

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

**Interview #30 – Executive Summary**

*Interviewed by: W. Haven North  
Initial interview date: October 17, 2006  
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On the success of the Comprehensive Peace Agreement (CPA), the interviewee, while avoiding being pessimistic, sees major impediments and hurdles. The fear is that the country will not get to the referendum. Both sides will do only as much as strictly required, and this is already apparent. The parties, North and South, and particularly the Sudan People's Liberation Movement (SPLM) are beginning to recognize that they are not negotiating anymore; the CPA is finished. Future discussion should be about implementation rather than making changes to the agreement. The interviewee points out that the CPA is now part of the interim national constitution, the highest law in the land. Any changes must be according to constitutional procedures. The question of the north-south border is critical. The differences in strength of the two parties are enormous; if one side is bullying the other, then the relationship is not a true partnership. If the Southerners insist on a UN peacekeeping mission for Darfur, the National Congress Party (NCP) says it will cease implementing CPA.

The peace process had been underway for some time under the auspices of Inter-Governmental Authority on Development (IGAD). President Moi took a serious interest in reviving the negotiations with a dedicated envoy to lead a secretariat. The NCP was primarily motivated by a desire to normalize relations with the U.S; for the Sudan People's Liberation Army) SPLA, it was the influence of the American Republicans and Christian right people to save the South from hegemonic Islamic government regime by promoting normalizing relations.

The peace process itself involved having the negotiations work from a single text instead of three; getting the two sides to agree on certain basic principles; then putting forward a negotiating text after a period of drafting and redrafting on two main points: self-determination and the state and religion. This process led to the Machakos Protocol. After a recess for several weeks, the negotiations resumed on issues of power sharing and wealth sharing. The atmosphere was at times acrimonious, other times more convivial, depending on the issue and external events. Factors in bringing about a final agreement included: the strength of the international community intervening when the negotiations got stuck; the closed door meetings between Taha and Garang; the strength of character of the General Sumbeiywo as mediator.

The agreement was a Sudanese agreement of their own volition not one of an outsider. Of the several protocols, the Machakos protocol and Security protocol were critical to the rest of the process. The mediation had no doubts about the importance of including other parties in the North and South, but the two sides could not agree on this, although the CPA agreement includes references to inclusiveness. On monitoring, the Assessment and Evaluation Commission (AEC) is active but is weak as it reports to the Presidency.

The interviewee cites several lessons learned: one, let the parties speak, air their frustrations, their issues; two, have an able leader who listens and is present all of the time; three, have a small secretariat that can actually get the work done and are allowed to be creative and put forward suggestions; four, have skilled mediators—diplomats are not necessarily “good at this kind of stuff;” and five, have a small stable of experts not on countries or regions but on special topics such as military affairs, governance, economics, legal matters, etc. Finally, once one finds a winning team of negotiators keep it as part of a roster of those who have worked on such matters.

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*Q: Let us start off by describing your association with Sudan and to the CPA, the Comprehensive Peace Agreement.*

A: I had previously been a State Department officer, both on the political and the legal side. I had left after having served at the U.S. Embassy in Kigali, Rwanda. I gave up my post in the State Department, then joined UNDP (United Nations Development Programme) in Kigali for about a year and three months when I was called by my very first boss in the State Department to ask if I would work on the peace process; they needed a lawyer as a technical expert who had experience with negotiations. I was offered the position. It was initially for a period of six months to be based in Kenya to work directly for the IGAD (Inter-Governmental Authority on Development) Secretariat for Peace in Sudan as the technical legal advisor. I moved to Nairobi on June 2 of 2002 and became involved straightaway in the peace process.

*Q: So you have been involved in the peace process from the beginning?*

A: That is right. What we call the rejuvenated peace process, which started then.

*Q: What was your understanding of the situation that led to the peace process getting underway; what triggered it?*

A: It had actually been underway for quite some time by that point, for several years under the auspices of IGAD, the Inter-Governmental Authority on Development. President Moi took quite a serious interest in trying to revive the negotiations and have them done on a more consistent and regular basis with a dedicated special envoy who would lead this secretariat. Eventually, they came up with the idea of having a secretariat for peace based in Nairobi, to focus full-time and listen to any input from relevant players who could make a difference in the peace process to try to resolve Africa's longest running civil war.

*Q: Who had the role as secretary?*

A: The executive secretariat remains based in Djibouti, which is where the headquarters of IGAD is located. That was a man called Attalla Bashir. Then, the head of the secretariat in Nairobi was, at one point, General Sumbeiywo, and then there was another special envoy when he went off for some extra military training. General Sumbeiywo came back, and it was at that point when I returned when General Sumbeiywo was in charge.

*Q: Is that secretariat still continuing?*

A: The secretariat, the IGAD's overall secretariat was based in Djibouti; we did not report to Djibouti, we reported directly to the Ministry of Foreign Affairs of Kenya as IGAD Secretariat for Peace in Sudan.

*Q: But that secretariat in Kenya, does that still exist?*

A: No, it has now been disbanded.

*Q: Give a characterization of the process in getting started on the negotiations for the CPA and how that process evolved.*

A: When General Sumbeiywo was appointed special envoy to head up the secretariat, three other envoys were named to be colleagues with him. It was based on the IGAD structure at the time, which was a subcommittee for Sudan. So it was Kenya, Uganda, Ethiopia and Eritrea. General Sumbeiywo first undertook a trip to North and South to make sure that the parties were agreeable to his heading the mediation effort on behalf of IGAD; both sides agreed. At the end of May, they had a meeting to come up with the overall agenda for the peace talks, which was more or less agreed to by both sides. Then, the negotiations began in earnest in mid-June of 2002 with the opening in Nairobi at Kenya's International Conference Center (KICC). Then, we moved to Machakos the next day to start the actual negotiations. We had a lot of support from the international community; the observer countries at the very beginning were the U.S., the UK, Norway and Italy and then they expanded to include the UN (United Nations) and the AU (Africa Union). We had a schedule where we had consultations at the very beginning of each session. We started with power sharing to try to get the parties to agree on principles based, in part, on the Declaration of Principles and all the things that needed to be agreed upon.

*Q: What do you think motivated the two parties, North and South, to decide to negotiate?*

A: There were quite a few factors. One is that it was after 9/11, nine months later, when the negotiations got underway, the U.S. had, at one point, bombed a factory here in Sudan in Khartoum. It had already become known that Sudan had been by then supporting bin Laden for several years in the Sudan; he was living here. The war on terrorism began in earnest with sanctions against the Sudanese regime. The government had an interest in normalizing relations with the U.S; this would be one way to do it. For the SPLM (Sudan People's Liberation Movement), SPLA (Sudan People's Liberation Army), with the Republican administration, the Christian right people were interested in saving their Christian brothers from what they viewed as a hegemonic Islamic government regime. Both sides had an interest in normalizing relations and having a better relationship in general.

*Q: Talking about the actual negotiation process: you were right in the middle of that as a technical advisor. How did that process work and what worked and what did not work in trying to get the two parties to agree to various protocols and the overall agreement?*

A: We started out with what we call a single negotiating text. The problem in previous fits and starts of the process had been that both sides would put forward their own version of, I would not say necessarily a whole agreement but their own version of what things should look like. They put forward their own version of what the federal state should look like, whether they should

have states, whether there should be regions, what kind of powers and authorities they should have, separation of state and religion or non-separation of state and religion, Sharia Law versus other laws. To break the deadlock in the past, the mediators would then also come up with a proposal so there would be three documents floating around and no one would agree to negotiate off of the mediator's paper, they would respond and come up with their version. So initially we listened and wrote things on the wall; what did self-determination mean to you, to both sides, what does religion mean, what is a secular state? It sounds kind of pedantic but it was just to get them talking and understand the other side's perspective.

What General Sumbeiywo always said: let them rant, let them vent their anger, their dissatisfaction, their grievances and again, from both sides' perspective. And understand what the concerns might be when you talk about separating states from religion from politics; why do people get upset when you use the term secular, and when you use the term self-determination, does that mean complete separation, does that mean what form of self-government could it take; what type of manner can you have to participate in the government, in the affairs of the government without necessarily becoming your own separate state? It was about even just talking about the words. And then, we would come out with bits and pieces of papers and try to get them to agree on certain basic principles.

Then we decided to go forward and try to put together a draft framework, which would just be a single negotiating text where we would put in the skeleton outline: you have to have respect for human rights, you have to have a ceasefire at some point, you will need some sort of reconciliation, you will need to determine the levels of government, all of that. We tried to put in the basic essentials; it was about a 25-30 page document. Then we put it forward to them and said, of course, they had to negotiate off of this, that this was not going to be one of their responses but it had to be responses to our text. It could not be introducing a new text. That was actually quite a breakthrough. It sounds perhaps very simple but getting those to actually agree to negotiate off of one text instead of three was actually a major accomplishment, especially when you realize how little confidence they had in each other. They did not trust each other; they had never even stayed in the same lodgings before. Even though it sounds like a small step, these were actually huge.

And then over the next six weeks, during that first period, we broke into smaller groups, we brainstormed, we came up with alternative language, we did lots and lots of drafting, refining, and eventually came to a point where we had a final text on, or nearly final text on the two main first points of contention, which were self-determination and state and religion. Then General Sumbeiywo put two per side in a room and said okay, we are going to give you an hour because we have been negotiating the fine points of this for weeks now and it is time for a decision. They were quite surprised, but they had their tea and their coffee and General Sumbeiywo went back in after an hour and they said no, we need more time. They were frantically calling their bosses and superiors and after a few hours they came out with an agreed upon text which we then changed and incorporated and that became the Machakos Protocol.

*Q: And did that include the protocols or did that come later?*

A: No, that came later; the first one was the Machakos Protocol. Then we broke for a couple of weeks when we reconvened back in Machakos to move on to the next agenda item but at least at that point we had a basic framework to work off of and we had, then, to put the meat on the

bones. We essentially continued working that way and at different sessions we would break into smaller groups; they had committees, and each side had their own secretariat. They had a power sharing subcommittee and a wealth sharing subcommittee. We used different techniques; we would have the parties co-chair them sometimes, rotating their chairmanship amongst the parties on a daily basis or a session basis so that neither side had the control at all times.

Once they got more involved it took on its own life; it became much more their document as opposed to us, the secretariat, having to do everything. We still incorporated the final changes and continued to mediate and facilitate; but especially after September of 2003 when Taha and Garang finally met, it really did take on quite a life of its own, because they made it their own agreement, again with lots of our assistance and help including drafting and suggesting language and things like that and clauses. We did quite a lot of that, but, at the same time, they shaped it into an agreement they could live with.

*Q: What was the atmosphere of these meetings?*

A: It depended. Some of them were very acrimonious, others were less so and more convivial; but it depended on where we were in the process and, quite frankly, often what was happening either on the ground, on the battlefield, and also what was happening in Khartoum at any given time. We had to take all of that into consideration as we made our different proposals that we expected them to respond to.

*Q: What brought it to a final agreement, why did they finally agree?*

A: There were lots of things. Some of it was having the strength of the international community when we got stuck. It was great to have it being led by a small group of people, by a regional organization, a regional African organization. But, at the same time, the parties also knew that they needed the backing of the international community, so when the parties were truly stuck and did not want to budge, we used that leverage and we would call the U.S. Secretary of State or we would call the Norwegian Ministry or Algiers or the UK. We used what resources we had at our fingertips through the observers being present. They were certainly not present at all times; they were not usually in the room; but the fact that they were on the margins...at the same time you do not want to use that when you do not have to. We tried to limit that to times when we were really stuck.

*Q: I assume the relationship of the two leaderships, North and South, was important to this?*

A: It was critical. Especially, once Taha and Garang started meeting, there were many meetings that were completely closed door, just between the two of them and no one from IGAD was in the room, no one from the observers were in the room. It was just what they themselves discussed and agreed upon or discussed.

*Q: Just the two of them, not any staff?*

A: Yes.

*Q: Is there anything else about that process itself that stands out in your mind?*

A: The character, the strength of character of General Sumbeiywo as the lead mediator. All of the other states tried to take credit for it, that this was the U.S.-led peace negotiations but it was not U.S.-led, it was IGAD-led and it was driven by them. He had the courage to stand up to the international community at different times and say, if you want to do this on your own then take it to Washington but do not dismantle the process piece by piece, then say you want to now bring the talks to Washington. General Sumbeiywo in his own book and his memoirs said that there were times that he would have to say to either U.S. or the UK that this agreement is between the parties. It is not Washington's agreement; it does not need to go to the White House or the NFC, because it is not your process. Yes, you are giving money to help the process along, to support the secretariat, but that is of your own volition.

*Q: There were moments when they had to tell the international community to back off, is that right?*

A: Exactly. The strength of character to do that and his belief in what he was doing, not for his own glory because he has actually gotten nothing out of it, but really truly in the service of trying to bring peace to this war torn country.

*Q: What was the most useful role of the international community in the negotiation process?*

A: It was very helpful that they were there. Just the fact that they were around, that they were paying attention, they were listening, even though that has a risk because you can also be easily divided that way. There were times when that happened, but, on the other hand, the fact that, especially at the beginning when it was really just getting off the ground, you had a U.S. representative to be there, even if he said nothing and that you had a UK ambassador sitting there, again even if he said nothing, that the world was watching and paying attention. And at this time, they expected a real outcome, not just talks about talks.

*Q: Was there anything specific in your experience, about the protocols? There were ones on security, wealth sharing, oil, boundaries and national constitutional review; were there specific issues related to those that stood out in your mind?*

A: The first one was huge because getting the Machakos Protocol signed in that first six week period of negotiations proved to us that we could actually do it, that the parties could make this happen. They needed to be pushed; they needed to be cajoled and coddled and there were screaming matches and there were accusations and the whole bit but they made it. I still remember the signing ceremony in Machakos. It was the one and only agreement that Salva Kiir actually signed and he had tears in his eyes because he just never thought it would be possible that they were actually going to get a referendum on self-determination.

*Q: Did that include all of the protocols as well or that came later?*

A: This is the very first protocol. The Machakos Protocol was the first one, but it is the one that includes the right to self-determination.

*Q: Then the other protocols, when did they enter the picture?*

A: The other one that stands out most is the security one, the initial one, and not the fuller ceasefire document, because that was the first agreement based on the first meetings ever, between Taha and Garang. They had never met each other before September of 2003. Despite their mistrust and the times that they were supposed to meet and one or the other side did not show up, they actually managed in just a couple of weeks to come up with an agreement on the status of forces, that there would be the two armies. That was key. They all stand out for different reasons, but those two because they were so critical to the rest of the process.

*Q: But then the others came at a later time?*

A: Yes, the others came at different times. The CPA (Comprehensive Peace Agreement) is a collection of protocols. Abeyei was difficult. That was one area where frankly we did need the international community, in fact, the American proposal. It is not all that workable, but, at that point, you had to have somebody force their hand; both sides had to give in on their utmost demands to try to get some kind of a compromise. At that point, it happened to be the Americans, but it could have also have been the Norwegians, because we needed the outside help, not to come up with the draft, not with the text per se but to actually force them to take it. At that point, probably only the super power America could have done it.

*Q: Were you involved in the negotiation of some of the individual protocols?*

A: All of them. I helped draft most of it.

*Q: So the ones on the wealth sharing and oil and the constitutional review?*

A: Yes.

*Q: Were there any particular features that stood out in negotiating those?*

A: For us, because the process was so limited, was so closed, only between the two parties, although there were lots of visits by others, who came, but as a formal process the parties would only let us have the two parties. The IGAD secretariat and our experts—resource persons we called them—came up with the constitutional review commission, we came up with substance and evaluation commission, future ways to give the parties both international support for the monitoring for the continuation of it, as well as to show them that there would be monitoring afterwards and to open up the process to other political parties who were not included in the negotiations. So the constitutional review commission in that regard is really quite important, as is the AEC (Assessment and Evaluation Commission). At least that was our thinking at the time of drafting it.

*Q: What was the arrangement for monitoring the implementation of this agreement?*

A: The parties invited the UN and so the UN was involved in quite a lot of the discussions and negotiations on the ceasefire monitoring. For the rest of it, the AEC is supposed to do the other parts of the monitoring, to do a mid-term evaluation, to assess and evaluate how the implementation of the peace agreement is going.

*Q: The AEC was part of the agreement?*

A: Yes.

*Q: And who made up the AEC?*

A: We did, the IGAD secretariat, we came up with that idea.

*Q: And who were the members of the AEC?*

A: The membership is spelled out in the peace agreement. It is basically the parties and the observers.

*Q: Is it functioning?*

A: Yes, it is working. Implementation is slow and there are things that are not happening and all the usual things that happen with implementation of peace agreements but yes, the AEC is established, it is working, they meet regularly.

*Q. Are there things that are happening that are undermining the implementation process?*

A: Actually, there are quite a few things that are hampering its implementation. Hard to say undermining, because that starts looking like pointing fingers, but the Abeyei area still has no administration, the presidency on the National Congress Party has refused to endorse the Abeyei Boundary Commission's reports with the boundaries delineated and that is one of the problems, of course; Abeyei was one of the major points of the conflict so that is one thing. The North/South Boundary Commission is an ad hoc boundary commission and is not really working. As long as they do not have an adequately established border between the north and the south, that means that the oil revenue is not ever going to be verified; it means that it will have an impact on the elections and on the referendum, because you will not know what the real delineation of the states of the south are. Election planning is proceeding slowly. The census is not done. So yes, there are lots of things.

*Q: Could any of these things have been anticipated or dealt with if they had been anticipated?*

A: The CPA, in fairness, establishes very clear timelines for all of these activities. Some of them we knew were highly unrealistic. On the other hand, as mediators, you say, good if you think they can really accomplish this; maybe they are actually motivated to make these things happen. You would never want to impose a go-slow on the parties, if they have actually indicated that they think that they could move quickly. So in the sense, they were anticipated. Other aspects nobody could have predicted, for example, the death of Garang and the impact that that would have; that is something, not so much to do with the mediation or even the negotiations directly, but certainly for much of the international community they had developed a relationship individually with both Vice President Taha and with Garang. With him out of the picture, everybody—not just the SPLM— was thrown into disarray and did not know where to go. Things had been fairly centralized, because that is what rebel leaders tend to do; they do not necessarily share the information horizontally and vertically; they keep what they need for themselves, so we had a real gap with that. Of course, that could not have been anticipated, but what could have been anticipated is that you deal with the system as opposed to an individual.

That has more to do with the internal makeup of the SPLM and the way the international community responded to it less so than the way that IGAD did, because we certainly could not impose that.

*Q: Some people raise the question that other parties, except for the two, North and South Governments, were excluded from the negotiations and should have been brought into them. What do you think?*

A: That is true and I do not think that any of us on the mediation team ever had any doubts that they should have been included. The problem is that when you have two main parties, it is up to the parties to decide whether or not they want to include others. We could not get both sides; at any given time, one side maybe would agree to others, but it was the government of the day negotiating with the main rebels of the day. This is one of the reasons why, at least from the mediators' standpoint, we tried to find ways to include others. If you read through the text of the CPA, there are lots of references to inclusiveness and how to cater to that. This is one of the reasons why the Constitutional Review Commission is meant to comprise others who were not necessarily involved in the peace process, so it is other political parties, North and South, as well as civil society, and each side is required to incorporate civil society into their membership on the NCRC. That is one example.

For elections, they have to agree to abide by the CPA, so that, at least, does not unravel. That is another reason why you try to have elections is to try to get that sort of buy-in and to give those people who were not part of the process the chance to actually stand for election.

*Q: They are causing a problem in following out the agreement?*

A: No, I would say some have made their stance quite clear; some are not in favor of the CPA. Others are in favor and are participating in the Government of National Unity; they are represented in the National Assembly, in the Council of States, in ministerial portfolios, etcetera, as stipulated in the CPA as well. So you are always going to have spoilers, I do not think any agreement is going to be perfect on that; it is always that the devil is in the detail of how you implement it. On paper it is quite a good agreement, but with any agreement if the political will is not there on one side or the other side or even if there, like in Barindi, you know, 19 different political parties, if the political will of one or more starts waning, of course you are going to have problems.

*Q: What role can the international community play in trying to keep this process going and keep the parties being active on their agreements?*

A: In this case, one rule that is made very clear in the CPA is through the AEC, through the Assessment and Evaluation Commission. Certainly, the members of the international community are active, but this set-up of the AEC is a bit weak. Because it reports to the presidency, some of the questions would be how do you get the parties to take the AEC seriously? Can documents be published? Is it just supposed to be monitoring; what kind of real impact can they have rather than just a monitoring body that does not have any teeth? And then, even though the IGAD secretariat for peace in the Sudan does not exist, IGAD has not gone away. And so, although you have got some of the ambassadors participating, like the Ethiopian ambassador and the Kenyan ambassador, who participate at the plenary level, their embassies are not staffed up to work on

the rest of the implementation activities. Again it is not like an outsider can say, “you should have a bigger staff,” because even the U.S. embassy, with its resources, cannot follow everything either. It would be great if there were more participation from the international partners on the part of both the AEC as well as the ceasefire political commission and the other commissions that they can be a part of, if they could be more active in the AEC, especially at the working group level.

*Q: What do you mean by being more active? They just do not have the staff to do it or they do not have the will?*

A: They tend to come to the plenary, but I do not see them much at the working group level. Or when they are present they tend not to speak as much. But the IGAD partners’ forum, as far as I know, has never attended any of the meetings that they are allowed to attend. I think they are on the Ceasefire Political Commission. So that is a broader range of the international community that is not just the observers to the peace process. These are some of the ways.

*Q: Are there things that the international community can do outside of the AEC, more broadly?*

A: I am speaking personally, not in my role of UNMIS (United Nations Mission in Sudan) at the moment. But we are taking quite a delicate approach instead of saying that the parties are not fulfilling all of their commitments. The broader international community is playing very soft; because of this dispute with Darfur, they do not want to rock the boat by being hard on CPA implementation.

*Q: You think it should be?*

A: Yes, I do. At the same time, the Southerners, in terms of assistance, should not have to pay the price of what was happening in Darfur and what continues to happen in Darfur; that was before they had even signed the agreement.

*Q: The assistance is not forthcoming for the South?*

A: It is slow.

*Q: And that can affect their view.*

A: Exactly.

*Q: What is being done to get the general population, North and South, aware of what is going on in terms of these agreements, the upcoming elections, the referendum and all of that? Is anything being done?*

A: All of the embassies, certainly the UN mission, is doing a lot, they are doing dissemination of the CPA, lots of workshops have been held and capacity building, things like that. But of course you are still talking about a fairly elite group of people that are intellectuals and literate. UNMIS, for instance, has a radio in the South, as do some others. I know the U.S. also has some radio programs in the South, but up until now the Government has been reluctant to allow UNMIS to

broadcast in the North, for instance. These are some of the things that the international community could push for.

*Q: Let us turn to your crystal ball. How do you think the CPA is going to work out and what are the prospects for some sort of decision making in 2011, when the vote comes?*

A: I do not want to be pessimistic; there clearly are some major glitches and hurdles. The SPLM should start to realize that they are no longer negotiating anymore, that the CPA has finished, that they can continue having partnership discussions, but they should be about implementation of what they have already agreed to as opposed to trying to modify what they have agreed to. The parties are, perhaps, slowly starting to come to this realization that the CPA is now incorporated into the interim national constitution, which is the highest law of the land, and if they want to make changes, they are making changes to the constitution, which is okay, but that then they need to make them in accordance with the constitutional procedures and not have these ad hoc forums for further debate; they have already agreed.

*Q: Looking back over this whole period, what would you think are some of the lessons learned, the things that worked well, but some things that did not work well?*

A: There are actually quite a lot of lessons learned. One, it is critical to allow the parties to speak, to let them air their frustrations, their issues, why they feel that they have been discriminated against, or have not been able to participate in this or that.

*Q: They can hear each other, you mean?*

A: Exactly. Even if it is painful, let it come out so that it is said and then you can deal with it. So that is one thing: to actually try to get to the root causes instead of just trying to patch them up. That is what we did by giving them a chance to speak, we were getting at the root causes and then you can address the root causes by knowing what to look at. When people talked about whether or not they wanted unity, what did unity mean to them, what does the Sudan mean to them? They would like to remain part of the Sudan only if their voices are actually going to be heard, if they are not going to be seen as separate people apart because they are dark skinned, if there will be something less than just being marginalized or feeling like they were being marginalized.

*Q: What are some of the other lessons?*

A: It was important to have a very clear leader like General Sumbeiywo. He was an excellent boss with very clear directions; he listened to us. We were a very small secretariat; one of the keys is to have a small group of people so that you can actually get work done and accomplished, using whatever their own background experiences might be to gather additional information. Essentially, we had an administrative/political person. We had myself as political/legal. We had a secretary and a liaison officer and we, then, had the three other envoys — so it was General Sumbeiywo and the three other envoys. The envoys would make their decisions; he would consult with them and with us; he allowed us room to be creative, to chat, to talk to people to find out what they were really thinking; in the corridors and then to use the political or diplomatic leverage when you really needed it, not all the time but when you really need it. Also, it is important to have the mediation present at all times.

If I look at the difference, for instance, between the North/South negotiations and Abuja for Darfur, they had a head of the mediation team, but then they had the overall head who would make the final decisions. He was not necessarily present in the room for all the other discussions, so he is listening to the views of his senior people as they put it forward to him, whereas General Sumbeiywo was there at all times. He never left. I am not saying that there is not a day when you have to go back and take care of some things in Nairobi when you are in Naivasha, but he was present for all the discussions, so he knew what the concerns were on wealth sharing. When they are talking about oil revenue, why are they not also talking about the other revenue? It is not like the South only provides oil revenue but the North only wants to split the oil revenue. So we could come up with more creative solutions, if the people who are really going to be putting forward those creative solutions are in the room.

*Q: Do you have some other points?*

A: Often we believe that diplomats are good at this kind of stuff and I am not sure that that is necessarily the case. When you look at most peace processes they tend to be led by a diplomat or an ex-diplomat. You really need somebody with mediation skills; they do not have to be an expert in a specific conflict but they need to know how to work well with people, how to listen and then have a range of experts that they can rely upon. I may not be an expert in every field but then you would want, e.g., a ceasefire type expert, a military person. General Sumbeiywo was obviously a military guy so maybe he did not necessarily need that but he would need somebody...we relied on the World Bank and the IMF (International Monetary Fund) for some of the technical issues relating to wealth sharing. But where you can call upon an expert at short notice who has banking experience between commercial banking and Islamic banking or a decentralization expert or a governance expert, it depends, of course, on the conflict.

We make mistakes by assuming that this is an Africa problem so we should have people who are experts in Africa. That is not necessarily a bad thing. You do need somebody who knows, at least, the particular region, but oftentimes the main causes of conflict do not differ from continent to continent. People are still fighting over resources; they are fighting over lack of water; they are fighting over lack of access to their government; lack of a say in the political process; being excluded or marginalized in some way or fashion. Do they have grazing rights? It does not really change whether it is Sri Lanka or whether it is Sudan. A small stable of experts would actually make the difference and where instead of having a concentration of people who are experts on a particular country or region you could have people who are experts on particular types of things, like a military expert, a governance or economic expert or a lawyer. To me that would be a recommendation that the State Department would have to take on board.

*Q: Something else?*

A: Once people find a winning team, not necessarily those people but a formula that has worked well -- for instance, the CPA, again, (whether it ultimately goes to the referendum only time will tell and the political will of the parties) -- but what they, the State Department, should do is keep that roster of people who worked on these things and make use of their skills and their experience. I do not think we do a very good job of that.

*Q: Everything is ad hoc, so to speak.*

A: Exactly. And so it is like, oh well, did not somebody do that in Sudan? Or do we not know somebody who might have worked on...? And again, it is less country-specific or should be less country-specific and more process-related. How can we assist other countries in setting up peace processes? If you take Nepal right now, why are we not helping them shape the negotiations, even if we are not at the table; there is a lot you can do even if you are not sitting in the room, but to get the process started and provide the experts even if the Norwegian Government has the lead with Sri Lanka, perhaps you can say okay, we have got a ceasefire expert we would like to send to you.

*Q: Ww will go back to how you see this thing working out and whether it is a success. What do you think are the main things that might cause this to break down or not get fulfilled?*

A: I see a big problem if Abeyei, which is not resolved. I see the question of the North/South border as being critical. And perhaps two other areas. One would be the judiciary or, in general, law reform to be consistent with the constitution. In that light I would put the National Security Act at the top because people are afraid of the National Security Act; they do not see it as service oriented or client oriented; they are still operating on the old principles of everybody is a threat. They are supposed to change that based on what they have already agreed to, but it is in process, it is slow and, of course, all major changes like that are difficult and take time.

*Q: There are some who comment that the South, most of the people and the Government, are so determined to become independent that there is not much prospect of their ever agreeing to cooperation with the North and so the referendum would be for independence.*

A: Yes. My fear would be that they will not get to the referendum because the situation will have stalled for whatever reason and the implementation will either do only as much as they are strictly required to do. We are seeing that already happen. The difference in the strength of the two parties is enormous. If the president of the Government of Southern Sudan says he is in favor of deployment of the UN to Darfur, the National Congress Party says if the Southerners insist on a UN peacekeeping mission, we will cease implementing the CPA altogether. If they do not have a more genuine partnership, then that would be my biggest fear; if you have one side bullying the other, that is not a partnership.