

University of Nairobi
Institute of Diplomacy and International Studies

**SUDAN'S PERSISTENT CONFLICTS AND ELUSIVE PEACE: CONFLUENCE OF
POWER AND INTERESTS**

BY

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of Arts in International Studies.**

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DECLARATION

This Thesis is my original work and has not been submitted for a DEGREE in any other University.

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This Thesis has been submitted for Examination with my approval as the University Supervisor.

Signature:..... Date:.....

Prof. Maria Nzomo

DEDICATION

I wish to dedicate this modest work to all those scholars, researchers, students and practitioners of Conflict Resolution and Peace Studies who daily grapple with challenges of understanding conflicts in Africa and how to settle and resolve them. Persistent conflicts, whether violent or non- violent, over needs and interests, and the corresponding elusive peace in many parts of Africa still requires a lot of their intellectual energies, insights and dedication to unravel.

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As for those Conflict and Peace researchers, who daily search for answers, even risk their lives, for the many violent conflicts and political challenges still facing Africa, those efforts, hopefully will not be in vain, and some day the bright rays of peace will shine and pervade the whole continent of Africa.

September 2014. Nairobi, Kenya.

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ACRONYMS

ABC	-	Abyei Boundary Commission
AEC	-	Assessment Evaluation Commission
AU	-	African Union
AUHLP	-	Africa Union High level Panel
COER	-	Colloquium of the Commission on Ethnic Relations
CPA	-	Comprehensive Peace Agreement
DOP	-	Declaration of Principles
DPA	-	Darfur Peace Agreement
EAC	-	East African Community
ESPA	-	Eastern Sudan Peace Agreement
GONU	-	Government of National Unity
GO S	-	Government of Sudan
GOSS	-	Government of South Sudan
IGADD	-	Inter Governmental Authority on Drought and Development.
IGAD	-	Inter Governmental Authority on Development
INGO	-	International Non-Governmental Organization
JEM	-	Justice and Equality Movement
NCP	-	National Congress Party (Sudan)
NDA	-	National Democratic Party
NIF	-	National Islamic Front
SPLM/A	-	Sudan People's Liberation Military/Army
UK	-	United Kingdom
UN	-	United Nations

ABSTRACT

This study examines why the Sudanese conflicts have persisted and continue to persist, eluding regional and international mediation efforts for peace. It sets out four basic assumptions: (i) the historical incompatible divisions in the Sudan; (ii) the weak and ineffective mechanisms for conflict management and resolution in Africa; (iii) the tendency by conflict resolution practitioners to incline towards conflict settlement rather than conflict resolution strategies, making mediation efforts power and interest-based; and (iv), the absence of strategic national interest and prompt intervention in conflicts in Africa by the external major powers.

The literature on how conflict studies have approached international negotiation is undertaken, with specific focus on the ‘contingency theory’ which is found to be incapable of adequately explaining such phenomenon as the persistent Sudanese conflicts. A more inclusive ‘integrated’ contingency theory is proposed to include, within its contextual ‘current’ variables, such key determinants of conflict settlement as the external major power interests and polarity.

The study argues that while each of the hypotheses have some credible explanatory capacity for the persistent Sudanese conflicts and the corresponding elusive peace, the fourth hypothesis has greater positive affirmation than the others. The study also posits that the contingency theory cannot help to adequately understand this situation. Therefore the theory needs to expand its base of contextual ‘current’ variables, so that the international political context in which the conflicts persist, and the global and regional polarity, is also factored in the analysis. Secondly, whether mediation efforts have adopted the settlement or resolution strategy, in the end it will still be power and interest based- a confluence of local power alignment and vested interest of both the local political elites and those of the external major actors, aligning themselves in a particular power configuration.

Since conflict is endemic in society and international conflicts are ubiquitous, the challenge always remains how the national or international political leadership facing internal or inter-state conflict, manages a particular conflict. How it moderates both the use of power through democratic processes including devolution, empowerment of diverse groups in society, and how it regulates and fairly distributes national resources to cater for all the interests in society, across social classes and other societal divides, racial, ethnic, religious, regions, gender, and age, become the most crucial consideration.

The study concludes that the Sudanese conflicts persist due to several factors, key amongst them, are its historical complexity; weak and ineffective regional conflict resolution institutions and mechanisms; short-term conflict settlement strategies; and lack of sustainable interest in conflict resolution strategies by external major power. Besides, the various peace negotiations and settlements stall or drag whenever they are ‘orphaned’ by their external major power guarantors.

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CHAPTER ONE: Introduction to the Study

1.0 INTRODUCTION

The persistent Sudanese conflicts since its independence have eluded various mediation efforts at resolving them and are mutating along the way. Despite many years of conflicts and several peace initiatives and negotiation processes, the conflicts have been dynamic, erupting in new fronts and persisted. This phenomenon has resulted in attendant far-reaching social, economic and political consequences which have lasted longer than the hostilities and are still visible particularly in both the North and the newly independent South Sudan. Due to their tenacity, persistence, and dynamic metamorphosis, as a phenomenon, it warrants a thorough study to determine if these conflicts could, in and by themselves, constitute a conflict system¹.

While the historical and intervening sources of the Sudanese crises and conflicts are clearly decipherable, owing particularly to the fact that the geographical entity of Sudan comprised culturally incompatible, diverse races, nationalities and regions, with the Arabs mostly in the North and majority Africans in the South, explanations by various scholars for the persistent conflicts, and elusive peace have been varied. This persistence of the Sudanese conflicts and the corresponding elusive peace therefore raises analytical curiosity as to why they continue to be so, defying mediation efforts of both regional bodies and major external powers to bring sustainable peace and security to the people of Sudan. Why this phenomenon occurs and how it can be explained is the subject of this study. It is conducted in the context of conflict studies. This study

¹ See Mwangiru, M. *Theories, Processes and Institutions of Management*. Pg.73, on 'the idea of Conflict systems'. The conflict in Sudan was treated before 1983 as if it had no trans- boundary realities, while the secessionist conflict in Ethiopia/Eritrea was not considered to resonate beyond that territory", in *Theory, Processes and Institutions of Management*.

will explain why the Sudanese conflicts have persisted for a long time and have not been successfully resolved, defying various mediation efforts by regional bodies and major external powers. It covers the period from the Cease-fire in May 2002, through the peace processes leading to the historic signing of the Comprehensive Peace Agreement, (the CPA) in Naivasha, Kenya, on the 9th January 2005, as well as the interim six year period of the CPA, from 2005 to 2011 when the new state of South Sudan was established. The study also covers the first two years, up to July 2013, of the post-CPA, and post-secession of the Southern Sudan, when the negotiation processes on outstanding issues, nearly stalled and did not progress in the expected direction, despite high expectations from the region, and enormous amounts of international support and goodwill.

The study also builds on what Richard Jackson had started in addressing negotiation in violent conflicts². Setting out to understand “how international negotiation actually works and under which conditions it is likely to be successful,” Richard Jackson notes that, “much of the negotiation literature has been practitioner-oriented and therefore theoretical.”³ He further observes that “in this sense, the literature does not always provide us with evidence of whether the prescriptions offered really work or in what context they work. In other words, while we now know something about the conditions under which third-party intervention is effective in international politics, we know very little about the conditions under which negotiations is effective under similar circumstances.”⁴

² Richard Jackson, *Successful Negotiation in Violent Conflicts*, in *Journal of Peace Research*, Vol.37. No.3 2000 Sage Pub. London. Pg. 325- 343

³ *Ibid*, Pg. 325.

⁴ *Ibid*. Pg .326.

In his analysis of ‘studying conditions for effective negotiation’ Richard Jackson, has observed that “studying the conditions for effective negotiation involves a level of generalizability not possible without research involving a quantitative analysis of a large number of negotiation cases. It also involves the construction of a theoretical framework which stipulates the variables and attributes upon which negotiation outcomes (be they successful or not), are *contingent*.”⁵ Thus, at the theoretical level, the study examines why mediation efforts in a violent international conflict and the subsequent peace negotiations would generally succeed or fail, progress or stall. In doing so, the study undertakes an analysis of four basic assumptions and hypotheses which are tested in an attempt to explain this phenomenon.

1.1 BACKGROUND

The once unitary state of Sudan has not enjoyed sustainable peace and stability from since its juridical independence from the British colonial rule. Not only has it experienced political instability resulting from wrangling amongst political parties and military coups, but also faced armed rebellions in various parts of the country. First, in the Southern part, and later, from the 1990s it faced further rebellions from the eastern part, and also by the Justice and Freedom Movement (JEM) in Darfur region in the western part of Sudan.

However, after defying numerous bilateral and regional initiatives to establish sustainable peace and security in the Sudan, a systematic conflict resolution process to bring to an end the long-running violent conflict in the Sudan then began in earnest, with the effective intervention and involvement of an external super power, the U.S.A.

⁵ . Richard Jackson, op.cit Pg. .323-,

By May 2002, intensive and extensive international pressure to bring North- South civil war to a quick end brought together the U.S, U.K, Norway and Italy. The Khartoum government and the SPLM/A were finally brought to the negotiating table in Naivasha, Kenya. This intervention by an external major power enjoying super power status, with interest in the conflict resulted in a reluctant cease-fire and also ushered in painstaking peace-negotiations processes under the auspices of the IGAD team which eventually led to conflict settlement.

According to Arop, “ after nearly twenty years of destructive war in which an estimated number of over two million people were killed and much property destroyed, bringing the country to the verge of total collapse as a nation state, Sudan was at last at the threshold of peace”,⁶ between the North and the South. The two antagonistic parties were *grudgingly forced to sign* a temporary cease-fire, which came into effect on October 25th, 2002, renewable every three months.”⁷

All these regional and international efforts finally coalesced in the historic milestone in Sudanese political history, the Comprehensive Peace Agreement (C.P.A) signed on January 9th, 2005, in Nairobi, Kenya, between the National Congress Party (N.P.C.), government in Khartoum, and the Sudan Peoples’ Liberation Movement, the (SPLM/A), then a *de-facto* ruling entity in the Southern Sudan.

The referendum for self-determination of the Southern Sudan held on the 9th January 2011 was an important part of the CPA provisions. The new state of South Sudan was immediately recognized by the international community and governments, including the Khartoum

⁶ Arop ,M *Sudan’s Painful Road to Peace*, Op. Cit. Pg. 404.

⁷ *Ibid.* Pg. 404.

government itself, the U.K., the USA and China, while the United Nations, (UN) and the African Union (AU) both admitted it as their newest, 194th and 54th member respectively.

Many issues under the CPA however remained outstanding at the expiry of its mandate on 9th July 2011,⁸ such as the demarcation and the delimitation of the borders; a simultaneous referendum in the contested area of Abyei; the issue of citizenship of Sudanese found on both sides of the border after the secession; the issue of currency; the contentious issue of oil revenue and other wealth sharing matters; and the shared Joint Security programs. Many had hoped that, with the abundant overflow of international good-will offered to the two states at the time of their separation, and with the assistance of an A.U led mediating team, the AU High- Level Panel, (AUHLP), headed by former President Mbeki of South Africa, the negotiation processes would proceed toward cooperation and mutually beneficial conclusions.

Given that this historic event took place in a post-cold-War and 21st century globalized environment, the expectations that the new two neighbors would pursue mutually beneficial policies which would make cooperation attractive⁹ and bring them closer, seemed not far-fetched. Besides, many regional bodies, such as the A.U, IGAD and those in the diplomatic circles within the region, analysts and observers from many capitals around the world had hoped that it would have been in the best interests of the two new neighbors to relate to each other in a mutually beneficial, co-operative manner, in order to surmount those outstanding, post- C.P.A. issues. Furthermore, the moment seemed ‘ripe’ for resolution, the conflicting parties had clearly

⁸ See the Appendix. Final Report of the Assessment and Evaluation Commission, (A.E.C.) of the C.P.A. on July 10th 2011. and Unpublished document, Post-CPA negotiations, “What is Agreed and What Remains to be Agreed”, in the Appendix.

⁹ See Hoigilt, J and Rolandsen, O.H. eds., Making Cooperation attractive: Post-referendum relations between Egypt and the Sudan. 2011. Oslo: Peace Research Institute, Oslo.

reached a mutually hurting stale-mate in which neither would win either politically or militarily, and always seemed willing to attend the negotiation meetings convened by an in-built oversight institution, the internal evaluation and monitoring mechanism of the C.P.A., known as the Assessment and Evaluation Commission (A.E.C.), constituted and mandated by the C.P. A. for that purpose.

On the contrary however and much to the chagrin and disappointment of many, the post-independence negotiations of the two Sudanese states had been a disappointing anti-climax of the euphoric welcome of the historic split of the two states, characterized by set-backs and reversals of even those minimal gains which had so far been registered. There were several occasions of lapses in negotiation talks, and twice, particularly in April 2012, the two ‘reluctant’ and uneasy neighbors nearly were on the brink of an all-out, full scale war, thereby posing serious practical challenges to the practitioners involved in the negotiation process and to scholars in the field of conflict resolution studies alike. This development and hard reality presented challenging conceptual questions and issues which this study examines.

1.2 STATEMENT OF THE RESEARCH PROBLEM

The Sudanese conflicts have been persistent for a long time despite both internal efforts to “foster peace from within”,¹⁰ and external mediation efforts. They have defied regional and international mediation efforts towards resolution, whether one talks of the original Sudan or the two Sudans today. The Khartoum government still faces myriad political and security challenges, both from the East and Darfur regions, while the South Sudan is engulfed in a bitter internal civil

¹⁰ This was always the position of the Khartoum Islamic government that it favored internal negotiations to resolve Sudanese conflicts.

war. Yet no consensus has been reached by scholars of conflict studies on clear explanations for this kind of situation. The existing corpus of knowledge and concepts so far presented do not seem to offer adequate answers to settle the above issue, in particular, *why* the Sudanese conflicts have persisted despite mediation efforts by both regional and major external powers. There must therefore be other factors and variables that could further explain this situation in which violent conflicts endure for a long time, defying regional and international efforts to resolve them, and why peace negotiations would stall despite goodwill. It is this lacuna that this study fills and thereby makes a modest contribution in the search for comprehensive answers in the field of conflict studies.

1.3. STUDY OBJECTIVES

The objectives of this study are as follows:

1. To demonstrate that during, and after the end of the cold War, polarity and the national interest of key external major powers, have been the main determinants of mediation and outcomes of negotiations of African conflicts;
2. To provide a different perspective in explaining the persistent Sudanese conflicts, their management and peace negotiation processes.
3. To demonstrate the dominant role of the extra-African major powers in the negotiation process and outcomes of the Sudanese conflict; and
4. To investigate and explain why negotiations succeed or fail, and the ensuing process of negotiation and conflict resolution.

1.4 HYPOTHESES

This study is anchored on four hypotheses.

1. The historical, incompatible divisions and socio-cultural diversity and differences in the Sudan are deep-rooted and irreconcilable, making the conflict intractable.
2. Conflicts persist in the Sudan due to the weak and ineffective regional institutional frameworks for conflict resolution in Africa, augmented by absence of viable regional hegemon with a capacity to issue credible threats and rewards in equal measure.
3. The mediation and peace negotiation efforts by both regional and international actors have tended to adopt settlement strategies, emphasizing more on power and resource interest, than on the conflict resolution strategies.
4. The lack of strategic national interest and non-intervention by an external major power in a violent internal or international conflict allows such conflict to persist.

1.5 JUSTIFICATION OF THE STUDY

This study aims at making a modest contribution to the emerging body of knowledge and theory-building in conflict and peace studies. It builds on the notion that where the framework for conflict management is settlement, discernable in violent conflicts situations in Africa, peace agreements are ephemeral.

The study also hopes to contribute towards a clearer understanding for policy makers, practitioners in international conflict resolution and peace negotiations and serving diplomats, of why and when the decision to enter into negotiations gets on the political agenda of key political leaders in a conflict situation and why some negotiations, succeed or fail, progress or stall.

Besides, this study presents the case that ‘peace settlements’ can be cushioned from collapsing by not being ‘orphaned’¹¹ and by constant engagement of the external major power guarantors and custodians of the peace settlement. It therefore addresses some of the theoretical questions which surround this problem, while pointing at the direction which still requires further insights and research, in order to shed more light on key variables in the business of conflict resolution and peace negotiation processes. And hopefully this will add value to existing knowledge.

1.6. LITERATURE REVIEW

In this study, specific focus and attention has been given to the literature that deals with the post-conflict resolution and international negotiation, with reference to the chequered negotiations between the Sudanese states. And, the study confines itself to analyzing the literature that deals with conflict resolution and consequent negotiations of violent international conflicts.

1.6.1. General Overview of Conflict Resolution as a Field of Study

According to Tillett, conflict resolution is a comparatively new area of academic and professional study, but the study of conflict itself, particularly in the disciplines of anthropology and psychology, is better established than the study of its resolution.”¹²

Most literature in the discipline of conflict and peace studies have grappled with the quest for knowledge and understanding of how human conflicts in general- individuals, families, groups, organizations, communities and intra-national and international armed-conflicts can be resolved, and have developed broad parameters and scope of the subject. Today, however, there has

¹¹ Ref. Hampson, F. Why orphaned peace settlements are more prone to failure. 1996. In Crocker and Hampson, Washington, DC: US Institute of Peace.

¹² Tillett, G, *Resolving Conflict: A Practical Approach*. Op. Cit.. Pg. 2

emerged a distinct corpus of generally acceptable, across-the-board concepts, terminologies, and pre-theories requisite for such an important field of study in which decision-makers, foreign policy experts and diplomatic agents daily find themselves involved.¹³

The field of Conflict and Peace studies has developed three frameworks of analysis. First is the conflict Strategist whose dominant theory is Realism, its conflict management arm is power and interest which leads to conflict settlement. The second is the Peace Research which is based on theory of Structuralism. Its conflict management tool is structural change and reconstruction, which also leads to conflict settlement. And the third framework is the conflict Research with its theoretical foundation in Pluralism. Its conflict management arm is mediation, negotiation and problem-solving leading to conflict resolution¹⁴. And as John Burton¹⁵ posits, conflicts are about needs and interests. Needs are non-negotiable.¹⁶ Their non-fulfillment inevitably leads to conflict. Only their satisfaction, through series of problem-solving workshops could lead to resolution of the underlying causes of a conflict. . On the other hand, interest-based conflicts are negotiable and bargained between parties.

This study argues that given the needs and interest-based conflicts in the Sudans, the eventual separation of the North and South and creation of two independent entities, was an act of conflict settlement which laid a foundation for conflict resolution processes. It however got stuck within the intriguing frameworks of power and wealth sharing calculations and games of the local and external actors, involved in the negotiations.

¹³ See, for example, Distribution of Benefits in Negotiation: Report on a US State Dept. Training Simulation. Authors (Gilbert R. Winham & H.Eugene Bovis), *The Journal of Conflict Resolution*, Vol.23, No.3, Sept. 1979.

¹⁴ See AJR's Seminal article 'Paradigms in Conflict'.

¹⁵ Burton, J. Conflict: Resolution and Prevention, London, Macmillan, 1990.

¹⁶ Ibid.

On the contrary, however, not as much consensus has been engendered in the realm of international conflict resolution and negotiation on its theoretical underpinnings. The discipline therefore needs to continue carving for itself indispensable niche' and mechanisms, firmly grounded in theory and practice, as an integral part of solutions to inevitable global conflicts over power and wealth. Given the pace and depth of the globalization, the need for this exercise cannot be overemphasized in a more 'villagized' world.

1.6.2. Conceptual and Historical Evolution of the Issue of Ending Violent International Conflicts

After Second World War, there have been concerted efforts to search for effective methods of resolving conflicts in general, but more so, the violent international and intra-state conflicts around the world in constructive and peaceful ways. In this regard, Holsti's analysis of peace agreements and security architecture which have shaped the growth of the international system, between the Westphalia treaty of 1648 which ended the 30 years war in Europe, and 1945, when the United Nations was established at the end of Second World War, identified *conflict resolution* as one of the eight pre-requisites for peace.¹⁷

Today, after the end of cold war, there are still several armed conflicts around the world which require conflict resolution interventions. More specifically, in 2003 Peter Wallenstein and his colleagues at the Uppsala Conflict Data Project concluded that: "a total of 226 armed conflicts have been recorded for the years 1946-2002. Of these, 116 were active in the period 1989-2002, including 31 in 2002. There were five wars in 2002. Both numbers were the lowest for this period. Seven interstate-armed conflicts were recorded in 1989-2002, of which one was still

¹⁷ Holsti, K, *Peace and War: Armed Conflicts and International Order, 1648-1989*. Cambridge Univ. Press, 1991.

active in 2002. In 2002, a larger proportion of complex major armed conflicts were resolved, compared with new and minor armed conflicts. Although the data on armed conflict presented here suggest that there is a decline in the use of armed force, there is an increased feeling of fear and insecurity in many parts of the world because of terrorism incidents.”¹⁸

As its prominent scholars such as Oliver Ramsbotham, et al¹⁹ note, conflict studies which started in the 1950s and 1960s, “as a defined specialized field of study, at the height of the cold-War, when the development of nuclear weapons, and the conflict between the super powers seemed to threaten human survival, has come of age in this post cold-War period.”²⁰ Over the years, therefore, conflict studies, through the medium of its scholarly journals, research centers, and academic institutions, with their own “sub-divisions studying different themes from international crises to internal wars and social conflicts, and approaches ranging from negotiation and mediation to experimental games”,²¹ have developed broad theories, conceptual frameworks and sets of general principles of how to, ostensibly, understand and resolve conflicts.

By the 1980s conflict resolution ideas had already made impressions, increasingly making a difference in real conflicts in South Africa, Middle East and Ireland.²² “In war-torn regions of Africa and South-East Asia, development workers and humanitarian agencies were seeing the need to take account of conflict and conflict resolution as an integral part of their activity.”²³

¹⁸ Eriksson, Wallenstein, and Sollenberg, “*Armed Conflict, 1989-2002*”, *Journal of Peace Research*, 40(5)593-607.

¹⁹ The trio, have authored a major work on Contemporary conflict resolution; Ramsbotham, Woodhouse and Hugh Miall *Contemporary Conflict Resolution, The Prevention, management and transformation of deadliest conflicts*, 2nd. ed, 2010

²⁰. Ibid. Pg. 3

²¹ Ibid. Pg. 4

²² Ramsbotham, O. et al. op.cit. Pg. 4

²³ Ibid. Pg.4

Furthermore, “in this new climate, (of post-cold War), the attention of scholars of international relations and comparative politics turned to exactly the type of conflict that had pre- occupied the conflict resolution thinkers for many years. A richer *cross-fertilization of ideas* developed between conflict resolutions and these traditional fields.”²⁴

These scholars, however, acknowledge that this field of study has also come face to face with fundamental new challenges some of which have come even into sharper focus than before. Thus, against the ‘success story’ claim, some new challenges have emerged, which do not easily lend themselves to the approaches proffered by the conflict resolution scholars. As Bercovitch notes, today in the post-cold War era, “the international system is as conflict-prone, many would argue even more so, than any previous system. The world today is literally covered with ethnic, religious, territorial, and nationalist conflicts that are as serious, costly, and intense as any in the past. And somehow they, (the conflicts), need to be managed or resolved.”²⁵

The first challenge stems from the impact of globalization on the weak and vulnerable states, the provision of cheap weaponry suitable for asymmetric war, and the generation of shadow economies that have made ‘new wars’ self-perpetuating and profitable. Conflict resolution was seen as incapable of addressing this nexus. Secondly, the collapse of the Israel- Palestinian ‘Oslo’ peace process, which had been hailed at the time as an example of success for classic conflict resolution approaches, with the launch of the second intifada uprising in 2000. Today when this study is being undertaken, there erupted a serious a three-month war between the

²⁴ Ibid. Pg.4

²⁵ Bercovitch, J *Resolving international conflict*, 1996, Pg.1

Israeli forces and Hamas militants over civilian youth killings. And, thirdly, the shock of the September 11th terrorist attacks in the US and what followed, summed up, as war on terror.

All these three challenges needed a rethink and probably a broader approach to conflict resolution studies which easily blend both the traditional international relations and specialized conflict resolution concepts. The theoretical question posed, therefore, was, “what possible answer could conflict resolution offer to what was seen as the lethal combination of rogue states, globalized crime, the proliferation of weapons of mass destruction, and the fanatical ideologues of international terrorism?”.²⁶

During the peak of the cold-War, it was the threat to ‘human survival’ posed by nuclearization of international politics by the then two super-powers, which was the most compelling motivation that propelled forward, “a group of pioneers from different disciplines, who saw the value of studying conflict as a general phenomenon, with similar properties whether it occurs in international relations, domestic politics, industrial relations and communities families, or between individuals. They saw the potential of applying approaches that were evolving in industrial relations and community mediation settings to conflicts in general, including civil and international conflicts.”²⁷

This, therefore, provides all the compelling reason why, in their efforts to analyze international violent conflict resolution, those pioneer scholars, should have included the application of the well-established traditional concepts of International Relations, and factor in such concepts as

²⁶ Ramsbotham, O. et al. *Contemporary Conflict Resolution*. Pg.6.

²⁷ Ibid.. Pg. 3.

polarity and the possible effects and impact of major power national interest in an international conflict.

This study revisits this aspect of '*cross-fertilization of ideas*'²⁸ and reinforces the need to reconcile these new ideas with the traditional approaches in the established fields of International Relations and Comparative politics, and presenting an argument that this would perhaps provide a broader and more inclusive way of understanding international violent conflict and their resolutions.

In general however, throughout modern history the concern for scholars has been the relationship between conflict and cooperation. This has been the theme of the three major areas of International Law, Diplomacy and International Relations. Their perception for this concern have differed significantly making this area of study even more contentious. They do not also agree on the basic concepts and hence their perceptions differ. For example International Law is rule based, recognize International Organizations and acknowledge state supremacy. Diplomacy is also rule- based, recognizes International Organizations as well as state supremacy. International relations on the other hand is state-based and recognizes International Organizations as well as the transnational actors. There is therefore the need for the three to work together towards conflict resolution of individual conflicts. Otherwise, and short of this, a unilateral use of any of the areas leads to problem of the understanding such conflicts like the ones in the Sudan, a case of 'cognitive dissonance' as Sandole puts it.²⁹

²⁸ Ramsbotham, O. et al. *Contemporary Conflict Resolution*. Pg.6.

²⁹ Sandole, D.J. 'Theories and Metaphors in conflict and conflict resolution: Coherence or Confusion,' In Sandole and Merwe, eds. *Conflict Resolution, Theory and Practice*.

1.6.3. Perspectives on International Conflict Resolution and Negotiations

There is no consensus and clear position, as yet, when it comes to theoretical and conceptual frameworks of analyzing international violent conflicts and their negotiations, which clearly identify and delineate key independent variables which fundamentally affect the conflict resolution and negotiation process, the outcomes and the implementation of those international negotiations. However there is also no agreement about the content of core concepts for example, negotiation or mediation, leave alone their implementation³⁰. Equally, in terms of the background of the field of conflict studies, the intellectual curiosity and inquiry into what key variables or factors influence and determine the processes and outcomes of international negotiations, has been one of the major pre-occupations and areas for theoretical debates and discourse, amongst the academicians and practitioners from its foundation and beginnings in the 1950s.

Besides, conflict resolution is broader than conflict ending, termination or settlement, and the relationships amongst them are not necessarily direct, nor obvious. A violent war or conflict may end, and a peace settlement may be reached without necessarily resolving the root causes of the conflict. In other words, efforts to end a violent war may not necessarily resolve the underlying roots of the conflict. Conversely, it is quite possible that efforts to resolve a conflict may not end a war.

Undoubtedly, the first step toward conflict resolution in any violent international conflict is to end the war, prevent any further escalation of hostilities and the protection of vulnerable groups and the potential victims of violence, in most cases, the women and children. It is only logical

³⁰ My communication with Prof. Mwangiru.

that after the war has stopped, only after a ‘cease-fire’ has been accepted, that any effort can be made to settle whatever dispute or begin to resolve the conflict over which the warring parties were fighting.

And so the conceptual question which arises, is whether it is possible to find what Vasquez, J³¹ calls a ‘unified theory of conflict’³² which is sufficient to account for the prevailing patterns of post cold War conflicts which concern us today. Is it possible to find a single all-encompassing explanation adequate for all the conflicts of different types in the various countries around the world?

Scholarly opinions however differ, and reasons vary as to why some conflicts go on unabated for long while some are nabbed and de-escalated as soon they break out. Opinions also differ over how the major post-Cold War conflicts have ended and the obstacles to their resolution. Questions, as whether there is such a thing as the ‘ripe moment’, when to intervene in a conflict, have also been raised, and whether, it is a key variable in conflict resolution process. Besides, there is no consensus as to why some post- conflict negotiated settlements and agreements endure while some collapse as soon as they are signed. There are, for example, seven main approaches listed by Paul Wehr³³, about the central propositions regarding causes of conflicts, each of which carry its own implications for conflict resolution.viz; “that conflict is innate in social animals; that it is generated by the nature of societies and the way they are structured; that it is dysfunctional in social systems and a symptom of pathological strain; that it is functional in

³¹ Vasquez,J. *Why global conflict resolution is possible: Meeting the challenge of the new world order*. In Vasquez, et al.eds., *Beyond confrontation,: Learning conflict resolution in the post cold- War Era*. Ann Arbor. Univ. of Michigan press. 1995.

³² Ibid.

³³ Werh,P. *Conflict Regulation*, 1979. Boulder, West view Press.

social systems and necessary for social development; that it is an inevitable feature of competing state interests in conditions of international anarchy; that it is a result of misperception, miscalculation and poor communication; and, that it is a natural process common to all societies”³⁴

Zartman,³⁵ whose ideas and concepts have had profound influence in this subfield, argues that conflicts are ripe for negotiated settlements only under certain conditions, the main condition being a ‘hurting stalemate’. According to him, both sides must realize that they cannot achieve their aims by further violence and that it is costly to go on. The concept of ‘hurting stalemate’ is widely accepted in policy making circles and some diplomats, such as Chester Crocker, have deliberately attempted to bring about a ‘hurting stalemate’ in order to foster a settlement. Others refer to the need for a ‘ripening process’ to foster ‘ripe moments’.³⁶ Zartman further argues that for negotiations to succeed there must also be valid spokespersons for the parties, a deadline, and a vision of an acceptable compromise. Recognition and dialogue are preconditions, and for these to take place both parties have to be accepted as legitimate. In conflicts between a government and an insurgency, for example the government must reach the point where it recognizes the insurgency as a negotiating partner. Similarly, a more equal power balance between the parties is held to favor negotiation: when the asymmetry is reduced, negotiations may become possible.

³⁴ Paul Wehr, *Conflict Regulation*, Boulder, Col. West view Press, 1979 Pg. 1-8.

³⁵ Zartman, W.I. ed, *Elusive Peace: Negotiating an End to Civil Wars*. Washington DC, Brookings Institute. Ripe for Resolution: Conflict and intervention in Africa. Pg. 18. 1995

³⁶ Druckman, D. ‘Four Cases of conflict management: lessons learnt’. In Behdamane, D, and Mac Donald, J. eds, *Perspectives on Negotiation: Four Case studies and Interpretations*. 1986. Washington, DC FSI, State dept.

Druckman and Green³⁷ suggest that change in relative legitimacy as well as relative power between regimes and insurgents affect the propensity to negotiate.

It has been argued that the simple ‘hurting stalemate’ model gives too much weight to the power relationship between the parties, and fails sufficiently to take account of changes within the parties or changes in the context which may also foster a propensity to negotiate.³⁸ Moreover, although it is possible to point to cases of successful negotiations which have followed hurting stalemates, it is also possible to point to hurting stalemates which do not lead to successful negotiations, for example Cyprus. It may be argued, in these cases, that the stalemate is not hurting enough; but then there is no clear evidence from case studies as to how long a stalemate has to last or how much it has to hurt before it triggers successful negotiations. And stalemates are likely to hurt the general population more than the leaders who in the end make the decisions. We should distinguish, too, between ‘ripeness for negotiations to start’ and ‘ripeness for negotiations to succeed’; in Angola and Cambodia, for example, the conditions for settlement ‘unripened’ after negotiated agreements had been made, because one or other of the parties was unwilling to accept the settlement terms, even though the condition of ‘hurting stalemate’ still obtained.

A model that sees conflicts moving from ‘unripeness’ through a ripe moment to resolution, is perhaps, too coarse-grained, to take account of the many changes that come together over time and result in a settlement: redefinitions of parties’ goals, changes in the parties’ constituencies,

³⁷ Druckman, D and Green, J. Playing two games: internal negotiations in Philippines. In Zartman Elusive Peace Negotiating an End to Civil wars. 1995.

³⁸ Stedman, S, Peacemaking in Civil War: International mediation in Zimbabwe, 1974-1980. 1991. Boulder, Col.

contextual change, shifts in perceptions, attitudes and behavior of transformations in the situation, shifts in public attitudes, and new perceptions and visions among decision makers.

This study raises several pertinent theoretical issues. Why have the Sudanese conflicts defied mediation efforts, making sustainable peace and security elusive? Were the conflicting parties really willing to voluntarily resolve their historical and issue-based conflict? Was the CPA merely a conflict settlement within the framework of international law and fell short of a conflict resolution process which addresses the issues which pertain to identities, beliefs and values? Was the nature of the conflict between the North and South Sudan, the nature of the SPLM/A, and the NCP regime, and their relationships, in short, ‘contingent variables’ alone, enough to explain the sluggish, almost stalling negotiation process between the two Sudanese states? ³⁹ Further, were the ‘moments’ really ‘ripe’ for the negotiations to take place, when they took place, as Zartman⁴⁰ would have conceptualized? Was the ‘stalemate mutually hurting’ enough as he would argue?⁴¹ Or was it merely a question of the negotiating skills of the AU-led team of eminent personalities in the process? What is a combination of all of the above as various scholars in this field would make us to believe? These and many other intriguing and pertinent questions abound.

The critical question which motivates this study is whether or not, there *ever* were ‘the hurting stalemates’ and the ‘ripe moments’ for intervention in the long drawn Sudanese conflicts, and to ask the theoretical question as to why these devastating conflicts had taken so long without any resolution. Secondly, even after external major powers intervention in the Sudanese conflict,

³⁹ This is the position of the ‘Contingency Model’ theorists which ignores polarity and major external power interest in conflict resolution, mediation and thereby reshaping the negotiation process.

⁴⁰ As already pointed, the Concept, ‘Ripe moment’, is attributed to Zartman.

⁴¹ William Zartman is also well known for his concept of “Mutually Hurting Stalemate” in a conflict resolution process, when intervention is necessary and has a chance for success.

why would the conflict still linger on, with opportunity and momentum for peace lost in what appeared to ordinary observers as a clear road map towards

1.6.4 Conflict Resolution and Ending of Violent International Conflicts

Conflicts are generally fluid and international conflicts are themselves inherently dynamic. Conflict resolution measures therefore have to make do with a complex of shifting realities such as new relations, power realignments, interests and actors. Adoption of a broad approach which recognizes this fluidity and complexity of the conflict process is therefore necessary.

According to Vayrynen,⁴² “the bulk of conflict theory regards the issues and interests as given and on that basis makes efforts to find a solution to mitigate or eliminate contradictions between them. Yet the issues, actors and interests change over time as a consequence of the social, economic and political dynamics of societies. Even if we deal with non-structural aspects of conflicts, such as actor preferences, the assumption of stability, usually made in the game theoretic approach to conflict studies, is unwarranted. New situational factors, learning experiences, interaction with the adversary and other influences caution against taking actor preferences as given.” In other words, in looking at the scope for conflict resolution in ending violent conflict, we need to look at the requirements as a series of necessary transformations in the elements which would otherwise sustain ongoing violence and war, that is, the war sustaining elements.

⁴² Vayrynen, R. ed *New Directions in Conflict Theory: conflict Resolution and Conflict Transformation*, 1991, London, Sage. Pg. 4.

According to Richard Jackson, “negotiation is the principal means of handling all international disputes and is employed more frequently than all other techniques of conflict management put together. It is thus surprising that relatively few systematic, empirically oriented studies involving large number of cases of international negotiation have been undertaken so far, with the recent exceptions of Druckman’s work.⁴³”. Efforts to redress this imbalance and to establish empirically grounded generalizations, about the character of negotiation and some of “the determinants of successful negotiations in violent international conflicts”, are therefore still welcome. Consequently, to understand why the negotiations between the two Sudanese disputants dragged during a negotiated settlement under the CPA, and after peaceful secession, and in spite of an avalanche of regional and international good-will, will offer useful lessons for scholars and practitioners alike.

Amongst the key conceptual issues and theoretical questions arising out of these debates are as follows. What general factors would explain shifts from hardened positions in seemingly endless wars, to a dynamic conflict resolution mode? Are ‘windows of opportunity’ to engage in negotiation incidental or accidental, occurring perchance, or are they deliberately created? Is it always merely a question of the ‘timing’, of the “ripe moment”, or “the right time to talk”, as Zartman posits, whenever disputing parties agree to negotiate? And, must parties to a conflict reach a precipice first, and, or, also exhaustively fight out each other until their conflict reaches a ‘stalemate’ stage, where neither of them, can win, or lose politically or militarily? In other words, must a conflict continue until they reach a ‘mutually hurting stalemate’? Is it a given, as Rothstein argues, that policy options must exist that are “mutually bearable, even if the same options had been resisted before, for conflicting parties to begin to negotiate.”? And, even if the

⁴³Druckman, D. Turning points in international negotiation: A Comparative analysis. 2001.

issue of “domestic balance of power” , for each side of the disputing parties, were added to this mix, suggesting that each leadership is strong enough to engender sufficient support for a compromise peace, would that be all that is necessary for an international negotiation to proceed and succeed? As Rothstein correctly puts it, “the decision on whether, and, when, to begin negotiations with an enemy that is despised and distrusted is obviously a central issue in any peace process. The problems of timing are especially complicated because both sides, usually for different reasons, must judge the moment appropriate for negotiations- or at least more appropriate than any other available alternative”.⁴⁴

In a nutshell, then, “the decision to enter peace negotiations in a protracted internal conflict is complex, difficult, and potentially dangerous to both sides: each will distrust the other and fear appearing weak or being duped”.⁴⁵

Granted, Rothstein has raised the right set of critical issues, the central question being, “what pressures and conditions interacted to persuade usually weak and usually risk-averse leaders to abandon, if tentatively, the ‘comforts’ of a bearable status quo, at least for the leaders, for the discomforts of a dangerous and uncertain peace process? Or, how were these tentative signals of movement transformed into a political decision to explore, carefully, the option of a negotiation?”⁴⁶ However, although Rothstein has torn into “Zartman’s notion of ‘right moment’ for negotiations that emerges when a ‘mutually hurting stalemate’ obtains, as inherently ambiguous, badly defined and analytically unhelpful”, arguing that “if negotiations

⁴⁴ Rothstein, R.L. “The Timing of Negotiations: Dueling Metaphors”. In *Civil Wars, Vol.9, No.3 Sept.2007*, pp. 262-281. Pg. 262.

⁴⁵ Rothstein, R.L. ‘The Timing of Negotiations: Competing Metaphors’. Op.cit . Pg. 262.

⁴⁶ Ibid. Pg. 268.

occurred, a ripe moment existed; if negotiations did not occur, a ripe moment did not exist, by definition”, his concept “ that three streams of influence must converge in a fashion that makes the risk of entering negotiations bearable ”⁴⁷also fails to identify the key independent variable which would trigger the decision to even begin to negotiate in the first place.

Rothstein admits that “there are of course many reasons pushing each side in a protracted conflict toward peace negotiations and many reasons pushing them away from the table or toward using the negotiations only as a stage in a continuing conflict”.⁴⁸ However, he does not tell us about these “many reasons” nor explain what they are.

Dennis J.D. Sandole, on the other hand, acknowledges that “any attempts to ‘map’ the field(s) of conflict and conflict resolution becomes more than an intellectual exercise as one contemplates conflicts where the parties seem more intent on continuing and escalating their violence and destruction than in taking advantage of efforts by various third parties, for example, the European community, former Soviet President Mikhail Gorbachev, the UN, and others to broker cease-fires, perhaps as preliminary steps to initiating problem-solving approaches to conflict resolution”.⁴⁹ Admittedly, Sandole has made a crucial point about the “epistemological aspects of the ‘coherence or confusion’ arguing, in other works, that the problem which is that of cognitive dissonance: people look at a phenomenon such as the persistent Sudanese conflicts and

⁴⁷ Ibid., Pg.275.

⁴⁸ Rothstein ,R. L. op. cit. Pg. 263.

⁴⁹ Sandole, J.D, Paradigm, theories, and Metaphors in conflict and conflict resolution: Coherence or Confusion? In Sandole and Merwe, (ed) Conflict Resolution, Theory and Practice, Pg. 3.

see it in dissonant ways.”⁵⁰Hence, to reach frameworks for the resolution of these conflicts will be highly impossible, from this perspective.

Besides, as Richard Jackson points out, “of all the processes in international politics, conflict is undoubtedly the most ubiquitous and potentially the most dangerous...It is thus surprising that relatively few systematic, empirically oriented-studies involving large numbers of cases of international negotiation have been undertaken so far,in a deliberate attempt to establish empirically grounded generalizations...about the character of negotiations and some of the determinants of successful negotiations in violent international conflicts.”⁵¹.

In his conclusion of a very powerful article on the “successful negotiation in international violent conflict” Richard Jackson suggested “an approach to the study of international investigation within a theoretical framework, and which treats negotiation as a dynamic process, the success or failure of which is dependent not only on the willingness of the parties to settle, or the site of the talks, but also on a number of factors that relate to the nature of the dispute and the nature of the parties and their relationships”.⁵²

However, in the end, after presenting a detailed analysis of conditions for effective negotiation, Richard Jackson admits, that “this is a preliminary study which leaves many questions unanswered, and that, “in the end, however, successful conflict management depends on the

⁵⁰ Interview with Mwangiri.

⁵¹ Jackson, R. “*Successful Negotiation in International Violent Conflict*” in the Journal of Peace Research, Vol.17, No. 3, 2000. PP-323-343. Pg.323.

⁵² Jackson,R. op,.cit.Pg. 339

genuine willingness of the parties”⁵³. And so, such is the frustration and pessimism of scholars and students of conflict studies in their search for generalizable theoretical underpinnings of the discipline, as if polarity or regional political power distribution contexts, and external super or major power national interest, would not have a significant bearing on violent conflict resolution and the subsequent peace negotiation processes.

Scholars and students of conflict studies, together with practitioners and policy makers have agreed on an obvious fact, that successful peace negotiation can only result from genuine willingness of the parties to settle their conflicts. It is also true that the parties to a conflict can be *made* to settle and begin to resolve their conflict by a third-party, if that conflict affects the vital interest of the major external powers, favored by the obtaining polarity as this study shows.

The failure, therefore, to identify and converge the two very crucial variables, the nature of polarity of the international system and the external factor of major power interest with vested interest in international conflict resolution and negotiation, underlies the difficulty in fathoming why most international negotiations seem to be dragging on forever, without posting tangible take-aways, or take-home deliverables, or registering clear terminal points and conclusions of those negotiations.

The discourse on how to resolve protracted conflicts, applying tested ‘theoretical’ models for their resolution and negotiations, therefore, still requires further research and needs to continue. This study, as already pointed out, attempts to show how polarity, and external super or major power national interest, intervening in an international conflict, influence and redefine the

⁵³ Ibid.

contours of that international conflict, especially where vital national interests of a powerful actor are at stake.

1.7. AN EXAMINATION OF KEY CONCEPTS AND ISSUES IN THIS STUDY

The following are the key concepts and issues which have been employed in this study.

1.7.1. Polarity

Polarity refers to the distribution of power in the international system around certain poles, and has significant implication and bearing on the nature of international conflicts, their resolution and negotiation. This study illustrates that a change in polarity, as was occasioned by the dramatic collapse of the former Soviet Union, has direct impact on the obtaining international conflicts, their resolution and their negotiation processes and outcomes. The consequent triumphalism of the liberal capitalism in the cold-War, with the US as the remaining sole super power enjoying a unipolar status, so far, has ramifications on international conflicts and their resolution.

1.7.2. National Interest in International System

A state, as a sovereign entity, has supreme authority domestically and independence and equality internationally, where it pursues its core national interest, the most important being its survival in the international system. According to the Realist theory, the international system, is anarchic and a self-help environment, where states are on their own, there being no leviathan or a supra-national body which superintends over all the states. Any conflict within the international

system, or within a subordinate state system which portends threats to the vital interest of a major power, will attract attention and requisite response, including invasion.

1.7.3. Conflict Settlement and Resolution

These two concepts are often confused to mean one and the same thing. However, as Mwangiru points out, “they are profoundly different, both in their methodology and epistemology. Their relationship to power, and with power, distinguishes settlement and resolution. Settlement is anchored on the notion of power, while resolution rejects power as the dominant framework for managing social relationships.”⁵⁴ He further observes that “settlement of conflict is informed by the idea that, given the anarchical nature of society, and the role of power in relationships, the best that can be done in situations of conflict is to reach accommodation which parties in the conflict are forced to live with. Settlement does not address the causes of the conflict. It merely re-adjusts and regulates conflict relationships”⁵⁵ In short, conflict settlement means reaching of an agreement between the parties to settle a political conflict, so forestalling or ending an armed conflict. This suggests finality, but in practice conflicts that have reached settlements are often reopened later since conflict attitudes and underlying structural contradictions may not have been addressed.

The concept of conflict resolution on the other hand, is closely associated with John Burton,⁵⁶ and “is based on the belief that at the bottom of every conflict, are certain needs which are not negotiable. The non-fulfillment of these needs causes the conflict in the first place. Therefore

⁵⁴ Makumi, M. Theories, processes and Institutions of management. Pg. 38

⁵⁵ Ibid. Pg. 39

⁵⁶ Burton, J. has written widely on the subject of Conflict resolution, as well as on “*Conflict: Resolution and Prevention*”.

conflict management should aim at identifying ways in which these needs can be fulfilled for both parties.”⁵⁷ Conflict resolution is therefore a more comprehensive term which implies that the deep-rooted sources of conflict are addressed and transformed. This implies that behavior is no longer violent, attitudes are no longer hostile, and the structure of the conflict has been changed. Unlike conflict settlement, where gains made by one party create a corresponding loss for the other, conflict resolution is not a zero-sum game and creates a win-win situation for both parties. Consequently, it follows that conflicts over issues which are negotiable can be settled, while those conflicts over non-negotiable issues can only be resolved and managed for enduring peace to be realized.⁵⁸

This study holds the view that the eventual separation of the two Sudanese states was both an attempt of conflict settlement and resolution, not only because the over two-decade long violent conflict ceased-fire, but also because the fundamental and irreconcilable differences of the two regions of the original Sudan, such as their historically diverse ethnic backgrounds, dissimilar cultures, religious beliefs, and socio-economic marginalization and patterns of livelihoods, were finally set on two separate paths of conflict resolution. However the process of resolution had not even begun in either of the two regions of the North and South by the time the new state of South Sudan was being inaugurated on the 9th July 2011.

While this may sound ironical, even contradictory, the Sudanese conflicts have always complex and unique, in the sense that the two distinct and irreconcilable groups of people, Sudanese

⁵⁷Ref. Burton, J. (Ed). *Conflict : Human Needs Theory*, London, Macmillan, 1990, in Mwangiru's *Theories, Processes, and Institutions of Management*, Pg.41.

⁵⁸Mwangiru has eloquently explained these concepts in his work, “*Theories, Processes and Institutions of management*”, as already referenced.

Arabs and Africans, found themselves under one territory and one government which, itself, did very little, to make them feel as the same and one people. In fact, it even deliberately pursued discriminatory and incriminatory state policies of mandatory Islamization and Arabization against its Southern citizens.⁵⁹ During the intervening period of the C.P.A., the ‘*making Unity attractive*’ clause was immediately and conveniently forgotten as soon as the C.P.A. document was signed since it was clearly contrary to the philosophical logic of the body-politic of the Islamic-Arab dominated Sudan. Not even the Khartoum government itself, in whose interest the clause was inserted in the Agreement, pretended to make any efforts to promote ‘unity’ in the face of clear irreconcilable cultural diversities and historical disparities, favoring a vote for Secession.

1.7.4. Conflict Management

Conflict management, on the other hand, broadly means efforts to either prevent a potentially explosive conflict, usually over non-negotiable issues, from reaching the tipping point and erupting into a crisis, or to restrain and de-escalate it, once violence breaks out. According to Mwangi, “the term conflict management should be used to refer to any management process by which parties to a conflict are encouraged to come together and do something about their conflict.”⁶⁰ Like the associated term ‘conflict regulation’, conflict management has been used as a generic term to cover the whole gamut of positive conflict handling. Here, in this study, it is understood to refer in a more limited way to the settlement and containment of violent conflict.⁶¹

⁵⁹ These two state policies toward the Southern Sudanese, were at the centre of the conflict between the Arab North and the Christian and Animist South.

⁶⁰ Makumi ,M. Conflict in Africa: Theories, Processes and Institutions of Management’ Op. Cit. Pg. 43.

⁶¹ Ibid.

However, the main theories in International Relations present different paradigms for conflict resolution. For instance, Realism, with its assumption of the anarchical nature of the international system gives primacy to power and coercion, while Structuralism advocates dismantling of those social, economic, legal and political structures in the international system which perpetuate conflicts in society in order to have peace. The World systems theory, on the other hand, champions the problem-solving workshop method of addressing complex and multiple sources of conflict in society.

1.7.5. Negotiation and Mediation

Negotiation is the process whereby the parties within the conflict seek to settle or resolve their conflicts. Mediation involves the intervention of a third party, and it is a voluntary process in which the parties retain control over the outcome (pure mediation), although it is sometimes combined with positive and negative inducements (mediation).

1.8. THEORETICAL FRAMEWORK

Although there is no universally agreeable theoretical framework, much of the available literature on the international conflict resolution and negotiation has used the ‘contingency conceptual framework’⁶² to explain third-party mediation processes. Scholars and students of conflict and peace studies, as well as available literature on the subject, are stuck to the notion that the ‘*contingent variables*’, as the major determinants of successful mediation. According to Bercovitch “all the factors, from the disputants themselves- who they are, their past relationship, their socio-political norms and power, the actual dispute, the issues at stake, its intensity and duration-to the mediator and the way he or she influences the process of conflict management,

⁶² As already noted, the “Contingency model” is closely associated with Keashly, L and Fisher, R..J.

*determines the success of the mediation,*⁶³, providing a requisite context within which these variables could successfully operate. This, without giving due cognizance to significant role played by the most crucial variables of polarity and the external major power national interests, in resolving violent international conflict, as if international conflict resolution, mediation and the subsequent peace negotiation processes, could take place in a vacuum, or outside the wider context and dynamics of international power politics, and without affecting the vested interests of powerful external actors, especially in an increasingly globalised world.

According to Bercovitch and Allison, “the contingency approach offers a useful framework by which to organize and integrate much of the literature on mediation. It also allows us to evaluate the impact of different kinds of mediation and assess the relationships between the dispute characteristics and mediation or to evaluate the most successful mediation strategies.”⁶⁴ A clear gap therefore exists between the ‘contingent’ studies of conflicts which use ‘pure’ mediation approaches where the mediator merely facilitates communication and is powerless,⁶⁵ and those international conflicts which require ‘power’ mediation styles of sticks and carrots.⁶⁶

Secondly, although these scholars seem to have also agreed on the appropriateness of the contingency conceptual framework⁶⁷ of international negotiation, there is no agreement as yet, on a unifying theory which explains how and why outcomes of international negotiations end the way they do- succeed or fail; progress or stall.

⁶³ Bercovitch, J *Resolving International Conflicts*, 1996, Pg.31

⁶⁴ Bercovitch, J and Allison, H. “The Study of International Mediation: Theoretical Issues and Empirical Evidence” in Bercovitch, J. ed. *Resolving International Conflicts*, Pg. 15. 1996.

⁶⁵ See Figure One in this study, on Pg.

⁶⁶ Ibid.

⁶⁷ Discussed in the next pages..

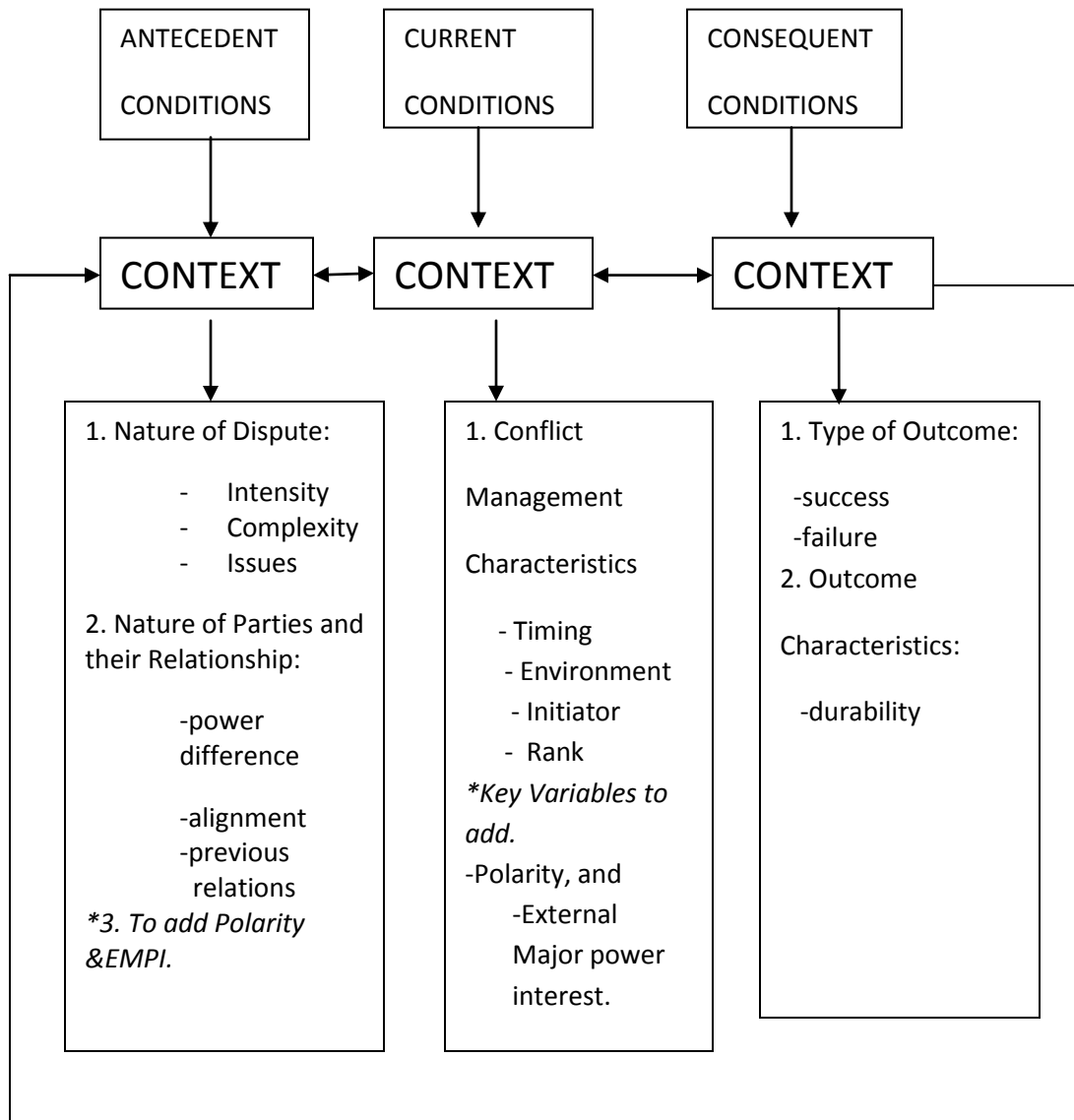
1.8.1. The Contingency Model for Conflict Resolution

In the literature review, this study has examined a range of theoretical and conceptual frameworks and models, and has adopted, with a critique, the ‘contingency model’ for conflict resolution which itself is not yet a settled model, and still undergoing improvement by various scholars of conflict resolution. According to its proponents, the advantage of this conceptual model is that, it captures all the key, basic elements which obtain in a conflict resolution and mediation situation, what scholars Bercovitch and Allison, have referred to as the ‘antecedent, current and consequent conditions’⁶⁸, shown below in **Figure One** but which this study consider to be essentially the “intervening variables”. The model does not take into account, nor accommodate, in its ‘menu’ of contextual variables, such crucially important and dynamic variables as polarity and external major power interest in international conflict and peace studies for synthesis.

This study thus considers polarity and external major power interest as critical contextual ‘current’ variables in a violent international conflict, with the potential and capacity to transform a dyadic relationship of conflicting parties, into triadic one. They also, and to large extent, determine the pace and tempo with which a conflict is managed, whether through the strategy of settlement or resolution. The main argument here is that mediation of an international conflict, whether for settlement or resolution, will to a large extent, depend on the nature of the prevailing polarity and its attraction of interest of an external major power, whose preponderance of elements of power and leverage of resources at its disposal, will be brought to bear on the process of negotiation, the issues to be negotiated, their outcomes, and their implementation stages.

⁶⁸ Bercovitch and Allison. Op.cit.

Fig 1: A Contingency Framework of International Negotiation



As shown schematically in the Figure above, the contingency approach suggests, that negotiation takes place in three time dimensions: (i) antecedent or past; ii) concurrent or present; and (iii) consequent or future. The antecedent dimension refers to all those inputs and variables which exist prior to engaging in negotiation. The concurrent dimension, on the other hand, describes a range of factors which characterize the conditions and process of a particular negotiation

situation, without referring to Polarity, nor External major power interest in the conflict, while the consequent dimension draws attention to the outcomes of the bargain.

Originally drawing from research in social psychology, Sawyer and Guetzcow, and, later, Druckman, developed an elaborate framework that distinguishes among antecedent factors (issues and background factors), concurrent factors (processes and conditions) and consequences (outcomes) of negotiations.⁶⁹ And, according to Keashly and Fisher, “the idea of a contingency approach to third-party intervention in inter-group and international conflict is gaining increasing currency. Basically a contingency approach would work to match the type of third-party intervention to certain characteristics of the conflict in question”.⁷⁰ In their effort to identify different types of interventions, Keashly and Fisher observe that “power mediation builds on ‘pure mediation’ but also includes the use of leverage or coercion by the third party in the form of promised rewards or threatened punishments. In a very real sense, the third party becomes a member of a negotiating triad and bargains with each party, using carrots and sticks, to move them toward a settlement. This form of mediation often leads to settlements that have future implications for the third party as a provider of continuing benefits and/or guarantor of the agreement”⁷¹ However, this acknowledgement merely ends there and no efforts are made to link or tie it up with polarity or the national interest of a super or major power. According to Bercovitch, “ having gathered information on a large number of mediation cases and tested various propositions to identify the factors that are closely correlated with success or failure of

⁶⁹ Jackson, R. *Successful Negotiation in Violent Conflict*, Op. Cit. Pg.327.

⁷⁰ Keashly, L and Fisher, R.J. “A Contingency Perspective on Conflict Intervention: Theoretical and Practical Considerations”, in *Resolving International Conflicts, The Theory and Practice of Mediation*, Bercovitch,J, Pg 239.

⁷¹ *Ibid*, Pg. 242.

mediation, components of all four of the clusters of the contingency framework shown below, have a direct impact on mediation outcome ”.⁷²

Notably, the Model has no consideration for the role which power configuration, polarity or external major power interest may play in resolving the conflict and the peace negotiation processes there- after. Consequently, “this approach stipulates variables with specific operational criteria, each of which may have an impact on mediation effectiveness. At the heart of this approach are three clusters of variables- context, process and outcomes- each referring to specific characteristics of the party, the dispute, the mediator, and the outcome. Mediation outcomes, whether successful or not, are logically seen as the result of the interaction of context and process variables.”⁷³

The two additional diagrammatical depictions for international mediation and negotiation further elaborate the contingency model and its limitations

⁷² Bercovitch, J. and Allison, H. “The Study of International Mediation: Theoretical Issues and Empirical Evidence.”, in *Resolving International Conflicts*, (ed) Bercovitch,J, Pg.31.

⁷³ Ibid. Pg.15.

Figure 2 ⁷⁴

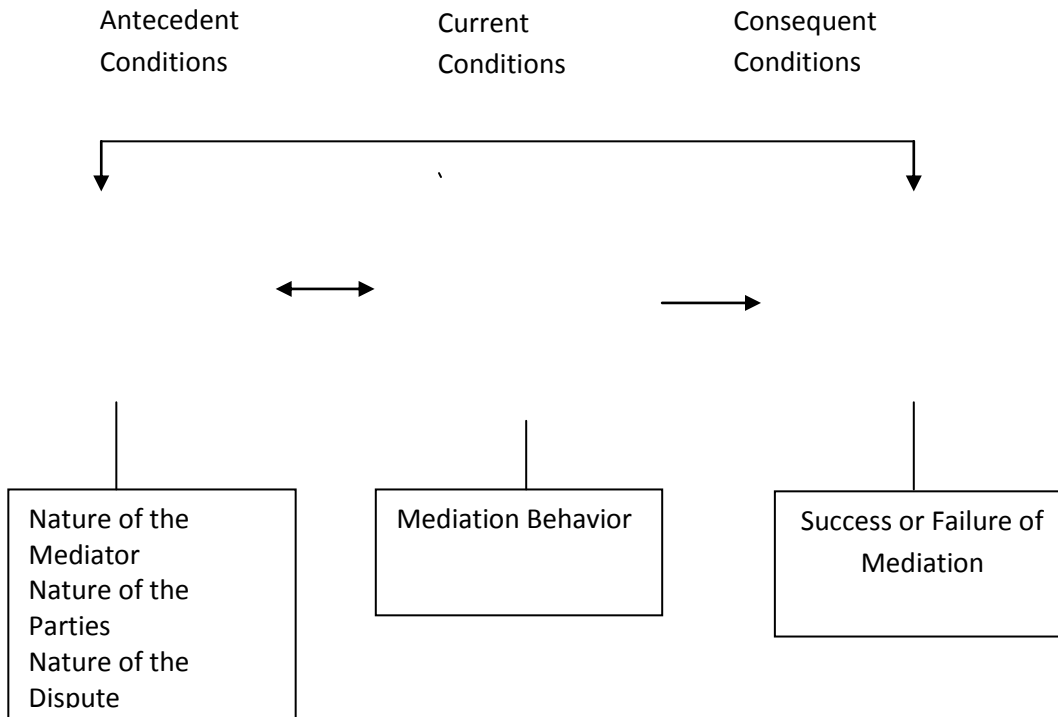
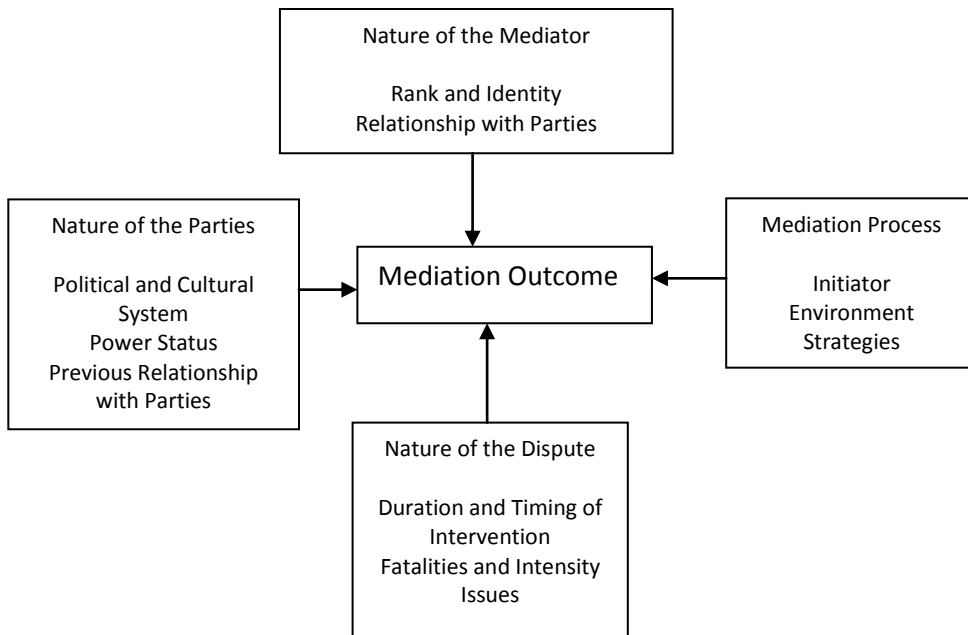


Figure 3. ⁷⁵ Factors associated with Successful Mediation



⁷⁴ Adapted from Bercovitch, J. ed. Resolving International conflicts. Pg.15.

⁷⁵ Bercovitch, J. op.cit. Pg. 31.

1.8.2 Shortcomings of the Contingency Conceptual Framework: A Critique

Most scholars of conflict and peace studies agree on the importance of history of a conflict and the kind of parties to the conflict in efforts to resolve it. Gregory Tillett, for example, observes that “the history of a conflict, and of the relationship between the participants, provides vital information for resolution. The roles played, the issues raised, and the attempts at resolution by various participants during its history can give valuable insights into the present situation.”⁷⁶ He further notes that “it is vital to identify and consider the roles and importance of real, as contrasted with apparent, protagonists- that is, the focal, manifest, and unmanifest participants in a conflict”.⁷⁷ Zartman, on the other hand has provided useful concepts variables such as the question of timing and the right moment to intervene, and the kind of the mediator involved, skill and rank in negotiations.

What is conspicuously missing in the contingency theoretical framework is the obtaining international power context within which the negotiation takes place, in terms of political milieu and polarity. The issue of external major power interest is also left out. Yet there is no way in which any significant international negotiation over a violent international conflict would take place without drawing the attention and the presence of major external power interests and actors. What the theory refers to as ‘contextual antecedent variables’ such as the nature of the dispute, the nature of parties and their relationships, are themselves dependent on other determining factors such as polarity. These variables exist within the international system, and in specific regional contexts and subordinate state systems which in turn affect them. Secondly, while the contingent variables are relatively important, they can only hold as intervening

⁷⁶ Tillett, G. *Resolving Conflict*.: A Practical Approach, Pg. 26

⁷⁷ Tillet,G. *Resolving Conflicts*. op.cit. Pg.27.

dependent variables, within a given context of power structure and polarity, and in accordance to the national interest of a mediating external major actor. And thirdly, the theory lacks what the conflict and peace scholars themselves call “*cross-fertilization*” of their concepts and those of traditional discipline of International Relations, which would help explain what holds all these variables together. For example, that *imperative, the impetus*, which drives the bitter antagonists to a negotiating-table in the first place, cannot be adequately explained by this theory. Most scholars have shied from relating the happenings around international conflicts to the issue of polarity and vital interest of an external power, as if the latter would not have impact or influence on the former.

And yet, as already noted, most literature in international relations and politics, which deal with international conflicts, particularly those which address violent and intractable conflicts, have references to major or super-power involvement in their mediation, especially in areas and regions in which their vital interests were affected. An ‘integrated’ contingency framework of international negotiation is therefore proposed to include key determining factors of polarity and external major power interests, as shown in *Figure 4*.

In this particular aspect, even Zartman’s famous book, *Ripe for Resolution, Conflict and Intervention in Africa*⁷⁸, seems to be more preoccupied with pointing out the “intrusive” involvement of the former Soviet Union in Africa and a systematic justification of the US apparent “protective” and “benevolent” intervention and involvement in Africa, than with a clear presentation of appropriate ‘timings’ and ‘ripe’ moments for intervention in intractable conflicts.

⁷⁸ In my view, Zartman’s concepts of Timings and Ripe Moments have had profound influence in the discourse because of their colloquial, cliché characteristics.

As a matter of fact, Zartman even doubted that there was any vested interest of major powers, especially the US involvement in Africa, other than for altruistic reasons, to “help resolve local conflicts in Africa”. He also seemed to exonerate super and major powers from indulgence in Africa especially during the cold war period, on the grounds that “the sources of conflict in the Third World, notably Africa, are local. He further argues that such conflicts which pose a threat to international stability, find their origins in the politics and relations of the countries involved and not in the machinations of external powers whether past colonizers, or present cold war protagonists”.⁷⁹

However, although he has a tinge of justification for the US involvement in Africa, as an illustration of a great power interest in conflict resolution endeavors, Zartman further observes that “American interest lies in a stable African development process that may in many instances prevent instability and conflict from overcoming the frail possibilities of progress and from embroiling outside powers. Particularly at a time when many African countries are still facing catastrophic conditions of underdevelopment and difficulties in achieving growth in a depressed world economy, the mitigation of conflict that may obstruct domestic development is crucial”.⁸⁰

The implication of this is that, since conflicts are endemic and international conflicts are ubiquitous, they will affect the national interest of the major external powers, especially those conflicts which pose threats to international peace and security or balance of power within a region. However, those actors who intervene in violent and intractable conflicts can only be those who have the power capabilities within regional or international polarity to do so and whose intervention is intended to augment their national interest. In fact, most scholars, in the

⁷⁹ Zartman, W.I. *Ripe for Resolution: Conflict and Intervention in Africa*. Preface.

⁸⁰ *Ibid.* Pg. 281.

end seem to acknowledge what Kenneth Waltz opined in his discussion of Rousseau; namely that ‘wars occur because there is nothing to prevent them’⁸¹.

Dennis J. D. Sandole, who after criticizing Zartman’s work as colloquial and common-place cliché of ‘timings and ripe moments’, had began on a very promising note of trying to offer something new, at least some theoretical postulates, and a working formula to parties involved in violent conflicts, and some practical guidelines to practitioners involved in actual negotiation process, only ended up, sadly, describing “the generic theory on the initiation and escalation of violent conflict with implication for conflict resolution.”⁸² He concludes that “weaving these elements into a ‘fuller -blown’ tapestry of integrated theory and practice must wait, a later time.”⁸³ Clearly, there seems deliberate reluctance to acknowledge that conflicts occur within a given international political context, and the nature of polarity and vital national interests of the major and super powers would determine their management.

1.9. RESEARCH METHODOLOGY

The Research methodology employed in this study is mostly qualitative, relying on secondary sources of literature for critical analysis. Although the study has heavily relied on diverse secondary sources of information for authenticity and accuracy, including the authentic records of official public events and information around the negotiation processes, it has also sourced from primary data of key informants. There are several instances where primary sources have been utilized, using the methodology of the “Key informant interview”, a Survey method of

⁸¹ Sandole, J.D, Paradigms, Theories and Metaphors, in Sandole and Van de Merwe, (eds) Conflict Resolution. Theory and Practice, Integration and Application. 1993. Manchester Pub. Pg.4.

⁸² Ibid, Pg.20

⁸³ Ibid. Pg.21.

data collection, drawing from scholars of conflict and peace studies, practitioners of negotiations, and some of those public officials who were involved in the actual Sudanese peace negotiations.

1.10 SCOPE AND LIMITATIONS OF THE STUDY

This study covers the persistent Sudanese conflicts and the subsequent regional and international mediation efforts, including the eventual secession of the Southern Sudan on July 9th 2011, as an aspect of conflict settlement and conflict resolution. Those post-CPA outstanding issues which were still being negotiated during the course of the study, without much progress being reported have also been covered. Secondly, given the protracted, intractable and complex nature of the Sudanese conflicts some of which have lasted for a long period, reference to the overlapping periods of conflict and post-conflict, is inevitable. During the interim period⁸⁴, the implementation of the Agreements and Protocols was generally inadequate, and most of the post CPA commitments and obligations were not met, leading to new phases and waves of conflicts.

1.11 OUTLINE OF CHAPTERS

This study has been organized and divided into six chapters. **Chapter One** introduces the broad parameters of the study, provides short examinations of key operational concepts used in the study. It also gives a brief background which contextualizes the study within the wider rubric of conflict and peace studies, and covers the statement of the research problem, the central study focus, its justification, the hypotheses, literature review and the conceptual framework used in the study. It also shows how this study has been organized and provides the chapter outlines.

⁸⁴The CPA provide for a six-year interim period before the referendum exercise on self- determination of South Sudan would be undertaken.

Chapter Two covers the persistent Sudanese conflicts, issues, actors and context. **Chapter Three** deals with the Sudanese peace negotiation processes, covering the period from the cease-fire Agreement, through the subsequent negotiated protocols leading to the signing of the historic CPA. It also covers the six-year interim period of the CPA and the first two years after the secession of the South Sudan on the January 9th 2011. It also highlights the international pressure which was brought to bear on the two parties to the conflict. The Chapter also deals with the specific role of the US as an external major power interested in the Sudanese conflict resolution and peace.

Chapter Four, covers an analysis, of the Sudanese conflicts and peace processes, based on tangible data collected. The four variables which form the hypotheses of this study, are also put to test as they converge with the ‘contingent’ variables to explain why the Sudanese conflicts have been persistent in spite of regional and international mediation efforts. An analysis is also made on why negotiations in international conflicts in general progress well or stall, succeed or fail. In **Chapter Five**, an analysis of data collected on how the problematic of resolving violent international conflicts has been approached is carried out, and how the two factors of power configuration and national interest as independent variables, significantly determine the conflict resolution and peace negotiation processes in international conflicts in general and with specific focus on the peace negotiation processes between the two Sudanese states. In this Chapter, the issue of national interest is revisited and given a critical analysis within the broader context of conflict and peace studies. The end of cold- War, specifically treated as an act of polarity, with far-reaching consequences in conflict resolution and peace negotiation globally is also examined.

And finally, **Chapter Six** provides conclusions and general recommendations based on the findings and analyses, while proposing areas for further research.

CHAPTER TWO: THE SUDANESE CONFLICTS: Regional Context, Issues and Actors

2.0 INTRODUCTION

This chapter examines the Sudanese conflicts, focusing on their nature within a regional context, the issues and actors involved. According to Mwangi, “conflicts are complex, not just as conflicts (issues), but also in terms of the actors and processes involved in their management. In order to manage conflicts effectively, it is important to understand the complex relationships that exist between the conflict, actors and issues.”⁸⁵ The Sudanese conflicts have not been any different, and have had many issues, attracted many actors and have been taking place in a volatile sub-region of the Horn of Africa, characterized by a conflict system⁸⁶.

2.1. THE NATURE OF THE SUDANESE CONFLICTS

Beginning on the eve of Independence in August 1955 with the military mutiny in Southern Sudan, the conflict manifested itself in the subsequent first civil war waged against the Khartoum government by the Anyanya Patriotic forces, for seventeen years. The 1972-Addis Ababa Accord which ended the war and gave the South local autonomy and self-rule, only lasted for ten years up to 1983, when the second civil war broke out, between the SPLM/A mostly representing the Southern forces, and the dominantly Islamic government in the North. This particular phase of the conflict, the second civil war, lasted for over two decades, up till 2002 when a ceasefire was brokered by a combined international pressure, under the auspices of IGAD to end the war and begin comprehensive peace agreements.

⁸⁵ Mwangi, Theory, Processes and Institutions of management for the concept of a ‘conflict system’

⁸⁶ Ibid. See Pg. 71.

However, while these efforts were underway, a new front in the Sudanese crisis erupted. As Malok noted, “ in 2004, as the peace negotiations were going on between the SPLM/A and the government of Sudan in Kenya, the various nationalities in western Sudan comprising the Darfur region also took arms against the Sudan Government under the banner of the Sudan Liberation Movement (SLM) and the Justice and Equality Movement (JEM).”⁸⁷ Within the ruling party in Khartoum, there were sharp divisions over how to handle the issue of the South Sudan, while in the South itself also, there were major political differences and changes following the re-union of the SPLM/A forces led by Riek Machar which had earlier on rebelled.

After the eventual split of the Sudan, following a successful referendum on self-determination of the South Sudan, there have been series of violent conflicts both between the two new reluctant neighbors, and also within each state. Abel Alier has attributed this ‘problem of unity’, to the dimension of Sudan’s historical, incompatible divisions, noting that “at the time of the conquest and occupation of the Sudan by Mohamed Ali, the Viceroy of Egypt, there did not exist, a single political entity known as the Sudan.”⁸⁸ There have been and still are, ethnic, racial, cultural, clan, gender, and other categories of divisions and identities.

Other scholars on the Sudan, such as Elke Grawert have pointed out that “the divides in the Sudanese society, which have led to the civil wars and the numerous other conflicts, are to a great extent rooted in apparently irreconcilable antagonisms of identities”⁸⁹ and that “one of the outstanding identity issues in Sudan is the differentiation between Arabs and Africans”⁹⁰, which

⁸⁷ Malok, E. The Southern Sudan.: Struggle for Liberty. Pg. 3.

⁸⁸ Alier, A. Too Many Agreements Honored: Southern Sudan. Pg. 1.

⁸⁹ Elke, G. After the Comprehensive Agreements in Sudan. Pg.270

⁹⁰ Ibid. Pg.271.

resulted in the state sponsored policy of Arabisation and Islamisation, beginning intensively, especially from 1983. He further argued that generally, there were two root causes of the Sudanese violent conflicts, namely, “the economic marginalization of the South and a near-exclusion of the Southerners from attaining positions in government”⁹¹

Of all the Sudanese conflicts, the well known and longest in Africa has been the conflict between the North and the South, which culminated in two civil wars. According to Kanyane and Kuol, this “conflict has many complexities which date back to the 19th century.”⁹² Another conflict has been the Darfur conflict, which turned violent and escalated into a full scale war in 1983 and 1985. It was spearheaded by the Darfur Sudan Liberation Movement/ Army (SLM/A). In 2003 accusations of genocide were leveled against the Khartoum government of President Omar Bashir, who still stands indicted by the International Court of Justice (ICC). The Darfur Peace Agreement was later signed between the rebel movement and the Khartoum government in 2003 although one of the factions of the rebel group withdrew from the agreement, thus continuing with the conflict.

According to Harir, the sub-regional context of the conflict was “related to the war between Chad and Libya in the 1980s. The interference of external powers-US, France and the SPLA against Libya and its ally, Sudan, under el-Mahdi- created the currently deepened division along racial lines in Darfur.”⁹³

⁹¹Ibid. . Pg. 1

⁹² Kanya and Kuol, Liberation Struggle in South Sudan: Critical Issues for consideration. Pg.19.

⁹³ Harir,Sharif. ‘Arab Belt versus African Belt: Ethno-political conflict in Darfur. 1994, Uppsalla Pg. 145-9’

Thirdly, the Nuba Mountains region has been part of the political turbulence of the Sudan since the people in that region engaged in armed struggle in mid-1980s. The Nuba people sought to pursue their rights in collaboration with the SPLM/A that was based mainly in the Southern Sudan.⁹⁴

The fourth major conflict has been in the eastern part of Sudan, and in 2006 the Asmara Peace Agreement was signed to end the violent conflict between the Beja Congress in eastern Sudan and the Government of National Unity (GONU) which came in as a result of the CPA. The other conflicts in the Sudan include the Abyei- Misserya conflict over territorial boundary and tribal grazing land; and the Nuer- Anyuak armed tribal militias crossing the border with Ethiopia, over territory, natural resources and identity. Thus, as Malok has put it, “at the theatre of war, the Southern Sudan, Nuba Mountains and Southern Blue Nile waged a ferocious armed struggle against the Arabised Sudanese state”⁹⁵.

2.2 REGIONAL CONTEXT

The Sudanese conflicts have been taking place within the vortex of a volatile sub-regional environment where states and their institutions are weak and fragile. The Horn of Africa where the Sudans belong, has been a conflict system even though for a long time, “its conflicts were studied and managed individually, on ad hoc basis.”⁹⁶ In this respect, for example, “the Sudanese conflict, between the North and South, was analyzed as an aspect of interplay of purely Sudanese politics and internal arrangements”⁹⁷ It was only much later, “under the IGADD, that a

⁹⁴ Elke, G. op.cit. Pg. 85.

⁹⁵ Malok, E. The Southern Sudan. Pg.6.

⁹⁶ Mwangiru, M Theories, Processes and Institutions of Management. Pg.79.

⁹⁷ Ibid, Pg.79.

realization was reached that the proper management of the Sudan conflict must involve all the regional actors, so that all their interests could be taken care of in the outcome of the peace process.”⁹⁸

Within the region, Sudan’s connection to terrorist activities, were a well known source of concern, among the neighboring states. As Meredith has noted, “the climax of Sudan’s involvement with terrorist causes came in June 1995 with an assassination attempt in Ethiopia on Egypt’s president, Mubarak, as he drove from the airport at Addis Ababa on his way to the city to attend a summit meeting of the O.A.U.”⁹⁹

According to Akol, by 1995, “the hitherto friendly neighbors to Sudan, Ethiopia and Eritrea, had severed their diplomatic relations with the Khartoum government, with Ethiopia accusing Sudan of masterminding the attempted assassination of Egyptian president Mubarak in Addis Ababa”¹⁰⁰. Earlier on, in 1993, “the US added Sudan to its list of states that sponsor terrorism” and was in the meantime, together with Sudan’s neighbors, “accusing the government of Sudan of a conspiracy to disturb regional peace, topple regional governments and spread its version of Islamists ideology throughout the Horn of Africa”¹⁰¹. And, apart from being involved in terrorist and assassination activities in “Egypt, Tunisia, Algeria, Libya, and in the training of the Palestinian Hamas activists for suicide bombings on Israeli civilian buses in Gaza, Sudan was accused of supporting Aideed’s militia in Somalia and Islamist groups in Eritrea and Ethiopia.”¹⁰² In 1993, Sudan was implicated in the bombings of the World Trade Center in York. Six of those

⁹⁸ Ibid.

⁹⁹ Meredith, M. *The State of Africa*, London, 2011. Pg.592

¹⁰⁰ Akol, L. *SPLM/SPLA: Inside an African Revolution*, Pg. 301.

¹⁰¹ Ibid.

¹⁰² Meredith, *State of Africa*. Pg. 592.

convicted were Sudanese, and two Sudanese diplomats, at the Sudanese UN Mission were accused of, and consequently expelled for, helping the conspirators who planned to destroy the UN building and other targets in New York in 1993 leading to his expulsion in April of 1993”.¹⁰³ The US State department had also implicated Sudan in numerous instances, for international terrorist activities against US interests globally.¹⁰⁴

Besides, the Sudanese conflicts began during the height of the cold-War period. The international system and power distribution was bipolar. This made it difficult to resolve the Sudanese conflicts as each party to the conflict would access support from either side of the ideological divide occasioned, and accentuated by the super power rivalry.

2.3. ISSUES IN THE SUDANESE CONFLICTS

The Sudanese conflicts have had diverse issues which range from needs and values to those of interests. Sudan came under European colonial rule in 1898 jointly under the Anglo-Egyptian Condominium Agreement which occupied and administered the region. The Sudanese people were extremely heterogeneous, multi-lingual, multi-racial, and a multi-religious society. Thus, “it is clear that the first contention in the Sudanese crisis was that the *various* parts that broadly define the present Sudan have never been one political entity, and therefore the claim of unity was an illusionary one right from the beginning”¹⁰⁵ as Malok posits.

The needs and values sources of the conflicts include religious and cultural identities, race and freedoms. They also include recognition, respect for dignity and self-esteem, the right to

¹⁰³ Ibid.

¹⁰⁴ See, US State Department, “*Patterns of Global Terrorism*”, 1996, for detailed examples.

¹⁰⁵ Malok, E. Pg.2.

participate in key decisions and attitudes towards others. The main issues or problems in the North-South conflict, for example, had been that of religion, religious persecution and ethnic identity; wealth-sharing and resource distribution between the centre and the regions; internal 'colonialism' and oppression including claims of slavery; power and security controlled from the North; and the colonial demarcations and ethnic boundaries.

The background to this situation is the fact that the historical, cultural, religious and ethnic diversities between the North and South had been politicized in a way that stresses disparate identities.¹⁰⁶ Essentially, there have been, and still are, many sets of needs and value-based issues which are at the heart of the conflicts in the Sudans, which are non-negotiable and cannot be bargained. These can only be addressed through conflict resolution strategy and frameworks of problem solving processes. It is only when the needs and values are addressed that outcomes can be legitimate and sustainable. And legitimate outcomes can only be arrived at by the parties to the conflict themselves, and cannot be imposed by any agreements.¹⁰⁷

The interest-based conflicts in the Sudans on the other hand, include political power, which has been dominated by a small clique of Islamic political and military elite in and around Khartoum since Sudan became independent¹⁰⁸. Other issues pertaining to conflicts over interests include tribal and clan territory; land, for both agriculture and for grazing livestock; as well as other natural resources such as oil, minerals and forests. The oil resource, which was discovered along the North-South border, with much of the deposits located in the Southern part of Sudan, soon

¹⁰⁶ Elke, W. After the Comprehensive Peace Agreement in Sudan, Pg.30.

¹⁰⁷ Interview with a Conflict studies scholar and Key informant.

¹⁰⁸ See.Melha,R.B, "The role of African and Arab Elites in building a New Sudan" in Elke, W. After the CPA in Sudan. Op.cit. Pg. 39.

became another cause of conflict, between the North and South, and later amongst the South Sudanese communities.¹⁰⁹

2.4. ACTORS IN THE SUDANESE CONFLICTS

When different actors get involved in a conflict, they transform the issues, the structure of the conflict and its processes management.¹¹⁰ The Sudanese conflicts have also attracted many actors on both sides of the isle and from the region as well as externally. They have attracted both neighboring states as well as European, American and Asian powers. They have also include, the liberation movements, state-sponsored militias such as the Janjaweed in the Darfur conflict. Some of these actors have been patrons, sponsors, mediators, and facilitators. The other category of actors includes regional and international organizations, such as the IGAD, the AU, the UN, and a myriad of Non-governmental organizations (NGOs) and relief and humanitarian agencies.

During the second civil war, both the GoS and the SPLM/A had their allies who supported their fight. Libya and Egypt were prominent patrons of the Sudanese conflicts. The GoS supported the rebellions in both Uganda and Ethiopia, supplying the Lord's Resistance Army with arms, while giving sanctuary to the Ethiopian resistance movements, respectively. In retaliation, Uganda and Ethiopia, also supported the SPLM/A.

Outside the sub-region, the natural resource potential has attracted many states and foreign countries. A geological oil- belt runs through Sudan with important oil-fields in the South. As

¹⁰⁹ See for example, Patey,L.A. Crude days ahead? Oil and resource curse in Sudan. *African Affairs*, 109, (437) Pg. 617-636; 2010.

¹¹⁰ See Vayrynen, R. "To settle or to Transform? Perspectives on Resolution of National and International Conflicts". in R. Vayrynen, (ed) *New Directions in Conflict Theory: Conflict Resolution and Conflict Transformation*, London, Sage Pub. Pp.1-25.

Elke has aptly noted, “these geological conditions have attracted the attention of the main energy-consuming powers in the West and Far East. Chinese and Malaysian state-owned oil companies have the largest share in oil production in Sudan.”¹¹¹ He further points out that “mainly Indian, South African, French, and Swedish companies participate in the exploration of Sudan’s oil¹¹². The US oil companies have not been active in the Sudan due to economic sanctions imposed by the US government on Sudan. However, the USAID is a generous development partner of the newly independent South Sudan, funding the training of its military and development projects.

2.5. CONCLUSION

Like other violent conflicts, the Sudanese conflicts have been complex, with multiple issues and actors involved. Its complexities have in turn complicated its intervention and mediation processes, influencing the outcomes of its settlement. The main protagonists in the conflicts, the Khartoum governments and the various regions of Sudan, have had complex relationships. Within each region, conflicts and internal divisions abound, based on race, ethnicity, religion, access to resources, poor governance. The involvement of regional and external third parties only make the conflicts more complex as they bring with them their own concerns, interests and create new issues, thereby making resolution strategies convoluted.

¹¹¹ Elke, Pg 249

¹¹² Ibid.

CHAPTER THREE: THE SUDANESE PEACE PROCESSES

3.0. INTRODUCTION

The Sudanese peace processes date back to the early days of independent Sudan. The 1972 Peace Agreement in Addis Ababa, between the South and the North; the Darfur Peace Agreement (DPA) in 2003 between Government of Sudan and the rebel organizations, the Sudan Liberation Movement, (SLM), and the Justice and Equality Movement, (JEM); the Comprehensive Peace Agreement, the (CPA) in 2005, and the Assmara Peace Agreement in 2006 are the main peace agreements in the various Sudanese conflicts mediation efforts.

3.1 THE IGAD MEDIATION INITIATIVES IN THE SUDANESE CONFLICT FROM MARCH 1994

The first regional initiative at resolving the Sudanese conflict began with the Inter-Governmental Authority on Drought and Desertification (IGADD),¹¹³ at the invitation of the president Omar Bashir of Sudan, who at that time enjoyed friendly ties with Ethiopia and Eritrea, both of which were IGAD member states. And the first formal round of talks under the IGAD mediation was held in March 1994, with subsequent rounds held in May, and in July when the IGAD mediators developed a framework for the negotiation process, known as the Declaration of Principles¹¹⁴, which was accepted by both parties then.¹¹⁵

¹¹³ Before the present IGAD, this was the Authority dealing with drought and desertification challenges in the Horn of Africa.

¹¹⁴ The Declaration of Principles (DoP).1994.

¹¹⁵ . This narrative has been provided separately by Madut-Arop-Madut, *Sudan's Painful Road to Peace* Pg. 391. (Chapt.16. 'Final Road to Peace') and by Lam Akol, L. Inside an African Revolution. Pg. 300

This framework declared, that “a military solution cannot bring lasting peace and stability to the country” and that “a peaceful and just political solution must be the common objective of the parties to the conflict”.¹¹⁶ It further stated that “maintaining unity of the Sudan must be given priority by all the parties”, while listing seven principles which needed to be observed failure of which, the option of the “right of self determination of the people South Sudan to determine their future status through a referendum must be affirmed.”¹¹⁷ However, after the end of a one-day conference convened by IGAD on the 6th of September the same year, the Khartoum government tendered its withdrawal from the whole process, under a false sense of an upper hand, having recaptured most of the garrisons previously held by the SPLA in Eastern Equatorial region and thereby registering a significant leverage in terms of military balance over the SPLM/A. It then turned its attention to search for ‘peace from within’. Sudan finally returned to the IGAD mediation process in July 1997 and accepted once more the DOP as a framework for the negotiations¹¹⁸.

3.2 INTERNATIONAL PRESSURE TO END THE VIOLENT CONFLICT AND BEGIN NEGOTIATED PEACE PROCESSES IN THE SUDAN, 2000-2004

Strategic national interests of external major powers invariably underlie the efforts to rally and marshal international pressure to bear on a violent conflict. The US as an external major power became interested in the Sudanese conflict resolution and peace negotiation processes following threats of its strategic national security interests. It was also interested in political stability and peace in the Sudan for oil resource.

¹¹⁶ Declaration of Principles, (D o P) July 1994. An IGAD Document.

¹¹⁷ Ibid. D. o. P

¹¹⁸ Ibid. Pg. 301.

The US and other major European states such as France had earlier on, in the late 1980s and early 1990s tried their hands in the Sudanese conflict. The former US President Carter had been trying his hands in the Sudanese civil war since 1989, especially attempting to mediate between the SPLM/A, and the government of Sudan, but to no avail.”¹¹⁹ Later on in the mid-1990, Herman Cohen, then Assistant Secretary for African Affairs in the Bush Senior Administration, presented the American proposals which would form the basis for “a permanent negotiated settlement” between the government of Sudan and the SPLM/A.¹²⁰ For a long time in the 1990s, Sudan was viewed by the US, as an operational headquarters for global terrorist activities in the horn of Africa, serving as a safe haven for Osama Bin laden up till around 1996, while, simultaneously providing other terrorist groups with a base for essentially anti-Western terrorist operations.

By 1996, Sudan had been exposed as a supporter of terrorism, reviled by neighboring governments and shunned by the West, and had become internationally isolated for harboring Bin laden and his incubation of the Al Qaeda terrorist networks. Sudan was equally not spared in the US led anti- terrorism campaign¹²¹, and it became the central international anti-terrorism target after the 1998 August 7th bombings, of US embassies in Nairobi and Dar es Salaam in which more than 200 lives were lost. The US retaliated by firing cruise missiles into Khartoum, which destroyed the al-shifa pharmaceutical plant, whose owner had links to Osama Bin laden, and which alleged to have been producing VX nerve gas for biological weapons.

¹¹⁹ Malok, E. The Southern Sudan: Struggle for Liberty.Pg.224.

¹²⁰ Ibid.

¹²¹ Meredith, M. The State of Africa, Op. Cit. Pg. 593.

According to Meredith “the combination of Sudan’s record of supporting international terrorism, its savage conduct of the war in the south and its repression of all opposition had made Bashir’s government one of the most reviled in the world. Year after year, the UN General Assembly and the UN Commission for Human Rights issued condemnations over the war and in 2000 a new US government agency, the commission for International Religious Freedom, concluded that the government of Sudan is the world’s most violent abuser of the right of freedom of religion and belief”¹²². Right-wing Christian organizations in America also became increasingly vociferous in denouncing Sudan’s involvement in slavery and religious persecution, urging sanctions to punish Bashir’s government. In 2001 the US House of Representatives passed legislation – the Sudan Peace Act- proposing a package of sanctions that would be imposed if the Khartoum government failed to engage in meaningful negotiations to end the war or continued to obstruct humanitarian relief efforts. In September 2011, after al-Qa’eda’s attack on the World Trade Centre’s Twin Towers in New York and the Pentagon in Washington, desperate to avoid retaliation, Bashir hastened to denounce terrorism and to pledge cooperation with US measures aimed at al-Qa’eda and other terrorist organizations. Organizations.”¹²³

In a bid to salvage its dented international image Sudan embarked on a fence mending exercise in the year 2000 by denouncing terrorism and managed to restore some confidence especially with the US. Indeed after the September 11th attack in New York and Washington, a government spokesman publicly condemned the attacks and declared solidarity with the international community in the global fight against terrorism. In spite of the measures taken by Sudan aimed

¹²² Meredith, M. The State of Africa. Pg. 595.

¹²³ Ibid,.

at distancing itself from terrorism beginning with the expulsion of Osama bin Laden in May 1996, Sudan is still viewed especially by the US given its past connections to terrorists.

Sudan had therefore naturally become a focus of international, but more specifically, the US war on terrorism. And, that systematic and sustained US intervention in the Sudanese intractable conflict began in earnest after the end of the cold war, during President Clinton's administration.

According to P.G. Okoth, "Washington's policy toward Sudan became one of maligning Khartoum, citing for instance, in January 1995, when George Moose, US Assistant Secretary for State for African Affairs, openly accused the Sudanese government of harboring international terrorists."¹²⁴ He further notes that "Washington's accusation was drawn from Khartoum's support for Iraq in the 1990/91 Gulf war when the US led a coalition of its largely Western European allies following Saddam Hussein's invasion of Kuwait. Since then, Washington has consistently accused Sudan of harboring terrorists and plotting with radicals from Hamas, Hezbollah, and Islamic Jihad against Israel in particular, and Western interest in the Middle East in general. In August 1993, the US placed Sudan on the list of countries 'Sponsoring terrorism'. And, a year later, the then US Ambassador to the UN, Madeline Albright, captured the American mood, thus: 'On terrorism, I stress our profound concern at the compelling evidence that elements of the Sudanese government continue to assist international terrorist groups.'¹²⁵

Thus, there was very little discernable major power involvement in the conflict until 1996, when the Clinton Administration put pressure on the Sudanese regime under the National Islamic Front (NIF) later renamed National Congress Party, (NCP) to expel its financial sponsor, the Saudi millionaire Osama Bin Laden, who it accused as one of the sponsors of international terrorism.

¹²⁴ P.G. Okoth, & Ogot, B. (ed) Conflict in Contemporary Africa., Pg. 110

¹²⁵ Ibid.

The terrorist bombing of the twin US embassies in Nairobi and Dar es salaam, were masterminded by Bin Laden, from his safe haven in Sudan. And since the US Congress had already black-listed Sudan along with Iran, Iraq, Syria, Yemen, Libya and North Korea, as a rogue state, harboring international terrorism and inimical to US national security interests in both the Middle East and Africa regions, the involvement of the US in the Sudanese conflicts would be a matter of cause. Consequently, the eminent fear that the Americans would not only work to overthrow their fundamentalist regime, but wipe out its entire leadership gripped the Khartoum regime and as a result, made it to oblige to the US pressure. President Bush took office at a time when the civil war in the Sudan had intensified, resulting in huge loss of human life, destruction in the infrastructure and ethnic cleansing in the areas surrounding the oil fields in the Southern parts of Sudan. He made the quest for peace in Sudan, his top priority in Africa and put the Khartoum regime on top of its national security watch agenda in the fight against global terrorism.

The change of administration in Washington also brought in its wake, a new dimension and a renewed vigor, in the quest for peace in the Sudan. President Bush appointed as his special peace envoy in the Sudan a former Senator Danforth.¹²⁶ President Bush's policy on the Sudan was also accentuated by the mounting pressure from the American right-wing religious groups, especially the Evangelicals, who were appalled by the perceived continued religious persecution of Christians in South Sudan by the Muslim leaders.¹²⁷ In this, they were enjoined by the Black Caucus in the American Congress, and their counterparts in the other Black associations,

¹²⁶ Arop, M, Sudan's Painful Road to Peace, Pg.401.

¹²⁷ Ibid. Pg.401.

infuriated by the claims of continued slavery practice in South Sudan, following the report of the Eminent Persons Group in May 2001.¹²⁸

As Woodward also acknowledges, “at first it came mainly from the evangelical Christians who had long been involved in the southern Sudan and were very influential in the Bush circle. They were supported by a number of human rights groups long concerned with the suffering in Sudan. But there was also impetus from 9/11. Sudan had sheltered Osama bin Laden and el-Qaeda from 1991 to 1996 and feared possible US action after 9/11. The ruling NCP moved swiftly to make its intelligence available to the US for the war on terror, and the latter accepted its involvement in the peace process, giving its support to IGAD and its leading member states, especially Kenya where successive rounds of negotiations took place.”¹²⁹

Although the peace process on the Sudan had begun earlier on in 1989, under the auspices of IGADD, as already noted, it had not registered any remarkable impact. As Rolandsen pointed out, “at the turn of the millennium, the conflict between the government of Sudan and the SPLM/A had reached a stalemate, but both parties still sought victory in the battlefield. A broad gulf separated their positions in peace talks, and external supporters and facilitators (referring to neighbors within the region) of negotiations showed signs of fatigue and disengagement.”¹³⁰

Based on official reports of the unbearable suffering of the people in the South Sudan, including a bombed Episcopal Church in the small Southern town of Rumbek, the Bush Administration

¹²⁸ Ibid.

¹²⁹ Woodward, P. op. cit. Pg.234.

¹³⁰ Rolandsen, H. op .cit. Pg.551.

brought pressure to bear on the warring parties to speed up peace process,”¹³¹ An Agreement was also signed in Geneva on January 19th 2001, between the GoS and the SPLM, on cessation of hostilities in the Nuba Mountains where the entire population had been threatened to near extinction by the war.¹³² The intervention of the US, as an external major power with security and economic interests in the Sudanese peace process, meant that the terms of engagement hitherto adopted, the pace of the negotiation process, and their outcomes, would change to reflect the interest of the US. Thus such thorny and hither to almost “non-negotiable” issues as ‘the issue of state and religion’ and that of ‘the right to self-determination of the people of South Sudan’, over which the Khartoum government had walked out of the IGAD - led peace initiatives in 1994, would now be forced to the negotiating table.

As Arop, M. noted, “the convergent of domestic and foreign interests in the United States in the Sudan conflict brought about by activities of the leaders of Christian’s Lobby and Black Caususes did apparently play a greater role in pushing the Bush Administration to put pressure on the warring parties to accept peace finally.¹³³” The subsequent terrorist attacks on September 11 gave the US government further incentive to take up the peace process in the Sudan more vigorously and seriously as a part of fighting international terrorism in which Sudan was on the list of countries harboring and sponsoring terrorism. This was followed by the US Congress Sudan Peace initiative which was later endorsed into law by the president, used as a stick to pressure the warring parties to abandon war in favor of peace.

¹³¹ Arop, M op. cit. Pg. 402.

¹³² Ibid.

¹³³ Arop, M, Sudan’s Painful Road to Peace. Pg.402.

According to the Congress Sudan Peace Initiative, the US would give a sum of 100 million dollars for the development of the Southern Sudan for three successive years if it was proved that it was the government to blame for the failure to achieve peace. Likewise, US government would put sanctions against the SPLA if it were blamed for the failure of the peace process. Reading the message on the wall, thearring parties began to cooperate in earnest. From then on a peaceful solution of the long elusive conflict was made possible¹³⁴.

It was against this background that the American strategic Center for International Studies (SCIS) a think tank studies group came up with a paper spelling out how the US new administration should bring the war in the Sudan to a speedy end and issued recommendations and proposals as to how the Sudanese conflict could be resolved.

Basically the SCIS document recommended that the new administration should concentrate US policy on the single overriding objective of ending the war in Sudan; actively join the UK Norway and Sudan's neighboring countries in establishing an international nucleus to press forth for serious and sustained talks between Khartoum and southern opposition; build the new extra regional initiative by Sudanese government and the opposition on the Declaration of Principles as the basis for any negotiations; seek first to reach agreement on the creation of an interim arrangement - "the One - Sudan and two systems formula" that preserves the unity of the Sudan with two viable self-government democratic regions, North and South; devise enhanced multilateral inducements and pressure that would move both sides to participate in peace negotiations in good faith; catalyze the launch of a high-level international plan for a viable self-governing South; assign top priority in negotiations in early confidence building measures; and

¹³⁴ Ibid. 402-3

resume full operations of US embassy in Khartoum with the appointment of a top level Diplomat as Ambassador to Sudan.¹³⁵

There was also a further recommendation that “the US government should continue to play pivotal role in convincing the warring parties the benefits for accepting a negotiated peace settlement.”¹³⁶ As a result of all these efforts, a series of high level U.S visitors took place who gave positive encouraging reports for accelerating the mediation process following the U.S envoy visit to the Sudan.¹³⁷

3.3 THE SUDAN COMPREHENSIVE PEACE AGREEMENT PROCESSES

When the Sudan comprehensive peace process began, the two parties to the conflict had long reached a political and military stalemate. Thus, it could have very well been a ‘ripe moment’ in Zartman’s sense, since according to him, “parties resolve their conflicts only when they are ready to do so- when alternative, usually unilateral, means of achieving a satisfactory result are blocked and the parties find themselves in an uncomfortable and costly predicament. At that time they grab on to proposals that have usually been in the air for a long time and that only now appear attractive”¹³⁸.

However, in the Sudanese conflict resolution and peace negotiation, in spite of that long standing political and military stalemate, the initial efforts at peace talks between the two bitter rivals

¹³⁵ Arop, M, Sudan’s Painful Road to Peace, P.403.

¹³⁶ Ibid.

¹³⁷ Arop, M. op. cit.

¹³⁸ Zartman, W. ‘Ripeness: The Hurting Stalemate and Beyond’ in Paul C. Stern and Daniel Druckman (eds) International Conflict Resolution After the Cold War (Washington DC: National Research Council Press 2000) pg.225.

never seemed to be going anywhere, and appeared, instead, to be more of a strategy for buying time, than a ‘ripe moment’.

As Rolandsen notes, “the IGAD peace talks continued over several inconclusive rounds, and by the year 2000, international interest had waned¹³⁹. A joint Libyan-Egyptian initiative launched in 1999 provided the parties-particularly the Government of Sudan-an opportunity to stall the talks by ‘forum-shopping’. Meanwhile, Southern Sudan and the northern parts of Uganda were permanent war zones, subject to general insecurity. Even as late as 2001, few, if any, anticipated a negotiated settlement on the foreseeable future, as respectively noted by Deng and Morrison¹⁴⁰ and El-Affendi,¹⁴¹

However, with the active involvement of the US and other partners, (UK, Italy and Norway), a revamped IGAD-led peace process began in earnest in June 2002, in Machakos, Kenya. This initiative, which eventually led to the signing of the historic CPA two years later, adopted the IGAD’s Declaration of principles (DOP) which had been agreed upon by the two parties to the conflict. The US, through its Special envoy, Senator Danforth acknowledged the DOP on which the mediation had been pegged and which recognized the right of self determination for the people of South Sudan in accordance with international law that gives right to a people to determine their social, economic and political destinies.¹⁴²

¹³⁹ See for example the reference to ‘Sudan’s Forgotten Conflict.’

¹⁴⁰ See Deng, F. and Morrison, J.S. US Policy to end Sudan’s war: report of the CSIS task force on US-Sudan policy. Washington, DC. CSIS.2001.

¹⁴¹ El-Affendi, A. The impasse in the IGAD peace process for Sudan: the limits of regional peace-making? African Affairs, 100, pp.581-599.

¹⁴² Arop, M. Sudan’s Painful Road to Peace, p 402.,

Thus, despite the subsequent intensification of the war in which the SPLA took two strategic towns of Kapoeta and Torit, the two antagonistic parties were grudgingly forced to sign temporary cease-fire which came into effect on October 25, 2002, renewable every three months¹⁴³.

3.3.1. The Protocols of the Sudan Peace Agreement

Under this sub-heading, the various Protocols of the Sudan Peace Agreement are reviewed according to how and when they were negotiated. These Protocols of the Sudan Peace Agreements not only covered the Permanent Cease-fire which marked the end of the bitter war between the North and South, but also the Implementation Modalities, all of which took many rounds of talks and in diverse venues in Kenya - Machakos, Nakuru, Nanyuki, Naivasha and Karen.

The start of the serious negotiations work to secure a provisional cease-fire between the warring parties and to eventually reach a comprehensive peace agreement had commenced in 2001, with intensive and extensive international pressure to bring the civil war to a quick end. The year of serious negotiations for the Sudanese conflict settlement was 2001 because that was the watershed year when the September- Eleven terrorist attacks occurred in the US, and when a more coordinated global war on terror began in earnest. By May 2002, that international coalition had brought together the US, UK, Norway and Italy. Quite notably, and confirming the fourth hypothesis, owing to the intervention of an external major power in an international conflict, by June, only a month later, the negotiating representatives of the Sudan Government and the

¹⁴³ Ibid,

SPLM/A were finally brought to the negotiation table at the Kenyan town of Machakos under the auspices of the rejuvenated IGAD team headed by then President Moi of Kenya.¹⁴⁴

During the Machakos peace negotiations or talks, which dragged on and on, almost to a deadlock, “the mediators decided to draft an agreement on the points discussed and present the draft to the parties, separately, on a *take-it-or-leave-it* basis.” According to Akol, “after consultations with their Principals the two parties accepted the draft, which they signed on 20th July 2002 as the Machakos Protocol. Only one week later, a meeting between president Al-Bashir of Sudan and John Garang of SPLM/A, the first of its kind, took place in Kampala Uganda”¹⁴⁵.

This development was not only surprising to many observers and analysts of the Sudan conflict resolution efforts, it was also a clear sign that the peace process had been firmly launched, its course determined and its outcome predictable. The level of subsequent negotiations was raised and the parties engaged in detailed discussions on arrangements governing the interim period leading to the referendum, namely the issues of power and wealth sharing, security arrangements and the Three Areas (Nuba Mountains, Blue Nile, and Abyei territory).

The prominent feature in the power-sharing protocol was Islamic Sharia law, which almost led to the breakdown of peace talks. It was agreed that it should continue to prevail in the capital Khartoum provided that Christians and other non-Muslims were exempted from its codes and legislation. It was also agreed that in the divisions of seats in future Parliament and the

¹⁴⁴ This narrative has been sourced from Arop- Madut. *Sudan's Painful Road to Peace*.

¹⁴⁵ Lam Akol, *Inside an African Revolution*. Pg. 304.

Executive, the ruling National Congress Party, would get 52 per cent, SPLA, 28 per cent, Northern opposition parties 14 percent, and the Southern opposition parties six percent. The Implementation Modalities were the timelines specifying the tasks of the interim period included in the protocols, the implementing authorities and the time frame for the implementation.

After nearly twenty years of destructive war that brought the country to the verge of total collapse as a nation state, and in which over two million people were killed and much property destroyed, Sudan was at last at the threshold of peace. Through international pressure, Osman Taha, the NIF chief negotiator and stakeholder in the NIF regime was brought together to negotiate directly with the leader of the SPLA, Garang . The presence of the two stakeholders on both sides gave hope that the negotiations that had been dragging on for four years would after all bear fruit. The signing ceremony was attended and witnessed by the foreign ministers of IGAD, local and international dignitaries that included US Assistant Secretary of State for Africa, and then Norwegian Minister of International Development.

On June 6th 2004, the five protocols were concluded and initiated as the Naivasha draft Peace Agreement at the State House in Nairobi Kenya witnessed by the Kenyan President Mwai Kibaki in his capacity as Chair of the IGAD mediation countries. This was followed by another six months of painful wait. And finally, on *January 9th 2005*, a Comprehensive Peace Agreement (CPA) was signed, bringing to an end Sudan's painful road to peace. The signing of the CPA was witnessed by President Kibaki of Kenya whose country had hosted the peace negotiation for nearly two decades and President Museveni of Uganda Chair of the Eastern Africa regional grouping, IGAD. It was also witnessed by regional and international bodies; among them UN

secretary General representative Jan Pronk, US League and Alpha Konari, secretary General of African Unity.¹⁴⁶

The five main protocols were the Machakos protocol, the Security arrangement protocol, signed in Naivasha, on September. 25th. 2003; and the Wealth sharing protocol signed in Naivasha on Jan. 7th 2004. Both the Power sharing protocol, and the Three Areas protocol, were signed in Naivasha, on May 26th in 2004. Thus the Sudanese conflict was settled with the ‘Comprehensive Peace Agreement’ which effectively brought to a final halt the five decade-old ruthless war. There were genuine reasons indeed for Sudanese in both North and the South to celebrate except that the agreement had yet to be implemented in letter and spirit¹⁴⁷.

The external power intervention in the Sudanese conflict, in this particular case the US intervention, helped to end the devastating war and accelerated the peace negotiation process, which, under the initial auspices of IGAD, had been going round in circles without registering any real progress.¹⁴⁸ The US drove the negotiation process forward, kept the ship afloat and steadily sailing towards the earmarked shore.

According to Condoleezza Rice, “Sudan had been on the President’s radar screen since we first arrived in Washington. He wanted to end the decades –long civil war between the South and the North that had resulted in the deaths of millions of people. Evangelical Christians in the US had long championed the cause of Christians in the African South Sudan, who had been oppressed by

¹⁴⁶ Both Arop and Akol have provided accurate narratives and graphic sequence of events in the run up to the signing ceremonies in their books.

Ibid.¹⁴⁷

¹⁴⁸ See El-Affendi, A “The impasse in the IGAD Peace process for Sudan: the limits of regional peace making?” Op.cit.

Arab Muslims in the North. In 2001 the President decided to appoint former senator Danforth as special envoy for peace to Sudan”.¹⁴⁹ She further observed that “with the assistance from the international community the agreement was signed on January 9th 2005. Colin Powell had directed the US effort, intervening personally in the end to get the deal done. Several times the negotiations had almost broken down, but he and senator Danforth had persevered.”¹⁵⁰

Secondly, the international power distribution and configuration, that is, polarity, also quite favored the US intervention, as a sole super power, to get its way around international conflicts, where its national interest were concerned. Under the circumstances, the US was able to dictate the terms and conditions of the negotiation process, determine the pace of the process, and even unilaterally introduce new elements in the negotiation menu. The thorny issues included the aspect of separation of state and religion, and the self determination of the South Sudan and the incorporation of the SPLM/A leadership in the government of national unity, all of which could now be negotiated and agreed upon.

3.3.2. Negotiations during the Six- year CPA Period- (Jan. 9th 2005- July 9th 2011)

During this period, also referred to as the interim period of the CPA, much of the negotiation activities between the SPLM/A and the Khartoum government were led ostensibly by four formal organizations or agencies, namely the AUHIP, mandated by the AU Peace and Security Council at the head of State and Government level, headed by the former president Mbeki of South Africa; the IGAD sub-committee on the Sudan peace process, chaired by Kenya’s president; the UN, through its peace and observer mission in the Sudan; and an internal organ or

¹⁴⁹ Rice, C. No Higher Honor, A Memoir of my Years in Washington. 2011, N.Y. Pg. 385.

¹⁵⁰ Ibid. Pg. 386.

institution of the CPA, the Assessment and Evaluation Commission (AEC), inherently created by the CPA itself to monitor its implementation, and where both the NCP and the SPLM/A had equal representation. Kenya, IGAD, the Troika-(US, UK, Norway), Italy, UN, and the Arab League were also members of the AEC.¹⁵¹

The international community involvement and mediation efforts, acting at the behest of an external major power interest, would therefore be channeled through and interfaced with, any of these four structures, or as mostly was the case and as this study shows, even outside them, by-passing them and directly dealing with the parties to the dispute.¹⁵²

The AUHIP as the overall mediating body in the peace negotiation process, was “mandated to engage with all aspects of the Sudanese situation and assist the Sudanese to address the issues surrounding the successful completion of the CPA and the future of Sudan following the referendum”¹⁵³. In a sense, the AUHIP was expected to play a similar facilitative role as the one which IGAD had began playing earlier on and continued to, of merely ensuring that the parties are fully engaged in talks, even if there are no tangible take-aways. It was expected to sustain a momentum for negotiations and reinforcing the need for continued engagement and talking between the parties, especially at preliminary levels when there were no hard issues to be negotiated which would not require direct external power intervention.

The end of the Sudanese civil war pitting the North and the SPLM/A in the South, was soon followed by the crisis in Darfur, a north-western part of Sudan, where two rebel groups, the

¹⁵¹ See the CPA Protocol and Document. (January 9th. 2005).

¹⁵² The Author was the Deputy Chair of the AEC representing Kenya,2010-2011.

¹⁵³ See AUHIP’s mandate.

Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) had jointly launched a series of attacks against the Khartoum government installations. The Khartoum's government response was near Genocidal - a series of widespread atrocities committed by mobilized proxy militias, engaging in savage killings of civilians and whole scale destruction of villages.

On whether the US intervention in the Darfur crisis could have affected the implementation of the CPA, opinions of the Key Informant respondents vary. While some acknowledge that it "caused a bit of instability in the US focus, but the disruption of the aim, efforts, and objective was limited" others argued that the "the US was capable of dealing with the two issues simultaneously, so any failure in implementing the CPA is not related to the US engagement in the Darfur crisis."¹⁵⁴ However, according to Condoleezza Rice, "because genocide is a powerful term, Colin Powell (then Secretary of State) appointed a group of specialists to assess the case in Darfur. When they returned with a finding of genocide, the situation in Darfur took on new urgency. U.S. policy shifted from implementing of the CPA to include trying to save the people of Darfur."¹⁵⁵

This aspect of the Darfur humanitarian crisis, cropping up during CPA intervening period, and the corresponding U.S. policy shift to deal with it as a matter of urgency, partly explains why the six-year CPA period registered minimal progress. That policy shift which subsequently occasioned a divided attention of the U.S. policy makers and institutions charged with policy implementation, between the urgent Darfur genocidal situation and the follow up on the

¹⁵⁴ Key Informant Survey Respondents.

¹⁵⁵ Rice, C. Op. Cit. Pg.387.

implementation of the CPA, caused the latter a great deal, in terms of moving the negotiation process forward on earmarked and prioritized issues.

Similarly, the US quick intervention in the Darfur crisis, in Western Sudan, could therefore be seen as an act of international obligation, with a sense of guilty feeling over the Rwanda genocide, hanging in the backdrop. Thus, as late as 2010, five years after the CPA had been signed and only one year to the expiry of the CPA period, a number of key centrifugal issues such as the demarcation of the internal North –South border; the Abyei issue; and the exercise of the Popular Consultation, including state level elections, in the Three Areas, of the Blue Nile, the South Kordofon states, and the referendum in Abyei itself, had not been addressed. Other equally critical issues pertaining to post-referendum arrangements were not yet addressed late into the interim period of the CPA, and two months prior to the January 9th 2011 date set in the CPA for the Referendum on the Self- determination of the South Sudan.

The sense of delay and huge back-log of unresolved key CPA milestones and emerging issues prompted the AEC to hold a high level plenary session on 4th March 2010, to urge the Parties and Guarantors of the CPA to urgently take actions which would prepare the way for a successful and peaceful transition in the popular consultations and the referenda in both Abyei and South Sudan, on January 9th 2011. The Plenary session noted that, “recalling that th time remaining to prepare for the referenda is short, and that the AEC had called for the immediate establishment of the referenda commissions in January 2010 to ensure that the administrative, logistical and funding mechanisms can be put in place, the AEC concludes that the appointment of these

commissions now is imperative.”¹⁵⁶ Besides, the South Sudan Referendum Commission (SSRC) was lamentably underfunded. Yet the SSRC was expected to be financially, administratively and executively independent. In practice, however, things were really very different. Of the total pledge of US\$ 57.8million, by the international community, under the UNDP Referendum Basket (RBF), only US\$8 million had been disbursed two months before the referendum.

And, as of 4th July 2011, the IGAD Extra-ordinary session on the activities in the Sudan, expressed its concern over “the unresolved issues of the final status of Abyei area, the five disputed areas along the border, the requirement for transitional financial arrangements, and provision for the continuing production of and transshipment of oil, and called on the AUHIP to continue its engagement with both parties in order to resolve all these issues.”¹⁵⁷

3.3.3. Negotiations Two Years into the Post CPA Period- (July 10th 2011-July 9th 2013).

A lot of the negotiated agreements of the CPA were not fully implemented. Those outstanding issues ranged from matters pertaining to Citizenship, covering nationality, civil servants, and trans-boundary populations; Natural resources, Oil refinery and concessions. Other important outstanding issues included Water resources, Sudan’s water quota under the Nile Treaty; Financial and economic arrangements covering currency, Separation of Central banks, and Debts and Assets; Security arrangements and guarantees, Division of military assets, National intelligence security service; International memberships, Treaties and State Obligations.

¹⁵⁶ See the AEC High Level Plenary session, 4th March 2010.

¹⁵⁷ See the IGAD Extra-ordinary Session on Sudan, 4th July, 2011.

Thus, following the successful and peaceful secession of the southern Sudan, but with a host of almost all the other CPA agreements unfulfilled, the negotiation process became largely an AUHIP affair as a facilitating mediator. However, both the formal IGAD Sub- committee on the Sudan peace process and direct bilateral meetings and negotiations between the two Sudanese states, continued to take place, providing oversight and appeal for the completion of all the pending issues. Besides, both direct bilateral talks between Khartoum and Juba occasionally took place, while ‘track two’ diplomatic engagements still continue to take place behind the scenes.

However, within the first two years of their separation into two neighboring states, there has neither been a sense of good neighborliness, nor a desire for a co-operative bilateral relationship between the two Sudans. What has come to characterize the relationship between these two Sudanese neighboring states, is a clear sense of uneasiness and a reluctant neighborliness. And, in the absence of active external major power engagement, not much will be expected to be achieved, since the regional entities which are charged with the responsibility of mediating the outstanding issues lack the gravitas and influence to engender any meaningful deal-making. What this means, therefore, is that where there is little or no external major power interest in peace negotiation processes, internationally or within a given region, conflict settlements will not last.¹⁵⁸ Furthermore, where the process is under the aegis of a regional or sub regional body or entity such as IGAD or AUHIP, the negotiation process could drag as long as the parties feel no real urge to enter into a deal or negotiated agreement. In the case of the Sudanese negotiation process, the US and the other Troika members, the UK and Norway, have consistently retained the office of the Special Envoy, in addition to bilateral diplomatic representations in the Sudan.

¹⁵⁸ See Hampson, F. “Why Orphaned Peace settlements are more prone to failure”. In Crocker and Hampson eds. PP.533-50

But after the secession of the South, these offices merely seem to be symbolic, monitoring and reporting duty stations, rather than actively engaged in shaping and influencing real substantive policy issues.

3.4 CONCLUSION

In conclusion, it has come out clearly that again it had to take the intervention of the U.S. to re-energize the snow-balling negotiation process to move forward the crucial CPA objective of conducting a credible referendum on self- determination for the people of the South Sudan. In fact, if it was not for the US last minute intervention, in close collaboration with the UNIRED, the South Sudan referendum would probably have not taken place on time as it did. Notably, a special UN meeting in New York, at the request of U.S, which ostensibly was meant to draw the highest level of international support ever since the CPA was signed, was convened on the 24th September 2010, on the Sudan situation. That meeting was also expected to generate new momentum and additional international support for the CPA implementation in the crucial final stage of the interim period.¹⁵⁹

On the balance, it can be argued that the only non- disputable scores of the CPA were that, it prevented the two conflicting parties from engaging in a full scale war, ‘even though they nearly did, in April 2011, barely two months before the secession of the South’ and allowed the conducting of a successful historic referendum which eventually took place on January 9th 2011, and the consequent declaration of independence of the South as a sovereign state.

¹⁵⁹ See the AEC Final Report, July, 2011.

This harsh reality of the Sudanese peace processes, has led many analysts and critics to view the CPA as externally driven. According to Rolandsen,¹⁶⁰ most of these critics “decry 2005 peace agreement between the government of the Sudan and the SPLM/A, as incomplete, and to conclude that, it was merely a result of the desire of the external actors for a quick solution, that was neither truly comprehensive nor sustainable”.¹⁶¹ In essence, therefore, it was seen as merely a conflict settlement which stopped the war, negotiated territorial boundaries, bargained power and resource sharing. Further, “the division of the country will solve, at least temporarily, the North-South conflict, but will not eliminate the possibility of future war between the resulting two countries; nor does it ensure security, development or political empowerment of the Sudanese. The temporary framework imbued in the Protocol signed in Nairobi on 9th January 2005, facilitated a relatively quick end to the war by allowing some issues to be deferred.”¹⁶²

As noted by Mwagiru, “Africa is full of examples of conflicts that were settled but where the settlements did not last for long.”¹⁶³ In this regard, the study sees the CPA as a more elaborate attempt at laying an important framework for the resolution of the Sudanese conflict, albeit without the requisite internal goodwill of the protagonists in the conflict. As Elke puts it, “the CPA raised initial hopes that it would be the foundation stone for lasting peace in Sudan.”¹⁶⁴

Secondly, the study argues that beyond the choice of whichever conflict management methodology employed by the intervening third party, whether settlement or resolution, the

¹⁶⁰ Rolandsen, O.H. “A Quick Fix?”. In Review of Africa n Economy. Op.cit.

¹⁶¹ , Rolandsen, “A Quick Fix ?” Pg.562.

¹⁶² Ibid. Pg 551.

¹⁶³ Makumu, M. op. oit. Pg. 47.

¹⁶⁴ Elke, G. After the Comprehensive Peace Agreement in Sudan. Pg. 1

involvement and *constant engagement* of a major power¹⁶⁵, favored by polarity, is critical in the final analysis. It ensures that the desired outcomes are realized and that the peace settlements are not ‘*orphaned*’¹⁶⁶, even though third parties carry with them complexities of their perceptions, interests and values.

Thirdly, its focus on the role of polarity and external major power interest makes it possible to explain *why* an international conflict resolution and peace negotiation process which enjoys a tremendous amount of regional and international good will, such as the Sudanese peace process, would derail or stall. In fact, these two variables, are the closest to what James N. Rosenau, referred to as “the underlying and enduring dynamics out of which daily events and current issues flow”¹⁶⁷ in analyzing the events surrounding the end of the Cold war. He wrote, “in 1988, protests and uprisings followed quickly upon each other in Soviet Armenia, the West Bank, Poland, Burma, and Yugoslavia, and that the same time span was marked by regimes being shaken up in the Soviet Union, Chile, Haiti, and Lebanon. Likewise, and no less conspicuous, 1988 witnessed *cascades of cooperation*: within weeks of each other, *negotiations to end wars* were initiated in Afghanistan, Angola, Central America, Cambodia, the Western Sahara, and the Persian Gulf.” He concluded that “the winds of turbulence, in short, can propel post-international politics in many directions, through the world’s diplomatic and legislative chambers, where compromises are reached, no less than through its street and battlefields, where conflicts are joined.”¹⁶⁸

¹⁶⁵ See Hampson on the concept of ‘Orphaned’ peace settlements.1996. In Crocker and Hampson.

¹⁶⁶ See for example Zartman, I. Conflict and Resolution. 1991 Pg.11-12.

¹⁶⁷ Rosenau, J.N. *Turbulence in World Politics, A Theory of Change and Continuity*.1990. Pg.7

¹⁶⁸ Rosenau, J.N.. Op. Cit. Pg. 9.

CHAPTER FOUR: ANALYSIS OF THE SUDANESE CONFLICTS AND PEACE PROCESSES: Major issues and outcomes.

4.0 INTRODUCTION

This chapter carries an analysis of the Sudanese conflicts and peace processes, highlighting the major issues and outcomes. It also analyses the data collected on how the problematic of resolving violent international conflicts has been conducted in general and a specific focus on the four hypotheses set forth as probable explanations for the persistent Sudanese conflicts. A particular focus will be given on the two key variables, the external major power interest and polarity in international conflict management, but which are often glossed over by scholars and practitioners of conflict resolution and peace negotiations. It therefore examines in greater detail, how these two variables converge with contingent variables to determine the pace and direction of conflict resolution and peace negotiation.

4.1. WHY THE SUDANESE CONFLICTS HAVE PERSISTED

An analysis of all the basic hypotheses explaining the persistent Sudanese conflict is presented in this chapter. The first will be the deep-rooted historical diversity and the socio-cultural multi-divisions within the Sudan. Secondly, is the weak and ineffective conflict resolution mechanisms and absence of regional hegemons in Africa. Thirdly, the notion of over-emphasizing the conflict settlement strategy at the expense of conflict resolution in African conflicts is discussed. And fourthly, the lack of interest, and prompt intervention by external major power in African conflicts, all of which offer partial explanations for the persistent Sudanese conflicts.

4.1.1. Historical Divisions within the Sudan

In the course of research, both primary and secondary data consider the historical multiple divisions of the Sudanese races and communities as a credible explanation for its persistent conflicts. Beyond the racial muslim-Arab dominated North and Christian and animist-African South there are other forms and levels of multi- ethnic, cultural, political and socio- economic diversities in the Sudan. For instance, the multi-layered social divides and how to bridge them, the reconstruction of new identities of groups of people who had been dispersed, displaced, and affected by the long civil wars have not been tackled by both regimes in the North and in the South. This still remains a challenge.

The two regions of the Sudan, the North and the South had been “sharply divided by geography, culture, race, ethnicity, and religion”,¹⁶⁹ and, later on, by ‘oil’. As Lyman, a one- time US Special envoy to the Sudanese peace process observed, Sudan was also divided “by political orientation, and by oil, and had experienced an intractable conflict, resulting in over two decades of an internal, brutally devastating civil-war, occasioning huge losses of two million human lives, and produced as many or more refugees and internally displaced persons (IDPs), costing billions in humanitarian assistance and upset regional stability.”¹⁷⁰ And as Rolandsen has noted, “Sudan is a fragile state, and modern Sudanese history is characterized by conflicts between Khartoum political elites and forces at the periphery, where identity politics has fuelled opposition to the centre. Since independence in 1956, the state capacity has been eroded through

¹⁶⁹ Waihenya (ed) *The Mediator*,(2000)

¹⁷⁰ Lyman, P. Former US Special Envoy for Sudan. “Negotiating Peace in Sudan” Speech delivered at the American University, Cairo, Egypt. 20011.

neglect and deliberate policies of shifting government power to party structures, informal networks and in the peripheries, to militias.”¹⁷¹

Others have argued that “the brutal war that had raged in the Sudan for thirty- one years of its forty -two years of independence had sowed hatred instead of love. It would be improbable that tolerance could be restored to be the order of the day in the Sudan”¹⁷² proffering this as a viable explanation for the persistent Sudanese conflicts, since within each region, North, South, East and West of Sudan, there are several ethnic diversities and cultural differences. Furthermore, when claims were reported of modern-day slavery of South Sudanese by their Arab rulers, and of religious persecution of Christians in the South by the muslim Arabs in the North, and ethnic cleansing in the Darfur region, the Christian churches in the South raised the matter with the Vatican and Bishop of Canterbury, while the evangelical groups in the US took up the issue with the US Congress. This caused the religious dimension of conflict in the Sudans to be of international interest.

All the respondents, while acknowledging Sudan’s complex history, deep multi-racial and ethnic divisions and intractable conflicts, did not think of it as insurmountable in engendering peace, security and development in the Sudan. Like the rest of Africa, Sudan multi ethnic, racial and religious composition is not unique. This hypothesis does not therefore hold against other experiences in Africa where there are similar historical multiple divisions. There are success examples in Africa where the states after the attainment of independence, have managed to mould culturally diverse communities into a strong sense of nationhood. Tanzania is a case in

¹⁷¹ Rolandsen op.cit. Pg. 552.

¹⁷² Malok, E. Pg 224.

point where the founding father of the nation, President Nyerere created the Tanzania nation out of several diverse multi racial, ethnic communities repudiating the assumption that multi ethnic diversity necessarily breeds conflict, and is enough explanation for a persistent conflict. Even South Africa which for a long time was under the white- dominated apartheid rule, has been able to settle its internal conflict and to embark on long term conflict resolution, moving forward. Besides, even in countries where there are homogeneous national ethnic communities such as Somalia, there has been long running conflict for over two decades, with muted prospects for peace and security. In any case, there are very few societies around the world which are completely homogenous or without internal social contradiction, even violent ones.

As a matter of fact, Garang himself, and a host of his political elite followers, did not see these historical divisions as inhibitive but as richness in diversity, and met his death “a strong believer in the possibility of a united free secular Sudan on a new basis.”¹⁷³ He fought and sought unity in diversity. Commenting on the Protocols on the Comprehensive Peace Agreement, the leader of the SPLM, and the architect of the creation of a “New Sudan”¹⁷⁴, Garang said: “We suggest that the most viable solution is to have a confederation during an interim period as a form of interim unity to solve the problem of Religion and State (Sharia). This will be followed by exercise of the right of self-determination to choose between maintaining the confederate union, or full independence. In the confederate union there will be two constitutions one for each state, and a third for the confederate Authority.”¹⁷⁵ Apart from Garang and his elite followers who dreamt of a united free secular Sudan, there were many other scholars who saw Sudan as “a true

¹⁷³ Arop op.cit Pg.406.

¹⁷⁴ Garang’s preference would have been a new unitary or federal Sudan, in which justice and democracy were key corner stones, not the secession of the Southern Sudan.

¹⁷⁵ Arop, Pg. 406.

microcosm of Africa”, a dynamic link between the Continent and the Middle East, and holding Africa’s destiny in its hands.¹⁷⁶

Thus, while it is recognized that the Sudanese conflict has been complex, owing to its equally deep divisions and complex history of actors pursuing incompatible goals¹⁷⁷, it cannot stand alone as the explanation for the persistent Sudanese conflicts which has eluded peace over the years. Other explanations must therefore be sought to adequately explain this phenomenon.

4.1.2. Weak and Ineffective Institutional Mechanisms for Conflict Resolution

One of the popular explanations among the scholars and students of Conflict resolution for the persistent Sudanese conflict has been the lack of viable conflict resolution mechanisms in Africa in general, and in its various sub-regions. The argument further points to the weak institutional frameworks within which such conflicts would be expected to be resolved, for example the IGAD. Closely tied to this is the notion that Africa still lacks viable regional hegomons with the capacity to intervene and nip conflicts in the bud, before such conflicts as the Sudanese one reaches tipping points, erupt into violence and become intractable.

The idea of hegomon has been given prominence by Robert Keohane, within the context of global political economy, where a hegemonic power must possess preponderance of material resources. It must “have control over raw materials, sources of capital, markets and competitive advantages in the production of highly valued goods.”¹⁷⁸ In power political terms, it must have the capacity to issue credible threats and rewards in equal measure. Africa, arguably, still lacks

¹⁷⁶ Arop. Sudan’s Painful Road to Peace. Pg. 409.

¹⁷⁷ See C.R. Mitchell, The Structure of international conflict Pg.15 London, 1998.

¹⁷⁸ Keohane, Robert. After Hegemony: Cooperation and Discord in political economy, 1984, Pg.32.

such a state. While this is generally held to be true, some scholars have however argued that there are emerging regional hegemons in Africa. Until recently, South Africa, Nigeria and Kenya have been floated as emerging, albeit reluctant hegemons, wielding considerable economic power, but shy to flex their military muscles. According to Burgess, “South Africa is a military ‘super- power’ in the region and possesses the capacity to reach far into the continent to lead in maintaining peace and security in the 21st century.”¹⁷⁹ This however is contestable. South Africa may have a sub-regional reach, that is, within the Southern Africa Development Community (SADC), sub-region where the member states are, after all, militarily and economically weak. Kenya, on the other hand, has since taken the leadership in the search for peaceful settlement in the Somalia conflict until its ‘invasion’¹⁸⁰ of Somalia in 2011, to fight the Al-Shabaab terrorists while Nigeria, through the sub-regional outfit ECOWAS and ECOMOG, did the same in the Liberian conflict, providing “70% of ECOMOG’s military and financial resources”¹⁸¹.

Within the IGAD sub region, there is no clear hegemon with the capacity to dictate terms, intervene in conflict situations and resolve them. Burgess for example, has argued that in the East and Central Africa regions, conflicts and anarchy are prevalent precisely because there is no regional organization led by a hegemon, to enforce peace and security. “In both regions, no organization possesses the capacity to intervene in order to restore peace and security.”¹⁸² The IGAD itself as regional bloc can at best offer facilitative platforms and context for conflict management, while interested external actors push the negotiation agenda.

¹⁷⁹ Burgess, S. “African Security in the 21st century: The challenges of Indigenization and multilateralism” *African Studies Review*, 1998, Vol.41.No.2 Pg.42.

¹⁸⁰ Kenya’s incursion into Somalia was approved by the UN Security Council, and has since been incorporated in the A.U. formed AMISOM force in Somalia.

¹⁸¹ Ahmadu, M.S. “Politics and Society in post War Liberia” in *Journal of Modern African Studies*.1996,Vol.34. No.3 Pg. 396.

¹⁸² Burgess, S. op. cit. Pg.56.

Although the regional body, “IGAD, had been involved in successive attempts at peace making since 1994”¹⁸³, and had initiated the peace process, and set forth the framework for the peace negotiation process, the Declaration of Principles, it lacked the institutional capacity, financial where-withal, and logistical resources to push forward the Sudanese conflict resolution and engender peace negotiation process to its logical conclusion on its own. It had no clear strategy for peace and security and was yet to develop a sub-regional architecture for the same, while its member states were each embroiled in their own internal political problems. They therefore lacked the moral authority and democratic credentials to propose any viable solutions for the Sudanese conflict since they also faced similar challenges internally. Besides, they also lacked the necessary resources and capacity, to devote requisite attention to the Sudanese conflict resolution.¹⁸⁴

Within the East African region, Kenya, for example, was engulfed in its own pluralist political struggles with pro-democracy forces vigorously pushing for wider political space and multi party political dispensation. Uganda, on the other hand, was still struggling to restore its basic institutions of state, which had deeply been eroded after many years of repressive military dictatorship and political violence, and to settle down in its new, non-party governance infrastructure, while dealing with an internal bandit-like rebellion of the Lord’s Resistance Army, (LRA) in the northern part of the country. The Communist- leaning regime in Ethiopia, not only faced an organized armed secessionist movement by the Eritreans, seeking self-determination and full autonomy, but it also had serious internal political challenges of legitimacy and credibility, while Somali, having had its military dictator Siad Barre overthrown,

¹⁸³ Woodward, P. Pg.234

¹⁸⁴ Also see Akol, L. op. cit.. Pg. 302-303.

was rapidly sliding into the abyss of chronic inter- clan political violence, chaos, and statelessness deeper and deeper.¹⁸⁵

Thus, as hypothesized, (*H2*) within the region, therefore, the weak and ineffective regional institutional framework for conflict resolution together with an absence of a regional hegemon, have colluded to deny the mediation efforts a chance to succeed. And as a true reflection of this situation, “the IGAD mediation alone lasted for eleven years”.¹⁸⁶ Further-more as Grawert, pointed out, “since the CPA was concluded with much engagement on the part IGAD and the AU, this should have been the institution responsible for monitoring the implementation of the CPA and the first to raise its voice against violations of the CPA or reluctant implementation. But a meeting of the IGAD ministers, with the CPA at the top of the agenda, scheduled for January 2007, was postponed. In April 2007, the IGAD council of foreign ministers called for an urgent summit of IGAD heads of state on CPA implementation, but only in March 2010 did IGAD officially declare its renewed commitment to the successful implementation of the CPA.”

¹⁸⁷ This aspect of weakness and ineffectiveness, bordering apathy on the part of IGAD, could partly explain the phenomenon of the persistent Sudanese conflict and the corresponding elusive peace.

4.1.3. Mediation Efforts Tilted More towards Settlement Strategy than Considerations for Conflict Resolution

One of the hypotheses in this study which purports to explain the persistent Sudanese conflict and the attendant elusive peace, has been the fact that the mediation efforts in this conflict have tended to drift more towards settlement than resolution. Conflict settlement usually occurs within

¹⁸⁵ Akol, L. Pg.320.

¹⁸⁶ Ibid.

¹⁸⁷ , Grawert,E.. Pg.255.

the context of power politics and along the contours of international law. It also revolves around power and resource sharing as well as the fulfilling vested interests of the actors involved in the process. And, as has been pointed out, settlement engenders short-lived negotiated outcomes which soon collapse as new realities set in, if the agreements are not met, or as interests and actors change.¹⁸⁸ Settlements are also abused when the power basis of the parties to the conflict changes of shifts.

Consequently, it was the totality of all the agreements discussed under the frameworks of Protocols that constituted what became popularly known as the Comprehensive Peace Agreement, (CPA), which was the final peace agreement on the Sudan conflict, signed on the 9th of January 2005. They were, therefore, as Condoleezza Rice, a former US Secretary of State rightly described them, “a set of agreements and protocols that finalized power-sharing and territorial arrangements and set in motion a referendum process that would ultimately lead to the South’s “secession” in July 2011”.¹⁸⁹ The real problem is that external major powers enter a conflict mediation process with a power-sharing framework, just like in the post-election violent conflict in Kenya, instead of letting the process and the parties to drive the outcomes in order to legitimize the process and the outcomes.

As has been noted in this study, there are various contending conceptual perspectives, theoretical explanations and views offered by scholars of conflict and peace studies, as well as negotiation practitioners as to why this phenomenon of persistent conflicts exists. Much of the secondary data on conflict management seem to attribute the explanation for the occurrence of this

¹⁸⁸ See Mwagiru, M on the conflicts in Africa which were settled, but did not last for long. Pg.47.

¹⁸⁹ Condoleezza Rice, No Higher Honor. A Memoir of My Years in Washington. 2011, NY. Pg.86.

phenomenon to the fact that conflict settlement is usually short-lived because it does not delve deeper to the root causes of the conflict in the first place, and so quite often conflicts erupt soon thereafter.¹⁹⁰ According to Tillet Gregory, “the generic study of the causes of conflict, how it can be resolved, and the strategies that can be developed to facilitate resolution is a relatively recent development. The challenge still remains of how to apply analytical problem-solving processes to situations that, traditionally, have been approached through the use of coercive power”.¹⁹¹ So rather unfortunately, most approaches in international conflicts tend to follow the latter path, to stop war and violence, cut deals over power alignment and resource distribution, while sweeping the underlying causes of the conflict under the carpet. And as already explained in chapter one, broadly there are two major approaches, conflict settlement and conflict resolution, and two strands of argument for each approach, one closely associated with Bercovitch and another school identifiable with John Burton.

The first school associated with Bercovitch and others, put emphasis on conflict settlement. Settlement deals with negotiable interests, such as power, territory, wealth and resource sharing. It employs a power or realism theory, looks at conflict management and peace negotiations in terms of power and interests. It further posits that both interests and power are negotiable. Thus, such contentious issues as power sharing, territory, and allocation of resources can be bargained and negotiated. Conflicting parties can therefore debate and compromise over interests and power distribution. This however leads to mere conflict settlement, but not conflict resolution. The 1972 Addis Ababa peace Agreements, brokered by AACC, between the conflicting Sudanese parties is a clear example of this.

¹⁹⁰ This is also Mwangiru’s position as already acknowledged.

¹⁹¹ Tillet, G., Pg 2

The second school of thought emphasizes resolution. Resolution deals with more tenuous aspect of human lives, such as perceptions and attitudes, identity, culture, language, justice, rights, and sense of freedom. It posits that at the heart of every conflict, there are needs and values, which are non-negotiable and non-bargain-able, and that, therefore, in order for conflicts to be resolved, these factors must be comprehensively addressed. Other examples of needs include, full and active participation of people or a group of people in all aspects of societal life, economic, political, social, and cultural without inhibition or restriction. It also includes recognition of a people or a group of people, for who and what they are, their perception of themselves and attitudes to each other, and to other people. Besides, it calls for respect and dignity of a people or a group of a people. Values, on the other hand incorporates such factors as religion, cultures and social identity, language, sense of freedom, right and wrong and so on. Hence the approaches of conflict resolution and of conflict management is problem-solving

This thinking notes that since most conflict mediation efforts rarely delve deep to the level of addressing the needs and value base of conflicts, the outcomes of such mediation efforts are bound to fail sooner or later. In most cases, whenever new dynamics and power shifts occur, or when new actors come to the fore, new interests are identified, and the new parties to the conflict do not feel morally and duty-bound to honor the agreements earlier entered into.

In both cases however, there is an acknowledgment that the intervention of a powerful third party with leverage to create a symmetrical relationship between the conflicting parties is critical in a negotiation process. Kriesberg¹⁹², for example sees a successful mediation as going beyond mere conflict settlement, 'to enduring solution' and argues that conflict management framework must

¹⁹² See, Kriesberg, L. Social Conflicts, 1982, NJ. Prentice Hall.

address the values and needs aspects of conflict. In this respect, the parties will need the support of the external major power mediator.

With reference to the Sudanese conflict management case, the CPA was expected to have both aspects of conflict settlement, in terms of stopping the violent conflict, ushering a cease fire, and negotiating power and resource sharing protocols, while at the same time embarking on long-term, comprehensive problem-solving facilitation measures and programs for conflict resolution. Only these could begin to address the needs and values aspects of the conflict, legitimize the outcomes and ensure sustainability of peace dividends in the Sudan. However, and not surprising, these protocols-Security arrangement, Wealth-sharing and power-sharing- were all based on power and interests not only of the religious, political and economic elites both in the North and South, but also the external actors, especially the sponsors and patrons of the Sudanese conflict. The power alignments and other interests in wealth and other natural resources were negotiable, bargained and compromised by the interested parties to the conflict, without necessarily addressing the root causes of the conflict in a bid to, and with a view to resolving it.

In a rather prophetic way, which distinguishes conflict settlement based on negotiated power and resource-sharing and interest, from conflict resolution based on fulfillment of needs and values, Mansour Khalid posed a rhetorical question after the Machakos Protocol had been signed by the two protagonist parties to the Sudanese conflict as to whether there would be sustainable peace now that the peace protocol had been signed. “Is peace around the corner? Yes, if peace means a temporary end to hostilities, but not when it means what the Machakos Agreement called ‘a

comprehensive solution that addresses the economic and social deterioration of the Sudan and replaces war not just with peace, but also with social, political and economic justice which respects the fundamental human and political rights of all the Sudanese people'. The Machakos Agreement, as President Moi aptly said, did not bring peace to Sudan, but constructed a bridge to it. Time will show whether those who are to implement the Agreement are going to cross or double cross that bridge."¹⁹³ What he portended was that it takes more than cease fire and negotiated settlement to realize a comprehensive and sustainable peace and security.

The study argues that where the focus is on conflict settlement, the confluence of power and interest will reign supreme and the underlying causes of the conflict will endure. Thus the analysis would then revolve around the interplay of the roles of power configuration and the question of interest of the parties to the conflict. The Sudanese state, its political power elites, the SPLM/A political leadership and its economic elites, as well as the mediating external powers, all have interest in the conflict and its management. Their varying power relations and vested interests therefore constitute key variables and determinant factors, which converge with what Conflict resolution scholars have referred to as "Contingency variables"¹⁹⁴ in determining the mediation outcomes of violent international conflicts. The mediation outcomes however do not necessarily resolve a violent international conflict.

The main argument in the study, therefore, is that these two key variables, power, its configuration and structure, and interest, within the national, regional and international context

¹⁹³ Mansour, K. War and Peace in Sudan. A Tale of Two Countries, Pub. 2003, London. Pg.506.

¹⁹⁴ The concept of 'Contingent variable', discussed in greater detail later, is closely associated with Keashly, L and Fisher, R.J. and is often used in mediation to imply those intervening factors which are germane to conflict, but which are amenable to change, depending on changing circumstances, ostensibly by polarity and external major power interest.

converge with other important, but intervening variables¹⁹⁵, in the mediation of violent international conflict, to determine the context of its management and the content of the subsequent peace negotiation processes and outcomes.

Secondly, while those negotiated agreements and outcomes will invariably reflect the twin bargainable and negotiable variables of power and wealth sharing and interest, a host of needs and value-based factors would not necessarily be addressed. Consequently, such mediation processes which are anchored on negotiated and bargained power and interest, but which exclude or do not comprehensively address the needs and values in the conflict, merely yield settlement outcomes and do not resolve the conflict. And the chances of those outcomes being ignored by other interested parties to the conflict, whose interests and needs were not taken into account, remain high.

In the Sudanese intractable violent conflict, on the basis of one of the four hypothesis given, that is, the overconcentration on settlement strategy in mediation, the analysis of these two variables would enable us explain the elusiveness and the un-sustainability of the mediation efforts and peace negotiations in the Sudan.

4.1.4. Lack of Strategic National Interest and Prompt Intervention of External Major Power in International Conflict as Mediators

The last hypothesis explaining the persistent Sudanese conflict and elusive peace, is the idea of lack of a strategic interest and non-intervention by an external major power in the country where the conflict takes place or in the conflict itself altogether. Thus, ostensibly due to lack of strategic

¹⁹⁵ See Keashly, L., and Fisher, R.J. (1990). "Towards a Contingency Approach to Conflict Resolution: A Cyprus Illustration" *Int. Journal* 43,2: 424-453.

national foreign policy and, or security interest or sheer competing priorities, major external powers and actors often do not get involved in certain conflict situations.

In the case of the Sudan, there had been a long running conflict which raged right from its independence period in 1955 up to 1972, referred to as the first civil war, without any external major power intervention. It then got engulfed in a second civil war, from 1983 up to 2004, lasting for over two decades¹⁹⁶. This violent conflict pitted the Khartoum government against the populations based mostly in the southern part of the country. Later on, in 2003, another serious conflict of genocidal proportions erupted in the Darfur region of the Sudan. The argument is therefore, that when such conflicts are deemed or interpreted to directly pose serious threats to the vital national interest and values of the major powers, the latter will intervene. And, it when it does, it will not only reshape the contours of the conflict and even introduce new issues, but will also determine the intervening ‘contingent variables’ of the conflict, including its peace negotiation processes, as this study attempts to show with reference to the Sudanese conflict.

It therefore had to take the intervention and active involvement of an external major power, the US in this case, combined with a favorable polarity situation, to bolster the IGAD initiatives, for the Sudanese conflict resolution efforts and the subsequent peace negotiation processes to move the agenda forward. As a matter of fact, the twin terrorist bombings of the US embassies in Nairobi and Dar es Salaam, seen as having been coordinated from Khartoum, also created a further impetus, and set the path for an immediate US intervention, and deeper involvement in the Sudanese conflict resolution, its mediation as a third-party, and the subsequent peace negotiation process. It elicited a retaliatory bombing of a pharmaceutical facility in Khartoum

¹⁹⁶ Elke, Grawert. (Ed). *After the Comprehensive Peace Agreement in Sudan*, James Currey, Pub.2010 Pg. 1.

North, mistaken by the US, to be a weaponry manufacturing factory.¹⁹⁷ Left on its own, there would have been high chances that the IGAD initiatives, commendable as they were, would not have yielded any tangible results, in terms of brokering a cease-fire and engendering a negotiated peace settlement.

More importantly, however, this fact, that for a long time, the Sudanese conflicts did not directly affect the strategic national interests of any external major power, also partly explains why the conflict lingered on for decades before any serious major power intervention occurred. In any case, as the former US Secretary of State, Condoleezza Rice, noted, the reason why the US did not invade Sudan at the height of being accused of genocidal atrocities in the Darfur region in 2003, “despite President’s frustration and consideration of a unilateral action, was that, the Pentagon had made it clear that it opposed any military involvement in Sudan, and that we can’t take military action in another muslim country, especially one in which a vital interest isn’t at stake.”¹⁹⁸

Thus, in such complex, intractable and internationalized conflicts as the Sudanese one, the confluence of polarity and external major power interest would change the equation and also significantly affect the dynamics of the intervening ‘contingent variables’ of its conflict resolution and peace negotiation processes. However, those conflicts, which do not directly affect the national interest of major powers, may at best be left to be the concern of multilateral agencies like the UN and regional peace and security organizations like the IGAD to handle on their own, or at worst, to be ignored altogether to linger on usually, at their own peril, with

¹⁹⁷ The US embassy terrorist attacks in East Africa.

¹⁹⁸ Rice, C. No Higher Honor. A Memoir of My Years in Washington, 2011, N.Y. Pg. 584.

disastrous consequences of immeasurable loss of human lives and destruction of property unfortunately. And, as this study has consistently argued, violent international conflicts which pose threats, or affect vital national interests of major powers, will not only attract the latter's intervention, but will also be settled or resolved in a manner that suits the interests of those powerful actors. If, however, a conflict does not directly pose any threats to the strategic interests of a super or major power, then the latter may merely encourage relevant international and regional peace and security outfits, such as the UN or the AU in Africa, to deal with such conflicts. At worst the external major powers may ignore such conflicts to follow their own course and design, and to linger on for as long as the belligerent parties are neither willing to resolve the conflict, nor able to defeat each other. The Rwanda internal violent conflict which finally culminated in the horrifying Genocide in 1994 is an example of the lack of interest and non-intervention by external major power in a conflict. And there are many such conflicts around the world which endure, occasionally fizzling out, only to recur.

Throughout its long, arduous and tortuous history, the management of the Sudanese intractable conflict, through the various regional and international efforts towards peace negotiation processes, bears out this hypothesis (*H4*). The conflict had lasted for over two decades, with over two million lives lost, and an enormous amount of economic loss and infrastructural destruction, registered.¹⁹⁹ It was ignored by the major external actors, to follow its own cause, with major powers only interested in resource exploitation. It was not until the nerve of the US security interest and national values of freedom of worship religious tolerance and democracy, was touched that the international focus was drawn towards the Sudanese conflict resolution and peace negotiation processes.

¹⁹⁹ The Sudanese conflict.

As a corollary, however, Fearon, J,²⁰⁰ in his insightful article, argues that there are a group of insurgencies in the peripheries of weak states, in ‘global badlands’, which remain very resistant to the ending of violent conflict. In such a context, the central factor has been the capacity of rebel groups to finance their struggles, through contraband and plunder of natural resources, away from external state support. As already pointed out, shadow economies create new wars and conflicts, which have the tendency of perpetuating themselves if the root cause of the original conflict is not resolved.

Various attempts have been made, by different scholars of conflict resolution and practitioners involved in the Sudanese peace process to explain the sudden shift from what appeared to be a hopeless and seemingly endless war, to a dynamic peace process.²⁰¹ As Peter Woodward has asked, “why was the CPA possible?,” at that particular time, after so many years of conflict in southern Sudan. According to him, at the national level, it was broadly accepted that there was military deadlock”. Politically, there was also something of a deadlock.”²⁰²

Others too, have shared this line of explanation. According to Hiteng and Hussein in Simmons and Dixon 2006,²⁰³ the warring parties’, that is the SPLM/A’s and the NCP’s, stated explanation was simply war fatigue, thereby affirming Zartman’s notion of a ‘mutually hurting stalemate’ had set in the Sudanese conflict. The difficulty with this view is that it cannot explain why then it

²⁰⁰ Fearon, J. “Why do some civil wars last so much longer than others ? ”, *Journal of Peace Research*, 41(3), Pg. 303-20. 2004.

²⁰¹ Rolandsen, Oystein, A Quick Fix? A Retrospective analysis of the Sudan C.P.A., *Review of African Political Economy*, Vol. 38, No. 130 Dec. 2011, 551-564.

²⁰² Peter Woodward, “From ‘CPA to DPA’. ‘Ripe for Resolution’ or ‘Ripe for Dissolution’,” in Elke Grawert (ed.) in *After the Comprehensive Agreement in Sudan*, pg 232-3.

²⁰³ Simmons, M. and Dixon, P., eds., *Peace by piece: addressing Sudan’s conflicts*. Quoted and referenced in Rolandsen’s article.

took so long in its journey, with heavy death tolls along its trail, before this stalemate could finally be reached.

On the other hand, the beginning of Oil production in Sudan is often cited as another factor, but hardly analyzed as a peace building factor. (Patey, 2010²⁰⁴, and James, 2011).²⁰⁵ In this respect, a new resource discovery could expand the size of the national cake for wider distribution among the competing national elite, ease economic stress on the nation, and probably ameliorate living conditions of the general population. But more often than not, especially in the Third world countries and certainly in the Sudan, Oil has become a ‘curse’ and a source of new conflicts and wars. And, as was pointed out, Oil discovery in the Sudan was also seen as a new cause of division, both between the North and South, and among the Southern communities.

At the regional level, however, Woodward further noted, that another reason why the CPA was possible was that “a number of Sudan’s neighbors, especially the leading members of IGAD- Ethiopia, Kenya and Uganda- cognizant of the cross border and regional implications of civil wars in the region, supported the process.”²⁰⁶ And, at the international level, according to him, “a further vital factor was the attitude of the international community, especially the US. The Clinton Administration had hoped to see the NCP fall in the late 1990s, as its support for international terrorism was fully recognized in the light of attacks on US embassies in Nairobi and Dar es Salaam in 1998 and the attack on the *USS Cole* off Yemen coast. When that did not

²⁰⁴ Patey, L.A., Crude days ahead? Oil and the resource Curse in Sudan, in *Journal of African Affairs*, 109 (437) Pg. 617-636.

²⁰⁵ Rogier, E. “No more hills ahead? The Sudan’s tortuous ascent to heights of peace”. *The Hague Netherlands Institute of international Relations*. 2005

²⁰⁶ Peter Woodward, Pg. 234

occur, the US began efforts for peace, but it was really under President George Bush that involvement in the Sudanese peace process mounted.”²⁰⁷

This point not only shows the involvement of an external super power with interest in a conflict, but also the confluence of polarity and external power interest with ‘contingent variables’ in a conflict mediation and peace negotiation. Rolandsen has clearly made this point. According to him, “the most popular explanation, however, is that the USA, after the September 2001 terrorist attack, bullied the Khartoum regime into an unfavorable agreement-the CPA.”²⁰⁸ He further noted that “external developments beyond the region, added the political weight and resources needed to pressure the parties into deal-making mode. Particularly important was increased US involvement as part of the *troika*, along- side the UK, and Norway.”²⁰⁹ Clearly, the intervention of the US, a super power, in the Sudanese conflict as a mediator made a contextual difference and reshaped the contours of the negotiation.

The third party mediation by an external actor such as IGAD or the African Union (AU) in the Sudanese peace process would only register progress if a major external power is also, overtly, or covertly, interested and involved in the process. This explains the insignificant progress registered by the IGAD in the Sudanese conflict before the US fully became involved with the peace process.

The argument presented here is that, when and where, there is a conflict in which there is no vital interest for a major external power or actor being directly or indirectly affected, there will be

²⁰⁷ Ibid. Pg 234.

²⁰⁸ Cockett, R. Sudan: *Darfur and the failure of an African state*. New Haven, CT: Yale Univ. Press. 2010.

²⁰⁹ Rolandsen, O. H, A Quick fix? Pg. .554.

little, if at all, level of involvement, with the implication of a conflict escalating to a tipping point. The issue of major powers pursuing their national interests within the international system and globally cannot be gainsaid. Regional hegemony do so within their subordinate state-systems and regions. When those interests are jeopardized by conflicts, they intervene to help settle or resolve those conflicts in ways that reflect their interests. Both Jacob Bercovitch²¹⁰ and Mitchell C.R.²¹¹ had long put to rest the debate on whether third parties would remain neutral. In Mwangi's analysis of the 'Motives of Third party involvement' he has captured this sense plainly, "that it is widely acknowledged that third parties do not involve themselves in mediation purely for altruistic reasons, and that they also do so for what they can gain from their involvement as third parties."²¹² in the peace agreements themselves.

According to Dixon, W.J., while the basic assumption is that mediation should be based on the free willingness of the parties to the conflict both accepting and trusting the mediator, "mediation is any Third party involvement that goes beyond facilitation of communication and contacts and includes drafting and promotion of plans for conflict resolution"²¹³ And, as power theory would postulate, a Third party intervention, and mediation, brings along with it, its own interests and reshapes the negotiated outcomes, in what then becomes a triadic negotiation, as Mwangi²¹⁴ refers to this phenomenon, positing that, "a mediator changes the originally dyadic structure of the conflict into a triadic one. This triadic structure means that the mediator becomes one of the

²¹⁰ Bercovitch, J. "The Structure and Diversity of Mediation in International relations." In J. Bercovitch, and J.Z. Rubin (eds) *Mediation in International Relations: Multiple Approaches to Conflict Management*. London, Macmillan, 1992. Pg. 1-29.

²¹¹ Mitchell, C.R. "The Motives for Mediation" in C.R. Mitchell and Webb (eds), *New Approaches to International Mediation*. Westport, C.T. Greenwood Press, 1988, Pg.29-51.

²¹² Makumi, M. Op. Cit. Pg. 55

²¹³ Dixon, W.J. *Democracy and Peaceful Settlement of International Conflict*" in *African Political Science Review*, Vol.88, No. 1 March 1994. Pg.19.

²¹⁴ Makumi, M. has clearly articulated these concepts in his work, *Conflict: Theories, Processes, and Institutions of Management*, (2000) Waterman Pub. Nairobi.

parties to the conflict. Thus, instead of having a two way negotiation, it now becomes a three way process: the mediator in essence mediates the negotiation between the parties.”²¹⁵

4.1.5. Polarity, As A Determinant Factor In International Conflict Resolution And Peace Negotiation Process

This section deals with an analysis of how polarity has been, and will still continue to determine the nature, the processes, and outcomes of the conflict resolution and negotiation globally. And the argument remains the same, that, both at the international systemic level, and even at regional levels, a change in international and regional polarity will significantly affect obtaining conflicts, their resolution, negotiation processes and outcomes. The nature of polarity and existence of dominant external power interest in a conflict, have fundamental effect on the context, process, and outcomes of any international conflict management and subsequent peace negotiation processes.

This study puts a case, with specific reference to the peace negotiation processes between the two Sudanese states, that the external major power interests, favored by the polarity is a key variable, and the most critical factor to consider in the management and peace negotiations of an international violent conflict. This factor of polarity, which has not been clearly considered and acknowledged for mainstreaming, by scholars of international conflict management, needs to be incorporated in the contextual base of the ‘contingency theory’. These two variables thus converge with other ‘contingent’ factors, to determine whether an international negotiation would succeed or fail, progress well or stall, as this study attempts to show. It also covers the period during the first two years of their split into two independent sovereign states.

²¹⁵ Ibid, Pg 116.

This study also argues that this situation was true both during the Cold war period when the world was under a bipolar power distribution, and since the 1990s, when the world came under a unipolar dispensation, an era also marked by unprecedented globalization. And since international conflicts are ubiquitous, and nation- states still continue to pursue national interests globally, in an anarchical international system, this reality of polarity and external major power interest significantly determining the pace and direction of international conflict management is likely to remain so.

The outcomes of negotiations will be defined and shaped by polarity and the national interest of the external dominant or major power interest. Contextual and process variables, such as the structure of the conflict, can easily be changed and reshaped by polarity and dominant external power interest. Any successful implementation of the outcome of negotiated agreements will be determined by the continued engagement of the external major power involved in the mediation process.

(i) The End of Cold War as an Act of Polarity.

According to Ramsbotham, Woodhouse and Miall²¹⁶, “the end of cold war itself was a significant factor in transforming the context of many conflicts. It contributed to the ending of a significant number of post- cold war conflicts. A notable factor was the reduction in the capacity or willingness of external powers to support fighting factions. In Central America, South Africa and South- East Asia, geopolitical changes, the end of ideological justifications for intervention and reductions in armed support for rebel groups contributed to the conflicts endings, for example, in El Salvador, Nicaragua, Mozambique and Cambodia. Even Northern Ireland’s long

²¹⁶ Ramsbotham, et al. Contemporary Conflict Resolution, The Prevention, management and transformation of deadliest conflicts. 2010.

conflict was positively influenced by the end of the cold war, as Republican belief that the United Kingdom had a strategic interest in Northern Ireland fell away.”²¹⁷

As a matter of further illustration, the former US President Jimmy Carter²¹⁸, himself an international mediator with practical experience, acknowledges the importance of an act of international politics, namely, the *end of the Cold war*, and the dramatic *change in polarity*, as having direct and immediate impact on international conflicts and negotiations. President Carter observed that, “the world has recently witnessed the end of the Cold war. With it came a dramatic change in super-power, (i.e. *polarity*), East-West and North- South interrelationships, and some new opportunities for the peaceful resolution of conflicts. We have seen as, *direct by-products of the end of the Cold war*, the termination of the Iran-Iraq war, an end to the wars in Cambodia and Nicaragua, the end of two wars in Ethiopia, the withdrawal of Soviet troops from Afghanistan, and a peace Agreement between the Palestinian Liberation Organization, PLO and Israel”.²¹⁹ (*Emphasis, mine*) He further noted, that, “for 1990 and 1991, the SPRI Yearbook (1992) listed major armed conflicts, defined as prolonged combats, incurring battle-related deaths of at least 1,000 persons in thirty one and thirty locations respectively. It would seem that the number of major armed conflicts dropped slightly in 1991 as interstate conflicts showed a slow but noticeable downward trend”.²²⁰ Besides, Johannes Rantete and Hermann Giliomee,²²¹ in their co-authored article, *Transition to Democracy through Transaction?: Bilateral Negotiations between the ANC and the NP in South Africa*, correctly pointed out that “the

²¹⁷ Ramsbotham, et al. Op. cit. Pg.165.

²¹⁸ Jimmy Carter, Forward, *his remarks in the “Forward” in* Bercovitch, Jacob (ed) *Resolving International Conflicts, Theory and Practice of Mediation*. 1996,

²¹⁹ Ibid. Preface.

²²⁰ Ibid.

²²¹ Rantete and Giliomme, *Transition to Democracy through Transaction?*

collapse of Communism in Eastern Europe prompted a dramatic change of course by De Klerk. Instead of being paralyzed by the old fear that the ANC would be a ‘Trojan horse for Russian expansionism’ he now believed that a God-sent opportunity had risen which had to be seized”.²²² And, “to seize the opportunity created by the collapse of communism the government would have to *negotiate* with the ANC as the main political vehicle for blacks. Mandela’s principled stand on many issues meant that the strategy of dictating the transition from above was much less tenable”²²³ they added.

And as Richard Crockatt rightly points out, “the end of the cold war removed more or less at a stroke the structural and ideological conditions which underlay superpower conflict over the previous forty years... *To the extent that super power conflict lay behind regional conflicts in various parts of the world*, then the end of cold war held the possibility of resolution of these conflicts.”²²⁴

In her insightful article, “UN Humanitarian Machinery: The Need for good and just practice,”²²⁵ Angela Penrose, points out the new negative challenges arising from the very act of the end of the Cold war, as an act of polarity. She noted that “the winding down of Cold War has had global repercussions. Some have been positive, resulting in moves towards peace in Ethiopia, and Cambodia, but the sudden end of support for regimes by one or another Cold war adversary has brought many long-impending weaknesses to the surface. Nation states structures that were

²²² Ibid. Pg. 519

²²³ Ibid,

²²⁴ Crockatt, Richard, The End of Cold War, in Baylis and Smith (eds) The Globalization of World Politics, 2001, Pg. 107.

²²⁵ Angela, P. Article, “UN Humanitarian Machinery: The need for good and just practice”, in Challenges to the UN: Building a Safer World, (Ed) by Erskine Childers, 1994. CRS, (C11R).

imposed during the age of empires, and then bolstered by Cold war contest, have begun to collapse, as in Somalia. States have tended to fragment as demands for self-determination and autonomy emerge from the long rigidities.”²²⁶ In the case of Eritrea, as already alluded to by Mamdani, the end of the Cold war was the major motivation for the end of their decades-long conflict with Ethiopia.

The point being belabored here is that, an event of such magnitude in international politics, such as the end of Cold war, effecting such a dramatic change in polarity, the distribution of power in the international system of states, and which have profound direct impact on international conflicts and their resolution, needs be factored in, in any theoretical understanding and analysis of conflict resolution and negotiation studies.

As a matter of fact, and as this study shows, both the former Soviet Union and the USA, as super-powers, were involved in the mediation of numerous international conflicts since 1945, owing to their vast military and economic resources and their world- wide interests. It is not an exaggeration, nor an oversimplification, to add that some of the post-second World war conflicts were creations of the Cold -war phenomenon itself, either as proxy wars and conflicts, or, as strategic engagements, and that these conflicts lasted until the end of the Cold- war itself.

What this means, therefore, is that the nature of polarity of the international system and the dynamics of international power politics, as witnessed during the Cold -war period, could in a fundamental way create conflicts, resolve them, or keep them raging. And so, only those violent international conflicts, in which powerful external actors have no direct or indirect interest, or where they choose to deliberately ignore, such as the case of Rwanda during the

²²⁶ Ibid, Pg. 114

horrifying genocide, would escape their attention and some form of involvement or intervention. The current violent conflicts in Africa, in South Sudan and Libya are examples.

4.2 CONCLUSION

This factor of polarity and national interest of super or major powers did not even spare the UN Security Council, itself charged with the enormous responsibility of maintaining world peace and security, which itself became paralyzed by this power contestation based on national interest and conflicting ideologies. Although the UN was created in an atmosphere of major- powers' cooperation, "from the very beginning of its practical operation in 1946, the Security Council, came to operate in an entirely different atmosphere. The slow but seemingly irrevocable drift into cold-War had a paralyzing effect on the Council".²²⁷

It is little wonder that violent international conflicts, particularly after the end of the Cold-war, in regions where the super or major powers have vital interests, would draw their intervention and involvement, settling or resolving the conflict, both in their interest but also as an international obligation to do global good for the sake of the majority civilian population affected by conflicts.

The literature which deal with international conflicts and their settlements and resolutions, acknowledge the dominant factor of polarity and the national interest of super or major powers, especially in those international conflicts where they have vital interests. Most literature also acknowledge the factor of the Cold-war when it lasted, in even creating and fuelling certain conflicts, such as proxy wars, especially in the developing countries where the interests of the super powers collided.

²²⁷ David Malone, (ed) The UN Security Council, From the Cold-War to the 21st Century, 2004. Pg. 17.

This study bridges a gap and fill a lacuna, by arguing that in international conflict mediation and peace negotiation processes and outcomes where external major powers have interests, are largely determined by the convergence of the nature of polarity and the national interest of those major powers. It also argues that the traditional theories and concepts of international relations which are used to study the inter-state conflicts and wars are applicable to the study of intra-state armed and violent conflicts where the conflict resolution concepts and theories have made insightful progress and contribution.

CHAPTER FIVE: ANALYSIS OF THE MANAGEMENT OF THE SUDANESE CONFLICTS: Confluence of Power and Interests.

5.0 INTRODUCTION

This chapter deals with an analysis of how the four hypotheses which form the basis of this study, are put to test, as they converge with ‘contingent variables’ to explain why the Sudanese conflicts persist in particular, and why international conflict resolution and peace negotiation processes progress well or stall, succeed or fail. The two key variables of polarity and external major power interest, which have been identified by this study as critical determinants of the outcomes of mediation efforts, are also dealt with more elaborately. The ‘integrated’ contingent model of analysis, with an expanded menu of contextual variables is presented in this chapter too, based on the data collected.

5.1 ANALYSIS OF VARIABLES IN THE STUDY

This study sets out to critically analyze and prove or disapprove the veracity of a set of four hypotheses. One, that the historical incompatible divisions of the Sudan; two, that the weak and ineffective regional institutions and mechanisms for conflict resolution; three, that the mediation efforts in the Sudanese conflict have concentrated on the settlement rather than resolution strategies; and four, that the lack of strategic national interest and intervention of external major power in a conflict, as probable explanations which account for the persistent conflicts in the Sudan.

The issue of historical incompatible divisions within the Sudanese society has been acknowledged in both primary and secondary data as having a contribution to the complexity of the Sudanese conflicts. However, the assembled data does not authoritatively consider the factor

of incompatible historical divide as the explanation for the persistent Sudanese conflict. Both primary and secondary data consider these socio-economic and political difficulties as being solvable. The challenges of historical divisions are not unique to the Sudans and can be resolved as has been in other African countries such as Namibia and South Africa.

Secondly, almost all the respondents appreciated the role of the regional organization such as the A.U., the IGAD, and the Arab League in mediating in the Sudanese conflict. They pointed out that IGAD for example “provided the platform for the negotiations, in terms of venue, personnel, and moral encouragement, while the Arab League as a ‘patron’ in the conflict, supported its ally with material contributions, and also exerted pressure on it to join the peace process.”²²⁸

However, the weak and lack of effective institutional framework, to stop violent conflict and bring warring parties to a negotiating table was recognized by both sources of data. This is not surprising. While IGAD, as a sub-regional institution provided a forum for the Sudanese peace processes, the conflicting national interests of its member states always complicated the process. Besides, almost all the member states of the IGAD themselves have serious internal challenges of governance, national cohesion, and weak state institutions and therefore lack any modicum of moral authority to effectively mediate in any regional conflicts. Further, this conflict was already internationalized, having sucked in neighboring states and thereby requiring “a more sophisticated conflict management approach.”²²⁹ The IGAD member- states involvement in the Sudanese conflict management was therefore both as a facilitator, and also as affected parties who bore the brunt of the war in terms of refugee influx, proliferation of small- arms, violent

²²⁸ Key Informant respondent.

²²⁹ M .Mwagiru, Pg. 70.

crime waves, and political instability. This factor of ineffective mechanisms and lack of regional hegemony to mediate conflicts partly explains the phenomenon of the Sudanese persistent conflict.

The third probable explanation for the persistent Sudanese conflict is the inclination of mediation efforts more towards conflict settlement strategies rather than the resolution strategy. Although the Sudanese peace efforts had begun as conflict resolution processes, they end up as conflict settlement, partly because the third party mediators approach the exercise from the perspective of the confining perimeters of international law, and also on the basis of power, resources and interest. Elke Grawert for instance has argued that the “the successful part of the peace process is mainly due to one aspect of power sharing; the guarantee of regional autonomy of the Southern Sudan” adding that “a further reason for peace between the government of Sudan and the SPLM/A is the proportionate inclusion of the SPLM in the national government of Sudan, with 28% of the ministries and seats in the National Assembly. The GONU, as it was labeled included a 52% majority of the NPC and 20% drawn from several other northern and southern Sudanese parties.”²³⁰ The GOS was keen “to maintain the North-South structure of the conflict in any agreement emanating from the IGAD-led negotiations”²³¹ For this reason, it was agreed in Ethiopia that the negotiations should be based on the division of the North and the South in accordance with the 1956 boundaries. It is also on this basis that the CPA contains special protocols on Southern Kordofan, Blue Nile and Abyei. “As the IGAD negotiations were progressing at a snail’s pace between the GOS and SPLM/A, a window of opportunity opened for Southern Kordofan when the Nuba Mountains Ceasefire was brokered by the US and Swiss

²³⁰ Elke, G. After the Comprehensive Peace Agreement in Sudan. Pg. 3.

²³¹ Ibid. Pg. 90.

governments on January 19, 2002. The Agreement enabled access to humanitarian assistance for the civilian population in the region, where the GOS and the SPLM/A maintained separate administrative and military structures in different parts of the Nuba Mountains”.²³²

Clearly, the consideration for conflict settlement based on power-sharing, resource- distribution and fulfillment of vested interests of the main actors was paramount. In fact, one respondent pointed out that “*because of the enticing opportunity and benefits which would accrue, not from the conflict, but from the negotiated settlement*” leaders like John Garang and Riek Machar, among others, saw an opportunity to be in leadership through peaceful means.”²³³ And as Peter Woodward noted, “it was also increasingly clear that conflict was ‘hurting’ both parties, especially with regards to Sudan’s newly developing oil resources. Peace could unlock not only oil, but Sudan’s other resources, notably water and land of which the South had both in plenty, and thus, release considerable development potential.”²³⁴ In the final analysis, the CPA has been credited for ending the violent conflict between the North and Southern Sudan. As Woodward further observes, “the CPA did not include other political parties, solve conflicts elsewhere in Sudan, or provide a blueprint for democratization and economic development,”²³⁵ but, “the CPA process laid the foundation for change and development, but other processes are needed to realize these aspirations.”²³⁶

²³² Elke, G. (ed) After the CPA in Sudan. Pg 89

²³³ Respondent.

²³⁴ Woodward, P. “From CPA to DPA: Ripe for Resolution, or Ripe for Dissolution?” in Elke,G. (ed) Pg. 232.

²³⁵ Ibid, Pg.562.

²³⁶ Ibid.

Rolandsen, shares this perspective in the conclusion of his article,²³⁷ He noted that “despite its shortcomings, the peace agreement has brought a halt to the conflict between the government of Sudan and the SPLM/A. Yet, the Machakos Protocol, even more so than the CPA itself, was the historic breakthrough of the peace process. That agreement accurately reflected the priorities of the two parties: *when pressured by external actors to reach a compromise*, maintaining a firm political and ideological grip in the North was more important to the NCP than securing the South. For the SPLM/A, self-determination for the South was favored over a reformed New Sudan. The Machakos compromise thus prepared the ground for a final settlement of the conflict; it provided the opportunity to negotiate the other contentious issues of security arrangements; the three contested areas; and the wealth and power-sharing. The Machakos Protocol also established the overall architecture of the CPA.”²³⁸ And this is the point, that clearly power and vested interest underlie conflict resolution efforts. What therefore remains is for political leadership to rise up to the challenges of fostering national unity, engendering democratic system of government and ensuring equity. As Deng pointed out after the signing of the CPA, “the best guarantee for unity is for the leadership especially at the national levels to rise above factionalism and to offer vision that would inspire a cross-sectional majority of the Sudanese people irrespective of race, ethnicity, region, or religion; to identify with the nation and to stand together in collective pursuits of their common destiny. Only through recognition, respect and harmonious interaction among African and Arab populations throughout the country, can the Sudan achieve and ensure a just and lasting peace and live up to its role as a true microcosm of Africa and a dynamic link between the Continent and the Middle East.”²³⁹

²³⁷ Rolandsen, O.H. “A Quick Fix? A Retrospective Analysis of the Sudan Comprehensive Peace Agreement.” “Review of African Political Economy”, 38:130, 551-564, DO1, Nov.2011.

²³⁸ Ibid. Pg.562.

²³⁹ Deng F, in Arop, Pg.408.

And, fourthly, the issue of the lack of interest and intervention by a major power in the Sudanese conflict has been supported by both the primary and secondary data. According to data collected from the respondents on *'whether the US would have been involved in the Sudanese conflict had its national security interest not been threatened by the terrorists presence in Sudan'*, there was a general consensus, that “no, without the resource (oil) question and terrorist threat, the chances would have been minimal. National interest is a great determinant and Sudan was considered a haven for terrorists, while others observed that “as a global power, the US was expected to show leadership in international affairs. So either way it had a stake in the conflict.”

Thus, the inferences drawn from this is therefore that the existence of national interest of a dominant external major power, in an international conflict such as the persistent Sudanese conflict will lead to the latter's intervention in the said conflict. And, favored by the nature of polarity, which is the distribution of power within the international system of states, these two factors then have fundamental effects on context, and mediation processes of any international conflict resolution and peace negotiations. Secondly, that the outcomes of such mediation processes would necessarily and deliberately be defined and shaped by polarity and external major power interest.

A further deduction is that any successful implementation of the outcomes of such negotiated agreements, short of the parties themselves willing to implement them successfully, will be determined by the continued engagement of the external major power interest, involved in the mediation process. And, finally, that the sheer existence of the 'contingency variables' alone, as

expounded by its proponents, such as Bercovitch and others, is not a panacea for violent international conflict resolution and peace negotiations, to proceed, let alone succeed.

With specific reference to the Sudanese conflicts and peace negotiations, the role of polarity cannot be overemphasized. The Sudanese conflict resolution and peace negotiations occurred after the end of the Cold War. The power distribution within the international system was unequivocally in favor of the US, following the collapse of the former Soviet bloc and its subordinate state system, which then marked the end of the cold-War, leaving the US a single Super power in the late 1980's. Thus the structure within the Sudanese state, within the ruling elites of both the NCP and the SPLM/A, on the one hand, and the national interests of mediating super or major external powers, favored by the nature of polarity of the international system, on the other hand, converge to influence and shape the management of a conflict and even determine the contours of the negotiation process. Consequently, the conflict management and negotiation processes and their outcomes will invariably reflect this tendency, as this study argues.

5.2 External Major Power Interests

According to Hans Morgenthau, the father of modern realism theory, there are two levels of national interest, the vital and the secondary. "To preserve the first, which concerns the very life of the state, there can be no compromise or hesitation about going to war. Vital national interests are relatively easy to define: security as a free and independent nation and protection of institutions, people, and fundamental values. Vital interests may at times extend overseas should one detect an expansionist state that is distant now but amassing power and conquests that later

will affect you. Imperialist powers that threaten your interests are best dealt with early and always with adequate power.” He further added that “the objectives of foreign policy must be defined in terms of the *national interest* and must be supported with adequate power.”²⁴⁰

In his famed work, *Ripe for Resolution, Conflict and Intervention in Africa*,²⁴¹ already referenced, William Zartman, sought to answer the question of what causes local conflicts in Africa and the rest of the Third world, and what role, if any, could the US play in helping to resolve those conflicts, and when the ripe time would be for a response by an external power. He, however, acknowledges that “there is such a thing as a national interest, broadly based on objective elements of geography, position, role, and fundamental values.”²⁴²

During the cold-War era, the pursuit of conflicting national interests-ideological, political, economic, and geo-strategic- of the then two super powers, the former Soviet Union and the US, itself created intra and inter- state proxy wars, including regional conflicts as this study shows. More recently, former US president Clinton reiterated this issue of national interest and pointed out clearly that “it’s easy to say that we have no interests in who lives in this or that valley in Bosnia, or who owns a strip of brush land in the Horn of Africa, or some piece of parched earth by the Jordan River. But the true measure of our interests lies not in how small or distant these places are, or in whether we have trouble pronouncing their names. The question we must ask is: what are the consequences to our security, of letting conflicts fester and spread? We cannot,

²⁴⁰ Morgenthau, Hans, *In Defense of the National Interest: A Critical Examination of American Policy*, 1951.

²⁴¹ *Ibid*, Preface.

²⁴² *Ibid*.

indeed, we should not, do everything or be everywhere. But where our values and our interests are at stake, and where we can make a difference, we must be prepared to do so.”²⁴³

And, in his report on ‘The causes of conflict and the promotion of durable peace and sustainable development in Africa’, the then, UN Secretary General, Kofi Annan noted that “in many cases both in Africa and elsewhere, the failure of major external actor to maintain a common political approach, to an erupting or on- going crisis, is one of the principle impediments to progress towards a solution. The adoption of a common stance by neighboring states is especially critical. In early stages neighboring states are likely to be the first ones approached, as protagonists search for allies and support. If the conflict is allowed to escalate, it will inevitably begin to take on a life of its own, but neighboring states, and other actors, are likely still, to wield considerable influence with the protagonists. Even when the conflict has further intensified, broader international efforts, can succeed only if there is genuine cooperation and support of such measures by the sub-region.”²⁴⁴

Noteworthy is Koffi Annan’s use of the term *major external actors*, and his acknowledgment, of the capacity external major powers to prevent a conflict from erupting, or to resolve an on-going crisis, such as the Sudanese violent conflict. What the then- Secretary General of UN did not clarify is that those “major external actors” must have interest in order to mediate or intervene in a particular conflict. When they intervene, they carry along their interests with them and impact on the outcomes of the negotiations.

²⁴³ Clinton, William, A National Security Strategy for a Global Age: 2000. Pg.

²⁴⁴ Kofi Annan, 1998, “The Causes of Conflict and the Promotion of durable peace and Sustainable development in Africa”., United Nations, www.un.org/ecosocdev/geninfo/afrec/sgreport/index.intl.

And, as Zartman and Saadia Touval have pointed out “mediators must be perceived as having an interest in achieving an outcome which is acceptable to both sides, and as being not so partial as to preclude such an achievement.”²⁴⁵ Obviously, the most compelling reason why an external major actor would want to get involved in a mediation effort, other than from an international moral obligation standpoint, to preserve international security, peace and order, is to protect and advance their own self-interest as states. Promoting international stability, security and foreign policy interest of states, are therefore critical factors for a major external actor in mediating international conflict and they invariably have some well defined, vested interests in achieving certain outcomes of their conflict resolution efforts.

It is precisely due to the same reasons, of national interests, which make the states to pursue different, often competing, paths towards various conflicts, which Koffi Annan decries. Pursuit of core and vital national interests, as was noted in Chapter Three, is supreme in states’ hierarchy of priorities, and over-rides other scruples.

It is the extent to which the pursuit of these national interests make the super and major powers to ‘intervene’ as direct mediators, or as sponsors of the mediation processes in international conflicts in which they have interest, and how such interventions *influence* the management of those conflicts and, or, their negotiated settlements, that has not been fully acknowledged in this field of study, and, clearly mainstreamed in a systematic analysis of conflict resolution and peace negotiation processes, by its scholars.

²⁴⁵ Zartman, William, Saadia Touval, “International Mediation in Post Cold War Era” in Chester Crocker et al, eds Managing Global Chaos, Institute of Peace Press, Washington, DC. 1996.

In other words, wherever and whenever international conflicts occur with the potential of jeopardizing the national interests of the super and major powers, the latter will intervene as a matter of course, and thereby influence the structure and power relationships of the conflict and determine the process and direction of its resolution and peace negotiation outcomes, as this study shows.

Currently, because of China's geo-economic interests and huge investments in the oil drilling industry in both the Sudan and in the new republic of South Sudan, it is, for the first time in Africa, and contrary to its well-known and declared foreign policy of non-interference in internal affairs of other countries, getting deeply involved in the mediation efforts and the resolution of the inter, and intra- state violent conflict between the rebel forces and the governments of both countries. And, as already pointed out, major powers usually pursue foreign interest. When and where those interests are invariably threatened or affected by conflicts, the major power has to respond as a matter of national interest.

In analyzing the super- powers involvement in international conflict as mediators, Saadia Touval, observes that "the wider geographical scope of significant American interests and involvement in world affairs- economic, military and political- produced a disposition to mediate in international conflicts, and provided the US with leverage to utilize in its mediation efforts. The much more limited Soviet interests produced fewer stimuli for mediation, and the Soviets' more limited resources provided lesser capabilities to pursue such efforts."²⁴⁶ Clearly therefore, and without equivocation, the role of external major power in conflict resolution and peace negotiation

²⁴⁶ Saadia Touval, *The Super-Powers as Mediators*, in Bercovitch, J and Rubin, J.Z, (ed) *Mediation in International Relations*. 1992. Pg.233

cannot be gainsaid. And, as would be expected, they do so in ways that invariably reflect their interests.

He further points out that, “because of their extensive global involvements, many conflicts in the various parts of the globe are perceived by the super powers as affecting their interests. Their political influence and their vast material capabilities, enable them to apply sticks and carrots, and provide them with important resources for engaging in mediation.”²⁴⁷

In the case of Sudan, the US vital security interest to route out international terrorists, Islamic fundamentalists and Jihadists from Sudan, and its claim of shared values of protecting Christians in the South Sudan from religious persecution by their compatriot Islamic extremists, advocated by powerful Christian Evangelical lobby groups in the US, made the US to intervene in the Sudanese conflict in order to bring peace and security. And, in a specific reference to the conflict in the Sudan, Mamdani,²⁴⁸ pointed out that “while in the Eritrean self determination, the relevant *external factor* was *the end of the Cold war*, in South Sudan, Self-determination was the result of a different combination of developments. Internally, there were no military victory; instead, there was a military stalemate between the North and the South”.²⁴⁹ Besides, and perhaps more importantly, he also offered a “provisional answer”, to a theoretical question he posed as to “how then did the South Sudan win its political objective, independence, in the absence of a military victory?” And his response was as follows: - , “In the case of South Sudan,

²⁴⁷ .Ibid.

²⁴⁸ Mamdani, M. in his “Talk at Makerere University, Kampala, Uganda, on the 17th March 2011, on the successful Referendum on Self determination in South Sudan. Unpublished Article. Makerere University, 2011.

²⁴⁹ Ibid.

the external factor was more decisive. That external factor was the 9/11 and, following it, the U.S. invasions of Afghanistan and Iraq.²⁵⁰

According to Mamdani, “it is only this factor, the real grip of the post-9/11 fear, the fear that it will be the next target of U.S. aggression, that explains the agreement of the government in the North to include a provision for a referendum in the South in the C.P.A. The agreement to hold a Referendum deferred a head-on confrontation with the U.S super- power²⁵¹. In other words, it was the fear of the involvement of the US as a super power, and a sole world hegemonic power at that, in the Sudanese long running conflict resolution and peace negotiation, that drove the Khartoum government to quickly acquiesce to the terms and conditions of the IGAD Declaration of Principles at Machakos, which effected the Cease-fire Agreement and set the peace negotiation processes rolling. Thus, it is this fact of involvement of an external super or major power, with interest in a particular international conflict, and reflective of the polarity of the international system, such as the U.S. having vital national security interests, pursued within the international system, especially the war on international terrorism, in the Sudanese conflict situation, that conditions the context and process of conflict resolution and peace negotiation process.

This view is also clearly corroborated by several Southern Sudanese political analysts and authors such as Arop Madut-Arop, and Lam Akol, in their detailed narrations of this

²⁵⁰ Ibid.

²⁵¹ Ibid.

international conflict, in *Sudan's Painful Road to Peace*²⁵², and *SPLM/SPLA: Inside an African Revolution*,²⁵³ from which this study has made extensive narrative factual references.

And, in his own words, Arop noted that “the convergent of domestic and foreign interests in the United States in the Sudan conflict brought by activities of the leaders of Christian Lobby and Black Caucus did apparently play a greater role in pushing the Bush administration to put pressure on the warring parties to accept peace finally”.²⁵⁴ He further noted that “the later terrorist attacks on September 11, gave the U.S government further incentive to take up the peace process in the Sudan more vigorously and seriously as a part of fighting international terrorism in which Sudan was on the list of countries harboring and sponsoring terrorism. And that this “was followed by the U.S. Congress Sudan Peace Plan initiative, which was later endorsed by President Bush, used as a stick to pressure the warring parties to abandon war in favor of Peace”.²⁵⁵ According to this U.S. Congress Sudan Peace Initiative, “the U.S. would give a sum of 100 million dollars for the development of the Southern Sudan for three successive years if it was proved that it was the government of Khartoum to blame for the failure to achieve Peace.

Likewise, the U.S government would put sanctions against the SPLM/A if it were blamed for the failure of the Peace process. Reading the message on the wall, the warring parties began to cooperate in earnest. From then on, a peaceful solution of the long elusive conflict was made possible”.²⁵⁶ With the intervention of the U.S, a super power with security interest, in the long

²⁵² Arop-M. Sudan's Painful Road to Peace,

²⁵³ Akol L. SPLM/SPLA: Inside an African Revolution,

²⁵⁴ Arop-M- Sudan's Painful Road to Peace, Pg. 402.

²⁵⁵ Ibid.

²⁵⁶ Ibid

running intractable conflict, the Sudanese violent conflict was on the brink of a settlement through steady peace negotiation process.

Thus, a carrot and stick wielding super- power with interest in an international conflict situation will redefine the contours of that conflict, its management, the context and the process variables, including the outcomes and the success of their implementation, which the conflict resolution scholars in general, and the contingency proponents in particular, have been shy to acknowledge and incorporate in their conceptual models of analysis of mediation in international conflict and peace negotiation process.

The study also takes the position that the eventual settlement of the intractable conflict in the Sudan was made possible by the intervention of the USA, not on grounds of altruism, but on the basis of its vital national interests of the global *war against international terrorism*. And, as already pointed out above, following the simultaneous terrorist bombings of the US embassies in East Africa, specifically in Nairobi, Kenya, and Dar-es-salaam, Tanzania, Sudan was singled out as safe haven for anti-American Jihadists and terrorists, and thereby became a clear target of the US anti- terrorism security strategy.

This study's argumentation also, in the process, responds in part to some two very fundamental and serious questions posed by Robert L. Rothstein²⁵⁷ and Dennis J.D.Sandole²⁵⁸ respectively. In his scathing criticism of Zartman's notions of 'Timings' and 'Ripe moments' in negotiations, as "both inherently ambiguous, badly defined, and analytically unhelpful", Rothstein argues that

²⁵⁷ Rothstein, R.L. The Timing of Negotiations: Dueling Metaphors, in *Civil Wars*, Vol.9, No. 3 Sept. 2007.

²⁵⁸ Sandole, D. *J Conflict Resolution theory ; Integration and Application*, 1993.

“a common and critical problem is how to understand *whether* and *why* negotiations to end a conflict have begun or have been derailed”, pointing out that “the decision to negotiate may reflect something other than the desire to reach agreement: to buy time, to deflect pressures, to gain resources”.²⁵⁹

Sandole, on the other hand, argues that, “the question arises: Do we – conflict analysts, conflict resolution theorists and practitioners, peace researchers, and ‘concerned others’ have anything to say about, or to offer the parties in, protracted violent conflict situations? What do (or should) we know that is relevant and communicable to the parties in these situations?”²⁶⁰

In other words, are there things that Mediators in international conflict need to know and keep in mind as they take their challenging tasks of mediating, particularly, in conflicts which have been intractable and violent? Don’t international conflicts take place within an international political context? Isn’t the obtaining context of international politics, and polarity, important variables worth considering when undertaking an international mediation tasks?

And as already pointed out in the introduction, this study’s central argument is that the most critical thing for the mediator to bear in mind is look at the international system and the distribution of power within it, and whether an external power has vital interests, of whatever nature – security, economic, geo-strategic, or geo-political -in the conflict that may facilitate and fuel the conflict, as happened in various parts of the world during the Cold-War period, or in its resolution and implementation of the consequent outcomes.

²⁵⁹ Rothstein, R.L. Op. Cit. Pg.

²⁶⁰ Sandole, D.J. Op. Cit. Pg 3

In his analysis of '*the United States -the new hegemony*'²⁶¹ following the end of the Cold-war, Michael Cox, asserts very authoritatively that, "the rest of the world continued to look to America for political and military leadership- something that became all too apparent during the long-drawn –out carnage in Bosnia where it was the decisive American intervention, after European and UN dithering that finally brought that particular phase of the conflict in former Yugoslavia to an end. And the Treaty which finally brought the war in Bosnia to a conclusion in Nov.1995 was not signed in Paris, London or Brussels but in the small American town of Dayton, Ohio".²⁶²

He further argues that "the U.S, and the U.S alone, had the crucial global reach that extended across the Pacific and the Atlantic, into Central and Latin America, and deep into the heart of the Middle- East and South Asia" and "that in each of these vital regions, the U.S continued to act as referee and player, often compelling others to seek agreement".²⁶³ And in an effort to further illustrate his position, Cox continues to argue that "thus, there would have been no peace process between Israel and the Palestinians (fragile though it was) without the U.S. It was an American mediation between Pakistan and India that defused the tension between these two nuclear powers on at least two critical occasions and it is inconceivable that without an American presence in South Korea, the leaders of both North and South could have entered into negotiation in 2000 after nearly fifty years of bitter cold-war".²⁶⁴

²⁶¹ Michael, Cox, 'International history since 1989', in John, Baylis and Steve Smith, *The Globalization of World Politics*, 2nd.ed., 2001. Pg. 123.

²⁶² Ibid.

²⁶³ Ibid.

²⁶⁴ Ibid.

By the beginning of the 1990's the US was clearly a sole pole around which global power revolved. That the interests of the US, as a sole Super power, were in jeopardy in the Sudan, meant that the Khartoum government had to bend to the requirements of the US, while the military rebel groups in the South had to succumb to the dictates of the Super power mediating in their conflict, with far reaching implications and consequences, including a re-definition of the structure of the conflict, and the path along which, and how, its resolution and peace agreements would look like.

The issue of the role of the US in re-shaping the structure, context and terms and conditions of the resolution of the conflict in the Sudan has been adequately and comprehensively covered in chapter two. The issue of self-determination of the South Sudan, which was finally embedded in the Machakos protocol of 2002, was in fact, not a priority to the SPLM/A leadership, particularly John Garang, even though it was originally implied in the 1972 Addis Ababa Peace–Accord as a semi-autonomy status for South Sudan. It was later proposed in the IGAD formulation, and featured prominently in the DOP, and was subsequently adopted by the Protocols.

Thus, the involvement of the US, an external super power, had an immediate impact on the Sudanese conflict resolution and the attendant peace negotiation processes. And, even, as Lam Akol clearly points out, “the September Eleven incident itself had a tremendous impact on peace in Sudan. Unexpectedly, the GOS declared its willingness to cooperate with the US government to combat terrorism and this pledge was put into action as streams of US security personnel visited Khartoum frequently and worked closely with the government on the issue.”²⁶⁵

²⁶⁵ Akol, L. SPLM/SPLA: ,Inside an African Revolution, -Pg 303

Besides, the issue, and the subsequent protocols thereof, of the ‘Three Areas’, which were geographically part of the northern Sudan on the basis of the 1956 North- South border, was clearly a new introduction in the conflict resolution structure and context, even though, as a compromise, they were negotiated under the auspices of Kenya, and not IGAD. As noted by Samson Wassara, “the GOS was keen to maintain the North –South structure of the conflict in any agreement emanating from IGAD-led negotiations. For this reason, it was agreed in Ethiopia, that those negotiations, should be based on the division of the North and the South in accordance with the 1956 boundaries.”²⁶⁶ However, “after strenuous haggling, agreement was eventually reached on two areas and deadlock continued on Abyei. It was the intervention of the US envoy for peace in Sudan, Senator Danforth, which saved the talks on this track. He tabled a proposal on Abyei before the two parties on *a take-it-or leave-it* basis. Like they did in Machakos in 2002, the two parties accepted the proposal and signed on 26 May 2004 together with the protocol on the two states of Southern Kordofan and Blue Nile. Thus, what became known as the Abyei Protocol was merely this American proposal”²⁶⁷ as Lam Akol further noted.

Without doubt therefore, the role of an external major power in reshaping and redefining the contours of an international conflict and peace negotiation processes was clearly demonstrated in the Sudanese case.

5.3 POLARITY

As this study has already shown, the aspect of the end of cold war itself, as an act of polarity, had profound impact not only on the Sudanese conflicts but throughout the rest of the world, where a

²⁶⁶ Wassara, S. in *After CPA in Sudan*, Pg. 90

²⁶⁷ Akol ,L. Op. Cit. .pg

number of hitherto raging international conflicts, had to come to abrupt end, with the conflicting parties moving to the negotiating table and embarking on peaceful processes in earnest. Thus, beyond what Bercovitch and others call contextual issues in the contingency framework, which include the nature of the dispute, the duration and timings, the nature of the parties to the conflict and their power-relations, and the nature of the mediator, rank and identity, there should be included in the gambit, a sense of polarity and external major power interest.

Polarity could also have both immediate and long-term impacts, like the immediate aftermath-effects on the various conflicts around the world, following the abrupt end of the cold-war. Similarly, an external major power with interest may also have dual effects, of either perpetuating a conflict, as often happened during the cold-war period in the many proxy wars fought around the world, and thereby complicating conflict resolution efforts, or, intervening in a conflict to protect and advance its interest. If, however, there is no visible and active external major power intervention in a violent international or internal conflict, like in the Rwanda case, such conflict would drag on, for as long as the parties to it are “not willing” to resolve it.

The Sudanese conflict which had dragged on for such a long time, gaining the reference as “the longest running conflict in Africa, causing tragic loss of life, destroyed infrastructure of the country, eroded its economic resources, and caused suffering to the people of the Sudan” , was finally settled, not so much because the parties to the conflict had reached a ‘mutually hurting stalemate’ and willing chose to negotiate, but so much due to confluence of two factors, of the US intervention and involvement in the conflict resolution and peace negotiation processes, to protect and advance its national interests, as well as the obtaining polarity which was in favor of

the latter. If the world was still polarized by the Cold war bipolar power structure, the Sudanese conflict would most likely continued to rage on , with each side seeking the support of each of the Super powers.

Secondly, when the US, as a external major power with interest, intervened in the Sudanese conflict, it did so also by occasionally going through the regional body, IGAD, under whose auspices the peace negotiations were taking place. As a powerful third party, however, it had the capacity to influence the outcomes of the peace negotiation processes.

Thus, the Machakos protocol which was signed in the 20th of July 2002 and known as the starting of the CPA, was presented to the negotiating parties on a “take it or leave” basis Agreement document, which expressed the national interest priorities of the US in terms of the direction the negotiation processes would take and their outcomes. The clause on Self-determination, for example, was a bitter pill to swallow for the Khartoum government and, as already pointed out, clearly not a priority for the SPLM/A leadership, especially John Garang, who personally preferred a confederation or a democratic federation of a secular Sudan.

The US lobby groups and think tanks, as well as ordinary South Sudanese however, preferred the “two-state formula” over the “One country - two systems formula”, and so John Garang and the SPLM/A leadership had to be summoned to Washington DC in order to be made to accept this US preferred formula for the Sudanese conflict resolution and peace negotiation, moving forward. As a matter of fact, the CPA, was, on this ground, being seen as an overly US-influenced, and as a “forced” peace agreement between the government of Sudan and the

SPLM/A. And, a number of scholars have pointed out this aspect of external major powers involvement in the Sudanese conflict resolution and peace processes, particularly the US, as being the main driver of the CPA.

Peter Woodward, for example, has pointed out that, “at the time the CPA was being welcomed, doubts were being raised in a number of quarters. One concern was that it was an imposed peace. Critics argued that from the Machakos Protocol, at the start of the process, right through to the signing of the CPA over two years later, too much of the input was coming from the international community and not enough from the NCP and the SPLM/A themselves, from the content of the agreements and protocols to the pressure exerted on the parties to sign”.²⁶⁸

In the same vein, according Rolandsen, “critics decry the 2005 peace agreement between the government of Sudan and the SPLM/A as incomplete, a result of the desire of external actors for a quick solution that is neither truly comprehensive nor sustainable” and explains the shift from a seemingly endless war in the Sudan, to a dynamic peace process as having been occasioned by the fact that “the USA, after the September 11th 2001 terrorist attacks, bullied the Khartoum regime, into an unfavorable agreement.”²⁶⁹

When, towards the final stages of the CPA, negotiations dragged, “an extra-ordinary UN Security Council meeting in Nairobi in Nov. 2004, gave the government of Sudan, and the SPLM/A an ultimatum: if they did not sign an agreement by 31st December 2004, severe consequences would ensue for the international engagement with Sudan (Rogier 20005).

²⁶⁸ Woodward, P – After CPA in Sudan Pg. 235.

²⁶⁹ Rolandsen, O.H. “ A Quick Fix?” Review of African Economy, Pg. 559.

Negotiations continued, and the CPA was signed on January 9th 2005.²⁷⁰ And, “in autumn of 2010, as the referendum over Southern Sudan future status drew nearer, the US in particular stepped up high-level political involvement in the peace process.”

Lam Akol has summarized this observation, of an external major power involvement in conflict settlement and peace negotiation, seen also a criticism of the CPA, “that it came about due to foreign pressure rather than as a result of an internal driving forces²⁷¹ while acknowledging the role played by the international community, which “financed the peace talks, exerted the requisite pressure on the parties to negotiate in good faith (the stick and the Carrots) and made pledges to finance the implementation process.”²⁷²

This issue, of lack of a sense of ownership by parties, was always toyed as one of the probable explanations for instances of unwillingness, on the side of the parties, to move the peace negotiation process forward faster, manifested during the interim CPA period. Thus, as already pointed out, if it was not for the US timely intervention, and the UN’s logistical support, the South Sudanese self-determination referendum would have been in great jeopardy.

With regards to the pace of implementation of negotiated agreements the study hypothesizes that this to a large extent depends on the continued engagement of the external major power, failure of which leads to laxity, even to negotiations dragging. In the case of the Sudanese peace negotiations, tangible progress was made only when the external major interest, was involved, ostensibly, in a carrot and stick situation. And, as already noted, when, for example, the Darfur

²⁷⁰ Ibid Pg. 559

²⁷¹ Akol,L SPLM/SPLA: Inside an African Revolution. Pg. 322

²⁷² Ibid. Pg 321

crisis erupted, thereby diverting the US attention from the main North-South Sudanese conflict, it nearly caused the CPA peace negotiation processes to stall in 2003 and 2004.

Again, Rolandsen, has correctly noted that “to be sure, high-level political engagement, in the peace process declined significantly after the signing of the CPA. And while regional actors continued to be engaged, there was dwindling political interest in implementation from Western countries. War in Darfur diverted both funds and attention.²⁷³ Thus, a more prioritized engagement elsewhere, by an external major power may divert its attention and render an ongoing peace process to stagger or derail altogether. The US involvement in Iraq and Afghanistan, almost throughout much of the CPA period, divided its attention to the Sudanese peace process.

In his analysis of “why the CPA obtained more than five years after its conclusion, where as the Darfur Peace Agreement (DPA) failed immediately after it was signed,”²⁷⁴ Peter Woodward, mentioned two important national factors which made the CPA possible, and added a third reason that both parties had an enhanced *interest* in gaining access to the revenues from oil, land and water, resources which could not be exploited fully in a war environment. However, he further points out that “lastly, the international community, in particular the US, began to support the peace process, based on a deal, (*read US strategic security national interest*) which implied that the NCP would stay away from involvement in terrorist plots and lend its National

²⁷³ Rolandsen, O H. “A Quick Fix?” in the Review of African Political Economy. Pg. 561

²⁷⁴ Woodward, P. Pg. 21

Intelligent Security Service, NISS, to assist the US in its war on “terrorism”, and the US would back Kenya in hosting the final peace negotiations.”²⁷⁵

Thus, new issues such as the need to conduct popular democratic consultations, where participation of ordinary citizens would be mandatory, to determine the relations between these regions and the central government in Khartoum, were introduced thereby changing the context and contours of the conflict resolution and peace negotiation processes in the Sudan. In a significant way, this clearly went beyond the North-south conflict which was basically between the NCP government and the SPLM/A, to include other areas, not directly engulfed in the long running violent conflict, a proof of hypothesis one.

Secondly, the Darfur crisis which had been simmering as early as 1980s but which became full-blown in 2003, necessitated an urgent attention, especially by the US, nearly over-shadowing and causing a stall, of the CPA negotiation processes. And so the US simultaneously slammed two peace proposals on the Khartoum government, insisting that both must be implemented in equal measure. This measure of tying up of the Darfur crisis with the CPA implementation could only be done by an external major power with an interest in a conflict resolution and peace negotiation and the requisite will, capacity and resources to carry through its intent. And, while the CPA peace process was shaped to pursue a two-state formula, and lead towards an eventual secession of the South Sudan, on the basis of a self-determination referendum, the DPA process, on the other hand, was crafted to lead to both the indictment of President Bashir by the International Criminal Court, and it also engendered far reaching implications for enforced secessionist tendencies, in Darfur, as well as in other regions of Southern Sudan.

²⁷⁵ Ibid Pg. 22

The argument, as shown in this study, is based on twin major assumptions: first, that all states, big and small, have, and deliberately pursue, vital national and foreign policy interests internationally. And these interests are invariably affected by conflicts which often occur in various parts of the world, including those which pose threats to international peace and security, regional balance of power and stability. When such conflicts occur, and they are inevitable within the international system,²⁷⁶ the major powers are inclined to get involved, and mediate in those international conflicts. And, as and when they do so, they bring with them, their own interest, to the mediation matrix, and thereby significantly reshape the contours of the conflict, visibly impact on the intervening ‘contingent variables’. They also dictate the pace and tempo of the peace negotiation processes, often determining the outcomes of the negotiated agreements. And, secondly, that external major interest and polarity shapes the nature of international conflicts and their settlement.

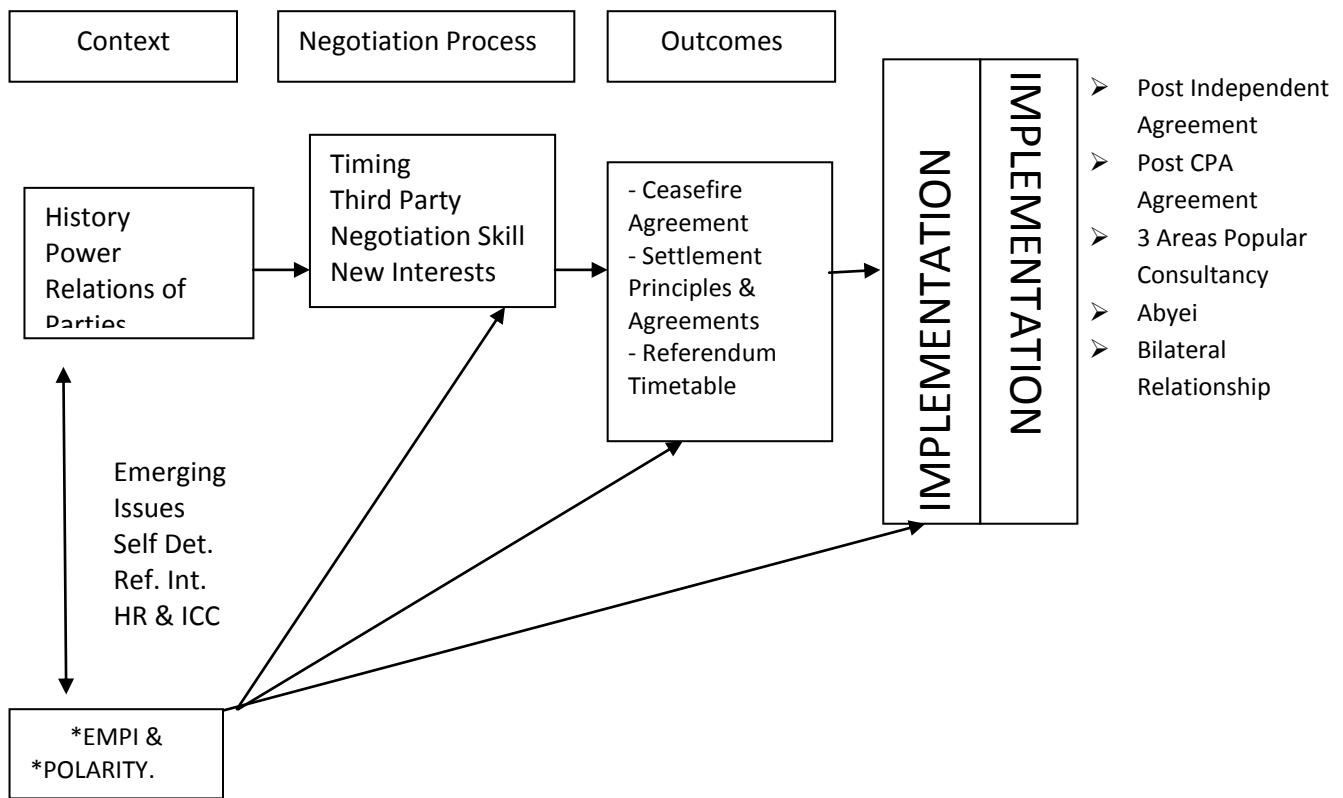
5.4 INTEGRATED CONTINGENCY FRAMEWORK AS AN ANALYTICAL TOOL

This study proposes ‘an integrated’ Contingency conceptual framework approach, as an analytical tool which, incorporates and synthesizes the external major power interest in international violent conflict resolution and peace negotiation, with the “contingency variables”. This approach is predicated on the notion that international violent conflict resolution and management are dynamic geo- strategic, socio-political processes whose outcomes are largely *contingent* on, or predicated and dependent upon, not only the aspects of the structure of the conflict resolution itself, and the environment in which the process takes place, as shown in Figures 1, 2, and 3, but also on polarity and external major power with interest in the conflict, as Figure 4 shows.. The escalation or resolution, the settlement and negotiation of international

²⁷⁶ See also Mwangi, M. who maintains that conflicts are endemic and ubiquitous.

conflict, will therefore, largely depend on these two important variables, as the case study of the conflict resolution and peace negotiation between the two Sudanese states shows. Using this analytical tool, the study demonstrates that outcomes of negotiations of an international conflict are determined by the interaction of certain input ‘contingent variables’, mediated through the structure and actual situation of the conflict management and directed by the prevailing polarity and external major power interest. The study also seeks to show that the dynamic interaction between polarity and an external major power with interest in the resolution or sustaining of the conflict and the ‘contingent variables’ will largely determine the course of action the negotiation process will take.²⁷⁷

Figure 4: Integrated Contingency Conceptual Framework



EMPI- -External major power interests.

²⁷⁷ Bercovitch, J (ed) Resolving International Conflicts, Pg. 31.

The 'contingency conceptual framework' needs to be expanded at the context 'box' and incorporate in its menu global and regional polarity and the external major power interest. An 'integrated' contingency frame work would therefore, not only allow changes in the structure from dyad to triad but also accommodate for new issues which were not part of the original contextual issues to be incorporated. In the case of the Sudanese conflict resolution and peace negotiation processes, new issues, beyond the original contextual ones, which were introduced by the external major power in the final CPA document, as shown in the diagram (Figure 4) can then be shown and explained within the frame work. For example, such issues as that of the simultaneous Referendum for Self-determination in the C.P.A for the Southern Sudan, and in the Abyei area; the inclusion of respect and observation of human rights standards in both regions of Sudan; and the conducting of Popular Consultations in the 'Three Areas'²⁷⁸ of Nuba mountains in South Kordofan state, and in the southern part of Blue Nile state, to improve the governance and democratic quotient and determine their relations with the Central government in Khartoum, were included. Yet, they were not part of the negotiated, consensual issues unanimously agreed on by both parties, nor within each party itself. Even in the initial efforts to formulate the Declaration of Principles formulated by the IGAD, those issues were always controversial and centrifugal. However, all these new issues which were neither there during the IGAD peace initiatives, nor a priority to the two disputing parties, were introduced by the external major power intervention and active involvement in the Sudanese conflict resolution, and thus, became central pieces of the subsequent peace negotiation processes and Protocols.

²⁷⁸ The CPA clearly provided a road map particularly for the solution of conflicts in the three critical areas on the boundary between northern and southern Sudan, dubbed 'The Three Areas', namely, the Abyei area, the Nuba Mountains in southern Kordofan, and the southern region of the Blue Nile.

Although the issue of Self-determination was first introduced by the IGAD mediation team in 1994, and was easily a populist proposition for the Southern Sudanese, part of the mainstream SPLM/A leadership, especially those ardent followers of John Garang, himself, and a sizable number of elites from the South who had managed to attain privileged positions of authority and influence in the Sudanese government, were not in favor of it. And it had been at the centre of the bitter internal rivalry and division within the SPLM/A. Even after, the Abuja 1 “Conference on the Reconciliation of the Divided SPLM/A”, in June 1992, where and when, the two factions of the SPLM/A, agreed to resolve this issue of Self-determination of the Southern Sudan, the matter was still a major point of departure.²⁷⁹

Notably, it was only later on, after a conference in Washington DC, titled “*Sudan: The Forgotten Tragedy*”²⁸⁰ and, organized by the US Institute of Peace and the House Africa Sub- committee of the US Congress, and side-line meetings at the State Department, and apparently, under very intriguing circumstances, that the matter seemed to have been officially and publicly resolved. The Washington Declaration that was issued by the two leaders of the SPLM/A, on the 22nd October 1993, contained, *inter alia*, point No. 7, which stated, that, the parties “Agreed to oppose the policies of the NIF government in Khartoum, and other subsequent regimes that deny the right to Self-determination of the people of Southern Sudan, Nuba Mountains, and other marginalized areas.”²⁸¹

²⁷⁹ Akol, L.. SPLM/A. Inside an African Revolution. Pg.212..

²⁸⁰ There was a feeling of fatigue and despondency in the US with regards to the spiraling persistent Sudanese conflict.

²⁸¹ Ibid.

According to Lam Akol, who also attended the conference, “what we sincerely hoped, was that John Garang’s conversion to champion Self-determination, was at that time final. It was my most considered opinion that the most singular achievement of “the Washington Declaration”, was that, for the first time John Garang himself committed his faction to the issue of Self-determination, and that the Declaration re-affirmed in no uncertain terms that the sole objective of the struggle being waged by the SPLM/A is the attainment of the right to Self-determination for the people of South Sudan, Nuba Mountains and the Ingessana Hills.”²⁸² Thus “John Garang sought, not the Secession of the Southern Sudan, but the eventual uprising of all the deprived peoples of Sudan against the corrupt Khartoum based elite that in one guise or another, had dominated Sudan since independence “just like Museveni, who had had a remarkable army that had come from the bush to overthrow the existing regime in the capital by a popular guerilla campaign.”²⁸³ He fought to liberate the whole of Sudan and create a secular state where State and Religion were separated, and only came to accept the reality of Self-determination on the insistence of the US.

And, as Arop-Madot has noted, “commenting on the Protocol on the Comprehensive Peace Agreement in one of his speeches, the leader of the Sudan People Liberation Movement, and the architect of the creation of ‘A New Sudan Vision’, Dr John Garang de Mabior said:

“We suggest that the most viable solution is to have a confederation during an interim period as a form of interim unity to solve the problem of Religion and State (Sharia). This will be followed

²⁸² Akol, L. SPLM/A. Inside an African Revolution, Op. Cit. Pg. 213-4.

²⁸³ Peter Woodward, Uganda and Southern Sudan, Pg 180.

by exercise of the confederate union, or full independence. In the confederate union there will be two constitutions, one for each state, and a third for the confederate Authority”.²⁸⁴

This position was still held by John Garang, even after signing the CPA, on the 9th January 2005, and perhaps until he met his death in an helicopter crash, merely three weeks after he was installed and sworn in as the first Vice President of the Government of National Unity of Sudan, on 30th July 2005. As Arop has further noted, “On his message to Southerners, now that future of the south is to be decided through a referendum in accordance with the Comprehensive Peace Agreement and not through the barrel of a gun, as was the case during the war, John Garang stated, that, “while I am and remain a convinced believer in a united secular Sudan on a new basis, a Sudan where no stronger clever persons can cheat their weaker compatriots, I cannot impose my will on the people of South Sudan. The people of South should use the democratic process given by the CPA in order to get their rights. It will be up to them to choose and decide during the referendum what each and every one of them think to believe is the best interest for the survival of Southern Sudan. Of course, the talk of total unity of the Sudan is now out of the question in face of the new realities after the signing of the Comprehensive Peace Agreement. In the referendum there will be two options for the Southerners to choose from: to maintain the interim unity established by the CPA or to have a separate state of their own. My only message to them is to make up their minds as to what their best interests are and not what others tell them. We should all make sure that the Comprehensive Peace agreement is implemented in its entirety.”²⁸⁵

²⁸⁴ Arop-Madot- Arop, Sudan Painful Road to Peace. Pg. 405.

²⁸⁵ Arop-Madot, Op. Cit. Pg.406.

Another example was, when the issue of the humanitarian crisis and charges of ethnic cleansing and genocide in the Darfur region of the Sudan were introduced in the mix, during the negotiation process, and the linking up of the issue of Darfur crisis, to the on-going CPA processes. The insistence on a deal by the US, on normalization of relations with the Sudanese government, pegged to both the signing of the Darfur Peace Agreement on the Darfur political and humanitarian crisis, and the full implementation of the C.P.A. processes, vindicates the possibility of incorporating new issues.

After initial concern that the situation in Darfur could damage the process towards the CPA then under way, and perhaps a lack of initial awareness of the scale of the violence in Darfur, the international community was slow to respond, and it was not until 2005 that efforts to achieve another negotiated peace, this time the Darfur Peace Agreement, (the DPA), began in earnest. But the question then was whether the Darfur situation was ripe for resolution as that in the South had been. And, it was largely due to this sense of wariness on the part of the US, that while it acknowledged the achievement of a successful resolution of the Sudanese conflict, and the subsequent peace negotiation processes, it still upheld trade sanctions and embargo on Sudan, ostensibly both in connection with the Darfur crisis, and latently related to accusation of being a haven for terrorism and the US war on terror.

Clearly, the intervention of the US significantly changed the structure, and content of the Sudanese conflict by introducing new elements in mix, and would also determine the direction the conflict resolution itself and the subsequent peace negotiation processes would take.

Secondly, this improved, integrated Contingency framework, also makes it possible to determine the prevailing circumstances of polarity, that is, the obtaining international and regional power configuration, as well as the political situation, depending on, and identifiable, when the external super or major power, intervenes, almost unilaterally, in a violent international conflict and mediates its resolution, in pursuit of its vital national interests within the international system with minimal or no opposition altogether. This vindicates the basic finding that the outcomes of a negotiated settlement mediated by an external super or major power interest, will be determined and shaped by the latter's interest, and the nature of polarity.

When the US decided to focus its efforts on the IGAD framework for the Sudanese conflict resolution and peace negotiation, it was already a sole super power, dictating and influencing global events, reorganizing the international system to reflect the new post- Cold war environment, and setting political trends and socio-economic patterns of the emerging world order in its image. And, under the general guidance and overall direction of the US, “by late 2001 and early 2002, the US, UK, and Norway, formalized a joint approach to the peace talks. This coordination grew closer from early 2002, when the three countries began providing technical assistance and applying joint political pressure to the parties.”²⁸⁶

Thirdly, given their interest in the conflict, the external major power will determine the pace, content and nature of the outcomes of the peace negotiations as shown in diagram. **(H3)**. The intervention and mediation by the US, in the Sudanese conflict resolution and the subsequent peace negotiation processes, in order to address their security concern over the Sudan's harboring of jihadists and terrorist groups, meant that the pace, direction, content, and the nature

²⁸⁶ Rolandsen, O.H. A Quick Fix? Pg.554.

of the outcomes of the negotiations would be largely determined by the US immediate and long term strategic security interest.

And, fourthly, even after the cease- fire agreements and negotiated settlements have been achieved, the continued engagement with the parties to the conflict resolution and peace negotiation processes, will depend on the extent to which the process remains a priority to the external major power actor, and, whether, or not, the interest of the external major power in question has been addressed. This will also, to a large extent, determine whether the negotiated agreements are implemented to the letter, whether all the other agreed principles are adhered to, the terms of references fulfilled, with the agreed dates and time frames honored during the implementation stage. **(H4)**.

As a matter of fact, any indication that the major external power begins to withdraw from close engagement, owing perhaps to having achieved its interest, or declining levels of perceived threats to their interest, or shifting to other more prioritized commitments elsewhere around the world, would be reflected at the level of engagement in the process, and in the intensity of implementation momentum which would, correspondingly begin to slow down as well. If, on the other hand, the major external power is seized of the peace negotiation matter and decides to stay engaged, then the implementation process will be faster and the whole conflict will either be resolved or settled. The Sudanese violent conflict which had taken almost over two decades to resolve, and which had defied IGAD's commitment and efforts at resolving, was finally settled within two years of the US intervention and active involvement. When, for example, the US, for a short while, shifted its policy focus on the CPA, and concentrated its attention to the claims of

Genocidal atrocities committed by the same Khartoum government in the Darfur region in western Sudan, the implementation momentum for the CPA slowed down to a point of worry and great concern, not only to the South Sudanese and their representative, the SPLM/A, but also to the regional bodies and international community alike.²⁸⁷

5.5 CONCLUSION

This chapter set out to analyze the collected data in an attempt to explain why the Sudanese conflicts have been persistent and eluding peace negotiation efforts. All the hypotheses seem to offer some explanation for this state of affairs. Sudan's recent history, in general and its persistent conflicts in particular, have been complex and subject of diverse academic perspectives. The regional bodies charged with the task of maintaining regional peace and security barely have any clear frameworks for conflict resolution let alone, well developed security architecture. The mediation efforts in the Sudanese conflict have also tended to be geared towards quick fixes of stopping war from raging rather than delving into the more complicated long-term conflict resolution processes. The lack of interest, non-intervention or loose engagement of an external major power in the conflict meant that the conflict would rage unfettered. When the external major power intervenes, it does so in pursuit of its national interest, and does not necessarily resort to the strategy of conflict resolution.

²⁸⁷ See, Rice, C. No Higher Honor. A Memoir of My Years in Washington. 2011. NY.

CHAPTER SIX: CONCLUSIONS, Key Findings and Areas for Further Research

6.0 CONCEPTUALIZATION

This study set out to interrogate *why* the Sudanese conflicts have persisted, eluding peace efforts and defying regional and international mediation efforts. Four hypotheses were presented as probable explanations for this phenomenon. As a corollary, the study attempted to address the question why violent international conflict resolution, and the subsequent peace negotiation processes succeed or fail, progress or stall, with specific reference to the persistent Sudanese conflicts. In this latter context, the study has cited the lack of national or security interest of an external major power interests in a violent international conflict such as the Sudanese one, and a favorable polarity, as the two most significant variables and key determinants of the why. Further, the study posits that peace settlements collapse, not only because they often merely address temporary issues of power and interest, but also due to being ‘orphaned’ by their external major power guarantors. When the latter minimizes its engagement in a peace settlement or withdraws altogether, the result is the collapse of that peace settlement.

The study also looked at the available literature in secondary data as well as responses from the primary data sourced from Key Informants, in order to answer this research problem, from the conceptual perspective of Conflict and peace studies. In light of the foregoing, and based on the findings of the data collected, the study has, thus, put forth a consistent argument, that the Sudanese conflicts’ settlement and peace negotiation processes came as a result of the convergence of both the two key variables of polarity and external major power intervention, and the intervening ‘contingency model factors’. This confluence of factors was instigated by the

level of security threats posed to vital national and foreign policy interest of the US, by the rampant anti- Western interest in general, and anti-US policies in particular, being pursued by successive Islamic fundamentalist regimes in the Sudan. Thus, the cocktail of these two key variables, reinforced by the intervening factors of the ‘contingent variables’ dove-tailed and finally brought the two warring parties, the Government of Sudan, and the SPLM/A, to a negotiating table.

By all measures and accounts, therefore, and as this study has clearly demonstrated, what Rothstein refers to, as “the decision to finally agree to negotiate’, was occasioned and influenced, by these two key variables, while the subsequent peace negotiation processes, were sustained by the unrelenting international pressure and the staying power, again spearheaded by the US, brought to bear on the disputants. And, as was pointed out in chapter two, both the disputants had reached a political and military stalemate, and had no capacity and no chances to advance their cause further. For the government of Sudan, the eminent attack by the US, for harboring terrorists elements, bent to injure the US interests in the region, meant that it had no choice but to acquiesce to the US pressure to stop the war with the South, open its intelligence system to the US, and enter into peace dialogue. The SPLM/A, on the other hand, had to make do with the US proposals, earlier tabled by the then- US Assistant Secretary of State for Africa, Chester Crocker, and the Washington DC-based Think- Tank, the Centre for Strategic International Studies, (CSIS), with a clear proposal for the time-table for conflict settlement and peace negotiation processes, including provision for Self- determination of the Southern Sudan, over which the Garang’s mainstream wing of the SPLM/A was often seen to be prevaricating and

wavering.²⁸⁸ And the study has found a glaringly missing link between traditional concepts of International Relations and the recent off-shoot sub- field of study, Conflict resolution, in answering this basic question. The “Contingency model” which is the furthest the scholars have reached in trying to understand why some conflict resolution efforts succeed while others fail, still lacks the conceptually proven and theoretical underpinnings which can be generalized, to become acceptable and generally applicable theories of conflict resolution. A huge gap that still needs further research to fill, and a lacuna for further clarification, therefore remains.

In his “Contingency model” for international mediation, Bercovitch talks of the ‘Antecedent, Current and Consequent conditions’²⁸⁹ necessary for successful mediation. Yet, these variables, alone, would not adequately answer the question as to why the success or failure, progress or a stall in conflict resolution and mediation occurs. Other scholars and analysts of conflict resolution and peace negotiation models, such as William Zartman, Jacob Bercovitch, Richard Jackson, Daniel Druckman, and Rothstein L. Robert, all seem to fall shy of widening their conceptual of ‘Context’ to incorporate polarity, at regional and international levels, and the external major power interest that may be affected by a violent international conflict.

6.1 CONCLUSIONS

The main conclusion of this study is therefore that the persistent Sudanese conflicts, or any other violent conflict resolution and the subsequent peace negotiation processes, can only succeed when the parties to the conflict agree to resolve their conflict on their own free volition, based on several factors which could range from Zartman’s concept of mutually hurting stalemates, to

²⁸⁸ Deng, F and Morrison, J.S. (2001) . US Policy to end Sudan’s war: Report of the CSIS Task force on US-Sudan Policy., Washington, DC, CSIS.

²⁸⁹ Refers to Fig. 1. Pg. 17

seeing rewarding opportunities in negotiations and cooperation, or when an external major power interest intervenes as a third party mediator to resolve the conflict.

Secondly, when the external major power interest intervenes in a conflict, it will change the context, reshape the structure including introducing new issues, and redefine the contours of that conflict, while at the same time, determine the pace, and direction the negotiation process will take, and how outcomes will look like. However, the intervention of an external major power would not necessarily lead to choosing the strategy of conflict resolution. In fact, in most cases it merely leads to conflict settlement, after a quick stop to violence.

Thirdly, conflict resolution and peace negotiation processes only progress when the parties to the conflict are committed to move the negotiation process forward, or when an external major power interest intervenes, and stays seized and fully engaged, to ensure that decision points are reached without snowballing, and undue delays, and that such crucial procedures and processes, as venues and dates for meetings, and general time lines are adhered to without flimsy excuses. Conversely, conflict resolution and peace negotiation processes will stall if the parties to the conflict, are not themselves committed to resolving their conflict, and when there is no “carrot and stick” mediation framework, involving an external major power whose vital national interest is at stake because of that conflict.

And, fourthly, violent international conflict resolution, and peace negotiation processes are affected by the nature of polarity of the international system. While a bipolar international system created a Cold war phenomenon, which incidentally, encouraged and fueled super power rivalry, resulting in several proxy wars and conflicts around the world, and complicating

international efforts towards the resolution of conflict in which a super power has interest, the end of the Cold war led to quick conflict resolution and ushering in subsequent peace negotiation processes. And, it would be interesting to study how conflict resolution and peace negotiation processes in a multi-polar world would be.

6.2 KEY FINDINGS AND LESSONS LEARNT

From the beginning of this study, it has been very clear that the so called “contingency variables”, important as they are in fine tuning and moderating the ‘process’ of conflict resolution and the subsequent peace negotiations that follow, alone cannot explain why the decision to enter negotiations even begins. They, alone, are not adequate to explain what makes the leaders of the conflicting parties to enter cease- fire negotiations on the agenda, in the first place. Granted that the parties could be suffering a mutually hurting stalemate, and a skilful, experienced mediator could be convincing enough to bring the conflicting parties to a negotiating table. But experiences show to the contrary, that those may not be a panacea for conflict resolution. There must be a more powerful mediator, favored by polarity, whose security interest it is, to resolve the conflict, for that process to move forward.

One major lesson learnt from this was that, during the Cold war period, with the distribution of power in the international system divided between the US and former Soviet Union, a number of violent international conflicts raged on and defied any conflict resolution and mediation efforts. The UN Security Council itself, as the international body tasked with the responsibility of ensuring world peace and security, was paralyzed by the cold war divisions and veto powers of the ‘Permanent Five’ (P5) of its members. According to Ramsbotham, Woodhouse and Miall,

“Data collected by Wallensteen, Gurr and Marshall and others show that the number of armed conflicts rose steadily until the end of the Cold war but fell there after”.²⁹⁰

As such, those conflicts remained largely active around the world, sometimes with the overt support of the external major powers as proxy wars or conflicts, and therefore defying any mediation efforts to resolve them. And, although some International Relations scholars such as John Miersheimer and Kenneth Waltz argue that the bipolarity of the international system ensured more international security than the subsequent uni-polarity, the post- World War 2 and the Cold war era, was intensely conflictual, and the various conflict resolution efforts, such as the Sudanese one under regional auspices, therefore, merely staggered or stalled completely, failing to register any tangible progress.

However, with the change in polarity, marked by the dramatic end of the Cold-war, almost all the hitherto ranging or lingering violent international conflicts came to abrupt ends. According to the Uppsala University data used by SIPRI, over the period 1989-1996 “there was an almost constant decline in the of major armed conflicts world- wide.”²⁹¹ And, the trend and patterns of these hitherto vicious conflicts being resolved and peace negotiations entered into and agreements signed, were so phenomenal, globally, to have escaped any ordinary notice and rudimentary analysis. James N. Rosenau, as was mentioned earlier in this study, saw these ‘waves’ as “turbulence in world politics”.²⁹²

²⁹⁰ Ramsbotham et al (eds) Contemporary conflict resolution, Pg.58-9.

²⁹¹ Oliver Ramsbotham et al (eds) Contemporary Conflict Resolution. Pg. 59.

²⁹² Rosenau, N. J. “Turbulence in World Politics. A Theory of Change and Continuity” 1990. Princeton Univ. Press.

What the foregoing therefore means, is that there must be a direct correlation, between polarity and the way violent international conflicts endure, and the way in which they can be resolved and the subsequent peace negotiation processes which commence thereafter.

Secondly, an important finding is that, the end of Cold war spurred the regionalization of world politics, with far reaching implications for regional stability and for conflict resolution processes, especially in Africa. Not only did Africa suffer loss of its geo strategic importance to the West, especially the US, it was left on its own and would be expected to resolve its regional conflicts by itself.

Thus, on the one hand, the US, the remaining sole super power could no longer afford to intervene and engage in every conflict around the world, especially in those where its vital national interest were not at stake, as in the Rwanda case, in Africa, with the implication that regional bodies would be expected to resolve their own regional conflicts. The all-too-easy to make ideological alliances, which guaranteed supply and support lines, readily available during the Cold war period, were therefore cut and no longer obtained for the conflicting parties. On the other hand, as Ramsbotham et al noted, “regional instability in Africa, affects the internal politics of regional states through patterns of clientage, actions of neighboring governments, cross border movement of people and ideas, black market activities, criminal networks, and the spread of small arms.”²⁹³.

Thirdly, in the absence of a regional hegemony, with the capacity and political will to resolve a regional conflict, as clearly manifest in Africa, such conflicts would linger on, for a long time, unless and until a major external actor intervenes to facilitate in efforts to resolve it and brings

²⁹³ Ramsbotham, et al . Op. Cit. Pg.100.

pressure to bear on the peace negotiation process. In the case of the Sudanese conflict, IGAD had reached its limit despite the conflicting parties having reached both political and military stalemate.²⁹⁴

Fourthly, whenever and wherever such major external actors intervene, they do so in pursuit and protection of their national security or geo strategic interests, and not necessarily as an international obligation. In the contemporary situation, the best parallel example is the US intervention in the violent conflicts in Iraq, in Afghanistan, and Syria which, has to do more with securing its geo-strategic and security interest, and regional balance of power and political stability, than sheer altruism, as a leading member of comity of states. And also, because, polarity still favors the US.

And, finally, it is always an unwritten rule that whenever the US intervenes in Africa, it usually does so in collaboration with the former colonial master of that country, and closely follows in tandem, the leadership of the latter, in their working relationship or alliance. Thus, the US would work closely with France if the crisis occurs in a former French colony in Africa, and with the UK, if the conflict to be resolved happens to be, in a former colony of the British, in their efforts to resolve conflicts in Africa. Thus in the Sudanese case, the US always worked closely with the UK and Norway, a working relationship dubbed the “Troika”, although Italy joined the team later on.

²⁹⁴ El-Affendi, A, 2001. “The Impasse in the IGAD peace process for Sudan: the limits of a regional peace making?,” in *Journal of African Affairs*, 100, pp.581-599.

6.3 GENERAL CONCLUSIONS AND RECOMMENDATIONS

This study set out to show that, although much work has been done, in the relatively newer sub-field of conflict resolution and peace negotiation since its inception in the 1950's, there seems to be a recurring discontent between the sub-field and traditional International Relations fields of study in terms of conceptualization and theory-building.

While the sub-field of conflict resolution sprang from the traditional International Relations studies, with well established theories and concepts, the ensuing efforts at theory-building in the sub field of conflict resolution have been shy to incorporate the already clearly defined concepts and agreed theoretical positions. As a stand alone, without contextualizing the conflicts being resolved within the broader concepts of International Relations such as polarity, and major power national interest, it limits and denies itself the capacity to provide an analytical framework which would incorporate all the nuances and subtlety abound in the international system of states.

In a nutshell, what has come out clearly in this study is that there has been a disconnect between the established theories and concepts in the traditional fields or International relations and the recent studies in Conflict resolution and peace negotiations, with significant implication of such important and key variables as polarity and external major power interest completely being left out of consideration the conceptual models of analysis, altogether. The net result has been that the profound work that has been done in this new sub field, seems to be left to hung without a sound contextual anchorage and theoretical footing, which a critical analysis of the intervention and mediation of those major powers in violent international conflicts, in furtherance and protection of their national interest in the international system, as still constituted under the

territorially-based, sovereign 'nation- state' Westphalia framework, and by implication polarity, can offer.

This study therefore recommends a revisit of the cross-fertilization efforts of the two fields of study, to engender theoretical synergy of how to resolve violent conflicts in international politics, and in order to emerge out of this debilitating, dichotomous silo- mentality.

Secondly, as Ramsbotham, et al, have noted, since “geo-political readjustments at the end of the Cold war ended some conflicts fuelled by super power rivalry, but precipitated others, along the perimeters of the former Soviet Union, and in parts of the world where simplifying bipolar structures were suddenly removed”²⁹⁵, there is need to focus attention on these new post- Cold war waves and forms of conflicts.

While some see the prominent sources of these conflicts as “the three interlocking factors of the North-South divide, environmental constraints, and the proliferation of new technologies of war, others see the combination of wealth-poverty disparities and limits to growth as likely to lead to a crisis of unsatisfied expectations within an increasingly informed global majority of the disempowered. Still, some others see, in addition, a global ideological struggle between religious fundamentalism and secular modernity which draws on these tensions, and transmutes them into new forms. Lowering over this is the threat that rogue states, terrorist groups and criminal networks could gain access to weapons of mass destruction.”²⁹⁶ Thus, there is urgent need to

²⁹⁵ Ramsbotham, et al (eds) Contemporary Conflict Resolution, Pg. .89.

²⁹⁶ Ibid. Pg. 98-9.

focus on these new trends, and figure out how the current global power configuration plays apart in perpetuating these new forms of conflicts, and how they can be resolved.

6.4 AREAS AND ISSUES FOR FURTHER RESEARCH

Ever since the Westphalia state system came of age, the world balance of power has been maintained by major powers controlling their spheres of influence, for geo-strategic, security and economic reasons, while maintaining certain international norms and international law, pertaining to the Westphalia Treaty of 1648, itself. And, although the world has experienced two very deadly World Wars, culminating in a Cold war phenomenon, it would be interesting to keenly monitor how conflict resolution and peace negotiation processes will look like if the apparently obtaining uni-polar global power configuration of the international system, gives way to a multi-polar system, where there are several poles around which regional and global power revolves. And, as this study has shown, the end of Cold war, as an act of polarity, led to quick conflict settlement and peace negotiation processes of intractable international violent conflicts around the world, while opening doors for new waves and forms of violent conflicts, mostly internal within state, ethnic, religious, fundamentalist, terroristic, and asymmetrical in nature.

An emergence of a structurally re-arranged, multi-polar world and international system, with settled, agreed-upon corresponding international institutions, and recognized under 'new international law, such as, for example, a multi- polar UN Security Council, with probably a reformed Security Council, and General Assembly, and acceptable procedures and processes,

would present a completely different scenario altogether, to conflict resolution and peace negotiations studies, both for scholars and practitioners alike.

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Post-CPA Negotiations: What is Agreed and what Remains to be Agreed.

Appendix (i)

Declaration of Principles (DoP) Agreed Principles

1. That the unity of the Sudan, based on the free will of its people democratic governance, accountability, equality, respect, and justice for all citizens of the Sudan is and shall be the priority of the parties and that it is possible to redress the grievances of the people of South Sudan and to meet their aspirations within such a framework.
2. That the people of South Sudan have the right to control and govern affairs in their region and participate equitably in the national Government.
3. That the people of South Sudan have the right to Self-determination, inter- alia, through a referendum to determine their future status.
4. That religion, customs and traditions are a source of moral strength and inspiration for the Sudanese people.
5. That the people of the Sudan share a common heritage and aspirations, and accordingly agree to work together to:
 - * Establish a democratic system of governance taking account of the cultural, ethnic, racial, religious, and linguistic diversity and gender equality of the people of Sudan.
 - * Find a comprehensive solution that addresses the economic and social deterioration of the Sudan and replaces war not just with peace, but also with social, political and economic justice which respects the fundamental human and political rights of all the Sudanese people.

- * Negotiate and implement a comprehensive ceasefire to end the suffering and killing of the Sudanese people.
- * Formulate a repatriation, resettlement, rehabilitation, reconstruction and development plan to address the needs of those areas affected by the war and redress the historical imbalances of development and resources allocation.
- * Design and implement the peace Agreement so as to make the unity of the Sudan an attractive option especially to the people of South Sudan.
- * Undertake the challenge by finding a framework by which these common objectives can be best realized and expressed for the benefit of all the Sudanese

Appendix (ii)

Post-CPA Negotiations: What is Agreed and What Remains to be Agreed

1. Security

Agreed:

- Non- aggression and cooperation pact to maintain security within each other's territory, to solve any trans-border violations between the states, to not interfere in the internal affairs of the other state, to not support any insurgence in the other's territory, and to share information people and groups who intend to conduct terrorist and criminal activities against the security and stability of the other state (Framework Agreement; Consolidated Agreement);
- Disengagement of Southerners in the National Police and Northerners in the Southern Sudan Police Service, with both parties agreeing to secure the financial dues (including pensions for Southerners in the National Police) in accordance with the law for those whose service is terminated (Consolidated Agreement):
- Separation of Southerners and Northerners in the NSIS and related assets and installations based on their geographical location to two separate intelligence services, who agree to co-operations (Consolidated Agreement);
- Peaceful dissolution of the Joint Integrated Units by April 9, 2011, with the oversight of the Joint Defense Board, and integration of their component parts into their respective forces (with the exception that the JIUs in the Abyei shall remain in their current status) (Consolidated Agreement):
- Disarmament and termination of services of Southerners serving in the SAF components of the Joint Integrated Units and payment of their after financial dues by April 9, 2011 (Agreement from Special Security Session in April):
- Disarmament and termination of services of Southerners serving in different SAF military units by July 9, 2011 and payment of their after service financial dues, including their monthly pensions (Agreement from Special Security Session in April);
- Establishment of a "Common Border Zone" extending for 10Km north and south of the 1956 border line, in which military forces will not be allowed, police forces will be

coordinated, and nomads will be allowed to pass uninhibited as long as they abide by relevant laws (Agreement from Special Security Session in April);

- Establishment of the Joint Political and Security Mechanism as a follow-on to the Joint Defense Board, to supervise the Joint Field Committee and Joint Sector Teams in the Common Border Zone and oversee implementation of the security agreements between the parties, and to settle any deadlocks that arise (Consolidated Agreement; Agreement from Special Security Session in April);
- Establishment of a Joint Command Mechanism for the Two Areas to undertake all actions necessary to ensure the successful implementation of the post-referendum security arrangements for the Two Areas, especially planning arrangements for the assembly and integration of the SPLA forces from the Two Areas (Agreement from Special Security Session in April; AND
- Investigation by the Joint Military Intelligence Committee of SPLA claims of Northern support for SPLA defectors (Presidency; Agreement from Special Security Session in April).

Still to be agreed:

- Security elements allowed in the Common Border Zone;
- Third-party role in monitoring the Common Border Zone;
- Composition, objectives, sequencing and timeline of the work of the Joint Command Mechanism; and
- Future of Joint Integrated Units in Abyei.

2. Border

Agreed:

- Establishment of soft border arrangements for the North-South border, including no required visas for the movement of people, facilitation of grazing rights, joint efforts to promote cross-border trade and development (framework Agreement).

Still to be agreed:

- Details of soft border arrangement and related mechanisms
- Process and sequencing for border demarcation; and

- Resolution of five disputed border areas.

3. Citizenship

Agreed:

- Guiding principles to prevent statelessness, to avoid discrimination, and to ensure no one is arbitrarily denied their nationality (Framework Agreement).

To be agreed:

- Transition period of some length (6 months – 2 years) in which people can adjust their status;
- Coordination of their national laws to prevent statelessness; and
- Details of residency rights and protections.

4. Oil:

Agreed:

- Guiding Principles that include a recognition of their mutual interest to provide for the continued and uninterrupted exploitation and development of petroleum resources in accordance with international law and states' best practices (Framework Agreement: Oil Conclusions from March talks);
- Ownership of the National Oil Companies, Nilepet and Sudapet, with Government of South Sudan and Government of Sudan respectively (Oil Conclusions from March talks)
- EPSAs with contract area solely in the North and South shall be assigned to that country (Oil Conclusions from April talks); and
- Jurisdiction of oil-related infrastructure to reside with the state in which that infrastructure is situated (Oil Conclusions from March talks).

Still to be agreed:

- Ownership of the pipeline
- Transit fees for use of the pipeline
- Financial transitional arrangements
- Arrangements for management of Blocks 1, 2, and 4 assignment of related EPSAs.

5. Currency:

Agreed:

- Guiding principles to avoid any unilateral actions that could undermine the stability of the SDG or the future currency of either state or the economies of with state (Framework Agreement);
- Transition period of 6-9 months in which SDG will remain legal tender in South Sudan (Agreed minutes from March economic talks);
- Introduction of a new currency by the Government of South Sudan sometime after July 9, 2011 (Agreed minutes from March Economic talks);
- Transfer of SDGs currently held by Bank of Southern Sudan (BoSS) to the Central Bank of Sudan (CBoS) on July, 2011 (Agreed minutes from March economic talks);
- Termination of regular payments of SDGs from the CBoS to BoSS after July 9, 2011 (Agreed minutes from March economic talks); and
- Establishment of joint committee on facilitating bilateral trade and related payment arrangements (Agreed minutes from March economic talks).

Still to be agreed:

- Redemption of SDGs circulating with South Sudan after July 9, 2011.

6. Assets and Liabilities

Agreed:

- Zero-option in which the Government of Sudan will retain all of Sudan's external debt obligations if they obtain HIPC Decision Point within a two-year timeframe, a timeframe which may be extended by the parties (Summary of Decisions form Debre Zeit I and II);
- Commitment by the parties to do joint outreach to international community to secure commitments for debt relief for Sudan (Summary of Decisions form Debre Zeit round I);
- A fall-back apportionment option, in the event that the GoS does not receive firm commitments on debt relief in the agreed timeframe, in which the debt will be apportioned based on the primary beneficiary of the respective loans (Summary of Decisions from Debre Zeit round I);

- General principle of territoriality for domestic assets, with both parties reserving the right to have special cases (i.e. pipeline, foreign exchange) (Summary of Decisions from Debre Zeit round II: and
- The Government of Sudan will remain all external assets as long as the zero option remains in effect (Summary of Decisions from Debre Zeit round II).

Still to be agreed:

- Details of the fall-back apportionment option, specifically how to treat balance-of-payment loans.
- Process of joint outreach to creditors.

7. Water

Agreed:

- Principle of cooperation on water issues (Framework Agreement); and
- Not to re-negotiate or change Sudan's Nile water quota.

8. International Legal Issues and Treaties

Agreed:

- Succession, not dissolution: for the purposes of international legal issues and treaties, Sudan is the continuing state and South Sudan is the succeeding state.

9. Communication and Transport

Agreed:

- General principles of cooperation on international legal issues and treaties' and communications and transport

Still to be agreed:

- Division of all assets relating to communication and transport

Appendix (iii)

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1st July, 2014

To whom it may concern

RE: RESEARCH AUTHORISATION

This is to formally inform that Mr. Peter N.R.O. Ogego, a Post-Graduate Student NDC/IDIS/R/50/69716/2013 has been authorized to conduct Research on “Sudan’s Persistent Conflicts and Elusive Peace: Confluence of Power and Interests.

Kindly assist him without any let.

S U Kaleli

Colonel

for Commandant

Appendix (iv)

Research Questionnaire

I am conducting a M.A International Studies. IDIS, University of Nairobi Research on Sudan's Persistent Conflicts and elusive Peace: Confluence of Power and Interests.

The research seeks to establish why the Sudanese conflicts persist, eluding regional and international peace mediations. It also seeks to establish the key variables that converge to force parties to a violent international conflict, such as the ones in the Sudan, to finally decide to end the conflict and to accept to go to the negotiating table. It therefore seeks to identify those key factors which make peace negotiations to succeed or fail, and the factors which make conflict settlements to collapse as soon as they are agreed upon.

As a key expert or participant in Conflict Management processes, you have been identified as part of a group of Key informants. Your valued, expert opinion, will be of great benefit to this research effort and the general theory building endeavors in the sub-field of conflict management studies, as well as for practitioners in the field of conflict management and peace negotiations.

Kindly note that the information provided will be treated with utmost confidence, and shall only be used for purposes of the research.

Finally, may I take this opportunity to thank you, in advance, for your valued time, expert input, and professional support.

Research Questions:

Phase 1: Sudanese Conflicts.

1. In your opinion why do you think that the Sudanese conflicts have persisted this far, eluding both regional and international mediation efforts? Please itemize your answer(s) in the order of priority.
2. How, in your view, can these conflicts be resolved?

Phase 2: End of Violent conflict and Pre-Negotiations.

3. In your opinion, why did the bitter arch-rivals, the SPLM/A, and the NCP, finally decide to end the conflict and accept to negotiate in 2001 and not earlier?
4. What factors do you consider to have made the parties to begin the negotiation?
 - a) Because both parties were voluntarily willing to end the conflict based on their own cost-benefit analysis?
 - b) Because they had reached both a mutually hurting military and political stalemate?
 - c) Because of regional and external major power pressure?
 - d) Because of enticement opportunity and benefits which would accrue, not from the conflict, but from the negotiated settlement?
 - e) Any other?
5. Please briefly explain your consideration in Question No. 2.
6. In your view, what role did the regional organizations such as the AU, IGAD and Arab League, play in ending the conflict and bringing the conflicting parties to the negotiating table?
7. What role did the external major power play, for instance, the US, UK, China, or any other, in the Sudanese conflict?
8. In your opinion, why, do you think, the Sudanese conflict resolution was possible during the post-cold war era, and not earlier during the peak of the cold-war?
9. In your view, do you think the international power alignment during the cold-war, i.e. polarity, when the world was under the bipolar system, had a role in the continued violent conflict in Sudan? Briefly explain.
10. Do you think that the end of the cold-war impacted on the Sudanese conflict i.e. contributed to the ending of the conflict? Briefly explain.
11. The Darfur “genocidal” and humanitarian crisis erupted just about the same time when the CPA negotiations were at an advanced stage. Do you think the US simultaneous

involvement in the Darfur crisis somehow slowed the CPA process by dividing its attention?
Briefly explain.

12. In your opinion, do you think that the US would have been involved in the Sudanese conflict had its national security interest not been threatened by the terrorists presence in Sudan?
Briefly explain.
13. In your opinion, do you think that the September 11, 2001 terrorist attack in the US had a correlation to the Sudanese conflict resolution? If so, please briefly explain.

Phase 3: During the Negotiations: The Process and Mechanism.

14. In your opinion, what key factors kept the negotiations going on from the Machakos Protocol in 2002 up to the CPA in Naivasha in 2005? Please enumerate them in terms of importance.
15. What significant role in your opinion did regional bodies such as AU, Arab League, IGAD play during the negotiations and the subsequent peace agreements?
16. In your view, what role did the external major power(s) play during the negotiation process?
Kindly give specific instances for US, China and UK if any.
17. In your opinion, would you say that the uni- polar, global situation enabled and facilitated the process of negotiations? If so how? Briefly state.
18. In your opinion, would the CPA have been signed, when it was, without the involvement of external major power in the process? Briefly explain.

Phase 4: During the Interim CPA period: 2005 – 2011.

19. The interim CPA period lasted six years during which, there were lapses in negotiations that nearly broke down to the brink of war. What, in your opinion, do you think was the problem?
20. During this period, a number of issues which had been agreed on under the CPA were not implemented and many outstanding issues remained, which nearly threatened the eventful referendum on self-determination. What do you think would account for this? Briefly explain.
21. The CPA was being implemented during the period when the US was deeply involved on the second Iraq war and in Afghanistan. In your opinion, do you think that this engagement

divided the US attention and relegated the Sudan issue to the back banner, and therefore affected the implementation process? Briefly explain.

- 22.** In your view, to whom, and in what order, would you apportion credit in the Sudanese conflict resolution and the subsequent peace negotiation process? Kenya, the two Parties, IGAD, US and the peace Negotiators?
- 23.** The relations between the North and South are still not cordial. The South Sudan itself is currently engulfed in violent civil war. Do you think the conflict resolution and management process was a success or failure? Briefly explain.
- 24.** Any other remarks which may not be captured by the questions but which you feel are important in this effort.