

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

Interview # 28 - Executive Summary

*Interviewed by: W. Haven North
Initial interview date: October 6, 2006
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On the prospects for the CPA, the interviewee is not overly optimistic. The CPA holds the seeds for a successful peaceful transformation of the country; it just needs to be implemented. Free and fair elections in 2009 are going to be the key. What is missing in Sudan is some kind of vision about where the country is going or where we hope this country is going. The negotiations have been piecemeal.

The interviewee provides an overview of the events leading up to the CPA, specifically the Machakos Protocol, which provided the foundation for future negotiations. It contained two key trade-offs: for the SPLM, a self-determination referendum after a six-year interim; for the North, a statement that Sharia Law would remain in the North. Rounds of negotiations followed on power sharing, wealth sharing, and on the three area issues leading to a face-to-face meeting between Vice President Taha and SPLM Chairman John Garang. The two formed a strong working partnership.

The implementation process is impaired due to a shift within the NCP in favor of the “rejectionists,” and, after Garang’s death, the partnership was lost. President Bashir is dominating the decision-making in the Presidency.

An unresolved question is whether Darfur should be, or have been, brought into the negotiations. Neither the IGAD, nor the international partners, the SPLM, nor the Northern Government wanted to bring it in. However, there was a concern that not all parties were involved in the negotiations. The International Crisis Group (ICG) pressed for including the National Democratic Alliance (NDA), a coalition of a number of opposition political parties of which SPLM is a member. This move was vetoed by the Northern Government.

On the role of international community, the interviewee suggests that the negotiation process was supported and shepherded by the community successfully because of their involvement in the details and pressing the parties when there was roadblock. This role has been lost owing to the Darfur situation. Also, there has been a tug-of-war for control on the international side between the UN Special Representative of the Secretary-General and the IGAD, US, UK, and Norway, for example, over the leadership of the Assessment and Evaluation Commission (AEC). Now, the UN has agreed to be on the AEC as an observer. What is missing, in general, is a central body directly monitoring implementation.

On lessons learned, the interviewee states that the negotiation process itself was a tremendous success. Two unique elements worked in its favor: a unified position within the IGAD on what to do in Sudan, and consensus within the international community with three

countries taking the lead. Second, correctly diagnosing the problem was important, followed by basing the negotiations on trying to resolve the grievances (the root causes of the war). Third, the four tests put forth by Ambassador Danforth demonstrated that there was an opportunity for progress in negotiations, and building a consensus around that.

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Q: Please describe your association with Sudan and with the CPA (Comprehensive Peace Agreement) to provide a context for the interview.

A: I have been working on Sudan for about six years, initially in graduate school. I worked first with an Organization Peace Farm in 2001, conducting research on the peace process. Then I joined the International Crisis Group in June, 2002. In that position I was based in Nairobi, so I followed the negotiations from June, 2002 up until the CPA was signed directly.

Q: How would you describe the situation that led to the beginning of the CPA process? What was it that brought the parties together to even start negotiating?

A: The IGAD (Inter-Governmental Authority on Development) process had existed since 1994. Even before that there had been two rounds of negotiations in Nigeria, but they were largely dead. They met in 1994 a couple of times and then stopped. They met again in 1997 and did not get anywhere. There were a couple of things that succeeded in re-launching the process for 2002, but one of the key factors was the appointment by President Bush of Senator Danforth as Special Envoy. Senator Danforth established four test cases with the parties to gauge whether the two parties were interested in negotiations. The four tests proved to be successful.

Q: What were the four tests?

A: They were the Nuba Mountain Ceasefire; a ban on aerial bombardment; the creation of the Civilian Protection Monitoring Team (CPMT); and a commitment to abolish the practice of slavery. There was also a follow-up implementation mechanism.

Q: What process was taken to get the groups to agree to those four tests?

A: It was direct bilateral negotiations between Senator Danforth and the two parties. Those four tests were directed at the Government of Sudan (GoS) rather than the SPLM (Sudan People's Liberation Movement). In theory, the Nuba Mountain Ceasefire touches on both equally, and the Civilian Protection Monitoring Team touches on both equally, though in practice the Government was more culpable and so it was directed more towards the Government. But with regard to the ban on aerial bombardment, the Government is the only one of the parties that is affected. Also, slavery was not carried out by the SPLM or from SPLM areas; it was carried out from Government areas.

Q: Was the Northern Government cooperative on the tests?

A: Yes, they were. Some of them were more successful than others, but the Civilian Protection Monitoring Team and the Nuba Mountain Ceasefire were both tremendously successful. The Nuba Mountain Ceasefire held, allowed for the creation of an unarmed monitoring team called the Joint Military Commission (JMT) to be formed that successfully maintained peace in the area and managed tensions and difficulties. Together with the creation of the Civilian Protection Monitoring Team these were the first two external monitoring missions. Now the CPMT was focused primarily on human rights abuses whereas the JMT was focused more on violations of the ceasefire in Nuba Mountains, but from there it has been a domino effect in terms of military monitoring or external monitoring mechanisms.

Q: What was the next step after the satisfaction of these four tests?

A: The four tests were negotiated and implemented over the period of a couple of months in early 2002. The Nuba Mountain Ceasefire was signed in January 2002, and the Civilian Protection Monitoring Team agreement in March 2002. Then the negotiations formally reopened in June 2002. There was not a great deal of progress from past efforts on which to build, even though the IGAD/regional mediation had developed a Declaration of Principles that formed the basis for a solution. The Declaration of Principles was originally rejected by the Government; then it was accepted a few years later, but it was not really embraced by the Government. So in that first round they came up with the Machakos Protocol and under some pressure from the international community both sides signed the Machakos Protocol, creating the foundation for the future negotiations. The Machakos Protocol provided essentially one key trade-off and two key provisions. It granted the SPLM a self-determination referendum for Southern Sudan after a six-year interim period; and it granted, in exchange, for Northern Sudan that Sharia Law could remain in Northern Sudan as the system of law. That was the basic tradeoff and from there it set up a couple of bodies and commissions that were established in that agreement in the document. But that was the basic premise that provided the framework for future negotiations.

Q: How was the actual process of the negotiation conducted?

A: At that point, it was conducted through a mediator, General Sumbeiywo, with a mediation team and two negotiation experts who were doing a lot of the shuttle work between the parties. They came up with this document and presented it to the parties as a take-it-or-leave-it proposal.

Q: How would you characterize the CPA?

A: It was a bumpy road from the Machakos Protocol to the actual CPA. In late August there was no ceasefire agreement between the parties. So, just a month after the Machakos Protocol was signed, the SPLA captured a key Government town in Southern Sudan, Torit. In response to that, the Government withdrew from the negotiations and organized a massive mobilization campaign to go and recapture Torit from the SPLM. So there was a really intense wave of fighting during September and early October 2002, which eventually resulted in the Government recapturing Torit. After initially capturing it, the SPLM had actually made a push for Juba. They were defeated and lost Torit, which almost torpedoed the talks at that time. But what came out of it was an agreement by the parties in mid-October to establish a cessation of hostilities agreement. This had always been rejected in the past by the SPLA because they always saw force or military threat as their main leverage at the negotiation table and therefore for them they

had always said that they would sign a ceasefire as the last thing, when all the other issues had been resolved. But they did sign this in October, which was a big development. It was not for another couple of months because the Government then in December launched yet another offensive, this time in the oil areas, in Western Upper Nile. There was no verification mechanism in place for the cessation of hostilities so it was actually the CPMT that was originally tasked to go and investigate the allegations of Government offensives and Government violations in January/February of 2003. They did and they reported back, and they documented very clearly what the Government had been doing and the nature of the offensive. It may have saved the peace process at that point, because when it was brought to the international community and the Government was confronted, they halted the offensive. And it was after that that a formal monitoring mechanism was created for the cessation of hostilities, the VMT -- the Verification of Monitoring Team -- which was also an unarmed mission operating in Southern Sudan exclusively.

Q: Who made up that monitoring team?

A: It was a mix of the partner countries, so it was the British and Norwegians, and IGAD countries as well. I am trying to remember if there was American participation; I cannot remember off the top of my head. They reported to General Sumbeiywo.

Q: Let's turn to the structure of the CPA itself, and its structure of protocols. How do you view that?

A: During the first 14 months that the process that brought forward the Machakos Protocol of basically shuttle mediation or negotiation had hit its limitations. That was the methodology for the first 14 months; they had a session on power-sharing and they would try to iron out agreements on power sharing. They had a session on wealth-sharing and they would try to iron out an agreement through shuttle mediation. They had a round on the three areas, which are aligned with the SPLM and that are not in Southern Sudan; Abyei, Nuba Mountains and Southern Blue Nile. So, they had to fight to get that back on the agenda because of course the Machakos Protocol had only spoken of Southern Sudan so they had a round on the three areas. In July, 2003, the mediation team put together a final document based on all these rounds of negotiations; they developed a package which they felt was fair and comprehensive and took it around to all the leadership in the region for their approval. They got the backing of the regional leadership and then they presented it to the parties. The SPLM accepted it and the Government rejected it as a basis of negotiation. So they held one more, and this was now the negotiation in Nakuru. They had one more round in July, in August they had one more round in Nakuru and basically things were stuck because the Government had gone as far as it could go with this document; the Government was refusing to negotiate on the basis of this document so they had come to a standstill. From there it looked like the talks might fall apart. What saved it was that then-Kenyan Foreign Minister Kalonzo Musyoka had traveled to Khartoum and suggested or requested that Vice President Taha become involved directly on the Government side. Then he went to the SPLM and invited SPLM Chairman John Garang to come and negotiate directly. They agreed.

It was not entirely straightforward at the time, but eventually they agreed and they came to Naivasha to begin the face-to-face mediation between the two leaders. Within three weeks they agreed on a protocol on security arrangements with the big tradeoff there being that the SPLA

could maintain its own army during the interim period, and the creation of joint integrated units (SPLA and Sudanese Armed Forces) joined together in integrated units. This would later get flushed out in the final ceasefire document. But the core of the security agreements was reached by these two within a matter of weeks. Then talks broke and then they resumed again.

Q: And then the other components?

A: It was done one by one. During future rounds the negotiations were continuing and parallel. There was a subcommittee working on power-sharing issues, a subcommittee working on wealth-sharing issues, and a subcommittee working on the three areas. Then Garang and Taha, being the key decision makers, were the ultimate arbitrator

Q: These subcommittees are made up of both the North and South delegations?

A: Yes, they were made up of the SPLM and the Government. They signed the wealth sharing agreement next, in January.

Q: And that included the oil issue?

A: Right, the formula for the sharing of oil revenue. That was January. Then they signed the power sharing agreement after that in May, 2004, together with the agreement on the three areas.

Q: The boundaries?

A: They signed an agreement on Abyei and then a separate agreement on Nuba Mountains and Blue Nile. Of those outstanding issues, Abyei was the most contentious and the most difficult because the positions were probably the most diametrically opposed, the most intractable with the core SPLM demand being a referendum for Abyei with the option of joining the South and a blanket refusal by the Government to accept a referendum for Abyei. It was the Americans who stepped in and presented a proposal on Abyei which was eventually accepted by both sides, which did grant a referendum for Abyei with the option of joining the South. It was accepted very grudgingly by the Government. Of course, looking at the situation now, they have completely refused to implement that agreement. But even during the negotiation process that was one of the most difficult if not the most difficult issue.

There were several outstanding issues, but after they signed the power sharing and three areas agreement, attention shifted in the international community from the IGAD negotiations to Darfur. The negotiation process was frozen and there was an increase in focus on Darfur to the point where some people were worried, both within the SPLM and the international community, about whether or not they would be able to conclude the negotiation. Eventually talks resumed in October of that year. They were finalized in December and they signed the CPA on January 9.

Q: How did they get around the Darfur problem?

A: I do not think that they did.

Q: They just proceeded without dealing with it?

A: They basically proceeded without dealing with it, that is absolutely right. There was a debate at the time about whether and how to deal with Darfur – whether they should be brought into the negotiations, whether the negotiations should be put on hold to bring in Darfur. We, International Crisis Group, were one of the voices arguing since the beginning that the whole negotiation process needed to be broadened; that the Government in particular was not sufficiently representative of Northern Sudan. As it was premised in the negotiations, the SPLM represents the South and the National Congress Party represents the North. This was a false assumption and it was unlikely to lead to a sustainable peace.

So we were pushing very early on for dealing with Darfur somehow in the context of trying to find a peace agreement for Sudan. But no one involved in the process wanted to do that. IGAD did not want to reopen the negotiations for Darfur; the international partners (US, UK, Norway) did not want to. They consciously ignored Darfur initially in order to not divert attention from the IGAD negotiations. SPLM did not want to reopen it for Darfur. The Government did not. There was no push from the inside to bring Darfur into the negotiation process, and ultimately our conclusion was supportive of that also. By the end, our public position was: “Let us focus on finishing. There is too much at stake in the IGAD negotiation to potentially undermine what has been achieved. Focus on finishing the IGAD and then with the SPLM and the Government there can be a new opportunity to find a resolution in Darfur.” Now, that has not worked out very well.

Q: But there was a concern that not all parties were involved?

A: Correct. That was an argument that International Crisis Group made from the beginning – prior to the June 2002 negotiations. The concern was really much more about the Government representing Northern Sudan than it was the SPLM, and our argument was that the talks should be broadened to specifically include the National Democratic Alliance of which the SPLM is a member. It is a coalition of a large number of opposition political parties; some military, some non-military, mostly Northern parties; and including, at least at one point, the bulk of the traditional political forces in Sudan.

Q: Were there other groups not represented?

A: Most other groups were represented inside the NDA (National Democratic Alliance). We were making a push for the NDA as a coalition to be represented rather than individual parties.

Q: But that was not accepted?

A: It was not accepted. It was tried in 2000 or 2001. The IGAD mediation at the time invited an NDA delegation to Nairobi for one of the rounds of negotiation and the Government refused. They said if the NDA came, they were leaving. They vetoed the NDA. During the Naivasha process -- not only Naivasha but throughout the IGAD process from 2002 onward -- there were NDA delegations that came to the talks from Asmara and met with the SPLM, met with the mediation group, met with the international partners – but they were not actively involved. What they had to rely on at the end was the SPLM to represent their interests, which I think the SPLM, at the end of the day, did not do.

Q: How would you characterize the attitudes in the negotiations and how the mediators helped to bridge the differences?

A: Once Garang and Taha became directly involved, the role of the mediation was significantly reduced. You had the mediation team helping and drafting, coming up with creative solutions or ideas to specific issues that the parties were deadlocked on, but they were not driving the process.

Q: Do you have an example?

A: On some of the oil formulas and wealth sharing formulas, there was input from outside experts. On the military, definitely there was input from outside experts in terms of how to structure a ceasefire, and how to structure the assembly points. On power-sharing there was help with some of the constitutional issues, but the negotiation was not being driven by the mediation team. It was being driven by the parties, initially through the subcommittees, and then at the end of the day when decisions had to be made, by Garang and Taha themselves.

Q: What was their relationship?

A: It turned out to be quite strong. They developed a real working partnership and a respect, if not a friendship for each other or maybe a grudging friendship. They worked pretty well together. And as negotiations got more serious -- this was being driven by the National Congress Party -- what came out was a desire for a political partnership, for moving forward. During the implementation process, they wanted to build this partnership in peace and transform it into a political alliance in peacetime. Specifically, what they were asking for was an electoral alliance in the elections.

The National Congress Party gave up a lot in the negotiation process. They accepted a democratization of the country, a general opening up of the political system, and, if implemented, a general loosening of their grip on state powers and state control. The push for a political partnership in the SPLM was their strategy to handle this peaceful transition. The NCP understood that they are not popular and that the SPLM is popular. The SPLM, however, is poorly organized. The NCP are well organized that if they could somehow capitalize on the SPLM's mass popularity, they would be able to survive the democratization and survive the peaceful transition and have the best of both worlds. The NCP would be able to remain in power but normalize relations with the West, with the international community, and transition themselves to a legitimate government.

What we have come to learn, unfortunately, is that so much of this idea of a partnership was tied directly into the relationship between Garang and Taha. So when Garang was killed, the partnership went down the tubes. It is difficult to tell what would have happened because there was very little that had taken place in terms of implementation up to the point when Garang was killed. He had only gone to Khartoum for the first time exactly three weeks before to be sworn in as vice president. It is impossible to say if or how the National Congress Party would have reacted differently. But certainly from that point on there appeared to have been a shift.

Q: Was there fairly broad support of the Northern Government for this arrangement?

A: That is not clear. No, there was not broad support. There were always some rejectionists and there were always harder line voices. The big difference between the SPLM and the National Congress Party's negotiating tactics was that the National Congress Party was more inclusive in the negotiation process. Power within the National Congress Party can be described as different kingdoms or fiefdoms. So, you have core leaders responsible for specific portfolios. These specific leaders were brought in for discussions on issues that touched on their fiefdoms. So on the oil negotiation, the Minister of Energy, Awad Al Jazz, who is the oil kingpin, was brought in to sign off on it. On the security arrangement, Bakri Hassan Saleh, who was then the Minister of Defense, was brought in to sign off on it. On the power sharing, Nafie Ali Nafie, who at the time was the Minister of Federal Affairs, was brought in to sign off on it. He is one of the brains and ideologues behind the regime.

So they (NCP) had covered their bases better than the SPLM. Garang was the beginning and the end of the decision making process for the SPLM. He did not do a good job of keeping other leadership and other elements of the SPLM informed of what was going on. This exploded in November/December 2005 when Salva Kiir, then his deputy, almost mutinied against him. There was a large upsurge of disapproval and anger towards Garang at the way he was conducting negotiations that culminated in an emergency conference held in Rumbek in which there was a very open and frank discussion and a lot of criticism of Garang. So the two approaches were markedly different. The NCP was more inclusive and spread the net a bit wider, although the peace agreement itself was a significant challenge to the National Congress Party status quo. It was a significant challenge to their grip on power and you certainly did have rejectionist voices inside the party.

On the SPLM side, you had people who were unhappy with how the process was undertaken and people who were unhappy with Garang's monopoly over decision making. But the CPA was a great agreement for the SPLM and for the South, in particular. Even non-SPLM Southerners were supportive of it and understood that this was a historic opportunity, that the South needed to protect it, and that the South needed to unify its ranks and try to make sure that the agreement was implemented.

After Garang's death you saw a shift. Then, with the formation of the Government of National Unity, you saw a shift on the National Congress Party side where suddenly some of these hard line rejectionist voices were, in fact, appointed to key positions in the new government. Specifically, the minister of interior and minister of defense. On the SPLM side there was a shift whereby some of those who were most crucial to the negotiation process, who were closest to Garang, who had been there throughout and negotiated the nitty-gritty of the agreements, were not placed in positions of leadership or were not visible in strategic places in the new government.

Q: Let us move to how you see the CPA being implemented and what are the issues in that process.

A: The implementation process is in trouble. The way that I would characterize the shift in practical terms (the shift within the National Congress Party towards these rejectionist elements) is that you see the National Congress Party drawing a number of red lines on issues that they had agreed to in the CPA but that they are not willing to let go of. So the three main areas that as of today are Abyei, the oil areas and oil revenue, and the North/South border. Of course, all three

of these are tied together. They all have implications for oil sharing and where the oil lies, and also how much the South gets and what the South would take with it if it voted for independence.

Those are the three big issues. But, in Khartoum and the Government of National Unity, there is also a systematic effort by the National Congress Party to control the implementation process. Again, one of the weaknesses of the agreement is that you had this strong Taha/Garang partnership and whenever they could not resolve something they pushed it off to the presidency. If you look through the protocols, the presidency is an institution with a tremendous amount of power over unresolved details in the agreement.

Q: And the presidency involved what?

A: The presidency was the president, the vice president, and the first vice president (Bashir, Taha), and Garang. After Garang died and Salva was made the new SPLM chairman and the new first vice president, that relationship and that partnership were lost. What has been happening is that President Bashir has been dominating decision-making. Laws are passed by presidential decree and commissions are formed by presidential decree, but without the consensus of the presidency as an institution. Instead, it is really just a president who is taking control of implementation.

The counterargument is that they have implemented certain elements of the CPA. They have largely withdrawn from the South and the Government of Southern Sudan has control of Southern Sudan, or most of it. The Sudanese Armed Forces have withdrawn most of its military, except in the oil areas. They are paying a significant amount of revenue to the Government of Southern Sudan every month as its oil revenue, but there is no transparency, so no one knows if what they are getting is what they are actually due. It is a mixed bag. On the whole, if you put it all together you see a pretty systematic pattern of non-implementation. But a lot of people (particularly the National Congress Party) will point to the areas that it has implemented and will say: "What do you want from us? We are implementing, everything is great." And there are voices within the international community who echo that argument.

The third prong in the negotiation process and the logic of the negotiations was the international community. You had SPLM, the National Congress Party, and then an assumed guarantor role for the international community that has not been fulfilled thus far. The negotiation process was directly supported and shepherded and was successful at the end of the day, in part, because of the international involvement. The international involvement in terms of attention to detail, in terms of pressing the parties and helping push one or the other when there was a roadblock or hiccup, has been completely lost. Part of that is because of change in personnel, and a large part of it is because of a shift of attention and focus towards Darfur.

Part of it is because of the SPLM itself. The SPLM after Garang, and even before Garang's death, was a top-heavy organization in terms of political structures and capacity. It would have been in for a rude awakening even under Garang when it came time to implementing the CPA, because it had committed itself to do 100 or more things and just simply did not have the organizational capacity or personnel to do it all. After Garang's death, it was even more strongly accentuated. The SPLM has been performing in some areas quite poorly. It has been a challenge, in some cases, for the international community to step in and push the parties when no one was asking for them. In the negotiations, the SPLM or the Government – but much more so

the SPLM – would ask for their help to break a deadlock. They have lost some of that. That is another change in the situation.

Q: Is there anything that the international community can do or should do to move this process forward?

A: Absolutely. The terms of the agreement and the commitments made by the parties are clear. There needs to be a much greater engagement and focus on the CPA, in general, and holding the parties accountable for what they have agreed to in the CPA. That is not there, including in the three key areas. Part of it has been a tug of war between the incoming UN leadership and the international partners, bilateral partners, who were involved in the negotiation process. There has just been a loss of focus.

Q: You said something about a tug-of-war between the UN and the international group. What do you mean by that?

A: There has been a tug-of-war for control on the international side between Pronk, the UN SRSG (United Nations Special Representative of the Secretary-General), and those who were originally involved from the IGAD countries as well as from the U.S., UK, and Norway.

Q: This is in terms of who was taking the lead and what needs to be done?

A: Yes, in terms of who is taking the lead and what needs to be done. For example, the one body that did provide international oversight of the CPA was called the Assessment and Evaluation Commission (AEC). It was agreed that it would include the parties (NCP and SPLM), IGAD, and the U.S., UK, and Norway. It was agreed in the negotiation process that the Norwegians would chair it; the membership was actually set out in the peace agreement. One of the things Pronk did was to try to coordinate and mobilize support within the parties to have himself be the chair of the AEC. The SPLM refused his chairmanship, so Pronk refused to have the UN sit on the AEC as an observer.

That has since been fixed a bit in that the UN has since agreed to sit on the AEC as an observer. But, in general, what is missing is a central body to directly monitor implementation; an international body. The AEC is the best bet that we have for that, but the AEC is quite ineffective in part because of the parties themselves. But the role of the international community was left somewhat ambiguous in the implementation process and opportunities that were there for the international community to play a stronger role early on were not taken up because attention had shifted to Darfur.

Q: Has Darfur derailed the process?

A: It has the potential to derail the whole process, because it is an act of civil war in the same country. You can see it right now in the tension between the SPLM and National Congress Party over the deployment of a UN force to Darfur. But, more generally, Darfur is not going to derail the process in its own right. It would derail the process because the National Congress Party is threatened and makes the decision to derail the process.

The intransigence of the National Congress Party is showing in Darfur. Failure to implement its commitments, refusing to cooperate with the international community, is also there in the CPA; it is just less extreme. There are elements of implementation; the SPLM does have control of the Government of Southern Sudan and has been able to retreat there. They are not screaming bloody murder, so the world is not getting up in arms about it. But the National Congress Party is not implementing core elements of the CPA. These are going to blow up in our faces shortly down the road if we do not devote a significant amount of attention today to resolving them. There is a common thread here; the pattern is the same in both cases. But the international response is not very effective.

Q: What would it take to get the international leadership, and its push, back on track?

A: The appointment of the U.S. special envoy is a good start, although he may just be a special envoy for Darfur. What is missing in Sudan on the international side is some kind of plan, some vision about where this country is going or where we hope this country is going.

Q: A larger vision?

A: Yes; with a peaceful end.

Q: A peaceful end for the whole country, including everybody?

A: Exactly. The negotiation efforts that we have seen have been piecemeal. They have been regional – focused on the South, focused on Darfur, focused on Eastern Sudan. They all have the same core problem at the end of the day. The problems all stem from poor governance at the center, and are not dealt with in a way that addresses those core problems. They are addressed by dealing with the symptoms.

Q: Are there any individuals or groups within the country of Sudan who think this way?

A: Of course. Most of the political opposition has been calling for a national constitutional conference or a national conference to discuss this specifically, the dangerous direction that the country is headed towards. A lot of the SPLM leadership would probably agree on an intellectual level, although they are caught between a rock and a hard place now because they are committed to the CPA mostly for the sake of the Southern Referendum. To a certain extent, they have allowed themselves to be complicit in the NCP's governance plans in order to protect the CPA. They are not the strong voice inside the Government on national issues that many people hoped they would be.

Q: The National Constitutional Review process; could that could be triggered?

A: That is another thing that was pretty much watered down in the agreement itself. There is a provision for a National Constitutional Review process, but when you look at the implementation modalities of the CPA to see what it entails, it includes things like the NCP and SPLM organizing workshops, public campaigns, and the mass media to educate people about the constitution. It is not written in the CPA to be an actual constitutional review process, but it could be. That is one of the opportunities within the agreement itself that could facilitate something like this, but again, it is not in the interests of the parties, or at least the main party, to

open up the door like that. The National Congress Party has not relented in its governance strategy, which is a security strategy. It continues to be a security state, dominated by the security services and the military. Darfur has reinforced that. So in theory it could be a mechanism, but in practice it is unlikely that it will be. First, because it is not written that way in the peace agreement, and second, because there does not seem to be a lot of vested interest from either of the parties necessarily in transforming it into that broader, more powerful body.

Q: There is supposed to be an election held at some point?

A: Yes. By 2009 there are supposed to be elections across the board.

Q: Are there any preparations for that?

A: Not that is evident. Not yet.

Q: How much do you think the general population understands what is going on within the CPA?

A: You would have to separate the population in urban areas from the population in rural areas, and then again you probably would have to separate the population in SPLM areas from Government areas. In Government areas, there is a tight control over media and access to information. Although there is a dynamic media sector in Northern Sudan in the sense that you have over 20 newspapers and television and radio stations, it is quite tightly controlled by the regime. Particularly on domestic issues and domestic news, information is very heavily controlled and is quite limited. Thus, information on Darfur, for example, was totally censored for the first two to two-and-a-half years. There is less censorship in the English media, but that obviously targets a much smaller percentage of the population.

The SPLM to their credit has undertaken, with the support of the international community, an extensive education campaign about the CPA; about the terms of the CPA, and about what their rights are. But again, the infrastructure in Southern Sudan in particular is almost non-existent, so getting the message out is a much more difficult thing. So it is not an easy question to answer. There probably is a lot of awareness of certain elements of the CPA.

Q: How about the referendum? What steps are being taken or will be taken to bring that about?

A: Nothing has happened yet. There is supposed to be a referendum preparatory committee formed to prepare for the referendum in Southern Sudan as well as in Abyei, but it has not been appointed yet.

Q: This would be just for the South?

A: It would be for the South. Abyei also has a referendum. It will be held at the same time as the Southern referendum.

Q: And the North had agreed to that as part of the CPA?

A: Yes, as part of the CPA. But again, Abyei is one of the areas where there is no implementation. The first step in the Abyei Agreement was defining the boundaries, which was done by a panel of experts. The National Congress Party has refused the findings of the panel of experts so we are stuck on the Abyei outcome.

Q: How do you envision the Southern referendum coming out?

A: If it is held and if it is free and fair, I am convinced that the Southerners will vote for independence. The whole logic of the peace agreement was that you have an interim period for the Government to make unity an attractive option to Southern Sudanese. That is not happening right now. Even with the best of intentions it is far from certain that Southerners would have actually voted for unity.

Q: Let us look over the whole process and identify some lessons learned. Which lessons stand out in your mind, and what should or should not have been done or could have been done?

A: The negotiation process itself was a tremendous success. There was really an excellent and somewhat unique partnership between the region and the international donor countries; the broader international community. There are two elements that are quite strange. On the one hand, you had a unified position within the IGAD region about what to do in Sudan going back to the 1994 Declaration or Principles. There was a consensus on the diagnosis of the problem and a consensus on what it would take to resolve the problem. The second unusual that is that you had a consensus and coordination within the international community, specifically the partner countries that were involved in supporting the negotiations. Whereas you had in the past a broad, much larger group of primarily donor countries supporting the process called the Friends of IGAD, in this round of talks you had three countries step up to take the lead: the U.S., UK, and Norway. Italy later joined them. These were the main interlocutors between the broader group and the region. You did not have everyone competing or everyone knocking down the door for access or involvement. You had three key countries in agreement on policy, the vision, and working with the region. You had an excellent lead mediator in General Sumbeiywo; he was able to manage all these different elements.

Now the regional approach, that mediation approach, hit a wall in July 2003. Had Garang and Taha not become directly involved at that time, the talks would not have gone anywhere. It was a working partnership.

Q: What brought about the two of them getting involved?

A: They were invited. The mediation had hit a wall after they presented their document and the Government refused it. So it was the Kenyan foreign minister who had traveled to Khartoum and invited Taha, and then invited Garang.

Q: Are there other lessons from this experience?

A: The second lesson would be the importance -- especially relevant to peacemaking efforts in Darfur -- of correctly diagnosing the problem and then trying to base negotiations around a logic of trying to resolve the grievances of the war; trying to resolve the root causes of the conflict. Unfortunately, in the case of Southern Sudan, it took 20 years for the international community to

build up the expertise and understanding about the root causes of the conflict -- about what was required -- but it is reflected in the document in that you have an agreement that, if implemented, solves most of the causes of the war, at least for most of the areas that were fighting.

Nuba Mountain and Southern Blue Nile are the exceptions, because they did not get particularly good agreements. But in Darfur there was not the basis for negotiations; the AU (African Union) mediation team was not driven; was not out to resolve the root cause of the conflict. They were out to get an agreement, and that is reflected in the DPA (Darfur Peace Agreement). It is not a strong agreement, it is not being implemented, and it is not stopping the war. It is a shame, on the one hand, that the hope was that by early involvement you could prevent having to wait 20 years as we have in Southern Sudan to end the conflict.

Q: Was the Darfur situation anticipated?

A: No, it certainly was not, but it is not out of right field either. There were other ongoing conflicts in Northern Sudan that were not incorporated into the negotiation process or into the logic of the negotiation. Primarily, they were encompassed within the NDA. Darfur was not an act of conflict when the negotiations started, but the problems of governance that affected Southern Sudan and also Darfur, also affected Eastern Sudan and other areas. When the AU went to negotiate and take the lead in mediation in Darfur, the same level of analysis was not done. The same level of understanding was not there about the causes of the conflict and about the types of solutions that would be required to resolve the conflict. It is a very different case, much more complicated because you have more than two parties. The rebel groups were splintered and divided, which made negotiation difficult, but some of the blame goes to the mediation effort for its short term approach.

Q: Is there a useful role for the international community in providing assistance to these areas to help facilitate negotiations?

A: Yes, of course. International assistance is one of the few levers that the international community has on the parties to help support implementation. I would argue that we have reached a point where conditionalities should be attached to international assistance -- tied to compliance with the peace agreement -- which is not really happening.

Q: Assistance is going ahead regardless?

A: Yes, not very much in Northern Sudan but yes it is going ahead regardless. In Southern Sudan it is going ahead but tied up in bureaucracy.

Q: Are there any specific areas of assistance that would be a priority?

A: Focusing on the three main deadlocks that I mentioned before: on Abyei, the North/South borders, and oil revenue. The answers to two of those questions, at least, can largely be found without working with the parties directly. Determining the 1956 borders is an academic exercise that can be carried out outside of Sudan, and figuring out actual oil demarcation, oil production, and therefore the revenue that should be going to the Government of Southern Sudan, is an exercise that the British, American, and Norwegian Governments have the capacity to undertake. Providing expertise in those areas can help resolve two major problems that are currently stuck --

stuck specifically because the parties are not moving forward with them. But they are not gray areas. They have concrete answers. The political will to move forward in determining those answers right now is lacking, but the answers can be provided. The short answer is prioritizing support to the areas of implementation that are most fragile.

Q: Are there other lessons that stand out in terms of the process and negotiation arrangements?

A: Yes. In retrospect, the four tests by Danforth turned out to be a saving grace. Certainly the fact that the Civilian Protection Monitoring Team (CPMT) was on the ground and was able to go and investigate Government violations did save the peace process at the time. Senator Danforth was able to assess and conclude that there was an opportunity for negotiations and for progress in negotiations and then built a consensus around that. It may be context specific; I do not know how well that lesson would be applicable to other situations.

Q: Are there any other aspects that we have not touched on? Are you optimistic or not about how this is coming out?

A: It depends on the day. I am not overly optimistic.

Q: It probably needs a new broad initiative of some sort to raise the awareness and interest?

A: The CPA holds all of the seeds for a successful peaceful transformation of the country. It just needs to be implemented and the parties need to be held accountable. The Darfur Peace Agreement is not a strong peace agreement. It will probably need to be reworked, but it has a strong foundation already in the CPA in terms of an existing democratization process that has already been agreed to. Principles in the agreement for protection of human rights, for equality, etc. that are core principles of good governance are in the constitution now. It is not an easy thing to transform those into practice, but ensuring that transition holds; that there are free and fair elections held in 2009; is going to be the key to whether or not the country is able to make the transition.

Q: How do you hold them accountable?

A: There is a no magic answer. There is no single thing that can be done, but much greater attention and more consistent engagement from the international community is a prerequisite. The development of a universal strategy for the international community around implementation of the CPA is a second core prerequisite which is not being done now, either in Khartoum or in the South, or in Darfur for that matter. Then, flexing the international community's muscle a bit more. Support should be made conditional on implementation. The SPLM needs to be helped. The SPLM is the vehicle for transformation in this peace agreement. The logic is to use the SPLM to transform the government that the National Congress Party established into something democratic, participatory, and inclusive. The SPLM needs a tremendous amount of help on its own just to set up the governance of Southern Sudan, let alone be an effective player in Khartoum. And that help really is not forthcoming. A lot of people have written them off and that is a mistake. Now the SPLM also deserves criticism and blame for some of the ways they have handled things, but they are the best hope for a democratic transformation of the country.