

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

Interview # 31 - Executive Summary

Interviewed by: Sam Westgate
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The interviewee is an informed Norwegian diplomat and Sudan expert, who participated extensively in CPA pre-negotiations and in CPA negotiations themselves. He detailed Norway's extensive involvement in diplomatic negotiations once Norway became chair of the IGAD Partners' Group.

He found that the U.S. was interested in serious North-South Sudan negotiations only after September 11, 2001. The big stumbling block issue was whether the South should have the right of self-determination. The Arab countries and the UK tended to view the issue from an Arabist perspective and opposed self-determination, while the U.S., Norway, and the Netherlands had an Africanist perspective and ultimately supported self-determination for the South as part of the CPA. The right of self-determination was agreed to by the on-the-ground negotiators in the spring of 2002, even though clear instructions had not been received from the U.S. and the U.K. capitals.

According to the interviewee, the strategy of "ringing" Sudan was a brilliant stroke. The first ring consisted of the two authoritative parties of the Khartoum government and the SPLM. The second ring was the surrounding IGAD countries, and the third was the international community with the U.S., U.K., and Norway as particularly key players. The ringing prevented Sudanese from "forum shopping," which Sudan had done extensively prior to 2002. Although NGOs and particularly church groups were allowed a voice at the CPA negotiations, they felt themselves to have been "marginalized."

In terms of the future of Sudan, the interviewee showed some guarded pessimism, worrying that war may break out if in the 2011 referendum, Southern Sudan decides to secede. The *causus belli* could be control of oil resources. Yet Norway will honor the results of the referendum: "we have always supported Southern Sudan's right to self-determination. We did ourselves in 1901. We seceded from Sweden. As a small country, we understand this. But today we support the unity of Sudan."

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Q: What role did you play in negotiating the Sudan CPA?

A: I started in 1998 in the Ministry of Foreign Affairs in Oslo, recruited to work with Sudan in the ministry, together with our Minister of International Development, who in October that year was elected as co-chair of the Sudan group of the IGAD Partners Forum. IGAD Partners Forum was a group of around twenty nations supporting the IGAD talks for Sudan. The IGAD talks started with an agreement around a declaration of principles agreed to in 1994 for the talks, and our mission was in the first years just to get these talks started. So I cooperated with her. We chaired the group and championed the IGAD talks. The two first years there was another initiative, headed by Libya and Egypt, the so-called Libyan-Egyptian initiative, which they promoted. The other initiative had no European support and there was a big difference between the two. We took a stand to support the IGAD initiative and eventually succeeded to get that off the ground. We went to Kenya, talked to President Moi, got him to appoint got him to appoint a special envoy for Sudan in 2001. Kenya was heading the talks.

The first envoy did not work. That was Daniel Mboya. He was succeeded by General Lazarus Sumbeiywo in the autumn of 2001. When he was appointed at the end of 2001, there was a IGAD summit the spring of 2002, which asked Kenya now to start for real. We supported that heavily and in May the first talks started in Machakos. Norway was present as an observer, together with Italy and the U.S. Eventually also the UK and United Nations and later the African Union participated as observers to the talks.

Q: Did you ever find yourself at odds with the United States or any of the other parties in terms of defining objectives, at that stage of the negotiating process?

A: After President Bush was elected, there was a change in U.S. policy. The Democratic policy at that time clearly supported the SPLM and the SPLA in the South, and was not really interested in supporting these talks. They said they supported it, but they did not really put an effort into their support. After Bush was elected, he appointed an envoy, Jack Danforth, who later was your UN ambassador. He was appointed the 6th of September, 2001, just five days before 9/11. He went to Sudan, came to Oslo first. We talked to him, and we argued very strongly for a constructive engagement by the U.S. to support peace talks. The U.S. delegation was very hesitant. They went to Sudan. They put these four tests, Danforth tests, which somehow passed by the Sudan

government. One was the ceasefire for the Nuba Mountains, another, the establishment of a slavery commission, and so on. The conclusion in the spring of 2002 was that, yes, the U.S. should support talks. We heavily supported that, and we tried to persuade the U.S. to do that, and I think somehow also our efforts persuaded them. When Danforth came to Oslo, he said, "I'm more positive now. I'm more optimistic now than when before I came." I would not say we were alone in doing so, but we certainly pushed, or persuaded, the Americans as much as we could to change from a confrontational line towards a supportive line on the talks.

Q: Did you find that the Norwegian mission was united in its efforts, or were there disagreements within your ministry concerning tactics or objectives even for these peace talks?

A: No. We worked very hard to get the talks started since I came to the ministry and since also our minister took over from Jan Pronk the chair of the IGAD Partners. So we did not disagree. There was uncertainty within the international group whether Southern Sudan should be given the right to self-determination. That was the real issue, whether you were pro or against that. Within the international community there was a big rift between Egypt and those who had a leaning towards Khartoum and the Arab world, and those who had a leaning towards the African world. For instance the British saw Sudan from the Arab world point of view, since Sudan was under the Middle East section in their ministry.

Q: So the Arabists were dominant in the British position?

A: Yes, Arabists held the portfolio in London. The Arab world supported Khartoum not to give Southern Sudan the right to self-determination. For other countries, like, for instance, the U.S., Norway, the Netherlands, Sudan was categorized as an African country. Thus, Africanists held the portfolio and then tended to view and side more with the African side. This is an important observation.

When it comes to our continued role, it is important to stress that when we came into the spring of 2002 and the talks got started in Machakos, Norwegians went to Kenya and President Moi and argued that all the opposition parties in Sudan should participate in the talks, not only the SPLM. Also the political umbrella organization called the NDA, the National Democratic Alliance, should also participate. That was an umbrella organization embracing most all the other political parties. If we had succeeded in that, then we might have seen a comprehensive peace agreement for Sudan including Darfur and Eastern Sudan and the opposition in the North. That would have made the peace process much different. The Khartoum government sent ministers down to Kenya in spring of 2002 and threatened Kenya that if they allowed all the other parties to be included, they would remove their support for IGAD. In turn, that made the Kenyans go for only the SPLM.

That is an important insight for us later, to see developments in Sudan, how it has been difficult to implement the CPA, how Darfur and other areas have been difficult

afterwards. We saw that very early. Norway went down and we also took it up in the IGAD Partners Forum in our meetings, and we agreed in that Forum.

Q: This was in spring of 2002, when Darfur simply did not get into the talks?

A: This was before Darfur exploded in spring 2003. From May to July we had intensive talks in Machakos. In late June the question came up of the right of self-determination for Southern Sudan, and the international group was apparently split. The SPLM called me in Oslo. They complained that they were not getting international support for the right to self-determination. I went to the minister, who called the Norwegian representative, and gave him instructions to support it. He went to the Americans and the Brits and both of them, I am sorry to say, had no instructions. He first said to them to support it and then we had a troika, the U.S., the UK and Norway, supporting it. We went to the negotiators and said the international community will back this. This was then decided by the two sides, but afterwards we know that when Washington woke up and got this news they were quite annoyed, because the decision had already been taken. The U.K. also had not given clear instructions to their representative. It was a hot moment in the talks and I know that your former assistant secretary was furious, probably because he had not been consulted.

Q: Because he had not been consulted or had not been informed?

A: Informed and given an opportunity to decide on this. So I think that was one of the really critical moments. In July the talks broke down and there was a war in Southern Sudan. The SPLM attacked Torit, and the government, which held the town, was pushed out and it was a major breach in the whole talks. Who started the attack we do not know, but the attacks went on into August. It seemed like the whole talks would break up. We supported former Vice President Abel Alier, former vice president of Sudan, who could talk to both sides -- he himself was from the South -- and we went with a small piece of paper with four points to establish a ceasefire. We went to the vice president in Khartoum, went down to Garang with that small paper secretly. We supported him, we paid for his trip. We saw the paper, we supported this and without the Americans, the Brits, none of the others knew this.

Q: You say "we" meaning Norway?

A: We informed the Americans about some of it, and they put in some points from the Danforth mission into this, and this delayed the whole process for two weeks, with no outward result. Then, eventually there was a ceasefire signed. It was a critical moment. We were back on track and in late autumn of 2002 the talks started again. It is also important that we from the Norwegian side helped get the talks back on track, because they could have broken down. Egypt and Libya were waiting in the wings to take over. Of course, then there would be no self-determination for the South. So this was quite a critical, important moment for the talks.

Q: You have mentioned one Sudanese actor in this. Are there others that you would like to comment on at this stage, in terms of moving the talks either forward or delaying them?

A: No, I think that was the major impetus from Alier, from his side, because he was the confidant of both sides, and was close to Garang in the South, close to Vice President Ali Osman Taha in Khartoum. He was the real guy in Khartoum. He talked it over with us, with our guy in Khartoum. He went on the plane, where we bought the ticket for him, and brought him to Garang. So we helped this mission and then got it through. After two weeks we informed the Americans. So we did get U.S. backing for this try.

Q: How about the other actors and specifically international organizations? You certainly mentioned IGAD already, but the UN, the EU, the AU, did you find them to be constructive actors in terms of moving these negotiations forward?

A: Not really. They were observers. AU and UN were observers, and of course they put in extra international clout. But I cannot say that they really brought any change as far as the content of the talks, other than the UN at the very end, because the UN then came in when they finalized the security protocol in the autumn of 2004. The UN then would take over to monitor the ceasefire.

Q: Specifically with troops. Is that correct?

A: Yes.

Q: Blue helmets.

A: The UN is specifically mentioned in the security protocol and their role, for instance, to chair the ceasefire commission and all this. So that was negotiated and they were comfortable with their role mentioned in the security protocol in the final comprehensive ceasefire.

Q: In terms of some of the non-state actors, did you have significant engagement with NGOs or religious groups of any kind, international or local?

A: NGOs and the church groups were there all the time. Women's groups, Islamic leaders from Khartoum and so on came to Machakos and Naivasha to be there for some days, state their case, talk to the actors and so on, but they were never formally represented at the talks and I would say that there was a constant criticism by these, especially the NGOs and the church groups for not being represented. They thought that they were not heard, also women's groups. Criticism arose, especially from the Christian groups and the church groups, because in 1972 it was the World Conference of Churches that negotiated the peace. So the church groups thought that they had a role in Sudan and of course they had, and they felt that they were marginalized in the negotiation process.

Q: How about the regional states surrounding Sudan? Did you find that they had any significant role? You mentioned Kenya.

A: The whole initiative is of course an IGAD initiative. IGAD, consisting of the six nations around Sudan, Sudan being the seventh. Four of them participated in this initiative: that is Eritrea, Ethiopia, Kenya and Uganda. They all had their own envoys, which were their ambassadors in Nairobi, participating. Of those four, from the Kenyan side, it was General Sumbeiywo who chaired the talks. And surprisingly Eritrea and Ethiopia cooperated well. They were not at loggerheads at the talks, as they were between the two countries at that time, and that worked well. Those four countries agreed on the concept and direction of the talks. And their presidents talked with the parties. There could be, for instance, telephone calls from Addis to Khartoum or from President Moi to Khartoum or to Garang, often for them to move the talks forward. It was very important that this initiative was based on the surrounding nations. That gave extra clout to the talks; it gave the talks a direction, and we were supportive of that regional initiative.

Another question is if they, when it came to crunch time, could put significant or relevant pressure on the parties, first of all on Khartoum, to yield, and I do not think they could. They could persuade the parties maybe, but ultimately it was really only the U.S. who could pressure Khartoum. So the setup of the talks with two sides clearly defined -- the government on one side and a fairly broad based and representative guerilla movement from the South -- was not really contested by anyone in the South.

You had two clear, authoritative parties. They had negotiations run by the surrounding countries in the region, which is kind of a second ring. And the third ring, around that, was a combination of world organizations and certain countries. So compared to other negotiations, where you had two parties, and maybe the parties do not have really enough authority and had one so-called mediator, for instance Norway or another country. The logic of such mediation is very different from this kind of setup. I would point to the very way these negotiations were set up as one reason for their success.

Q: Even though it seemed very complex and cumbersome, it still was the way to go?

A: I think so. That was because Sudan had nowhere else to go. Until 2002 the Sudanese government had done what they call forum shopping. So you go to a forum, when that forum starts to lean on you, you opt out and you try another forum. But this time we had ringed Sudan, especially Khartoum. We had stopped the Egyptian initiative. There was nowhere else to go. So they had to go into the talks, and they had to succeed. This is quite important, this kind of ringing around the parties, and there was nowhere else to go.

Q: Do you feel that if the U.S. or the international community in some form had intervened in a more timely fashion that there would have been more rapid resolution to the conflict?

A: It is hard to tell and I think the U.S. really tried to push, but the parties did not really respond. In the autumn of 2004, during the presidential campaign in the U.S., President Bush really needed a diplomatic victory, because there was trouble in Afghanistan and Iraq and other places. He needed to show that the U.S. had a strong diplomacy, and he really wanted a victory before the elections so he could show success.

Q: The Congressional passage of the Sudan Peace Act in October 2002 – did that have any effects on the process, or did it indicate a policy shift of any kind or did it just highlight the importance of Sudan?

A: That was really important. That was one of the reasons why Jack Danforth in the end was appointed by the president, to show that we were doing something, we followed up, we supported the talks, and he appointed the special envoy to go to Sudan to see if he could get the talks started. So the Sudan Peace Act was an important step in order to change the whole American orientation. It also put pressure on Khartoum to move. So my answer is yes.

Q: On implementation, in hindsight, could you describe the primary shortfalls or problems with the CPA that have led to difficulties with implementation? This will involve the complexity of the agreement, the length of negotiations, capacities of one sort or another on the part of the parties. Should these have been foreseen in any way?

A: You are talking to a historian. I have my Ph.D. in Sudanese history and have been working with Sudan for almost thirty years. I know these guys, and of course the Sudanese are quite special people. You cannot, for instance, compare complex setups that work in the U.S. when you do things in Sudan. Things in Sudan are very different. We should have known that this is very complex setup. But there was no model that really could work, there was no blueprint for this. The talks were special, as there were local experts coming to the talks. The talks were headed by a lawyer, one of the lawyers there who was a main resource person, Nicholas Haysom from South Africa. Also both parties took in lawyers with high standard educations from U.K. and American universities, and you know that Garang of course himself had his Ph.D. from an American university in social sciences. The talks were conducted by highly educated university graduates on both sides, especially lawyers. So the whole political setup then had taken on a juridical accent. From the Southern side, they tried to set up rules to foresee whatever tricks they thought Northern Sudan--politicians from Northern Sudan--could invent later to evade this, what was really meant as rigid rules to counteract future political tricks.

I do not think that has worked. Politics is politics, as is culture. It is difficult to put down, especially when you add Sudanese culture, political culture. So really the agreement does not match either ordinary political culture or Sudanese political culture. They tried their best to have rigid rules as to implementation. So it may be with all the best intentions, but still it is possible for politicians, unless Sudan wants to implement it.

Q: Can you speculate about the future of the agreement, particularly with the mandatory referendum?

A: I still have your first question in my head, which is "What did I and Norway do?" It is important that we also look at what you could call the troika, which is the U.S., the U.K. and Norway, forming an inner circle of the international group. It was important that the three of us came together on a regular basis. We still do, to discuss the policy lines to take, then go for them. That was the strength of the talks. Very frequently we saw a split within the group, with the U.S. and Norway on one side and the U.K. on the other. Still we kept together during the talks and we from the Norwegian side saw this as strategic; our strategic goal was first and foremost to convince Washington of our view and get Washington on our side on certain questions, then to tackle the U.K., together with the Americans. We think we succeeded. Maybe the Americans would say the opposite -- that they wanted to get the Norwegians on their side. I do not know. That was how we thought, better to partner with the U.S. than with the UK.

Q: Which had a more Arabist leaning.

A: We agreed more with Washington than London. We always said that if you can win the battle in Washington for peace in Sudan, you will win. Internal fighting in Washington is manic. In fact, the first thing we did was to go to Washington, before we went to Sudan, when our minister took over. We went to Congress, walked our way around the Hill, talked to congressmen, talked to the National Security Council, State, USAID and got the feeling of where Washington was, and then we decided on Norwegian policy. As with all major issues, there were different attitudes among the different parties in Washington and somehow we also, at critical moments, thought that we had to negotiate between them.

Q: So you found that you were using your good offices to help the U.S. define its own position?

A: Between the different parties.

Q: Different parties in Washington?

A: That was one major issue. The last critical issue was whether the SPLM would keep its own army in the future, or whether they should they be totally amalgamated with the Sudanese army. That question loomed as high as the right of self-determination for Southern Sudan. Garang and the SPLM had only two red lines, that was the right of self-determination and keeping his army, keeping the SPLA, and Norway supported both. We saw the U.S. position was unclear on the first, especially within the Danforth group. It was clearly unclear in the Danforth Group work. We helped get it right. Also in the security part the Americans were a little bit uncertain and we argued strongly for the SPLM to keep their force.

This has relevance for your last question, because how is this implemented? The SPLM went to us to say, "We need international backing to have guarantees for the implementation, because this will be difficult." They tried to build restrictions in the agreement against tricks, as I said. So from the SPLM side they saw this as one of the guarantees, to have a rigid and detailed agreement. On the SPLM side, when it came to implementation, they saw themselves as the weaker party and they asked us and of course themselves, "How can we be sure that this will be implemented?" And their answer was at least threefold. "We need to have a detailed agreement which spells out in every detail, down to numbers, down to percentages, what we will get and what we will not get." So instead of saying, "give preference in the administration--mainly Southerners will be appointed," now they say "twenty per cent will be appointed within three years in this ministry" and so on.

That was their first answer, to have a detailed peace accord, as a guarantee to get it implemented. That of course hampered them later, because it has proved impossible to reach those goals. So that was the first.

The other was to have solid international backing as a guarantee for implementation, to have the peace accord acknowledged by the Security Council, to have as many co-signatures as possible in the final signing of the peace agreement. In the end, there were many signatories, including Egypt and the Arab League. They signed this along with all the world organizations, including the UN, the U.S. and so on, so forth. You sent Colin Powell to sign for the U.S.

The third was to keep their own army as a deterrent, because in 1972 the Southern army was totally absorbed into the Sudanese army and when it came to crunch time, they had no credible threats to send in. So they were fooled, they thought. This time they would do it differently. They would have a detailed agreement, they would have solid international backing, and they would keep their own army.

This has implications for your last question on implementation, because the detailed agreement hampered them later, because it would be literally impossible to implement all the detailed provisions.

Q: All the detailed clauses involved in the CPA itself?

A: The implementation protocol was overly optimistic. That was one of the reasons why it has been difficult to implement it. With understandable motives, that is why the agreement has turned out as it is. The reasons why the international backing has not shown itself effective in pressuring the parties to implement, is of course that we have had a war in Darfur, and that war has taken all the attention; whereas the lack of implementation of the CPA has got almost no international attention anymore.

Q: I understand that there is really no implementing authority, no outside authority that has any overall responsibility for the implementation itself.

A: No, it is the parties themselves, except for security, where the UN should. The UN has not shown itself as effective as it should be.

Q: To what extent did the peace process lay the foundation for violence in Darfur? Was it any kind of a contributing factor, or do you think it had totally different roots and causes? And if so, how could the CPA have managed to foresee in some fashion that there would be problems in the west of Sudan?

A: The war in Darfur restarted in the spring of 2003. During the last half of the last year of the talks, there was a war going on in Darfur, and we now know that while Osman Taha was in Naivasha negotiating with Doctor John Garang, in the evenings he was on the phone conducting a war. That is quite a special situation, is it not? You talk peace during the day and you talk war on the phone. Doctor John Garang must have known this, and they must have discussed this, but it was very difficult for the SPLM to take it up in the talks. They did not want to disturb their own talks. From the government side they kept both the SPLM and us internationals hostage during Naivasha. They wanted to prolong the talks in Naivasha as long as they could in order to finish off the military campaign in Darfur. So as long as the talks went on in Naivasha, they thought we would be weak on them on Darfur; we would not really put pressure on them, as it might jeopardize the talks in the South, as a negative way of keeping all of us hostage as long as the talks went on.

Q: They simply would not allow it as an issue in the discussion?

A: After the signing of the agreement in January 2005, it was all the worse. Then our focus shifted to Darfur and then they kept us hostage from trying to stop the war in Darfur.

Q: When you say "they" you mean Khartoum?

A: Yes. Then they could turn the play around and keep us hostage, so we would not put pressure on them to implement in the South. So it was reversed, and they played this one quite well.

Q: Do you have any additional comments to make about either the future of the CPA or Norway's role or that of the international community?

A: We have always supported Southern Sudan's right to self-determination and if it comes to crunch time, we really support the South to get their rights on this. I think that is really the thing. What I think was a specific agenda from the international community was to see to it that there are elections in the South in three years, because neither of the two parties wanted those elections in the talks. The SPLM wanted to be in power in six years and then leave. The Khartoum government did not want elections, either. Or they said they wanted elections, but I did not believe them. So we said, "Okay, since the NPA is not allowed there, they should be given a chance also to get in. We should leave an open space for them," and one third of the seats in the government were left open for the

opposition “and they should be given a chance in open democratic elections.” That was also the result.

That was one of the achievements by the international community. We all agreed on that. Now the elections are two years out, and that is all for the political plane in Sudan, of course. We could see in the elections that some Southerners say, “Well, this is it, guys. We tried our best. We are constantly being misled by the others. Let’s go straight for self-determination.” We could see an interesting election campaign where some of the politicians from the South try to go outside for secession and that would probably be a landslide for them. That would really be fun. So that is a challenge for Sudan as well as for the SPLM, because they are committed to the peace agreement, and we shall see in which direction the wind blows for secession. That is really the first test on this.

Of course, the next test is in five years, the referendum in the South for or against secession. Currently of course there is 99.9 per cent pro-secession sentiment and I do not really think that will change. So I think at that point you would see a solid majority in the South voting for secession, as we saw in Eritrea, for instance, in 1991. And what that would lead to is difficult to say. It is a very unclear situation who controls the oil areas in the border area and whether it would lead to another war, we do not know. To foresee the future of Sudan here is very difficult. We are concerned. Norway is concerned about this and our option is still to keep Sudan united.

Q: That still is the policy, even if a referendum should lead to secession?

A: No, we have always supported Southern Sudan’s right to self-determination. We did it ourselves in 1901. We seceded from Sweden. As a small country, we understand this. But today we support the unity of Sudan. We can argue for this case, but if the result of a referendum is secession, then, of course, we will support it, because this is the will of the people.