involved in, what would you see as some of the key lessons— what should and should not have been done?

A: The key lesson is, one, if it was going to be a national agreement, it should have attempted to have more national players within it. So maybe after Machakos or earlier on, they should have brought in some other people.

Q: Other people being?

A: From the East, from the NDA (National Democratic Alliance), from Darfur, because that was swelling up, and from Merowe in the north, a lot of opposition areas. NDA put down their weapons, then when the peace talks happened they heard what they were going to get, but they did not get anything. Darfur took up its weapons because they were not going to get anything because they did not fight. So the other lesson was: was there a peaceful path for managing grievances in Sudan? If so, more has to be done to present this path. Darfur obviously is a lesson: you have to fight for it. The East, if this East agreement does not hold, then the lesson is, again, that you have to fight for it. If this problem remains, the essential core is to have a unified agreement that deals with all sides. By dividing Sudan into three agreements with seven different arrangements, then, their ability to challenge the center, our ability to support reform, is very much weakened.

Q: Was this dividing the result of the work of the international community?

A: It is more the NCP strategy, keeping everything local, accepting arrangements that are different from one area to another. So Abyei is different from the two states, different from the South, different from the East, which all had SPLM/SPLA in it.

Q: So the professional negotiators were not trying to prevent this from happening?

A: The international community, especially the U.S. government, is not united in its approach. Those who have been around Sudan for a long time have the understanding, the personal relationships, and they have a longer time frame in terms of their commitment. The State Department had a quicker time frame; they had more of a designed solution as opposed to an emerging one, and if they had really pushed the “three areas.” Again, I focus on the “three areas,” but I do that for a reason. They are important nationally. If the “three areas” were put ahead it would have done a lot to challenge the government at the center and provide solutions that Darfur would look for. Again, the rebel movement in Darfur came to the SPLM and said, “Negotiate hard. We want what you get.” That was early on the conflict. If it had been nurtured from the beginning, that this is a legitimate solution for Darfur, then maybe we would have had a path earlier. Darfur took on its own life. I do not know if it could ever have been managed by linking it more strongly to the negotiations for Southern Kordofan and Blue Nile. It had its own escalation but early on there was a chance that we could have wrestled with that and the East. The loss of Garang undermined so much of the national position; that can never be overstated.

The lesson learned is there needs to be a peaceful path. If it is national, it needs to look national and if the solution is to let the South get the hell out, and all efforts are made for that, then we should not expect we are solving the problem of Sudan. We should expect that we are just allowing one part of Sudan to leave, which has a legitimate claim to get out because of its historical marginalization and discrimination.

Q: Are there other lessons for the international community on what it could do or is doing in terms of facilitating the process?

A: The international community needs to have a unified position for overall peace in Sudan, which brings together the conflict in Darfur, the East, the North and the “three areas” and the South. It needs to come and say, “All right, is the government moving ahead?” This idea of being played off, one agreement for progress in the South, and in exchange, we cannot condemn them for Darfur. We need a singular position on the problems of Sudan.

Q: Any additional lessons learned that would help people in the future in this kind of work?

A: The international community needs to have an analysis of what would lead to a just and lasting solution. Beyond the position of the two parties to the conflict, it must be guided by a wider analysis about what is just and lasting. The idea of making agreements with two rebel movements, as the SPLM put it, does a lot for managing the conflict but does not necessarily lead to a just and lasting solution. This idea of testing the agreement against the popular will is an important process. We need elements of an agreement which recognizes the limitations of the negotiating parties in terms of representing the views of its people and forcing them to move back to the people; then as the systems emerge you will be in charge, through a democratic process. That goes beyond trying to get agreements between parties. We need that analysis; it is important that we come in with a position, and what we think are legitimate ways of achieving it.

There is a fundamental difference between now and two years ago, even if the agreement is not moving ahead or there are problems in the agreement. The agreement itself will last, even if the conflict returns; the implementation of the agreement might slip, collapse, fall backwards, but the benchmark is not going to be a negotiation to resolve twenty years of conflict. It will be to get the parties back in line with the agreement. In this case, most likely, if the SPLM or the SPLA or the NCP are not implementing it and the SPLA get angry, if there is a conflict, it will be about getting the parties to implement the agreement. It will not be about “We want 60 per cent of the oil and forty per cent power in the center.” It will not be about new turf.

So there’s a fundamental difference. The path has been laid by the CPA. It is now the benchmark for any conflict that happens. As much as possible, we have to make sure the CPA is not weakened as a benchmark.

Q: Is there any outside group actually monitoring this whole process and trying to nudge the governments along?

A: There is a lot of monitoring of this process, by organizations like ICG, the International Crisis Group. There’s the Advocacy Coalition, which has CARE and some others in it. Then, there are individual embassies, which are monitoring the agreement. There is the AEC, the Assessment and Evaluation Commission, which is looking over the

implementation of the agreement, which Kate Almquist sits on, as the U.S. representative. Then, there is the peacekeeping mission, which is also monitoring the agreement. There is quite a lot of monitoring of what is happening in the agreement. The question is, how do you get it to move ahead?

Q: Is anybody coordinating all this monitoring?

A: The AEC is the recognized monitoring body for the agreement. All the others are unofficial. They meet regularly, to discuss implementation.

Q: Do they have credibility with the two governments?

A: It includes the two governments. The two parties are in the AEC and the international community has representation. Senior people.

Another lesson learned is that the peacekeeping mission from the UN, they come in, they set themselves up and they do not do very much. They spent a lot of money getting organized and set up. There needs to be more of an injection into the local governments and the organs that have been established from the agreement to be in parity with the standing-up of the UN mission. There needs to be some parity between scaling up international presence and the increased scaling up of the local government, especially key bodies of the government. For example, until recently you could not get the governor of Southern Kordofan on the phone; you contact him with e-mail. He had a car with a cracked windshield and a couple of bullet holes. We go to the UN compound and there are two hundred cars, the internet... You think, "Okay, who's responsible here?" There was a point where the head of the SPLA for Southern Kordofan did not have a working phone and the UN would not give him one. Who is responsible for implementing the agreement? Another thing that is important is to make sure there is parity between international scaling up and the implementation of the agreement, so people see that they are moving at a similar pace.

If a party is not willing to implement an agreement, what you do at that point? I honestly do not know what you do at that point. The elections might actually deal with this issue.

Q: What do you see as the prospects for the referendum?

A: With the current path, there will be a couple incidents where the agreement gets strongly threatened. Conflict might blow up in a few places, like Abyei or other places where there has been no implementation, where there has been a lot of localized and potentially escalating conflict. Then the question is, what is the international community willing to do to push back? The key indicator is the success of the elections. Nationally, if those are not successful, I do not know if we will see a referendum after that, which will be timely, free and fair. The potential of a referendum will never leave, but will it happen in six years? Very slow implementation seems to be backing everything up. There needs to be a census, and elections need to happen and in the South a referendum, and in

Abyei a referendum, and really everybody is moving very slowly. So it is backing up against this six-year wall. No one wants to move. That in itself is concerning.