

**TRACK ONE AND TRACK TWO MEDIATION IN THE SUDAN CONFLICT:
THE CASE FOR DUAL DIPLOMACY (1990-JANUARY 2005) //**

**MAGUA, C. N.
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DECLARATION

I certify that this project is my original work and has not been presented for a degree in any other University

MAGUA CATHERINE NDUTA
NAME


SIGNATURE

28TH NOV. 05
DATE

This research project has been submitted for examination with my approval as University supervisor.

PROF NAKUMI MWAGIRU
NAME


SIGNATURE

28 November 2005
DATE

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LIST OF ABBREVIATIONS

AACC	-	All Africa Conference of Churches
ADR	-	Alternative Dispute Resolution
AU	-	African Union
COMESA	-	Common Market for East and Southern Africa
DoP	-	Declaration of Principles
ECOWAS	-	Economic Community of West African States
GoS	-	Government of Sudan
IGAD	-	Inter-Governmental Authority on Development
IGADD	-	Inter-Governmental Authority on Drought and Development
IGO	-	Inter-Governmental Organization
IMTD	-	Institute of Multi-Track Diplomacy
IPF	-	IGAD Partner's Forum
MHS	-	Mutually Hurting Stalemate
MoU	-	Memorandum of Understanding
NCCCK	-	National Council of Churches
NGO	-	Non-Governmental Organization
NIF	-	National Islamic Front
NPI	-	Nairobi Peace Initiative
NSCC	-	New Sudan Council of Churches
OAU	-	Organisation of African Unity
SADC	-	South African Development Community
SANU	-	Sudan African National Union
SEF	-	Sudan Ecumenical Forum
SPLM/A	-	Sudan People's Liberation Movement/Army
SRRA	-	Sudan Relief and Rehabilitation Association
SSA	-	Southern Sudan Association
SSIM	-	Southern Sudan Independence Movement
SSLM	-	Southern Sudan Liberation Movement
UN	-	United Nations
UP	-	Umma Party
WCC	-	World Council of Churches

ABSTRACT

The origins of the Sudan war has its roots in colonial times when the country was jointly ruled by the United Kingdom (Britain) and Egypt from 1899-1955/6. Northern and Southern Sudan were administered separately under this arrangement where the South was deliberately isolated and underdeveloped. There were many levels to this conflict, the broad one being between the North and South marked by the North's determination to Islamicise the whole country and the South's strong opposition against the same.

During the course of the conflict, several track one and track two actors have attempted to intervene and bring peace to country although many of those efforts have come to naught. The mediation by IGAD however, with the backing of IGAD's partners from the international community brought the country to a new chapter with the signing of the peace deal in January 2005. As analysed in this study, this mediation has been marked by many challenges which reflects a need for African sub-regional organizations (and any other entities engaging in conflict management) to improve their capacity and performance in the management of future conflicts of similar nature.

This study also highlights the need to incorporate track two actors (under the concept of dual diplomacy) in conflict management in a more meaningful way owing to the complexity and deep-rooted nature of the issues that underlie such ethnic conflicts which cannot be effectively addressed through track one processes alone.

CHAPTER ONE

1.0 INTRODUCTION

Since time immemorial, conflict has fascinated scholars and analysts who have continued to study and analyze its many facets and implications on society at local, regional and international levels.¹ Conflict is a pervasive aspect of existence ;² inevitable and ubiquitous in all societies comprising diverse groups. Van der Merwe calls it a ‘a dynamic phenomenon, ... a situation in which at least two actors, or their representatives, try to pursue their perceptions of mutually incompatible goals by undermining, directly or indirectly, the goal-seeking capability of one another’.³ Despite the tendency to view all conflict as a negative dynamic, it does perform useful social functions where it serves as a beginning point for social change and progress.

The practice of conflict management has been defined as ‘any management process by which parties to the conflict are encouraged to come together and do something about their conflict.’⁴

However, these methods have to be non-violent/non-forceful in conformity with the precepts of international law as stipulated in United Nations Charter where the use of (or threat of the use of) force is forbidden.⁵ The charter further specifies methods to peacefully address conflict with choices ranging from judicial settlement, arbitration, mediation, negotiation and conciliation.⁶

Intertwined with conflict management is the practice of diplomacy defined as ‘the conduct of

¹ John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington D.C.: United States Institute of Peace Press, 1997), p. 5

² Morton Deutsch “Subjective Features of Conflict Resolution: Psychological, Social and Cultural Influences,” in *New Directions in Conflict Theory: Conflict Resolution and Transformation* ed. by R. Vayrynen (London: Sage Publications, 1991) p. 26.

³ Dennis J. D. Sandole and Hugo van der Merwe, eds., *Conflict Resolution Theory and Practice: Integration and Application* (New York: Manchester University Press, 1993), p. 6.

⁴ Makumi Mwangi, “Contextualising Conflict,” in Makumi Mwangi, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark Publications, 2000), p. 12.

⁵ Art 2(4) UN Charter

⁶ Art 33 UN Charter

international relations by negotiation rather than force.⁷ The unfortunate trend exhibited in most conflicts however is that diplomacy comes in after conflicts have run their course,⁸ only in rare cases of preventive diplomacy has it been able to address conflicts before they erupt into violence. The term 'diplomacy' as used in this study serves to distinguish between the identity and conflict management efforts of track one (official) diplomats and track two (unofficial) diplomats, hence the terms 'track one diplomacy', 'track two diplomacy' and 'dual diplomacy' (conducted by both track one and track two diplomats).

In the approach and analysis of the case study, this research project supports and advocates for 'conflict resolution' as the desirable process and outcome to conflict management. 'Resolution' is associated with 'conflict' which involves 'needs' (say, dignity, recognition, identity among others) that are seen to be non-negotiable/non-bargainable hence the term 'conflict resolution'. This is contrasted with 'settlement' that is associated with 'disputes' which are about 'interests' (say, size of an army, number of seats to be allocated in parliament, criteria for sharing resources among others) that are negotiable/bargainable hence the term 'dispute settlement'.⁹ Although definitions and approaches to conflict resolution may vary depending on the type of conflict being addressed, the bottom line is that the outcome of the conflict situation must be one that satisfies the inherent needs of all,¹⁰ thus removing the underlying cause of that conflict. The mode of intervention selected for this study is mediation and will be analyzed against the backdrop of the mediation process of the Sudan conflict. Although that conflict had inputs from both track one and track two actors at various points, these actors expedited their duties in isolation from each other and *not* with the kind of complementarity and synergy envisaged in

⁷ G.R. Berridge, *Diplomacy: Theory and Practice* (Harvester Wheatsheaf: Hemel Hempstead, 1995), p. 1.

⁸ Makumi Mwangi, "Contextualising Conflict," in Makumi Mwangi, *Conflict: Theory, Processes and Institutions of Management* op. cit. , p. 11.

⁹ Ibid. , ch. 4, pp. 38-43

¹⁰ J. Burton. "Conflict Resolution as a Political Philosophy," in Dennis J. D. Sandole and Hugo van der Merwe, eds., *Conflict Resolution Theory and Practice: Integration and Application* (New York: Manchester University Press, 1993), p. 55.

dual diplomacy. As can be discerned, the study therefore asserts that diplomatic tracks one and two when employed in isolation in conflicts like Sudan (where both interests and values are at stake) are unlikely to resolve the conflict. In this regard, a dual conflict management approach that draws from the strengths of track one and track two, creatively and effectively employed is recommended if there is to be any chance for resolution of conflict.

1.1 STATEMENT OF THE PROBLEM

Since Sudan's independence from the British in 1956, the government and rebel forces have been fighting intermittently over the years. The main issues informing this conflict had to do with the cultural and religious differences of the Arab Islam citizens of the north and the African Christian citizens of the south although the later discovery of oil also lent a new dimension to the conflict.¹¹

Attempts to intervene and de-escalate the conflict have taken various forms but the main area of interest of this study is the mediation by track one diplomats under the IGAD (Inter-Governmental Authority on Development formerly the Inter-Governmental Authority on Drought and Development – IGADD) and track two diplomats under WCC/AACC (World Council of Churches/All Africa Conference of Churches). The WCC/AACC mediation of 1972 that gave rise to the Addis Ababa Agreement is said to have contributed to the period of quietude between its signing and early 1980s¹² when problems began, although some scholars hold that it fell apart way before that¹³. A huge shortcoming of that mediation was the failure by WCC/AACC to deliver a proper 'track-two' role where they instead resorted to track one

¹¹ These issues are discussed in more detail in Chapter Two titled "The History of the Sudan Conflict".

¹² H. Assafa, "Epilogue," in H. Assafa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict* (Boulder Colorado: Westview Press, 1987), pp. 209-213

¹³ See J.R. Getugi, *Giving Mediation a Chance: A Critique of the Peace Process in the Southern Sudan Conflict, 1972-1995* (M.A. Dissertation, IDIS, University of Nairobi, 1997) quoted in Mwagiru, *Conflict: Theory, Processes and Institutions of Management* op. cit. . p. 47.

methodologies of bargaining that were clearly outside of their domain. Subsequently, these actors did not address the perceptual and psychological aspects of that conflict that had called for their involvement in the very first place leading to the eventual collapse of the agreement. The involvement of IGAD from early 1990s although marked by tense relations among some of its members¹⁴ and other handicaps finally led to the signing of a peace deal between the government and the Sudan People's Liberation Army/Movement (SPLM/A) in Kenya's capital Nairobi on January 9, 2005.¹⁵ One of the shortcomings of the IGAD mediation among the others that will be outlined in proceeding chapters is that in spite of the knowledge that the conflict involved both interests and needs, it failed to bring track two actors in a meaningful way into the peace process and instead fuelled all its energies to mediation. Whatever efforts that were directed towards the communities at grass root level by track two actors¹⁶ were in disconnect first of all with the IGAD process and second, in disconnect with other track two actors on the ground. The 'dual' diplomacy proposed here, and one that would have hugely benefited the IGAD process is *not* merely the independent/isolated presence of both tracks in the field but rather one where the two tracks are simultaneously engaged in the same conflict (and conflict system) with each track addressing those aspects of a conflict it does best.¹⁷ Looking critically at the two main mediations under analysis it is clear that these processes were devoid of such an approach. With regard to the Sudan mediation therefore, it is not so much a question of having had track one and track two at some point but more a question of *how* they were involved and *why* (especially with regard to WCC/AACC) they failed to live up to the expectations demanded of their status. The spine of this research project is dedicated to addressing these concerns and proposing ways

¹⁴ Makumi Mwagiru, "Conflict and Peace in the Horn of Africa", Paper presented at the International Resource Group (IRG) Conference, Nov. 1996 revised 1998, p. 5.

¹⁵ Cover Story "Sudan: Peace at Last," in *Eastern Africa-The African Magazine* Issue 20, February, 2005, p. 16.

¹⁶ These efforts were carried out by Church organizations like the New Sudan Council of Churches (NSCC) and Sudan Ecumenical Forum (SEF). They are mentioned in more detail in chapter five.

¹⁷ Summarised from Makumi Mwagiru, "Conflict and Peace in the Horn of Africa". Paper presented at the International Resource Group (IRG) Conference, Nov. 1996 revised 1998, p. 5.

through which dual diplomacy can be effectively employed in other conflicts of similar nature without falling into the same pitfalls.

1.2 OBJECTIVES OF THE STUDY

Broad Objective.

This study seeks to highlight how the practice of mediation in violent ethnic conflicts (like the Sudan) would benefit from the creative employment of a dual conflict management approach as a strategy geared towards conflict resolution.

Specific Objectives

- i) Investigate the reasons behind the failure and eventual collapse of the WCC/AACC mediated agreement.
- ii) Highlight the problems that accompanied the IGAD mediation of the Sudan conflict and the implications that these had on the whole process.
- iii) Propose ways in which track one and track two actors can achieve a higher degree cooperation in their conflict management endeavors with focus on mediation of violent internal conflicts.

1.3 LITERATURE REVIEW

Introduction

The first step in the selection of appropriate conflict management approaches is clarity about the *type* of conflict under study. Conflict managers are advised to enter a conflict with a clear vision of the expected or anticipated outcome of their involvement in that conflict.¹⁸ It is reiterated that this study advocates for the use of dual diplomacy in the mediation of violent ethnic conflicts as the approach most likely to lead to conflict resolution. In this regard, this literature review begins with pointers on identifying ethnic conflicts followed by an outline of paradigms of conflict. A distinction of track one and track two diplomacy is given thereby setting the stage for the section on mediation in ethnic conflicts which spells out roles for both tracks with due regard to their strengths and weaknesses.

The Sudan Conflict

The Sudan conflict as identified by Hirsch¹⁹ had four main levels. The first level and one that this study is mainly focused on is the conflict between the indigenous South and North who over the years have been hell bent on their attempts to Islamicise the South. The second level is the struggle for power among the principal political factions in the north; the traditional sectarian; the fundamentalists and the modern forces. The northern opposition parties, the mountain forces and southern liberation movements all shared a common goal in seeking removal of the National Islamic Front (NIF). The third level is captured by the state of political relations within the south itself while the fourth level is at international level – the NIF stated that its goal was to spread Islam in Africa and abroad, hence its destabilization policies in neighbouring countries such as

¹⁸ Makumi Mwangi, "Track One Conflict Management," in Mwangi, *Conflict: Theory, Processes and Institutions of Management* op. cit. , ch. 12 p. 141

¹⁹ R. Hirsch, "A Million Square Miles of Suffering" in *Cry the Divided Country* A discussion paper prepared for World Vision International, Spring 1996, pp. 14-15

Uganda, Eritrea, Ethiopia and Egypt and its radical association with Islamic movements linked to international terrorism.²⁰

Despite the controversy on the issue, the general consensus is that a major factor in the Sudan conflict had to do with identity. As Mansour Khalid has written:

“Sudan’s crisis is, first and foremost, a crisis of self-identification: What is Sudan? And taking into consideration all the inhabitants of the country, what makes them Sudanese? It is this question more than any other that has perturbed political relations among the Sudanese people and influenced their growth as a nation.”²¹

The identity factor as illustrated in Chapter two has featured prominently on virtually every agenda suggested for negotiations, open-ended dialogue, or talks on a constitution. The situation in Sudan is sometimes phrased as “a problem of competing nationalities or as a conflict spurred by cultural differences.”²² Even though the term ‘internal’ conflict is used loosely in this study, as it is in other literature on the Sudan conflict, it is acknowledged, as explained by the concept of ‘internationalization’ of conflict that there are no purely ‘internal’ conflicts owing to among other things; the porosity of national borders, interdependence, the diversity of cultures and ethnic groups across borders, the problem of refugees, the issue of human rights (which is a matter of universal concern), the media, among others.²³ States that have close effective links with ethnic groups in another state will often not remain indifferent to these groups. In fact Connor²⁴ believes that many governments hold trans-border causes in more esteem than the traditions of international law. As part of the Horn of Africa (made up of Sudan, Kenya, Uganda, Ethiopia, Eritrea, Somalia and Djibouti), the Sudan conflict became internationalized by

²⁰ R. Hirsch, “A Million Square Miles of Suffering” in *Cry the Divided Country* A discussion paper prepared for World Vision International, Spring 1996, pp. 14-15

²¹ Mansour Khalid, *The Government They Deserve: The Role of the Elite in Sudan’s Political Evolution* (London and New York: Kegan Paul International, 1990), p. 4.

²² Francis Mading Deng, “Negotiating a Hidden Agenda: Sudan’s Conflict of Identities,” in I. William Zartman, ed., *Elusive Peace: Negotiating an end to Civil Wars* (Virginia: R.R. Donnelly & Sons Company, 1995) Chapter 4. p. 78

²³ Makumi Mwangi, “Internal, International and Internationalised Conflict,” in Mwangi. *Conflict: Theory, Processes and Institutions of Management* op. cit. , ch. 6 p. 62.

²⁴ W. Connor, “Ethno-political Change and Government Responses” in P.E. Sugar, ed., *Ethnic Diversity and Conflict in Eastern Europe* (Santa Barbara: ABC-Clio, 1980). p. 172

among other things the interest (especially strategic interest) that it generated in and out of Africa, the problem of refugees, slavery, famine, genocide and other crimes that raised humanitarian interest and concern. Furthermore at the height of the Cold War, the government and rebels have at one time or the other enjoyed the sanctuary and support in economic or military terms from the USA/USSR and from its neighbours within and outside the Horn.

Identifying an Ethnic Conflict

An ethnic group is one that defines itself as distinct from other groups because of cultural differences.²⁵ These can arise from a number of factors the most important of which seem to be language, religion, historical experience, geographical isolation, race and kinship which combine in a number of different ways so as to give rise to a unique set of beliefs, values, habits, customs and norms. Ernie Regehr²⁶ has rightly pointed out that describing a conflict as ethnic in nature should not be confused with seeking its fundamental sources. He feels that most wars are intrastate affairs and that the primary issues of contention concern governance and often involve the pursuit of autonomy or self-government for certain groups or regions. It is therefore more accurate as Friberg²⁷ has underscored, to name these 'identity' conflicts rather than ethnic conflicts given that there is nothing innately ethnic about them. Instead it is often the failure of the governing structure to address fundamental needs and provide space for participation in decision and ensure an equitable distribution of resources and benefits that makes identification with a group so attractive and salient in a given setting. Rupesinghe contributing his sentiments on the subject agrees that the term 'ethnic conflict' does not suggest that ethnicity is the cause of conflict but rather refers to the form the conflict takes. He states that, 'mere existence of ethnicity

²⁵ Stephen Ryan, *Ethnic Conflict and International Relations*, (England: Dartmouth Publishing Company, 2000), p. 4

²⁶ Ernie Regehr, "Armed Conflict in the World in 1992, *Ploughshares Monitor* 13, no. 4 December 1996, pp. 13-17

²⁷ Mats Friberg, "The Need for Unofficial Diplomacy in Identity Conflicts," in Tonci Kuzmanic & Arno Truger eds., *Yugoslavian Wars* (Slovenia: Peace Institute Press, 1992), p. 62.

is certainly no precondition for conflicts ... it would be absurd to assume that there will be conflict merely because ethnic groups as such exist'.²⁸ In the same vein, Stavenhagen posits that 'it might be argued that ethnic conflict as such does not exist ... what does exist is social political and economic conflict between groups of people who identify with each other in ethnic terms'.²⁹ Upon independence from the British, Sudan like many other third world countries, inherited artificial frontiers that did not reflect pre-existing cultural divisions and has frequently experienced serious ethnic violence as it struggled to adjust to a post-colonial political process.³⁰ In Zartman's opinion, 'internal'/civil wars are caused by the inability or unwillingness of the government to handle grievances to the satisfaction of the aggrieved – what he calls the breakdown of 'normal politics'.³¹ He observes that under a condition of normal politics, it is the government's job to be responsive to the grievances of its people as it is the insurgents purpose to draw attention to their grievances and gain redress.³² For him, all aggravated grievances leading to internal conflicts are either from a varying mix of neglect and discrimination; or a distributional and identity element.³³ John Burton's³⁴ *Human Needs Theory* argues that frustration or suppression of basic needs for security, identity and recognition are the primary source of conflict. Burton moves away from the assumption that conflict is caused by the innate

²⁸ K. Rupesinghe, "Theories of Conflict Resolution and their applicability to Protracted Ethnic Conflict," *Bulletin of Peace Proposals*, vol. 18, no. 4, p. 531.

²⁹ R. Stavenhagen, *The Ethnic Question: Conflict, Development and Human Rights*, (Tokyo: UN University Press, 1990), p. 119.

³⁰ Ryan, *Ethnic Conflict and International Relations* op. cit., p. 2

³¹ I. William Zartman, ed., "Dynamics and Constraints in Negotiations in Internal Conflicts," in I. W. Zartman *Elusive Peace: Negotiating an end to Civil Wars* (Virginia: R.R. Donnelly & Sons Company, 1995) p. 5.

³² *Ibid.*, p. 3.

³³ I. William Zartman, "Mediation in Ethnic Conflicts", article for Centre for Development Research (ZEF Bonn), 14-16 December 2000, pp. 1-4.

³⁴ J. Burton, "Conflict Resolution as a Political Philosophy," in Sandole *Conflict Resolution Theory and Practice: Integration and Application* op. cit., p. 55

malevolence of people when he states that: “it is not a question of individuals being ‘naturally good’ any more than of their being ‘naturally aggressive’ – they are naturally needy”,³⁵

These needs are non negotiable and are best addressed in a problem-solving workshop setting; a tool used in track two methodology. Through it an analytical approach is used to determine the overall nature of the conflict (or intertwined conflicts) and to identify the potential actors, in order to facilitate movement of the parties beyond stated positions or interests to the common ground of basic human needs.³⁶

Ethnic Conflict in International Relations

The interest towards ethnic conflict is said to have begun to grow towards the end of the 1960s due to changes in both the real and academic world.³⁷ In the real world, as observed by Horowitz, ‘ethnicity has fought and bled and burned its way into public and scholarly consciousness’³⁸. There was ‘ethnic revival’ in western, developed societies and the emergence of bitter ethnic conflicts in the third world and ex-Soviet bloc.³⁹ In the academic world, Banks⁴⁰ through his World Society paradigm challenged the state-centric approach of international relations. This paradigm argued that states were only *one* type of international actor among many others, including ethnic and national minorities. Furthermore, the development of subjects such as peace and conflict research as discussed here below served as critiques of the state-centric bias of realism. They were also interdisciplinary, and therefore more open to interesting developments in other branches of the social sciences, which included a growing interest in ethnicity. These developments necessitated a shift from the state-centric perspective of

³⁵ John W. Burton, “Conflict Resolution as a Political System,” *Working Paper 1*, 1988. Centre for Conflict Analysis and Resolution. George Mason University.

³⁶ J. Burton, “Conflict Resolution as a Political Philosophy,” in Sandole *Conflict Resolution Theory and Practice: Integration and Application* op. cit. , p. 55

³⁷ Ryan, *Ethnic Conflict and International Relations* op. cit. , p. 19

³⁸ I. L. Horowitz, (1985), *Ethnic Groups in Conflict*, (Berkeley: University of California Press, 1985), p. 11

³⁹ Ryan, *Ethnic Conflict and International Relations* op. cit. , p. 19

⁴⁰ M. Banks, ed., *Conflict in World Society* (Wheatsheaf: Brighton, 1984) quoted in Ryan, *Ethnic Conflict and International Relations*, op. cit. , p. 19

understanding conflicts towards 'identity groups', such as ethnic communities.⁴¹ In addition, third world writers began to publish more frequently within the international relations discipline thus stimulating greater sensitivity to the issue of ethnic conflict in the non-western world.⁴²

Paradigms in Conflict⁴³

The Strategist Paradigm

This paradigm is inspired by realist thoughts that see states as the dominant actors in the international community. Non-state actors (or private transactions) are largely ignored and seen to be of no or little consequence based on the belief that they are and can be controlled by states. Although states are seen as formally equal in their mutual relations and fully sovereign in the disposition of their internal affairs, the strategist denies that sovereign equality exists in practice. Subsequently, the paradigm sees international politics as a struggle for power, which is manifested through the use of, or threat of the use of force. For strategists, peace can only be maintained so long as there is a particular balance of power which is informed by the coercive capacity of states.

The Peace Research Paradigm

Peace research places its emphasis on structural violence. Conflict is seen to be embedded in the structure of relationships and interactions where the underlying structure of these relations is unjust and inequitable. This means that overt violence may be absent but structural factors (economic, political and geostrategic structures) can possess the same compelling control over behaviour as the overt threat or use of force. It is oriented towards not just a critique of existing societal conflicts in them but towards creating an architecture of peace for the future.

⁴¹ Ibid. , p. 19

⁴² Ibid. , p. 20

⁴³ A.J.R. Groom, "Paradigms in Conflict: The Strategist, The Conflict Researcher and the Peace Researcher", in J. Burton & Frank Dukes, eds., *Conflict: Readings in Management & Resolution* (London: McMillan, 1990), pp. 71-78.

The Conflict Research Paradigm

The conceptual framework of this paradigm is the World Society paradigm. This model rejects the notion of the state as the basic unit of analysis. Emphasis is instead placed on transaction so that the notion of a system (a set of patterned interactions) is the basic unit of analysis. It is non-partisan as it strives to involve all conflictants in the process of resolving a conflict in the attempt to build legitimized relationships which are self supporting. It argues that conflict is a learned behaviour triggered by environment. Since environment can be manipulated, it follows therefore that dysfunctional conflict can be manipulated. To manage conflict is therefore to manipulate the environment which generates the conflict.

TRACK ONE AND TRACK TWO DIPLOMACY

The distinction of official and unofficial actors serves as a very important basis from which to understand the nature of conflict and as a guide in the design of proper methodologies and approaches to conflict management⁴⁴. Even though it is generally recognized that both actors fulfill useful functions, boundary issues and other role-related issues create tensions between the two tracks. The bottom line however is that they are indispensable in conflict management and that the role of one cannot be filled by the other.

Track One Diplomacy

The term "track-one diplomacy" refers to official governmental diplomacy, or "a technique of state action, [which] is essentially a process whereby communications from one government go directly to the decision-making apparatus of another."⁴⁵ Track one actors include states,

⁴⁴ Makumi Mwangi, "Modes and Practices of Conflict Management," in Makumi Mwangi, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark Publications, 2000), ch. 10 p. 122.

⁴⁵ A.S., Said, C.O. Lerche, Jr. & C.O. Lerche III, *Concepts of International Politics in Global Perspective* (Englewood Cliffs, New Jersey: Prentice Hall, 1995), p. 69.

international organizations, organizations of states and regional organizations.⁴⁶ Track one diplomacy is also called 'official', 'first track', 'classical/traditional' diplomacy among other variations. Among the activities conducted by track one are: provision of "Good Offices", special envoys, mediation, negotiations, fact-finding missions, diplomatic and economic sanctions among others.⁴⁷

Strengths of Track One

In conflict management, track one remains very important because governments are finally responsible for negotiating, signing and ratifying treaties and other agreements that may be necessary to seal a peace between the adversaries.⁴⁸ Official diplomatic efforts are often better funded than unofficial ones and enjoy 'national etiquette'- which includes administrative, informational, security and logistical resources which are unavailable to track one.⁴⁹ The resources at the disposal of track one actors can either serve to further or inhibit the course of conflict management. In mediation, resources can be used as positive incentives, for example as rewards for a negotiated settlement through the promise of humanitarian aid, trade relations, loans among others. In other instances, they can be used negatively, as observed by Jones,⁵⁰ the US role as 'mediator' in the Camp David Accords, while it simultaneously provided arms and military funding to Israel, contributed more to the militarization of the conflict, than to addressing underlying societal issues such as the mutual disdain between Jews and Arabs.

⁴⁶ Makumi Mwangi, "Modes and Practices of Conflict Management," in Makumi Mwangi, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark Publications, 2000), ch. 10 p. 123.

⁴⁷ "Approaches to International Conflict Resolution," 2001 Institute of World Affairs, URL: www.iadc.iwa.org

⁴⁸ David Baharvar, "International Mediation: The Integral Role of Non-Governmental Approaches to Resolving Protracted Ethnic Conflicts in Lesser Developed Countries", *OJCPR: The Online Journal of Peace and Conflict Resolution*, 2000, URL: www.trinstitute.org/ojpcr/ p. 1

⁴⁹ V.H. Umbricht, *Multilateral Mediation: Practical Experience and Lessons* (Dordrecht: Martinus Nijhoff, 1989), p. 35.

⁵⁰ Deiniol Jones, *Cosmopolitan Mediation* (Manchester: Manchester University Press, 1999), pp. 51-52

Beyond monetary resources, track one diplomats have huge influence and power⁵¹ in the international community that can be used to draw attention to certain issues in a conflict like genocide, rape, and starvation among others. In negotiations, especially involving civil wars where the government is in conflict with a rebel (weaker) group, state actors can help to create symmetry by lending support to such a group thus creating level ground for the negotiations.⁵² In the same vein, they can manipulate their power to create asymmetry if the groups in conflict possess roughly equal power thereby shaping the negotiations.

Limitations of Track One

Track one diplomacy operates within a power framework thus its approaches are mainly founded on bargaining and manipulation of power.⁵³ It emerges from a win-lose view of diplomatic success, thereby encouraging competitiveness and positional bargaining. By virtue of this structure, track one usually results in a settlement rather than resolution. A major constraint with regard to the very official character of track one diplomats has to do with recognition.⁵⁴ For instance, the status that recognition might give an antagonist, as well as the predominant philosophy and law in international relations regarding non interference may preclude a track one intervener from recognizing and addressing the most significant party to a conflict.⁵⁵ As Mackey observes, 'the principle of non-interference in the internal affairs of sovereign states, while protecting them from the use of force from without, simply sanctifies the role of force

⁵¹ Susan Allen, "Track One Diplomacy," essay for the School of Advanced International Studies (SAIS), 2003, p. 3
URL: www.beyondintractability.org

⁵² I. William Zartman, ed., "Dynamics and Constraints in Negotiations in Internal Conflicts," in I. W. Zartman *Elusive Peace: Negotiating an end to Civil Wars* (Virginia: R.R. Donnelly & Sons Company, 1995) pp. 7-10.

⁵³ Makumi Mwangi, "Modes and Practices of Conflict Management," in Mwangi, *Conflict: Theory, Processes and Institutions of Management* op. cit. , ch. 10 p. 125

⁵⁴ Ambassador John McDonald quoted in essay by David Baharvar, "International Mediation: The Integral Role of Non-Governmental Approaches to Resolving Protracted Ethnic Conflicts in Lesser Developed Countries", *OJPCR: The Online Journal of Peace and Conflict Resolution*, 2000, URL: www.trinstitute.org/ojpcr/ p. 1

⁵⁵ Ibid. , p. 1

from within.⁵⁶ In the Nigeria civil war, the Organisation of African Unity (OAU), could not mediate except denounce the secession of Biafra in 1967 because firstly, it was constrained by the nature of its membership, and its reason for existing as an international organization – namely to promote and support the existing state structure in Africa at that time.⁵⁷ Due to the official policy that governs track one activities, these diplomats are restrained in the contacts they can make and interact with⁵⁸ - they cannot explore new ideas unofficially unless these have some official backing.

Official actors also work under very tight time constraints often performing multiple roles along with conflict management. They are unable to spend long durations of time on the ground to get the true picture of a conflict. Even where certain figures like the Secretary General have tried their hand at mediation, they have only been marginally successful because they often do not have a long-standing relationship with the conflicting parties.⁵⁹ Organizations of universal character like the United Nations and other regional organizations have been unable to incorporate the concerns of the people on all sides of ethnic conflicts because just like state actors, they are beholden to protect the existing state system.⁶⁰ Furthermore, the overt nature of track one diplomacy has been used by some actors to marshal support for their personal and political⁶¹ endeavors. What seems to be emerging is that the motivation behind track one mediation or facilitation is not *necessarily* peace oriented. John Burton notes that:

⁵⁶ W. F. MacKey, "Trends in Multinationalism," in W.F. MacKey and A. Verdoot. eds., *The Multinational Society: Papers of the Ljubljana Seminar*, (London: Newbury House, 1975), p. 352.

⁵⁷ Thomas Princen, *Intermediaries in International Conflict* (Princeton, NJ: Princeton University Press, 1992), p. 204

⁵⁸ Makumi Mwangi, "Modes and Practices of Conflict Management," in Mwangi, *Conflict: Theory, Processes and Institutions of Management* op. cit. , ch. 10 p. 123

⁵⁹ David Baharvar, "International Mediation: The Integral Role of Non-Governmental Approaches to Resolving Protracted Ethnic Conflicts in Lesser Developed Countries", *OJPCR: The Online Journal of Peace and Conflict Resolution*, 2000, URL: www.trinstitute.org/ojpcr/ p. 1

⁶⁰ Thomas Princen, *Intermediaries in International Conflict* op. cit. , p. 204

⁶¹ Such political ambitions especially affect democratically elected leaders who get involved in mediation in the one or so years preceding an election. They tend to 'hurry up' and wind up the mediation process and achieve positive or what looks like positive results, as these will have implications on their (un)popularity and possible re-election back

“Traditional means of settling disputes and conflicts follow from a framework that attaches importance to the preservation of institutions, to the socialization of the individual into certain behaviours, to the role of power in relationships, and to the application of elite norm”.⁶²

Zartman, in his traditional international mediation theory, portrays the conduct of track one actors as a geo-strategically manipulative activity, the aim of which is not long-term conflict resolution but a self-interested strategy of advancement by all individual parties in a conflict, including the mediator.⁶³ This is characterized by the quest for short-term gain as opposed to a long-term strategy for peace or to save lives.⁶⁴ In spite of the above-cited problems, the power-political approach of track one actors remains the dominant attitude of diplomats toward international mediation.

Track Two Diplomacy

Track two diplomacy essentially involves non-state actors.⁶⁵ It distinguishes itself from track one diplomacy not only by the way civilian diplomats intervene in conflicts or the tools they use, but also by the conceptual and normative approach of conflicts. Davidson and Montville however point out that track two is only a supplement to, and not a replacement for track one diplomacy. They wrote, “reasonable and altruistic interaction with foreign countries cannot be an alternative to traditional track one diplomacy, with its official posturing and its underlying threat of the use of force.”⁶⁶ Montville, who first coined the term ‘track two’ submits that, “track

home. However, even in the absence of factors such as an impending election, time pressures cause them to rush over mediation. Quoted in Makumi Mwagiru, “Track One Conflict Management”, in Makumi Mwagiru, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark Publications, 2000), ch. 11. pp. 123-125. Mwagiru also gives an example of former President Moi’s involvement in the Uganda mediation where he argues that the mediator was keen to have any agreement signed and at whatever cost, because that would establish his credentials as a regional peacemaker and elder statesman. A further analysis is given in M. Mwagiru, *The International Management of Internal Conflict in Africa: The Uganda Mediation, 1985* (Ph.D. Dissertation, University of Kent at Canterbury, 1994).

⁶² John Burton, *Conflict: Resolution and Prevention* (Basingstoke: Macmillan, 1990), p. 27

⁶³ I. William Zartman and Saadia Touval, *International Mediation in Theory and Practice* (Boulder, CO: Westview Press, 1985), pp. 12, 151-156.

⁶⁴ Deiniol Jones, *Cosmopolitan Mediation* (Manchester: Manchester University Press, 1999), pp. 34, 52-3.

⁶⁵ Makumi Mwagiru, “Conflict and Peace in the Horn of Africa”. Paper presented at the International Resource Group (IRG) Conference, Nov. 1996 revised 1998, p. 5.

⁶⁶ W. D. Davidson, and J. D. Montville, “Foreign policy according to Freud,” *Foreign Policy*, No. 45, Winter (1981-82), p. 155.

two activity is designed to assist official leaders by compensating for the constraints imposed on them by the psychologically understandable need for leaders to be (or at least to be seen to) strong, wary, and indomitable in the face of the enemy.”⁶⁷ Track two is also sometimes called Alternative Dispute Resolution (ADR). ADR approaches are able to step outside restraints of protocol and engage with all relevant parties.⁶⁸ Van der Merwe observes that private individuals have more freedom to disregard protocol in order to “suggest unconventional remedies or procedures, to widen or restrict agenda or change the order of items, to propose partial solutions or package deals, and to press the case for constructive initiatives of magnanimous gestures.”⁶⁹ Private persons are therefore able to fill the “mediation gap” more easily than track one actors.⁷⁰ Other definitions of track two are sampled here: track two actors . . . are informal, or unofficial people who work outside official negotiation, mediation or track one processes⁷¹; efforts are typically focused on capacity-building ... but not the actual mediation of any specific dispute or issue⁷²; (it) is a process designed to assist official leaders to resolve or, in the first instance, to manage conflicts by exploring possible solutions out of public view and without the requirements to formally negotiate or bargain for advantage.⁷³ Even though many of these

⁶⁷ Joseph Montville, “Transnationalism and the Role of Track Two Diplomacy”, in W. Scott Thompson and Kenneth M. Jensen, eds., *Approaches to Peace: An Intellectual Map* (Washington, DC: United States Institute of Peace Press, 1992), p. 262.

⁶⁸ Stephen Ryan, *Ethnic Conflict and International Relations*, (England: Dartmouth Publishing Company, 2000), p. 109

⁶⁹ H. van der Merwe, *Pursuing Justice and Peace in South Africa* (London: Routledge, 1989), p. 96

⁷⁰ Such an approach was adopted by Britain and the IRA; Israel and the PLO and South Africa and the ANC. The Nigerian government and the Biafrans also engaged in private mediation, see Adam Curle, *Tools for Transformation* (Stroud: Hawthorn, 1990); The Carter Centre over the years has also used eminent persons as informal mediators in the Ethiopian-Eritrean, Liberian and Sudanese conflicts.

⁷¹ “Track Two Diplomacy Theory,” Website for The American University Centre For Global Peace, URL: www.beyondintractability.org

⁷² Quoted by David Baharvar from an interview with Ambassador John McDonald in “Beyond Mediation: The Integral Role of Non-Governmental Approaches to Resolving Protracted Ethnic Conflicts in Lesser Developed Countries.” *OJPCR: The Online Journal of Peace and Conflict Resolution*, Issue 4.1., 2001 p. 3. URL: www.trinstitute.org/ojpcr

⁷³ Joseph Montville quoted by Julian Thomas Hottinger “The Relationship Between Track One and Track Two Diplomacy.” Accord Home Page, URL: www.c-r.org/accord

definitions appear to preclude track two from mediation, Kriesberg⁷⁴ points out that track two actors *may* perform mediating activities and in fact do this well, when one or more of the conflicting parties are themselves non-state actors as evidenced in the 1972 WCC/AACC mediation in Sudan conflict. He however suggests that unofficial actors should map the road in the initial phases of conflict intervention and then allow official mediators to take the parties through the negotiation and implementation faces.

Strengths of Track Two

Unlike track one diplomacy, track two actors are not bound by official policies and ideologies,⁷⁵ they are able to conduct their activities with a free hand according to the demands of the conflict. Further, whereas track one diplomacy approaches peace from the top-down and assumes a trickle down effect, track two diplomats stress on the importance of building peace from the bottom up. The assumption here is that the conflict belongs to the society in which it is taking place and that resolution has to come from within that society.⁷⁶ Among the tools used in track two diplomacy, the most famous is the interactive problem-solving workshop developed by Burton, Kelman, Fisher and others.⁷⁷ Under this model, teams of experienced and knowledgeable consultants work with unofficial representatives of conflicting communities to discuss various perspectives and to develop collaborative strategies to address specific issues. The workshop aims to improve

⁷⁴ Louis Kriesberg, "Varieties of Mediating Activities & Mediators in International Relations," in Jacob Bercovitch, ed., *Resolving International Conflicts: The Theory and Practice of Mediation* (London: Lynne Rienner Publishers, 1996), p. 226.

⁷⁵ J. W. McDonald & D. B. Bendahmane eds. *Conflict Resolution: Track Two Diplomacy* (Washington: Foreign Service Institute, 1987) cited in M. Mwagiru, *Conflict: Theory, Processes and Institutions of Management* op. cit., p. 128.

⁷⁶ E. Voutira and S.W. Brown, "Conflict Resolution: A Cautionary Tale; Studies on Emergencies and Disaster Relief", Report No. 4. Nordiska Afrikainstitutet.

⁷⁷ See N.N. Rouhana & H.C. Kelman, "Promoting Joint Thinking in International Conflicts: An Israeli-Palestinian Continuing Workshop." *Journal of Social Issues*; 50, 1994, pp. 157-178; C.R. Mitchell, *Peacemaking and the Consultant's Role* (Westmead: Gower, 1981); R.J. Fisher, "Third Party Consultation: A Method for the Study and Resolution of Conflict." *Journal of Conflict Resolution*, 16, 1972, pp. 67-94; John Burton, *Conflict and Communication: The Use of Controlled Communication in International Relations* (London: Macmillan, 1969); L. Keashly and R. J. Fisher, "A Contingency Perspective on Conflict Interventions: Theoretical and Practical Considerations". in Jacob Bercovitch, ed. *Resolving International Conflicts: The Theory and Practice of Mediation* (London: Lynne Rienner Publishers, 1996), pp. 235 - 258

communication, diagnose underlying relationship issues, and facilitate the search toward creative resolution of the conflict.⁷⁸ Kelman⁷⁹ posits that the workshops perform two purposes; first they produce changes as to how workshop participants see themselves, the conflict and any solution; second they enhance the likelihood that new perspectives generated will be fed back into the political debate and the decision making process within the communities involved. This serves to prepare the ground for negotiation and/or mediation. Harold Saunders⁸⁰ created a similar process specifically designed for ethnic and national conflicts which he called a 'public peace process'. This involves engaging people (who are unofficial but politically involved and often influential members of conflicting societies) in a non-governmental process of sustained dialogue to change perceptions, build new relationships as opposed to the search for technical solutions between negotiators at the bargaining table. The success of the problem-solving workshop thrives in the covert nature that track two diplomacy adopts in its approaches.

By virtue of their informality, track two interveners are less likely to be treated with suspicion or perceived as a threat allowing them to gain entry in societies that would have otherwise remained closed.⁸¹ They are therefore able to get first hand knowledge of the underlying issues, forge relationships and respond to the demands therein. In other situations where leaders may be reluctant to hold negotiations or review earlier stands for fear of losing face, track two is able to easily bridge this gap without affecting the shape of negotiations or embarrassing high level participants.⁸²

⁷⁸ L. Keashly and R. J. Fisher, "A Contingency Perspective on Conflict Interventions: Theoretical and Practical Considerations", in Jacob Bercovitch, ed. *Resolving International Conflicts: The Theory and Practice of Mediation* op. cit. , pp. 235 - 236

⁷⁹ H. Kelman, "Interactive Problem Solving" in V. Volkan, J. Montville and D. Julius, eds., *The Psychodynamics of International Relationship: Unofficial Diplomacy at Work*. Vol. II Lexington: Lexington Books.

⁸⁰ Harold Saunders & Rana H. Slim, *The Inter-Tajik Dialogue: From Civil War Towards Civil Society*. Conciliation Resources, 1993. URL: www.c-r.org/accord/tajik/accord10/inter.shtml

⁸¹ Louis Kriesberg, "Varieties of Mediating Activities and Mediators in International Relations", in Jacob Bercovitch, ed. *Resolving International Conflicts: The Theory and Practice of Mediation* op. cit. , pp. 227-230.

⁸² *Ibid.* , pp. 227-230

On the issue of resources, it has already been indicated that track two actors do not have the huge resources or perks enjoyed by track one actors. What they instead possess is knowledge based on a particular understanding of conflict, its processes and management methodologies (especially because they spend so much time on the ground). This knowledge as Mwangiru⁸³ observes is something to be valued and can be a source of leverage confirming that power is not the only basis from which to approach conflict management.

Limitations of Track Two

The notion of basic needs and the problem solving workshop approach although much celebrated has suffered a few limitations. As outlined by Kumar⁸⁴, these limitations include distortions due to faulty communications, coping with the asymmetrical power balance in some conflicts, a lack of common cultural ground between actors and so on. Even though these may seem to be minor challenges that can be worked around, the problem of re-entry is manifested by the fact that problem solving workshops are *not* conducted with the active parties to a conflict but rather (as indicated above) with those who may be able to exert some influence on political, social and economic processes. This makes it difficult especially in violent 'internal' conflicts to transfer the successes of the workshop to a political negotiation process. Towards this end, Kumar in his analysis of the Sri Lanka conflict proposes for the adoption of a transformative approach. He envisages a situation where reaching agreement on outstanding issues (as quickly as possible) can be seen as secondary to addressing the overall conflict process and coming to terms with the historical background and pace of conflict processes.⁸⁵

⁸³ Makumi Mwangiru, "Track Two Conflict Management", in Mwangiru, *Conflict: Theory, Processes and Institutions of Management* op. cit. , ch. 12. p. 133.

⁸⁴ Kumar Rupesinghe, "Mediation in Internal Conflicts: Lessons from Sri Lanka," in Jacob Bercovitch, ed. *Resolving International Conflicts: The Theory and Practice of Mediation* op. cit. , pp. 155-157.

⁸⁵ Kumar Rupesinghe, "Mediation in Internal Conflicts: Lessons from Sri Lanka," in Jacob Bercovitch, ed. *Resolving International Conflicts: The Theory and Practice of Mediation* op. cit. , p. 157.

Track two actors especially in Africa have been criticized⁸⁶ for entering the conflict arena without a clear vision of the methodologies to be used. For example, the 1972 WCC/AACC mediation in Sudan was conducted using track one methodologies while the 1991 National Council of Churches of Kenya's (NCCCK) facilitation exercise was conducted by actors who all the while thought they were conducting mediation. Such unfortunate misconceptions have serious repercussions on conflict management and have a negative bearing on the eventual outcome.

Overview

Despite their strengths and weaknesses most of which have been addressed above, the main consensus between track one and track two is that they both want peace.⁸⁷ The difference is the meanings they attach to the phrase. For track one diplomats, peace is defined as the absence of military violence while for the track two diplomats it equally implies the absence of structural (as in the Peace Research Paradigm), psychological and cultural violence – sustainable peace for track two has to be legitimate peace. In addition, both tracks by virtue of their structural and methodological are adapted to addressing different aspects of a conflict meaning that if interventions are well coordinated, boundary issues or overlaps would not be an issue.

Mediation and Ethnic Conflict

Mediation is a process of conflict management in which disputants seek the assistance of, or accept an offer of help from, an individual, group, state or organization to settle their conflict or resolve their basic differences without resorting to physical force or involving the law.⁸⁸ Mediation shares a very close relationship with negotiation, highlighted in some of its

⁸⁶ Makumi Mwangi, "Track Two Conflict Management", in Mwangi, *Conflict: Theory, Processes and Institutions of Management* op. cit. , ch. 12: pp. 140-141.

⁸⁷ Luc Reyehler, "Field Diplomacy: A New Conflict Prevention Paradigm," p. 5. URL: www.gmu.edu/academic/pcs/reychler.htm

⁸⁸ J. Bercovitch, "Conflict Resolution: Parameters and Possibilities," *Negotiations Journal* Vol. 7 (Plenum Publishing Corporation. 1991). p. 2.

definitions. For example, Mwangi sees mediation as 'the continuation of negotiations by other means' – a need that arises when parties reach a deadlock after an attempt at negotiation.⁸⁹ Susskind and Cruickshank are of a similar view when they write that 'it is entirely sensible to see mediation as assisted negotiation'.⁹⁰ The conditions likely for mediation as provided by Bercovitch⁹¹ present themselves when: a conflict has gone on for some time; efforts by individuals have reached an impasse; neither actor is prepared to countenance further costs or escalation of the dispute and when both parties become receptive to some form of mediation and are ready to engage in direct or indirect dialogue. Zartman⁹² offers that the conditions necessary for negotiations include: a mutually hurting stalemate (MHS); a deadline; valid spokespersons; and a vision of an acceptable compromise.

With regard to success of mediation, scholars like Burton, Mitchell, Doob and Fisher see it in the adoption of normative or prescriptive approaches.⁹³ The normative approach argues that all disputes can be mediated and that none is too intractable for an experienced third party. The descriptive approach emphasizes unique aspects of a dispute – the assumption being that all cases are different and that nothing meaningful can be said about kinds of mediation and dispute outcomes. These approaches even by their definition are highly ambiguous - they do not give evidence to support their notion of what constitutes success or failure in mediation.

⁸⁹ Makumi Mwangi, "Modes and Practices of Conflict Management," in Mwangi, *Conflict: Theory, Processes and Institutions of Management* op. cit. , ch. 10. p.115.

⁹⁰ L. Susskind and J. Cruickshank, *Breaking the Impasse* (New York: Basic Books, 1987), quoted in Bercovitch, ed., *Resolving International Conflicts: The Theory and Practice of Mediation* op. cit. , p. 26

⁹¹ J. Bercovitch, "Conflict Resolution: Parameters and Possibilities," *Negotiations Journal* Vol. 7 (Plenum Publishing Corporation, 1991), p. 12.

⁹² I.W. Zartman, "Negotiations in South Africa," *Washington Quarterly* Vol II (Autumn 1998), pp. 141-158

⁹³ J. Bercovitch, ed., "Introduction: Thinking About Mediation," in J. Bercovitch *Resolving International Conflicts: The Theory and Practice of Mediation* op. cit. p. 14

Success of mediation for Kriesberg⁹⁴ means a set of developments that involve: de-escalation in the means of struggle; negotiations that move toward an agreed upon settlement; and a settlement that contributes to an ending resolution.

Bercovitch's and Houston's contingency approach⁹⁵ stipulates variables with specific operational criteria, each of which may have an impact on mediation effectiveness. The contingency approach contains clusters of context (refers to characteristics of the party, the dispute and the mediator); the process (mediation behaviour) and the outcomes (success or failure of mediation). Subsequent to the interplay of these clusters, Bercovitch is of the opinion that mediation can be said to be a success if it achieves a cease-fire, a partial settlement, or a full settlement.

The structure of internal conflicts poses several challenges for the mediator. The most complicated of all is the fact that its nature changes over time as it passes through identifiable stages – it is a moving target.⁹⁶ Subject to this, outcomes that could have satisfied the protest and been possible for the government at one time no longer can resolve the conflict at another time. In addition government can reject mediation offers claiming that it is an intrusive activity. In such a situation, the mediator has no choice but to withdraw since as many of the definitions imply, mediation cannot be imposed – conflictants have to welcome such involvement. Due to the structural asymmetry of 'internal' conflicts, Zartman⁹⁷ advises that mediators must combine the most intrusive of the three mediator roles of manipulation, communication and formulation. As communicators, mediators carry messages overcoming the procedural communication gaps between the parties; as formulators, they suggest their own ideas about possible outcomes and as manipulators mediators sharpen the stalemate and sweetening the proposed outcome

⁹⁴ Louis Kriesberg, "Varieties of Mediating Activities & Mediators in International Relations," in Jacob Bercovitch, ed., *Resolving International Conflicts: The Theory and Practice of Mediation* op. cit., p. 219.

⁹⁵ Jacob Bercovitch, ed., *Resolving International Conflicts: The Theory and Practice of Mediation* op. cit., pp. 14-16.

⁹⁶ I. Zartman, "Dynamics and Constraints in Internal Conflicts," in I. William Zartman, ed., *Elusive Peace: Negotiating an end to Civil Wars* op. cit., ch. 1., p. 20.

⁹⁷ Ibid.,

Zartman⁹⁸ places a very high premium on leverage which he quotes as the key to obtaining welcome in a conflict. This leverage comes in three forms: provision of side payments that turn the zero-sum game positive; the delivery of each side's agreement to an outcome that the other side can find attractive and a threat to end the mediation process through withdrawal or taking sides. He also places great emphasis on the notion of 'ripeness' which he claims creates conducive conditions for external involvement. Ripeness centers on the parties' perception of a mutually hurting stalemate (MHS) – where the hopes of victory for each side are blocked by the other side and this blockage hurts.⁹⁹ The MHS is grounded in cost-benefit analysis where it is assumed that a party will pick the 'rational' alternative – which is to end the pain - thus at such a point, the party would be more receptive to external intervention. The role of mediator as manipulator therefore comes into play where he suggests possible solutions out of this deadlock. This presupposition of 'rationality' is challenged by Nicholson¹⁰⁰ who argues that a conflict situation – where two or more parties have opposed views about how some social situation should be organized – cannot be assumed to guarantee 'rational choice' in Zartman terms. He however agrees that such situations do indeed require a third party to aid the process to a point where the parties feel that the distribution of benefits in the social system is acceptable. In his case study of the Rhodesian negotiations for independence as Zimbabwe, Stedman¹⁰¹ refines the concept of ripeness where he qualifies that it is only necessary for *some* and not *all* parties in a conflict to perceive the hurting stalemate. Ripeness can also come from a situation

⁹⁸ I. Zartman, "Dynamics and Constraints in Internal Conflicts," in I. William Zartman, ed., *Elusive Peace: Negotiating an end to Civil Wars* op. cit., ch. 1., p. 21

⁹⁹ See I. W. Zartman and M. Berman. *The Practical Negotiator* (New Haven: Yale University Press, 1982), pp. 66-78; also I.W. Zartman and Saadia Touval, *International Mediation in Theory and Practice* (Boulder, Colorado: Westview Press, 1985), pp. 258-260

¹⁰⁰ Michael Nicholson, "Negotiation, Agreement & Conflict Resolution: The Role of Rational Approaches and their Criticism," in *New Directions in Conflict Theory: Conflict Resolution and Transformation* ed. by R. Vayrynen (London: Sage Publications, 1991) p. 57.

¹⁰¹ S. J Stedman, *Peacemaking in Civil War* (Boulder, Colorado: Lynne Rienner Publishers, 1991), ch. 7, pp. 238. 241-242).

where both sides believe that a settlement will produce victory for them. For a conflict to be ripe for resolution it is necessary for the military wings of both sides to perceive a mutually hurting stalemate although such a perception is not sufficient to create a ripe situation for resolution.¹⁰² Beyond stalemates, other issues surrounding the practice of mediation have to do with mediator bias and impartiality. A biased mediator is one who has something at stake and is closer to one side (of the conflictants) than the other – politically, economically and culturally. An impartial mediator is one who is ostensibly balanced, even ‘neutral’ in the sense that he/she has no opinion regarding the conflict at hand.¹⁰³ Bercovitch¹⁰⁴ asserts that ‘no individual enters a mediation situation for altruistic reasons only’. He is of the conviction that whether individuals, organizations or states, mediators enter a conflict system to do something about it, passively or assertively, and to promote or protect any interest they may have. Since a central aspect of mediation has to do with influence, the best way to understand bias and impartiality is in relation to how they affect mediator influence.¹⁰⁵ This is however dependent on the characteristics of the conflict and the conflictants themselves. Most cases identified by Touval and other scholars indicate that biased mediators can succeed regardless of their biases and perhaps even because of them. Impartiality can also enhance the attractiveness and influence of a mediator for example, in the mediation of the Chile-Argentina Beagle Channel dispute, U.S. mediation was rejected by both sides based on suspicion that the US had interests in the natural resources of the Beagle

¹⁰² S. J. Stedman, *Peacemaking in Civil War: International Mediation in Zimbabwe (1974-1980)* (Boulder and London: Lynne Rienner Publishers, 1987), pp. 25-28.

¹⁰³ Peter J. Carnevale and Sharon Arad, “Bias and Impartiality”, in Jacob Bercovitch, ed. *Resolving International Conflicts: The Theory and Practice of Mediation* op. cit. , p. 42

¹⁰⁴ Jacob Bercovitch, ed. *Resolving International Conflicts: The Theory and Practice of Mediation* op. cit. , p. 4.

¹⁰⁵ Peter J. Carnevale and Sharon Arad, “Bias and Impartiality”, in Jacob Bercovitch, ed. *Resolving International Conflicts: The Theory and Practice of Mediation* op. cit. , p. 49

Channel. They instead opted for the Vatican who they felt had no direct interests in the contested resource.¹⁰⁶

In cases of ethnic conflicts like the Sudan most scholars advocate for the use of both track one and track two approaches. This is because history has shown that where conflicts involve minorities, the international dispute settlement system is better at coping with conflict over 'interests' between states than with conflicts over 'values' and 'relationships' involving non-state actors.¹⁰⁷

Bercovitch¹⁰⁸ has argued that in most cases of ethnic and sectarian conflict, track one alone will not necessarily identify, include or allow a full and fair hearing for all of the antagonists. This is because one side or another often denies the legitimacy of the other side's existence especially if the other side is a non-state actor such as a rebel or seceding group.

Kumar¹⁰⁹ contends that the popularity of non traditional (track two) approaches to mediation has grown due to three factors namely: development of more effective negotiation or facilitation skills and methods; a growing awareness of the complexity and intractability of many deep-seated internal conflicts, and of the failures and limitations of traditional forms of bilateral or multilateral diplomacy when applied to conflict resolution. He suggests for the development of a framework for peacebuilding that combines traditional linear approaches with transformative ones that call for long term efforts devoted to empowerment of weaker parties, trust-building, conflict skills development and other requisites for transforming a conflict situation into sustainable peace. This can also be achieved by combining Lederach's¹¹⁰ 'elicitive' model

¹⁰⁶ T. Princen, "International Mediation – The View From the Vatican: Lessons from Mediating the Beagle Channel Dispute," *Negotiation Journal* p. 347-366.

¹⁰⁷ H. Miall, *The Peacemakers: Peaceful Settlement of Disputes since 1945* (Basingstoke: Macmillan, 1992), p. 185.

¹⁰⁸ Berc 1996 p. 167

¹⁰⁹ Kumar Rupensighe, "Mediation in Internal Conflicts: Lessons from Sri Lanka", in Jacob Bercovitch, ed., *Resolving International Conflicts: The Theory and Practice of Mediation* op. cit., ch. 7, p. 153

¹¹⁰ John Paul Lederach, *Preparing for Peace: Conflict Transformation Across Cultures* (Syracuse: Syracuse University Press), p. 52.

(where parties are given a chance to participate in the way conflict is handled) with the 'prescriptive' (which underscores the centrality of the trainer's models and knowledge) approaches in Western cultural ideological assumption.

In the three stages of negotiations; pre-negotiation, negotiation and implementation, track two diplomacy is said to be most effective during the pre-negotiation phase or as supplementary players during formal talks through problem solving workshops.

Literature Assessment

The debates surrounding the theory and practice of mediation abound and can only be treated as guides that serve to give insights where generalizations can be made. This is in recognition of the fact that conflicts are dynamic processes which cannot be addressed through a simple cause-effect model. Track one and track two diplomacy bring several strengths and weaknesses to the field of conflict management and resolution as noted from various illustrations above. However neither track individually takes into account the whole complexity of conflict and its management and even less where ethnic conflicts are concerned. These realities demand that if conflict resolution is to be envisaged, the strengths of tracks one and two be brought to bear in a dual track management process¹¹¹ at those stages of a conflict where their roles most complimentary.

¹¹¹ Makumi Mwangi, "Track Two Conflict Management," in Makumi Mwangi, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark Publications, 2000), ch. 12, pp. 134-136

1.4 JUSTIFICATION OF THE STUDY

This research project comes closely on the heels of the signing of the Sudan Peace deal thereby allowing an analysis based on retrospect, unlike majority of the literature on the conflict which was written while the conflict was still raging with no end in sight. In this respect and in acknowledgement of the dynamism of conflict, it serves as an ideal reference point that other scholars can build on and incorporate whatever new developments that may arise in future in the case study, for instance, Sudan post the peace deal.

In a different vein, the study by highlighting the strengths, weaknesses and prospects for both tracks one and two as captured in an African context based on their performance in the Sudan conflict, enables policy makers to incorporate these proposals in future policies and avoid the pitfalls of former (prone to fail) policies.

1.5 THEORETICAL FRAMEWORK

Two paradigms have been selected for this study. The Conflict Research paradigm has been selected because it rejects the 'high stature' accorded to state actors while still retaining them as actors in conflict management which is important since dual diplomacy draws its strength from both track one and track two actors. Secondly the paradigm recognizes the importance of engaging the conflictants in the search for peace which is a key aspect of mediation and problem solving workshops which feature prominently in this study. Peace and Reconciliation as a paradigm has been selected because it calls for the identification and solution of *underlying* issues of a conflict – a major feature of conflict resolution which is supported by this study as the desirable end to conflict management.

The Conflict Research paradigm

This paradigm¹¹² rejects the classical state-centric approaches to conflict management and international relations. It argues that states are just one type of international actor among many others, including individuals, nongovernmental organizations, ethnic and national minorities among others. Under this paradigm, the conflictants are actively involved in the process of conflict resolution in the attempt to build legitimized relationships which can be self supporting.

Peace and Reconciliation as a Paradigm

This paradigm calls for an understanding of peace that encompasses the transformation of conflictual and destructive interactions into more cooperative and constructive relationships.¹¹³ It envisions through reconciliation, the coming together of those who have been alienated and separated from each other by conflict to create a community again. Peace is equated with conflict transformation and resolution. The values underlying this understanding of peace are: that one cannot resolve conflicts and thus make peace unless the root causes of the conflicts are¹¹⁴ identified and dealt with; it is not possible to resolve conflicts and attain peace unless attention is given to the justice and fairness of the process as well as the outcome; people's deeper needs are not totally incompatible (conflictants can discover commonality of interests and objectives which can lead to mutually acceptable solutions to their problems); conflict resolution involves a restructuring of relationships.

¹¹² A.J.R. Groom, "Paradigms in Conflict: The Strategist, The Conflict Researcher and the Peace Researcher", in J. Burton & Frank Dukes, eds., *Conflict: Readings in Management & Resolution* (London: McMillan, 1990), pp. 71-78

¹¹³ H. Assefa, *Peace and Reconciliation as a Paradigm: A Philosophy of Peace and its Implications on Conflict, Governance and Economic Growth in Africa* (Nairobi: Nairobi Peace Initiative, 1993), p. 4

¹¹⁴ Ibid. , p. 5

1.6 HYPOTHESES

This study carries three hypotheses. The first hypothesis states that track one and track two conflict management approaches when employed in isolation in protracted ethnic conflicts (like Sudan) are ill equipped to effectively address all the aspects in these conflicts that would lead to resolution.

The second hypothesis states that the methodology employed by a dual conflict management approach presents the highest likelihood for the resolution of protracted ethnic conflicts.

The third hypothesis states that the mode of intervention involved in the Sudan conflict leading to the signing of the Peace Agreement marks the settlement and not the resolution of that conflict.

1.7 METHODOLOGY AND DATA COLLECTION

This study will rely on both primary and secondary sources of data involving a review of both published and unpublished materials to include *inter alia* journals, books, reports, press releases, internet sources and all other relevant material. Two interviews have been conducted; the first one with Harold Miller of the Mennonite Central Committee who has worked in various capacities with the Church in Sudan. The second interview was done with Michael Ouko, a Program Officer with the New Sudan Council of Churches (NSCC).

1.8 CHAPTER OUTLINE

Chapter One: Introduction to the Study

This chapter presents an overview of the entire study and outlines the parameters within which it shall operate.

Chapter Two: The History of the Sudan Conflict

A historical background of Sudan conflict since the early 1950s is given thereby outlining the genesis of the issues that have informed that conflict under the various regimes.

Chapter Three: Track One Mediation in the Sudan Conflict

This chapter specifically analyses mediation by IGAD although it highlights other competing track one initiatives whose involvement only made IGAD's work more challenging.

Chapter Four: Track Two Mediation in the Sudan Conflict: The WCC/AACC Mediation

This chapter analyses the WCC/AACC mediation in 1972 and the reasons behind the abrogation and eventual collapse of the Addis Ababa Agreement that came out of that mediation.

Chapter Five: A Critical Analysis: The Case for Dual Diplomacy

In this chapter, the factors inhibiting effective cooperation between tracks one and two are outlined. Dual diplomacy is analysed in detail, giving examples from other countries where it has worked successfully. The WCC/AACC and IGAD mediations are also analysed in retrospect, with due regard of their context, and how dual diplomacy may have stepped in to enrich these processes.

Chapter Six: Conclusions and Recommendations

This chapter gives a summary of the entire study giving areas for growth for both track one and track two actors in the African context but also applicable to other parts of the world in management of similar conflicts.

1.9 DEFINITION OF TERMS

Conflict Management

Generally involves taking action to keep a conflict from escalating further. It is defined as ‘any management process by which parties to the conflict are encouraged to come together and do something about their conflict.’¹¹⁵

Conflict Resolution

Is a conflict management process that undertakes to address the underlying causes of conflict to come up with outcomes that satisfy the inherent needs of all.¹¹⁶ Galtung sees it as a process that involves peace keeping, peacebuilding and peacemaking.¹¹⁷ Peacekeeping aims to halt and reduce the manifest violence of the conflict through the intervention of military force in an interpository role. Peace building involves practical implementation of peaceful social change through socio-economic reconstruction and development. Peacemaking is a political and diplomatic activity directed at reconciling political and strategical attitudes through mediation, negotiation, arbitration or conciliation.

Track One and Track Two Diplomacy

Track one diplomacy involves direct government-to-government interaction at an official level.¹¹⁸ Track two diplomacy¹¹⁹ generally involves informal interaction with influential unofficial actors – its essence is that it does *not* involve states.

¹¹⁵ Makumi Mwagiru, “Contextualising Conflict,” in Makumi Mwagiru, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark Publications, 2000), p. 12.

¹¹⁶ J. Burton, “Conflict Resolution as a Political Philosophy,” in Dennis J. D. Sandole and Hugo van der Merwe, eds., *Conflict Resolution Theory and Practice: Integration and Application* (New York: Manchester University Press, 1993), p. 55.

¹¹⁷ J. Galtung, “Three Approaches to Peace; peacekeeping, peacemaking and peacebuilding” in *Essays in Peace Research*, Volume II, (Copenhagen: Christian Ejlertsen, 1976)

¹¹⁸ Makumi Mwagiru, “Track One Conflict Management,” in Makumi Mwagiru, *Conflict: Theory, Processes and Institutions of Management* op.cit., p. 122-123.

¹¹⁹ Ibid., chapter 12, p. 128

Dual Diplomacy

Involves the simultaneous engagement of both track one and track two actors working within the same conflict and conflict system, where each track contributes its strength – tackling those aspects of a conflict that it does best.¹²⁰

Conciliation

It involves a trusted party providing an informal communication link between the antagonists for the purpose of identifying major issues, lowering tension, and encouraging them to move towards direct interaction such as negotiation to deal with their differences. In this process the third party does *not* propose alternatives for settling the disputes – he or she only acts as a go between.¹²¹

Consultation

Is also called problem solving. It involves the intervention of a skilled and knowledgeable third party (usually a team) who attempt to facilitate creative problem solving through communication and analysis using social scientific understanding of conflict etiology and processes.¹²²

Mediation

Mediation is a process of conflict management in which disputants seek the assistance of, or accept an offer of help from, an individual, group, state or organization to settle their conflict or resolve their basic differences without resorting to physical force or involving the law.¹²³

¹²⁰ Makumi Mwangi, "Conflict and Peace in the Horn of Africa", Paper presented at the International Resource Group (IRG) Conference, Nov. 1996 revised 1998, pp. 5-6

¹²¹ L. Keashly and R. J. Fisher, "A Contingency Perspective on Conflict Interventions: Theoretical and Practical Considerations", in Jacob Bercovitch, ed., *Resolving International Conflicts: The Theory and Practice of Mediation* (London: Lynne Rienner Publishers, 1996), p. 241-242

¹²² Ibid., p. 242

¹²³ J. Bercovitch, "Conflict Resolution: Parameters and Possibilities," *Negotiations Journal* Vol. 7 (Plenum Publishing Corporation, 1991), p. 2.

CHAPTER TWO

THE HISTORY OF THE SUDAN CONFLICT

2.0 INTRODUCTION

This chapter is mainly factual and presents the origins of the Sudan conflict from pre-independence to January 2005. The history given in this chapter serves to outline the underlying issues informing that conflict while at the same time explaining its protracted nature. This will set the stage for chapter three by demonstrating the multiplicity of issues that a mediator(s) has to grapple with in mediation of ethnic conflicts.

2.1 THE SUDAN: PRELUDE TO INDEPENDENCE

During the British colonial era, interaction between the Arabized north and African south was restricted by colonial policy – Arab education, Arab-influenced dress, use of the Arabic language, and settlement by Arabs were forbidden in the south.¹ The southern Sudanese, who were mainly Nilotics, had been largely isolated from the outside world suffering from enslavement and other forms of oppression by northerners. Furthermore, the British devoted very few resources to the south unlike in the north where they shielded the Arab's Islamic values, helped foster modernization and laid down an educational system that created an educated Sudanese elite. The little that was done in the south towards developing the economy, providing education, health and other services was largely a result of the work of Christian missionaries and a small number of colonial officials. This kind of inequality gave the north a marked advantage over the south which contributed to the mutual distrust and animosity that underlay the outbreak of civil war between the North and South.

¹ Don Petterson, *Inside Sudan: Political Islam Conflict and Catastrophe* (US: Westview Press, 1999 updated 2003), pp. 9-10.

2.2 THE JUBA CONFERENCE – 1947

The Juba Conference was intended to serve as a forum where northerners and southerners jointly negotiated a common future for Sudan. Ironically, the decision to keep the Sudan as a united state – which was among the issues to be discussed at this conference, and a contentious point which persisted throughout north-south hostilities – had already been made by the British Governor General, Sir James Robertson.² The decision had been made when a report by the Sudan Administration Conference (exclusively made up of northern Sudanese and British officials) presented to the Governor-General, demanded that the whole of Sudan be represented in legislative body – as a step towards self-government of the whole country.³ Robertson, well aware that refusal would have prompted pro-Egyptian elements to draw closer to Egypt with whom he was competing with for favours from northern leaders consented to this demand. He summed it up as:

“The policy of the Sudan regarding the Southern Sudan is to act upon the facts that the peoples of the Southern Sudan are distinctly African and Negroid but that geography and economics combine (so far as can be seen at the present time) to render them inextricably bound for future development to the Middle-Eastern and Arabicised Northern Sudan.”⁴

At the Juba Conference, the southerners were offered two options; first was whether they were prepared to join the process of political development in the north by sending representatives to the National Legislative Assembly (which was about to be formed); or whether they preferred to start off with an advisory council of the kind that had preceded establishment of an assembly in the North.⁵ To these, the southerners proposed for the establishment of a representative body in the south which could send representatives to Khartoum to learn and take part in discussions on

² Francis Mading Deng, “Negotiating a Hidden Agenda: Sudan’s Conflict of Identities,” in I. William Zartman, ed., *Elusive Peace: Negotiating an end to Civil Wars* (Virginia: R.R. Donnelly & Sons Company, 1995) Chapter 4. pp. 82-83.

³ Abel Alier, “The Problem of Unity,” in Abel Alier, *Too Many Agreements Dishonoured: Southern Sudan* (Oxford: Imprint, 2003), pp. 33-34

⁴ *ibid.*, p. 34.

⁵ Francis Mading Deng, “Negotiating a Hidden Agenda: Sudan’s Conflict of Identities,” in I. William Zartman, ed., *Elusive Peace: Negotiating an end to Civil Wars* op. cit., ch, 4. p. 83.

matters of general interest to all. Speaking on behalf of the south, Chief Lodik Lado likened to north-south relations to that of a young courting couple who took ample time to study each other's behaviour before they decide to marry since a hurried union might result in an unhappy home, likely to end in a violent divorce.⁶ The north, represented by Mohamed Saleh Shingetti, drew attention to the good things the south would gain in unification of the two regions such as equalized salaries/wages and prospects of promotions of southerners to senior jobs and an end to the hatred and discrimination that had propagated by the British.⁷ After the conference, the borders of the two regions were thrown open for all, religious freedom was publicly pronounced and embraced, salaries and wages were also equalized for southerners and northerners doing the same work. In 1948, the Legislative Assembly opened, followed a few years later by formation of the Constitutional Amendment Committee. The only southern representative on the committee advocated for federation but was overruled. In 1953, northern parties agreed with Egypt and Britain (the condominium powers), on a transitional period of Sudanese self-government that would lead to self-determination in three years but the south was not represented at those negotiations. Despite the acknowledgement of the backwardness of the south, no social and economic developments of consequence were initiated in the region. When southern representatives in the Legislative Assembly postulated federation as a condition for supporting a motion for independence in late 1955, northern politicians once again manipulated their vote with a promise that was in retrospect, never intended to be kept.⁸ In fact, the leader of the opposition,

⁶ Abel Alier, "The Problem of Unity," in Abel Alier, *Too Many Agreements Dishonoured: Southern Sudan* op.cit. , p. 35.

⁷ Ibid. . p. 35

⁸ Mohamed Ahmed Mahgoub, *Democracy on Trial: Reflections on Arab and African Politics* (London: Andre Deutsch, 1974), p. 57.

Mohamed Ahmed Mahgoub later remarked that the provision for federation was inserted in the independence motion just to make southerners 'happy' and gain their support for the motion.⁹

At independence in 1956, Ismail al-Azhari (of the NUP) was Premier, later losing out to Abdulla Khalil – leader of the Umma Party (UP).¹⁰ In Europe where the Cold War was developing, there was only peripheral interest in the Sudan as it was seen as lacking strategic value. However, Western European countries and the Soviet Union sought to gain influence over the new state and sought to prevent each other from doing so.¹¹ The USSR saw Sudan as its gateway to Africa proper, to where it was trying to export communism, while colonial powers such as Belgium, Britain and France hoped that Sudan would refrain from relations with the Soviets. The Arab League saw Sudan as the extensive eastern defensive bastion of the Arabic speaking bloc, then involved in confrontations with Israel which strongly supported the USA. None wanted any of the others to gain paramount advantage over Sudan.

In September 1956 when the Legislative Assembly appointed a committee to draft a national constitution only three of its forty-six members were southerners. When they reiterated the southern call for a federal constitution, they were outvoted. In despair, they walked out of the committee and boycotted the rest of its work. By 1958, southern calls for federation were subsequently outlawed – southerners either went to jail or exile for supporting federal principles.¹² The situation in Sudan became not so much a case of bad government, but rather a government by neglect, as ministers and members of the National Assembly (which had been

⁹ Abel Alier, "The Problem of Unity," in Abel Alier, *Too Many Agreements Dishonoured: Southern Sudan* op. cit. , p. 37.

¹⁰ The two parties had been formed as a result of the split of the Graduate's General Congress - a student political body in 1943. This gave rise to two rival political religious sects – the Ansar and Khatmia. Ismail al-Azhari formed his Khatmia followers into Ashikka (Islamic Brotherhood, later renamed National Unionist Party – NUP) and Abdulla Khalil formed his Ansar supporters into the Umma Party (UP). See Edgar O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* (Hampshire: Macmillan Press Ltd, 2000), p. 4.

¹¹ Edgar O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* (Hampshire: Macmillan Press Ltd, 2000), p. 2.

¹² Francis Mading Deng, "Negotiating a Hidden Agenda: Sudan's Conflict of Identities," in I. William Zartman, ed., *Elusive Peace: Negotiating an end to Civil Wars* op. cit. , Ch. 4. p. 86.

formed in 1948 with majority members being northerners) became involved in corruption and other self-seeking pursuits.¹³ Indeed, the hurried union that Chief Lolik Lado had warned against was already in trouble.

2.3 THE ROUND TABLE CONFERENCE 1965

2.3.0 Prelude

On November 1958, the Sudanese army, under the command of General Ibrahim Abboud overthrew Khalil's government, dissolved the National Assembly and all political parties, and suspended the constitution. At a press conference, he explained that time was not yet ripe for Western-style democracy, that he did not want to hold power for long and that democracy would be restored within six to twelve months. He further added that there would be no press censorship, although the media was informed that they were not expected to criticize the new regime's policies.¹⁴ In an attempt to create a unified country, Abboud's government embarked on Islamisation and Arabisation of the south; local languages and English were abolished as medium of instruction in schools and Arabic was introduced in their place as well as in offices where southern officials were made redundant for their lack of knowledge of that language; Christian work was curbed except under licence; over 300 missionaries were expelled in February 1964; Friday was introduced as the day of rest to replace Sunday with many mosques, Islamic schools and institutions springing up in the north.¹⁵

2.3.1 Emergence of the Anya nya

As the situation in the south continued to deteriorate, there emerged rumours in December 1960 that the government intended to arrest a number of former Members of Parliament. This

¹³ Edgar O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* op. cit. , p. 11.

¹⁴ O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* (Hampshire: Macmillan Press Ltd, 2000), p. 12.

¹⁵ Abel Alier, "From the Rejection of Federalism to the Work of the Twelve Man Committee," in Alier *Too Many Agreements Dishonoured: Southern Sudan* op. cit. , ch. 2. p. 39.

prompted many prominent political leaders and educated Southerners to flee from the country.¹⁶

The exiles organized themselves into three groups, one of which came to be known as the Sudan African National Union (SANU). Its aim was to publicize Southern problems and to organize guerilla attacks in order to gain independence for the south.¹⁷ In the South, a guerilla movement was emerging comprising of 500 soldiers of the former Southern Corps. Since the only way these guerillas could sustain themselves was by raiding villages for food, the government hunted them as outlaws and bandits.¹⁸

In 1963, several of the leaders of the scattered groups merged forces under the command of General Taffeng, a non-commissioned officer in the Sudan Defence Force and adopted the name Anya Nya, meaning 'snake poison' or 'deadly insect' in other dialects.¹⁹ In one of its leaflets, the Anya Nya stated "Our patience has come to an end, and we are convinced that only use of force will bring a decision . . . from today onwards, we shall take action . . . for better or worse . . . we do not want mercy and we are not prepared to give it".²⁰

The Anya Nya continued to launch raids in the South; the most daring attack was at Wau – a provincial capital, although they were unsuccessful, they gained popularity among Southerners. In response, the government rushed more forces to the South arresting southern police, prison staff and minor officials on charges on subversion. In the North, public opinion reflected unrest and frustration at the handling of the Southern situation. All the political parties, with the exception of the banned Communist Party, were more preoccupied with the military dictatorship than solving the southern problem.²¹ The Communists rejected the use of force and advocated

¹⁶ Cecil Eprile, "Sudan: The Long War", in *Conflict Studies* ed, Brian Cozier, No. 21(March, 1972), p. 6

¹⁷ Dunstan Mogga Wai, *The African-Arab Conflict in the Sudan* (New York: African Publishing Co., 1981), p. 90

¹⁸ H. Assefa, *Mediation in Civil War: Approaches and Strategies – the Sudan Conflict* (Boulder and London: Westview Press, 1987), p. 59.

¹⁹ O'Ballance, "The Anya Nya", in Edgar O'Ballance *Sudan, Civil War and Terrorism, 1956-99* op. cit. , ch. 4, pp. 36-39

²⁰ Mohammed O. Beshir, *The Southern Sudan: From Conflict to Peace* (London: C. Hurst & Co., 1975), p. 53

²¹ Mohammed O. Beshir, *The Southern Sudan: Background to Conflict* (New York: Praeger Press, 1968), p. 86

local autonomy to solve the southern problem. However, the military dictatorship refused to recognize that there was a southern problem and continued to denounce the imperialists and missionaries as the source of the problem. Following an attack by the Anya-nya, the incessant riots and demonstrations staged by civilians, some professional groups and students of Khartoum University, the military government of General Abboud fell on 25th October. On 30 October 1964, Khatim Khalifa, who became premier and minister of defence, formed a new caretaker government.²²

2.3.2 The Conference

The Round Table Conference, convened on 16th March 1965. In attendance as observers were representatives of the governments of Ghana, Nigeria, Uganda, Kenya and Egypt. Professor Nazir Dafalla (Chancellor of Khartoum University) chaired the conference, while Mohamed Omer Beshir (Academic Secretary of Khartoum University) headed the Secretariat.²³ The south was represented by; the Sudan African National Union (SANU) in its two rival wings – SANU (inside) based inside the country under Sayed William Deng Nhial and the other based in Europe SANU (outside) under Sayed Aggrey Jaden.²⁴

The Northern political parties were represented by the Umma Party (UP) under El Sadiq El Mahdi, National Unionist Party (NUP) under Ismail El Azhari, People's Democratic Party (PDP) under Ali Abdel Rahman, the Sudan Unionist Party (SCP) under Abdel Khaliq Mahgoub, the Islamic Charter Front (ICF) under Dr. Hassan Abdullah Turabi and the National Front for the Professionals (NFP) – a group of Northern elites who had participated in the October Revolution.²⁵

²² O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* op. cit. , pp. 22-24

²³ Ibid. , p. 32

²⁴ Abel Alier, "From the Rejection of Federalism to the Work of the Twelve Man Committee," in Alier. *Too Many Agreements Dishonoured: Southern Sudan* op. cit. , ch. 2. pp. 44-45.

²⁵ Ibid. , p. 46.

The South presented a long list of grievances attributed to northern mistreatment and historic animosities arguing for federalism, self-determination, or outright separation as remedies.²⁶ In his address, Aggrey Jaden of SANU (inside) pointed out that Sudan fell sharply into a “hybrid Arab race” in the North and an “African” group in the South- he further added that:

“With this real division, there are in fact two Sudans and the most important thing is that there can never be a basis of unity between the two. There is nothing in common between the various sections of the community; no body of shared beliefs, no identity of interests, no local signs of unity and above all, the Sudan has failed to compose a single community. The Northern Sudanese claim for unity is based on historical accident and imposed political domination over the Southern Sudan.”²⁷

Northern leaders expressed the desire to reach a settlement which would allow social and economic development of the south, equality of citizenship, and the establishment of a system of local government all to be executed when violence and intimidation ceased in the south. Southern leaders were highly skeptical of these proclamations and insisted that force/violence should be condemned from whatever quarters it came. Both sides failed to agree on this point.²⁸ Ten days into the conference amid heated debate, the conference was brought to an abrupt end having failed to reach any political, constitutional and administrative settlement.²⁹ As a result, the members agreed to; adjourn for three months after which the conference would be reconvened by the government and to set up a 12 man committee to study and recommend constitutional, administrative and financial relations between the south and central government and submit its report to government.³⁰

²⁶ Francis Mading Deng, “Negotiating a Hidden Agenda: Sudan’s Conflict of Identities,” in I. William Zartman, ed., *Elusive Peace: Negotiating an end to Civil Wars* op. cit. , p. 86

²⁷ Quoted in Francis Mading Deng, *Dynamics of Identification: A Basis for National Integration in the Sudan* (Khartoum: Khartoum University Press, 1973) p. 41.

²⁸ Abel Alier, “From the Rejection of Federalism to the Work of the Twelve Man Committee,” in Alier. *Too Many Agreements Dishonoured: Southern Sudan* op. cit. , p. 46.

²⁹ Francis Mading Deng, “Negotiating a Hidden Agenda: Sudan’s Conflict of Identities,” in I. William Zartman, ed., *Elusive Peace: Negotiating an end to Civil Wars* op. cit. , p. 87

³⁰ Discussed in Mohamed Omer Beshir, *The Southern Sudan: From Conflict to Peace* op. cit. , p. 13 and Abel Alier, “From the Rejection of Federalism to the Work of the Twelve Man Committee,” in Alier. *Too Many Agreements Dishonoured: Southern Sudan* op. cit. , pp. 46-47.

Between April and May, elections were held in the north during which there was general rowdiness and some street violence in the cities. Southerners had declined to participate in the elections saying they preferred to wait until the twelve-man committee came up with a solution. On 2 June 1965, the Khalifa government resigned and a new Umma Party – NUP coalition was formed under Mohammed Ahmad Mahgoub of the NUP.³¹ In his press statement Mahgoub said the government would:

“face the southern problem which was inherited from the imperialists by adopting a clear and firm policy which will affirm the unity of the country and the prosperity of the people without discrimination. We will not permit any foreign intervention and will liquidate terrorist organizations and unlawful blocks by making a full seizure of arms. Security forces will be fully empowered to deal with whoever attempts to endanger the security of the people or obstruct their progress.”³²

The reaction of southerners to the above speech was carried in the editorial of the same newspaper that carried the above speech which read: “We deeply regret to tell the Prime Minister that the chances of permanent solution of the southern problem by military force are extremely remote.”³³

2.3.3 The Work of the Twelve-Man Committee

Setting the stage for deliberations by the twelve-man committee were two issues, first was an agreement that the currently highly centralized government was undesirable, and second was an acknowledgement that separation was not negotiable. Within these two extremes the committee agreed on some points. Among these were, the transfer of some powers, hitherto exercised by the central government to each of the regions of the Sudan. Second, that the south was to preserve and develop regional languages and cultures. Thirdly, the establishment of a regional legislative

³¹ O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* op. cit. , p. 32

³² *The Vigilant*, June 27, 1965.

³³ *The Vigilant*, June 27, 1965.

body for each of the regions, to be elected by direct secret ballot, and finally, a recommendation for a national development commission.³⁴

On areas of disagreement, the committee could not agree in the manner of selection of the head of the executive in the region. This disagreement was marked by fundamental differences reflecting the conflicting values between the north and south – the north preferred appointment by head of state while the south preferred appointment by the people of the region. A second point was the question of how many regions the country should be divided. Thirdly, was the issue regarding security arrangements since the current situation had the northern Sudanese officers commanding the police and prison forces in the south. The request to preserve southern culture and education was also rejected by northern representatives further contributing to deadlock. The representatives also clashed over the extent of power that the national parliament was to have with regard to amending the provisions for regional autonomy.³⁵

The Sadiq El- Mahdi led committee finished its work on 25th June 1966, and presented its report to the government. In contravention of the earlier resolution to call for a second Round Table conference, the government chose to convene a conference of all political parties in October 1967. This Political Party Conference endorsed the recommendations of the Twelve-Man Committee, but did not resolve the points on which the committee had deadlocked. Amid these disagreements, southern representatives left the committee, marking the end of yet another attempt at resolution of north-south issues.³⁶ Mahgoub's regime in the North did not succeed in ending the political quarrels and infighting among the various political parties in the government. Left wing students also clashed with the conservative Muslim Brothers resulting in fatalities and

³⁴ Abel Alier, "From the Rejection of Federalism to the Work of the Twelve Man Committee," in Alier *Too Many Agreements Dishonoured: Southern Sudan* op. cit. , pp. 50-51.

³⁵ Ibid. , pp. 52-55

³⁶ Abel Alier, "From the Rejection of Federalism to the Work of the Twelve Man Committee," in Alier *Too Many Agreements Dishonoured: Southern Sudan* op. cit. , pp. 55.

further unrest. The various parties made so many demands on the government that, on April 23, 1969, Mahgoub decided to resign, although he announced that he would stay on as a caretaker Premier. On May 25, 1969, he was overthrown by Colonel Nimeiri in a bloodless coup d'etat.³⁷

2.4 THE ADDIS ABABA TALKS

2.4.0 Prelude

Nimeiri's new regime in its 9th June (1969) Declaration included two points which had obviously been contributed by the Communist Party. These were: that a broad socialist oriented democratic movement in the south should first be established before implementation of any policy of regional autonomy – a point which clearly reflected a feature of the foreign policy of the new regime; and the importance of ensuring that imperialism did not penetrate Sudan through the rear – this was in reference to the Anya-nya which was believed to be receiving support from Israel and Western European countries through East African countries.³⁸

A few days after the declaration, Joseph Garang was appointed as Minister of State for Southern Affairs with Abel Alier succeeding him in the Ministry of Supply and International Trade – both were southerners. In October 1970, Alier submitted a lengthy memorandum to the Council of Ministers calling for dialogue between the government and Anya-nya as a prelude to discussions on regional autonomy for the south. The Council flatly rejected the memorandum without discussion.³⁹

2.4.1 The Southern Sudan Liberation Movement (SSLM)

In the meantime, Joseph Lagu (commander of the Anya Nya in the Eastern Equatoria region) was consolidating his power. He won many followers (including other political parties which

³⁷ H. Assefa, "The Coming of Nimeiri and the Rise of the SSLM" in H. Assefa, *Mediation of Civil Wars: Approaches and Strategies – The Sudan Conflict* op. cit. , p. 71.

³⁸ Abel Alier, "The Army Back on Stage", in Abel Alier. *Too Many Agreements Dishonoured: Southern Sudan* op. cit. , p. 65

³⁹ Ibid. , p. 66.

dissolved to join him) and in January 1971, he formed and became leader of the Southern Sudan Liberation Movement (SSLM).⁴⁰ The SSLM became the political arm of the Anya Nya. Lagu contacted prominent southerners abroad and formalized their relationship with the SSLM by designating them his personal representatives or ambassadors. Among these were Mading de Garang (elected SSLM representative in London), Lawrence Wol Wol (SSLM representative in Paris).⁴¹ In 1970, the Southern Sudan Association (SSA) was formed in London, sponsored by several British businessmen and politicians, with the primary purpose of publicizing the southern cause and garnering international public support. The SSA published the *Grass Curtain* – a journal edited by Mading de Garang which raised awareness in many Western European countries about the little-known war in the Sudan. As a result many groups in various countries urged their governments to support the southern cause and begun to raise millions of dollars for aid in the South.⁴²

On the Khartoum front, Nimeiri's government was overthrown by a group of left-wing officers led by Major Hashem Atta in a surprise move, on July 19, 1971. Atta promised democracy for all popular organizations and home rule for the south; he banned all the political groups set up by Nimeiri, revoked all his edicts and released about 50 political prisoners. He did not last long for soon after Nimeiri returned to power. He executed many people whom he suspected of having been involved in the coup including Major Atta (and the officers who had helped him) and Joseph Garang, the Southerner.⁴³

Abel Alier took up the late Garang's post as Minister of Southern Affairs, which he used as a platform to resurrect the subject of his rejected 1970 memorandum. This time round, Nimeiri

⁴⁰ John Waterbury, "The Sudan in Quest of Surplus," *American University Quarterly Reports*, Part II - Domestic and Regional Politics, Vol 21, no. 9, 1976

⁴¹ Eprile, *War and Peace*, op. cit. , p. 99

⁴² April 28, 1971 Memorandum, "News from Norway," World Council of Churches Archives, p. 2.

⁴³ O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* op. cit. , pp. 61-64.

endorsed the eleven points⁴⁴ that Alier presented which largely spelt out the different perceptions of the problem and how it should be settled. With Nimeiri in agreement, Alier sent out missions to neighbouring countries and distant lands to meet southerners in their various walks of life to solicit their views on the type of autonomy suitable for the south and acceptable to southerners within the unity of the country.⁴⁵ Feedback from these delegations indicated to Alier that refugees were supportive of the talks between government and SSLM. The overriding desire was to obtain credible security guarantee so that they would not be physically assaulted and killed by the state security personnel.⁴⁶

Earlier on, Prime Minister Nimeiri had asked Alier to travel to Europe to find out what support private and public international organizations were giving Sudanese refugees in the neighbouring countries and to explain the government policy in the South. Alier met up with the World Council of Churches, the Lutheran World Federation in Geneva, the Norwegian Church Group in Oslo, Christian Aid and Oxfam in London, the Verona Fathers in Rome including His Holiness the Pope. The WCC in particular were keen to know if the Sudan government was determined to resolve the southern problem peacefully on the basis of civil, religious and racial equality of citizens.⁴⁷

With the assistance of the Secretary of the Sudan Council of Churches, Samuel Athi Bwogo, Alier invited the WCC and AACC to visit Sudan and explore cooperation with the government on relief work and to generally acquaint themselves with the country's problems. The first Church delegation arrived in Khartoum then traveled to the south soliciting opinions of the southern public on key government policies concerning the south, and the great task of relief and

⁴⁴ The eleven points submitted by Alier are outlined in Abel Alier, "The Commencement of the Peace Process", in Alier. *Too Many Agreements Dishonoured: Southern Sudan* op. cit. , pp. 79-80.

⁴⁵ Abel Alier, "The Commencement of the Peace Process", in Alier. *Too Many Agreements Dishonoured: Southern Sudan* ibid. , p. 85.

⁴⁶ Ibid. , ch. 4, p. 90.

⁴⁷ Abel Alier, "The Continuation of the Peace Process", in Alier. *Too Many Agreements Dishonoured: Southern Sudan* op. cit. , p. 91.

settlement of refugees returning from exile.⁴⁸ The second delegation that arrived in August 1971 found Alier as Minister of Southern Affairs. To this delegation, he made four points to be relayed to the political and military leaders in exile and in the forests of south Sudan. These were: that the Sudan government was willing and ready to conduct talks; that the government felt that any talks between it and the insurgents should be conducted on the basis of one state; that it was important to know whether the Anya-nya leadership controlled all armed and civilian movements in exile . . . one united leadership of the movement in exile and those fighting in the bush would be an incentive to the government to begin serious talks; that the Southern movement inside the country would respect and abide by the outcome of the talks between the government and the rebel leadership.⁴⁹ The report brought back indicated that the SSLM had no trouble with the points although they raised a fifth point where they demanded for a ceasefire and a moderation of adverse propaganda against the Anya-nya by Radio Omdurman – the SSLM had no radio transmitter thus could not effectively counteract the Sudan governments propaganda. The ceasefire issue remained unsettled but the Church delegation, Alier and General Mohamed El Baghir Ahmed (who was assisting Alier with preparations for the talks) made arrangements to have a preliminary meeting with representatives of SSLM.⁵⁰

The secret talks were held on 9th November 1971 in Addis Ababa, Ethiopia. They were filled with tension as tempers and emotions ran high. After two days of exchanging views, nothing definite was agreed. The government representatives handed to the SSLM copies of the 9th June Declaration and a proposed framework for regional self-government for them to study by their next meeting in 1972.⁵¹

⁴⁸ Ibid. , p. 92.

⁴⁹ Abel Alier, "The Continuation of the Peace Process", in Alier. *Too Many Agreements Dishonoured: Southern Sudan* op. cit. , p. 92

⁵⁰ Ibid. , ch. 5, p. 94.

⁵¹ O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* op. cit. , p. 86

2.4.2 The Talks

The delegation arrived for the start of the historic talks on 16th February 1972. Representing the government headed by Abel Alier were: General El Baghir, Dr. Gaafar Mohammed Ali Bakheit (former lecturer of politics at Khartoum University), Abdel Rahman Abdullah (Minister of Public Services and Administrative Reform, Mansour Khali (Minister of Foreign Affairs), two senior military officers selected by Nimeiri – Brigadier Mirghani Suleiman Khalil and Colonel Kamal Abasher Yassin – Ambassadors Ahmed Salah Bukhari from Addis Ababa and El Amin Mohammed El Amin from Nairobi completed the government delegation.⁵²

On the SSLM side, there was: Ezboni Mundiri (former Minister of Commerce and founder of the Federal Party in 1957), Dr. Lawrence Wol Wol, Mading de Garang, Oliver Albino Batali, Colonel Fredrick Brian Magot (Chief of Staff of Anya-nya), Angelo Voga (education and personal assistant to Joseph Lagu, Pastor Paul Puck and Job Adier.

As an afterthought, the emperor of Ethiopia was invited to appoint a person to sit in at all meetings to keep him informed of the proceedings. He selected Nabyelal Kifle while a committee selected Canon Burgess Carr (who was with the WCC) as moderator.⁵³

Burgess Carr, asked the SSLM delegation to respond to the Sudanese government memorandum (which had been given during the secret talks) outlining its proposed settlement. In response, the SSLM put on record their willingness to negotiate with the Sudan government for a peaceful solution of the southern problem on 'the basis of a single state'; that they recognized the governments genuine willingness 'to find a lasting solution to the conflict'. They also put forward a proposal for a federal government for Sudan which was rejected without even looking at the principles.

⁵² Abel Alier, "The Talks," in Alier. *Too Many Agreements Dishonoured: Southern Sudan* op. cit. , ch. 6, 109-111

⁵³ Ibid. , ch. 6. pp. 112-113.

Since, any mention of federation obviously sparked off a lot of emotion, the talks concentrated specific problem areas which were: cultures and languages; the political, economic and military benefits to be secured by power sharing and the institutions for promoting and managing the rights so secured; the areas which comprised the Southern Sudan; the review arrangements and so on.⁵⁴ The negotiations almost foundered when the southerners demanded for a separate army arguing that this was the only way that they could defend themselves against reprisals. Haile Selassie stepped in and invited the delegates to his palace, where he personally, and in the name of the OAU, guaranteed the well-being of the southerners. The southern delegation was persuaded to abandon its demand, and in return the government agreed to grant a greater degree of autonomy than it had originally intended.⁵⁵

Eventually areas of agreement emerged. Southern cultures and languages had to be preserved and promoted; the SSLM also proposed that English be made the official language of the country. Other subjects – like the size and number of areas making up the southern complex, financial arrangements between the south and central government, subdivision of the country among others – were discussed at length and subcommittees made recommendations. An agreement was reached with regard to the difficult area of the army; organization for the end of the civil war and the recruitment of southern citizens.⁵⁶

By 27th February 1972, all the documents containing the agreements were ready: a) the constitutional arrangement, the Southern Provinces Self-Government; b) the Cease-Fire Agreement; c) four other protocols: the Protocol for Repatriation, Relief and Settlement; the Protocol for Administrative Arrangements; the Protocol for Temporary Military Arrangements and the Protocol for Judicial and Amnesty Arrangements and d) two appendices: Fundamental

⁵⁴ Ibid. , pp. 115-116

⁵⁵ O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* op. cit. , p. 87

⁵⁶ Abel Alier, "The Talks", in *Alier Too Many Agreements Dishonoured: Southern Sudan* op. cit. , pp. 117-120

Rights and Freedoms and Draft Ordinance on Items of Revenue and Grants-in-Aid for the Southern Region. The Cease-Fire Agreement and the Protocols were the pillars, on which the constitutional parts, the Self-Government Agreement, stood – or fell. The Agreement was concluded and initialed by all the delegates in the presence of witnesses.⁵⁷

On 27th March, 1972, Major General Joseph Lagu Yanga (Commander of the Anya-nya Guerilla Forces and leader of the SSLM) and Dr. Mansour Khalid (Minister of Foreign Affairs of the Sudan) ratified the Addis Ababa Agreement. A new Sudan, based on peace, equality and social justice was promised, that is, if all the parties to the accord abided by its spirit.⁵⁸

2.4.3 Abrogation and Collapse of the Addis Ababa Agreement

The transitional period after the Agreement involved repatriation, relief and rehabilitation of one million people and the set up of institutions of the regional government. The Regional Assembly first sat at the end of 1973 as the branch of government to which the High Executive Council was accountable for the good administration of the Southern Sudan. During its four-year term (December 1973 – December 1977) it raised and debated several notable matters and kept a check on the regional executive and individual ministers.⁵⁹

In February 1980, during the term of the Third Regional Assembly (which had elected Abel Alier as leader), Nimeiri raised the issue of division of the south which was passed on to the Sudan Socialist Union (SSU) organs in the south for debate. In 1982 he asked the High Executive Council to recommend to him ‘division’ of the south.⁶⁰ In 1983, Nimeiri issued a decree dissolving the institutions of self-government, namely the Regional Assembly and the High Executive Council. He created the ‘Three Regions’: Bahr El Ghazal, Equatoria and Upper Nile,

⁵⁷ Abel Alier, “Security Arrangements for the Post Civil War South”, in Alier *Too Many Agreements Dishonoured: Southern Sudan* op. cit. , p. 131

⁵⁸ Ibid. , p. 137

⁵⁹ Abel Alier, “Parliamentary and Executive Experience”, in Abel Alier. *Too Many Agreements Dishonoured: Southern Sudan* (Oxford: Imprint, 2003), ch. 11, p. 203.

⁶⁰ Abel Alier, “The Abrogation of the Addis Ababa Agreement”, in Abel Alier. *Too Many Agreements Dishonoured: Southern Sudan* (Oxford: Imprint, 2003), ch. 13, pp. 274-275.

with their capitals in Wau, Juba and Malakal. Members of the Regional Assembly and High Executive Council were transferred to the new regional assemblies and 'Council of ministers': MPs went to the areas of their electoral constituencies. Each member of the High Executive Council reported to his new region where he became a Minister in the regional cabinet. A governor was appointed for each region, assisted by five ministers and a cadre of advisers. The decree affected both the public service establishment as well as the private sector in the southern region, resulting in massive movement of citizens along provincial lines. Many lives were lost in the process of implementation of these decisions; individuals and families were uprooted from their places of residence and work and deported to their respective regions.⁶¹ In announcing the division of the south, Nimeiri stated that the decision had been made out of correspondence between himself and Joseph Lagu.

2.4.4 Prelude to (and factors influencing) the Abrogation of the Agreement

In February and July 1977 Nimeiri had reached an agreement of national reconciliation with El Saddiq El Mahdi, one of the leaders of the National Front, a political group composed of vocal opposition elements in the Umma Party (NUP), the Democratic Unionist Party (DUP) and the Islamic Charter Front (ICF), later renamed the National Islamic Front (NIF). Under the terms of this Agreement, Nimeiri undertook to effect democratization of some institutions such as the Sudan Socialist Union (SSU); to review some aspects of the 1973 national constitution, especially Article 16 which gave Christianity and 'noble spiritual belief' (traditional religions) a place alongside Islam and a review of the Addis accord which the opposition regarded as a sell out to the people of the South. Writing in retrospect, Alier⁶² observes that actually the opposition saw it (the Addis accord) as a device to strengthen his regime and perpetuate his leadership hence they

⁶¹ Ibid. , p. 275.

⁶² Abel Alier, "The Abrogation of the Addis Ababa Agreement," in Abel Alier *Too Many Agreements Dishonoured: Southern Sudan* op. cit. , ch. 14, p. 276

decided to frustrate it, preferably independent of him but failing that, through him. On his part, President Nimeiri thought he could win the hearts of the opposition by these concessions. In reaction to this, Alier does not condemn the reconciliation but rather the fact that it was done at the expense of the south and at the expense of north-south unity.⁶³

Another major factor was the discovery of oil in southern Sudan which caused the government to panic seeing that this would encourage separatist tendencies. The Addis Agreement had assigned all central government revenues in the South, realizable from commercial, agricultural and industrial activities and services to the regional treasury; these included profits accruing to the central government as a result of exporting products from the southern region. It is worth noting that at the time of signing the agreement, the south was poor and was expected to remain so indefinitely. With the discovery of oil, it meant that the central government was to lose vast revenues if the legal regime created by the Addis Agreement was not either ignored or legally repealed through a fresh agreement.⁶⁴

2.5 SUDAN PEOPLE'S LIBERATION MOVEMENT/ARMY - SPLM-SPLA

Meanwhile in early March 1984 Joseph Oduhu (former president of SANU), was building Sudan People's Liberation Movement. He established an office in London and declared that the aim of the SPLM was to overthrow Nimeiri and install in his stead a People's Democratic Socialist government. With the Cold War still in progress, Oduhu made clear that this government would not be Marxist-Leninist. The aims of the SPLM were similar to those of the CUSS⁶⁵, mainly opposition to the Khartoum government's breach of the 1972 agreement, to which was now

⁶³ Ibid. , p. 276

⁶⁴ Abel Alier, "Oil Finds in the Southern Sudan", in Abel Alier. *Too Many Agreements Dishonoured: Southern Sudan* op. cit. , p. 263

⁶⁵ The Council for the Unity of South Sudan (CUSS) was a protest group that was created to try and prevent President Nimeiri's division of the south, a move that was contrary to the 1972 autonomy agreement. Quoted from Edgar O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* (Hampshire: Macmillan Press Ltd, 2000), p. 133

added resistance to imposition of Sharia⁶⁶ law in the south. The economic complaint was that the north was stealing southern natural assets, including water, grain, timber, minerals and oil. Oduhu's claims of leading the SPLM were dubious as the undoubted leader of what came to be known as the SPLA was Colonel John Garang, who had been active for some months.⁶⁷

In April 1985, the army led by General Swar el Dahab, commander-in-chief of the armed forces took over government. A state of emergency was declared, the constitution was suspended and the president was dismissed, as were all his staff, advisers, ministers and regional governors. The SSU and the National and Regional People's Assemblies were dissolved. President Nimeiri (who had left the country in March on a private visit to the USA) was banned from returning to Sudan, and Khartoum airport was closed. The army stated that civilian authority would be restored to the people after an interim period, later fixed at one year.⁶⁸ In April, 1986, at the end of the agreed one-year transitional rule by the military government, a multiparty general election (the first since April-May, 1968) was held and won by the Umma Party (UP). When the Constituent Assembly met on 6 May, General Dahab formally ceded power to the civilian government and a five-member Supreme Council, to be the collective head of state, was sworn in. Sadik Mahdi, as leader of the Umma Party, became premier and announced his government on 15 May 1986. He stated that new laws would be drawn up to replace the Sharia ones, and that preparations were being made for a national constituent conference. He however did not repeal Sharia law but instead implemented criminal amputations – this meant the amputation of the right hand for one Islamic crime, and cross limb amputation (severance of the right hand and the left foot) for more than one Islamic crime.⁶⁹

⁶⁶ Sharia law is the main Islamic code covering family and criminal law. The dreaded *huddud*, prescribes penalties such as amputations of limbs for theft.

⁶⁷ O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* op. cit. , p. 133.

⁶⁸ *Ibid.* , p. 143

⁶⁹ O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* op. cit. , p. 152

Public outcry and attacks by the SPLA continued. In 1989, the Sudanese government and the United Nations had agreed during a special emergency relief conference to establish a new program called "Operation Lifeline Sudan" (OLS). To make sure that OLS would work, the SPLA and the government agreed to a month to month cease-fire as food was badly needed.⁷⁰

The civilian government of Premier Sadik Mahdi was overthrown in a bloodless military coup on 30 June 1989 by a group of army officers led by Brigadier Omar Hassan al-Bashir. Bashir, who promoted himself to the rank of general, stated that his regime was neither left-wing nor right-wing, nor did it represent any tribal or ethnic interest. He established the Command Council of the Revolution of National Salvation and set up four commissions to run the country, ruling out any early return to multiparty democracy. He sent a delegation to Ethiopia to meet the SPLA and offered amnesty if they would lay down their arms. The offer was rejected, but both sides agreed to take part in a national constitutional conference. John Garang visited Washington and London, declaring his willingness to find a solution to the five-year war in the south, based on autonomy and a guarantee against full implementation of Sharia law.⁷¹

On 1 December 1989, talks chaired by former President Jimmy Carter between the Khartoum government and the SPLA were held in Nairobi, Kenya. Carter had previously held separate talks with General Bashir and Colonel Garang, but as the government had refused to compromise on the Sharia law issue they had soon broken down.⁷² On the 7th of the same month, Colonel Mohammed Khalifa, a member of the Command Council, stated Sharia law would be fully implemented, including punishments by amputation, which was understood by some as a tactic to jolt the south into declaring its secession, a course that Garang had earlier rejected. With the breakdown of talks, fighting erupted again in the south in January 1990. Garang refused to

⁷⁰ Herman J. Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent* (New York: St. Martin's Press, 2000), pp. 61-62.

⁷¹ O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* op. cit. , p. 165-166

⁷² Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent* op. cit. , p. 69

discuss peace with Bashir and continued capturing more towns subsequently cutting them off from re-supply efforts of relief. In February, Kenyan President Moi invited Bashir and Garang to Nakuru but only Bashir showed up. Garang instead visited his friend Robert Frasure (the US charge d'affaires) in Addis Ababa where he expressed his commitment to a political solution – he insisted on a multiracial, multireligious, secular Sudan. Frasure advised him to focus on ways of making a deal to end the war and not try to remake the Sudan.⁷³

2.6 THE GULF CRISIS

On 2 August 1990, Iraqi armed forces occupied Kuwait, and the Crisis leading up to the Gulf War began. Sudan's support of the Iraq caused the USA and other Western and Arab countries to withdraw aid. On the home front, unrest strengthened, famine had reappeared in the south and there were threats of strike action by railway men and other groups of workers.⁷⁴

2.7 SPLIT OF THE SUDAN PEOPLES LIBERATION ARMY (SPLA)

In late 1991, there was a revolt within the SPLA. Three field commanders had taken over leadership protesting Garang's dictatorial behaviour. The main reason for conflict was however the differences of opinion over whether or not the south should secede from Sudan. The dissident group generally favoured a black independent state while Garang and his loyalists still wanted a united secular Sudan. He envisioned a southern Sudan that had equal status to the Muslim north, and for the country to open up to democracy proper. Clashes between the two factions resulted in numerous casualties. After a short-lived ceasefire, both factions ratified a 12-point peace plan negotiated in Kenya with the mediation⁷⁵ of the National Council of Churches. The Sudanese army criticized this Kenyan interference, complaining that it was trying to bring

⁷³ Ibid., pp. 72-73.

⁷⁴ O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* op. cit., p. 75.

⁷⁵ It has been shown by analysts that the NCCCK conducted a facilitation exercise and not mediation. See Makumi Mwangiri, "Conflict and Peace in the Horn of Africa", Paper presented at the International Resource Group (IRG) Conference, Nov. 1996 revised 1998, p. 11

the two factions of the SPLA together so that it could persuade the whole of the south to secede.⁷⁶

In 1992, talks aimed at uniting the two factions of the SPLA opened in Abuja, Nigeria hosted by the then President Ibrahim Babaginda (and chairman of the OAU). The talks ended on 5 June, with the two parties announcing (through a joint communiqué) that they were committed to peaceful negotiation. In February 1993, President Museveni of Uganda mediated talks between a Sudanese government delegation and one representing the Torit group, led by Colonel Garang, both who had agreed to resume the Abuja talks that had been adjourned in July 1992.

In April 1993, Riek Machar formed the SPLA-United, consisting of the Nasir group, the Forces of Unity and the Bol faction (led by Carabino Kuany Bol). The stated belief of this new group was that there could be no military solution to the conflict, and it asserted its commitment to a comprehensive peace settlement. In a meeting held on 7-21 May 1993 Nairobi, the delegations from the Sudanese government and the SPLA-United both accepted the principle of a unified federal state. However differences still persisted over the implementation of Sharia law in the south and other constitutional matters.

In 1993, the US placed Sudan on the list of states sponsoring international terrorism. This meant that Sudan became ineligible for the receipt of all but humanitarian aid. There were allegations in the US media of Sudanese involvement in the bombing of the World Trade Center in New York especially because several of those indicted in connection with the incident were Sudanese nationals.

⁷⁶ O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* op. cit. , p. 172

2.8 The Inter-Governmental Authority on Drought and Development (IGADD) Mediation

On 10 January 1994 John Garang and Riek Machar met in Nairobi and agreed to participate in ceasefire talks with the foreign ministers of the seven member states of the Inter-Governmental Authority on Drought and Development (IGADD). The aim was to bring the SPLA factions into talks with the government but there was little progress as it was reported that Bashir was reinforcing his army in the south with the intention of blocking off the SPLA supply routes from Kenya and Uganda. Under the terms of a constitutional decree, President Bashir re-divided the country into 26 states, rather than the nine proposed in his decree of February 1991, each state government was to have executive and legislative powers. On 15 February, he appointed George Kongor Arop, a Dinka as second vice president to put an end to the complaint that southerners were being excluded from senior government posts. In March, Madeleine Albright, the US permanent representative at the UN, visited Sudan and warned President Bashir that he would face continued international isolation unless he changed his attitude towards human rights and abandoned his support for international terrorism. She also privately told him that he would have to abandon Sharia law if he wanted American support. Her suggestion was rejected, something which might have marked the commencement of the US decision to work towards the removal of President Bashir from power and the start of a demonizing campaign against him.⁷⁷

IGADD's efforts to bring about a peace conference proved successful on 18 May 1994, when the Sudanese government and the SPLA resumed their talks in Nairobi, two days after signing agreements to allow the unhindered passage of relief supplies to the south. The conference then adjourned, to meet later to draft a declaration of principles. The third round of IGADD talks in Nairobi took place between 18 and 28 July 1994 and resulted in the government declaring a

⁷⁷ O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* op. cit. , p. 182.

unilateral ceasefire. The fourth round of talks took place in Nairobi on 5-9 September, but ended in deadlock over southern determination and the relationship between state and religion.

In 1995, wide divisions within the SPLA-United appeared leading to the formation of the Southern Sudan Independence Movement (SSIM) by Riek Machar in London. SPLA-United continued under the leadership of William Nyuon Bany and Carabino Kuany Bol. On 3 April 1995, Machar announced a cessation of hostilities by the SSIM, under the persuasion of Jimmy Carter who was conducting peace efforts on a visit to Sudan. President Bashir followed suit and announced a two-month ceasefire later extended for a further two months. In April 1996, the government signed a peace charter with Riek Machar's SSIM and the SPLA-United declaring that the unity of Sudan would be preserved. It also provided for a referendum for southerners to express their aspirations, by allowing them to retain the right of special legislations with regard to the implementation of the Sharia law, although some conditions and terms were vaguely worded. Colonel Garang rejected the peace charter. In the meantime, Eritrea had severed diplomatic relations with Sudan in December 1994 and continued lending support to the opposition. Uganda also severed diplomatic relations with Sudan, alleging that the Sudanese government was supporting Ugandan rebels.⁷⁸

In August 1996 President Mandela of South Africa pushed himself forward as a mediator. Talks between representatives of the Sudanese government and the SPLM eventually began in Nairobi on 29 October, hosted by IGAD (Inter Governmental Authority on Development changed its name in 1996) and brokered by President Mandela. These talks were adjourned on 11 November without making progress. Garang blamed this on the Khartoum government as it would not accept his proposal that Sudan be divided into a two-state (north and south) confederation. Bashir was willing to grant autonomy to the south, but not full statehood. The USA was also

⁷⁸ O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* op. cit. , pp. 183-191

blamed for imposing harsh economic sanctions on Sudan and accusing it of sponsoring international terrorism. It was somewhat emerging that the USA was keen to overthrow Bashir's government and in confirmation of the same, Madeleine Albright held a meeting in Kampala on 10 December 1997 with representatives of the opposition NDA and Garang's SPLA element.⁷⁹ She publicly said that the US wanted to isolate the Sudanese government and contain its capacity to support terrorist activities. This enraged the Khartoum government who said that Albright's words "... manifested America's interference in other countries affairs and do not target Sudan alone but were aimed against the national and free leanings of all Arab, Islamic and African Nations".⁸⁰

Meanwhile the continuing IGAD negotiating process had stimulated some interesting exchanges on a referendum that would offer southerners the options of secession, federation, or unity. By the end of 1998, IGAD mediators had achieved agreement on the tough issue of what constituted Sudan's 'geographic' south for referendum purposes.⁸¹

2.9 IGAD'S NEW LOOK

In 2001, a summit of the IGAD sub-committee on the Sudan Peace process was convened in June, 2001 to chart the way forward by establishing a new mechanism and an innovative approach to the negotiations. On joint suggestion by US ambassadors to the Sudan Don Petterson (1992-1995) and William Kontos (1980-1983), President Moi of Kenya, the Sudan governments and its opponents had agreed to have representatives of international stature at the peace talks which hitherto had not recorded major success on the outstanding issues.⁸² President Moi had also appointed Kenya's Army Commander Major General Lazaro Sumbeiywo as Kenya's special envoy for the IGAD talks. General Sumbeiywo is argued to have given IGAD

⁷⁹ Ibid. , p. 192-195.

⁸⁰ Petterson, *Inside Sudan: Political Islam Conflict and Catastrophe* op. cit. , p. 225

⁸¹ Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent* op. cit. , pp. 85-86.

⁸² Petterson, *Inside Sudan: Political Islam Conflict and Catastrophe* op. cit. , p. 243

the strong leadership it had lacked; he conducted the talks on a sustained basis for a change, gave it a timetable and stuck to a strict agenda.⁸³

In July 2002, in Machakos, Kenya, the Sudan government and SPLM held talks and signed a protocol that while agreeing that the unity of Sudan would be a priority, accorded the right of self-determination to the south. This agreement came to be widely known as the Machakos Protocol.⁸⁴ After a six year interim period that would begin once a final peace-settlement was signed, the Southern Sudanese people would choose a referendum whether to remain in a united Sudan. However, a countrywide ceasefire was not realized and the SPLA and Sudanese army continued to battle in parts of the South.

The government of Sudan returned for talks with SPLM on 14th October 2002.⁸⁵ The talks had envoys from Eritrea, Ethiopia, Uganda and Djibouti plus observers from US, UK, Norway and Italy. They signed a Memorandum of Understanding on cessation of hostilities on 15th October 2002 to create and maintain a conducive atmosphere throughout the negotiations until all outstanding issues were resolved.

The government of Sudan led by First Vice President of the Sudan – Ali Osman Mohammed Taha and the SPLM/A delegation led by Dr. John Garang Naivasha (Kenya), met in Naivasha, Kenya in September 2003, for a continuation of peace talks. The Naivasha process managed to reach an agreement on: the existence of two armies - the SPLA in the South Sudan and Sudan Armed Forces (SAF) in North Sudan; that the oil wealth shall be shared on a 50/50 basis between the north and south; that there will be a dual banking system in Sudan – An Islamic one in North Sudan and a conventional banking system in North Sudan. In keeping with the principal of decentralization, it was agreed that the levels of the government (the National

⁸³ Ibid. , p. 243

⁸⁴ Makumi Mwangi, ed., *African Regional Security in the Age of Globalisation* (Nairobi: Heinrich Boll Foundation, 2004), p. 96

⁸⁵ Ibid. , p. 100

government, the government of Southern Sudan and the Regional/States governments) are entitled to legislate, raise and collect taxes and revenues as shall be defined in the constitution.⁸⁶

2.10 THE JANUARY 2005 PEACE DEAL

On 9th January 2005, SPLA/M's chairman, Dr. Garang de Mabior, and Vice President Ali Osman Muhammad Taha in the Kenyan capital, Nairobi, signed a peace deal. The overall accord provided for a permanent ceasefire. After six years, the south has the provision to hold a referendum on whether to secede from the mainly Arab north or to merge. It further provides for the sharing of the nation's oil wealth 50-50 and allows for the SPLA/M controlled areas to have their own constitution and governance structures acceptable to its people.⁸⁷

⁸⁶ Makumi Mwangi, ed. *African Regional Security in the Age of Globalisation* op. cit. , pp. 103-104
⁸⁷ Cover Story "Sudan: Peace at Last," in *Eastern Africa-The African Magazine*, February 2005. p. 16.

CHAPTER THREE

TRACK ONE MEDIATION IN THE SUDAN CONFLICT

3.0 INTRODUCTION

The preceding chapter on the history of the Sudan conflict gives an overview of the complexity and multiplicity of the issues underlying the protracted war mainly broadly between the northerners and southerners. This chapter undertakes to analyze the mediation by the Inter Governmental Authority on Development (IGAD) and the challenges that accompanied the process. Other track one efforts that affected the course and performance of IGAD are also highlighted. These included: a bilateral effort by Eritrea; a Nigerian initiative; and supplementary efforts by the U.S. and European nations.

3.1 THE IGAD(D)

At its inception in 1986, the Inter Governmental Authority on Drought and Desertification (IGADD) was established to address the ecological and humanitarian concerns in the region. Into the 1990s, insecurity pressures in the region forced the IGADD member countries (Uganda, Djibouti, Kenya, Somalia, Ethiopia and Eritrea) to expand their mandate to conflict management, prevention and resolution based on the realization that they could not achieve any sustainable development without peace.² Towards this end IGADD adopted the new name IGAD (Inter Governmental Authority on Development) under a 1994 agreement that provided for: the creation of a sub-regional mechanism for

¹ Korwa G. Adar, "Conflict Resolution in a Turbulent Region: The Case of the Intergovernmental Development (IGAD) in Sudan", Paper written for the International Studies Unit of the Political Science Department at Rhodes University, Grahamstown, South Africa, 2000, p. 43.

² "The Infrastructure of Peace in Africa in Assessing the Peace Building Capacity of African Institutions", Report of the Africa Programs of the International Peace Academy to the Ford Foundation, September 2000.

management and resolution of inter and intrastate conflicts through dialogue; and collective action to preserve peace, security and stability, defined as an essential prerequisite for economic development and social progress. Out of the seven member states, the frontline states carrying out mediation on behalf of the organization were Kenya, Uganda, Eritrea and Ethiopia.

3.2 THE IGAD MEDIATION

IGAD's involvement in the Sudan conflict first began in 1990 when the organization was invited by the Sudan government to assist with the problem of the Southern rebels.³ This invitation as it later came to emerge was a calculated move aimed at preventing [other] external actors from engaging in its internal affairs. Writing in retrospect, Deng is of the opinion that IGAD was seen "as a means to forestall the intervention of other powers with greater leverage"⁴. The Government of Sudan (GoS) hid behind the façade of a peace lover – by inviting IGAD – but had no intentions of meaningfully addressing the southern problem. Whenever the IGAD members put pressure on the government to resolve the southern problem, Sudan quickly invoked its sovereignty.⁵ Needless to say, none of the members could dare press beyond that point once the 'sovereignty card' was played. In 1994, at IGAD peace negotiations in Nairobi, Kenya, the delegation from the Sudan Government reiterated the Government's position by stipulating that "*sharia* and custom as they stand are irreplaceable", stressing also that "legislation inspired by other sources are gauged and ratified according to the principles of *sharia* and custom".⁶

³ "The Infrastructure of Peace in Africa in Assessing the Peace Building Capacity of African Institutions," report by the Africa Programs of the International Peace Academy to the Ford Foundation, September 2002, pp. 34-35

⁴ F.M Deng et al., *Sovereignty as Responsibility: Conflict Management in Africa* (Washington, D.C.: Brookings Institution, 1996), pp. 161-162.

⁵ *Ibid.*, pp. 161-162

⁶ Don Petterson, *Inside Sudan: Political Islam, Conflict, and Catastrophe* (Boulder: Westview, 1999), p. 131.

In that same year, the IGAD process produced the Declaration of Principles (DoP)⁷, a set of seven brief propositions that were to form the basis of subsequent negotiations. The DoP envisioned a peace agreement structured around a democratic and secular Sudan where national wealth and resources were shared.⁸ It also had a provision for negotiations over the modalities of an interim period followed by a self-determination referendum for the south. In summary it provided that:

The right of self-determination of the people of South Sudan to determine their future status through a referendum must be affirmed ... Maintaining of unity of Sudan must be given priority by all the parties provided that the following principles are established in the political, legal, economic and social framework of the country: Sudan is a multi-racial, multi-ethnic, multi-religious and multi-cultural society. Full recognition and accommodation of these diversities must be affirmed ... Extensive rights of self-determination on the basis of federation, autonomy ... to the various peoples of Sudan must be affirmed. A secular and democratic state must be established in Sudan.⁹

Following the declaration of the DoP as the democratic basis of resolving the conflict, the government backed out of the IGAD peace talks and in fact begun shopping for new mediators and new fora for new peace talks between it and the SPLM/A.¹⁰ Dr. Ghazi Slauddin el Artabani, then leader of the Sudan government delegation was especially angered by the self-determination clause and arrogantly responded to the DoP by stating that:

“ . . . ‘self determination’. . . the fate of Sudan has been determined way back in 1956, when Sudan attained independence. The Southern part of the country which had deliberately been underdeveloped and culturally isolated by the British has never been dealt with as a political entity by any regional and international authority . . . Self determination or any other term that might cloak separatism is a non-issue and the government is not ready to dwell upon it . . . ”¹¹

In the background, NIF was also working to sabotage any efforts at reconciliation and reunification of Garang and Machar.¹² Machar’s SPLM/A – United had experienced internal

⁷ The DoP have been outlined full in *Inside Sudan*, “The Story of People-to-People Peacemaking in Southern Sudan”, magazine by The New Sudan Council of Churches, October, 2002, p. 82.

⁸ International Crisis Group African Report no. 39, *God, Oil and Country: Changing the Logic of War in Sudan* (Brussels: ICG Press, 2002), p. 155.

⁹ *Horn of Africa Bulletin*. 1994. 6(5) (Sept-Oct), p. 27

¹⁰ P. A. Nyaba. “The Political Charter: No Act of Chivalry,” in P.A. Nyaba, *The Politics of Liberation in Southern Sudan: An Insiders’ View* (Kampala: Fountain Publishers, 1997), p. 156

¹¹ *Ibid.* , pp. 158-159

¹² It is noted in chapter two that following the SPLM/A split, Garang and Machar had parted ways with Machar forming his own party called SPLM/A-United.

problems causing another split with Machar forming the Southern Sudan Independence Movement (SSIM) while SPLM/A-United continued under the leadership of William Nyuon Bany and Carabino Kuany Bol. The NIF also made sure that these groups did not re-unite by conducting separate talks with individual commanders of SPLM/A-United and SSIM/A in the field making it easy for those who wanted separate peace deals. Amid all these activities, the NIF signed a different 'Declaration of Principles' with Mohammed Haroun Kafi, a renegade Nuba SPLA officer, another indication that the regime did not take the peace process and external mediation seriously.¹³

In 1997, the GoS finally accepted IGAD's Declaration of Principles (albeit unwillingly¹⁴) making the resumption of formal negotiations possible. In order to ensure continued engagement with the parties to the conflict, IGAD leaders in 1999 established a secretariat for the Sudan peace process that came to be known as the Nairobi Secretariat.¹⁵ IGAD's efforts at ending the Sudan conflict eventually yielded a peace agreement January 2005, the following selection briefly highlights other track one initiatives that competed with and affected IGAD's performance.

3.3 OTHER TRACK ONE PEACE INITIATIVES

3.3.0 The Egyptian-Libyan Initiative

The motivation behind the launch of the Egyptian-Libyan Initiative in 1999 was mainly to undercut support for the IGAD Declaration of Principles and its emphasis on self-determination.

This peace proposal was made up of nine (vague) points that included: preserving Sudan's Unity;

¹³ P. A. Nyaba. "The Political Charter: No Act of Chivalry," in P.A. Nyaba, *The Politics of Liberation in Southern Sudan: An Insiders' View* op. cit. , p. 156

¹⁴ The ICG report indicates that the government only accepted the DoP after a massive multi-front rebel assault. p. 156.

¹⁵ "The Infrastructure of Peace in Africa in Assessing the Peace Building Capacity of African Institutions," report by the Africa Programs of the International Peace Academy to the Ford Foundation, September 2002, pp. 38-39

making citizenship the basis of rights; recognizing Sudan's diversity; safeguarding democratic pluralism; guaranteeing basic freedoms; establishing a decentralized government; forming an interim government; and implementing immediate cessation of hostilities.¹⁶ The joint initiative was of course rejected by the southerners who insisted for the inclusion of a self-determination clause and religion issues or a linkage to the IGAD process. The SPLA however accepted the Joint Initiative in July 2001 on the condition that it would include self-determination – a move for which it came under a lot of criticism from southern Sudanese. On realization that the Initiative had no intentions to amend its provisions, SPLA in August 2001 clarified its position by saying it would 'not be a party' to any initiative that did not incorporate separation of state and religion, the right to self-determination, an interim constitution with an interim government based on that constitution, and unification of the different peace talks.¹⁷

3.3.1 The Eritrean Gambit

Beginning in mid-2000, Eritrea left the IGAD talks to launch a unilateral effort to bridge the gap between Khartoum and the National Democratic Alliance. This was an overly ambitious undertaking given that Eritrea neither had sufficient leverage to achieve a breakthrough nor support from the international community like IGAD had. A swift rebuff came from Nafie ali Nafie a key NIF figure who traveled to Asmara to inform Eritrea that "the issues in Sudan were beyond [its] scope and understanding"¹⁸ and should therefore keep off. Even when Vice President Taha followed soon after to soften the rebuff saying that the GoS had accepted the initiative – an ashen Eritrea had already pulled back.

¹⁶ ICG p. 61

¹⁷ SPLA Press Release, 24 August 2001 quoted in International Crisis Group African Report no. 39, *God, Oil and Country: Changing the Logic of War in Sudan* (Brussels: ICG Press, 2002), p. 163

¹⁸ Interview conducted by ICG in Asmara, July 2001 and quoted in International Crisis Group African Report no. 39, *God, Oil and Country: Changing the Logic of War in Sudan* (Brussels: ICG Press, 2002), p. 166.

3.3.2 Nigeria's Effort

In 2001, President Olusegun Obasanjo attempted but failed to convene a Southern Political Forces Conference in Abuja aimed at helping southern Sudanese leaders, including representatives of the SPLA, reach a local consensus on future peace negotiations. Key actors however had serious reservations about the initiative. As observed by analysts, the Nigerian effort was welcomed by Khartoum because it offered an escape from IGAD's Declaration of Principles.¹⁹ In turn, southern Sudanese were wary about accepting an initiative that was ambiguous on self-determination although it was the only one that had widened southern participation beyond the SPLA. Another drawback of the Nigerian initiative was that it approached Sudan's war as a strictly north-south matter, rather than as a national struggle also involving democracy and fundamental rights – a factor that had been characteristic of the other peace initiatives.²⁰

3.4 CHALLENGES OF IGAD AS MEDIATORS IN THE SUDAN CONFLICT

The IGAD mediation has been marked by a flurry of abortive peace attempts spurning for over ten years. Track one conflict management processes are usually known to take a shorter time than the long-term processes of resolution. Although what constitutes 'shorter time' can be interpreted in subjective terms, the IGAD involvement in the Sudan conflict was by many standards anything but short. Writing about track one settlement processes, Mwagiru observes that " ... if [they] were to be chosen because they take less time, then the IGAD experience

¹⁹ ICG interview, 2 October, 2001 quoted in International Crisis Group African Report no. 39, *God, Oil and Country: Changing the Logic of War in Sudan* (Brussels: ICG Press, 2002), p. 167

²⁰ International Crisis Group African Report no. 39, *God, Oil and Country: Changing the Logic of War in Sudan* (Brussels: ICG Press, 2002), p. 167

raises serious doubts about the soundness of that argument.”²¹ However, the IGAD mediation experienced several hurdles as outlined below which may serve to explain why the process took so long.

3.4.0 The Structure of the Organization

IGAD’s member states also form the greater Horn of Africa – one of the most volatile regions of the continent. Subsequently the mediators themselves have at one time or the other been in conflict with each other and directly or indirectly with Sudan. Some of these conflicts have culminated in the severance of diplomatic relations, for example between Uganda and Sudan; Ethiopia and Sudan and on and off tensions between Ethiopia and Sudan. Ethiopia was also facing secessionist struggles with Eritrea. These inter mediator conflicts impacted negatively on the whole process making it drag for so long. In fact, Mwangi suggested that “. . . a third party was required to mediate these (inter-mediator) conflicts if there was to be any chance of achieving successful outcome in the Sudan conflict.”²²

In internationalized complex conflicts like Sudan’s, multiple mediators are deemed to be more effective than a single mediator because they are able to bring different ideas, experiences and points of views to the table thus enriching the whole process. A single mediator as was the case in the Uganda mediation²³ is prone to suffer a lot of emotional and psychological fatigue being the sole decision maker. The novel thing about multiple mediators is that they are able to emotionally unburden themselves on each other and also revise or reject failing strategies without such action necessarily reflecting poorly on the credibility the mediators. With the IGAD mediation, such cohesion and benefits were not realized, the mediators who at one time or

²¹ Makumi Mwangi, “Settlement and Resolution of Conflict,” in Makumi Mwangi, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark Publications, 2000), ch. 4, p. 47.

²² Makumi Mwangi, “Conflict Management in the Organisation of African Unity,” in Makumi Mwangi, *Conflict: Theory, Processes and Institutions of Management* *ibid.*, ch. 13, p. 156.

²³ M. Mwangi, *The International Management of Internal Conflict in Africa: The Uganda Mediation, 1985* (Ph.D. Dissertation. University of Kent at Canterbury, 1994), p. 408 -409

the other were fuelling the conflict by giving military support, coupled with their own conflicts only served to complicate and slow down the process rather than enrich it. The action taken by Eritrea to conduct a separate peace initiative raises many questions and speaks volumes about the lack of faith in the IGAD initiative – even by some of the members themselves. Multiple mediators however, despite the benefits alluded to above, can make the process cumbersome since every strategy has to be debated and agreed upon by *all* mediators before it can be passed - disagreements on policy or approach,²⁴ adoption of rigid positions coupled with poor inter mediator relations can threaten the collapse of the whole process.

3.4.1 The Structure of the Process

The institutional structure within which the mediation was taking place was poorly defined and underdeveloped, inhibiting any effective mediation.²⁵ The process was devoid of any *real* negotiation between the combatants to shape compromises through face-to-face discussions; delegations of either side came with pre-prepared and hardened positions that would be exchanged followed by press releases at the end of sessions.²⁶ Furthermore, the number of peace initiatives that were running parallel to the IGAD mediation only served to counteract its efforts. As Odera notes, competing mediation initiatives, while not uncommon, are counterproductive, “mediation should be focused, continuous and sustainable till parties reach a settlement”.²⁷ An ICG report commenting on the mediation noted that:

“the efforts have not been coordinated and have succeeded only in undermining one another. None are peace *processes* in the sense of continuous negotiations . . . all there is, is a trading of well-worn positions and the obligatory release of dueling press releases. The negotiations are not

²⁴ M. Mwangi, *The International Management of Internal Conflict in Africa: The Uganda Mediation, 1985* *ibid.* , p. 408

²⁵ Makumi Mwangi, “Conflict and Peace in the Horn of Africa”, Paper presented at the International Resource Group (IRG) Conference, Nov. 1996 revised 1998, p. 8.

²⁶ International Crisis Group African Report no. 39, *God, Oil and Country: Changing the Logic of War in Sudan* (Brussels: ICG Press, 2002), p. 157.

²⁷ Paper by Josephine Odera titled, “Patterns and Processes of Post Cold War Intervention in African Conflicts: 1990-1999”, p. 28. Other examples are given like the fragmented approaches in Sierra Leone and earlier initiatives in the Democratic Republic of Congo which only served to protract conflict rather than the cause of mediation.

backed by consistent pressure from the international community and no one – particularly the warring parties – believes that they have any chance at producing peace.”²⁸

Presidential Peace Advisor Ghazi Attabani at one point said: “IGAD is moribund, it is not useful . . . there are problems with the mediators, a lack of experience . . . the Declaration of Principles is flawed. It gives us two choices: zero-sum unity or the status quo. We’re not interested in semantics; we need to focus on substance. IGAD is impotent, paralytic”.²⁹

In December 2001, Dr. Garang also expressed fatigue with the peace process in its current state and called for an independent arbitrator, either through the USA or IGAD. He saw little hope of progress from mediation and was quoted as saying:

“ . . . whether there can be a breakthrough in the peace process depends on arbitration rather than mediation because we have mediated and used the most beautiful words you can think of since 1989 . . . it is really for somebody somewhere to come up with what could be considered a fair and just political settlement that can lead to a breakthrough”.³⁰

He also complained that the GoS had continued to violate the cease fire in the Nuba mountains in central Sudan and called on the USA and the world to put pressure on Khartoum to stop what he termed ‘terrorist’ acts on its people in the south.³¹

3.4.2 The Issues Involved

Since 1956 as outlined in chapter two, it can be discerned that it was the north’s intention and ambition to impose its culture (including its language and religion) on the entire country. The main areas of contention were the imposition of Sharia law and self-determination/secession. These were complex issues that were not open to ‘quick-fix’ solutions. Furthermore as Sterling argues, states fear internal dissension because a divided state will be weaker than a united rival, “just as soon as separatist discontent surfaces, an affected state becomes relatively weaker than

²⁸ International Crisis Group African Report no. 39, *God, Oil and Country: Changing the Logic of War in Sudan* (Brussels: ICG Press, 2002), p. 153

²⁹ *Ibid.*, p. 157

³⁰ John Ashworth, *Five Years of Sudan Focal Point Briefings* (Pretoria: Sudan Focal Point – Africa, 2004), p. 83

³¹ *Ibid.*, p. 83

surrounding states whose unity is intact.”³² This explains why the Sudan government was bent on keeping the country ‘united’ and would not accept the possibility of secession. An SPLM/A spokesman added that the two fundamental reasons for the stalling of the peace talks were, firstly, the governments refusal to include religion on the agenda by saying “Sudan is an Islamic country” and secondly, what he called the government’s “lack of seriousness on the issue of the self-determination” for people living in the south of the country. He reiterated that both these issues were critical to the success of any future peaceful solution to the conflict.³⁵

Even Dr. John Garang admitted that the pace of the process was due to the issues involved and not really because of IGAD’s performance. In an interview on Kenyan television on 3rd September 2000, he was quoted as saying that ‘things are not moving in terms of a solution to the Sudanese conflict not because of the slowness of the IGAD, but rather because of the intractability of the issues’.³⁴

3.4.3 The Lack of Funds and Leverage

IGAD had no mechanism or any meaningful coordinated leverage to compel the parties to negotiate seriously. Since mediation depends a great deal on influence,³⁵ it is often recommended that mediators have some leverage to be able influence the disputants’ decisions. Zartman in fact argues, “it is the *most* important key to obtaining welcome in mediation . . . beyond it the mediator has no power.”³⁶ Leverage facilitates the role of mediator as ‘manipulator’ – to sharpen the stalemate and sweeten the proposed outcome.³⁷ In the absence of such leverage, the GoS had a free hand to employ delaying tactics while at the same time

³² R.W. Sterling, “Ethnic Separation in the International System,” in A. L. Hall, ed., *Ethnic Autonomy: Comparative Dynamics* (New York: Pergamon, 1979). p. 414

³³ John Ashworth, *Five Years of Sudan Focal Point Briefings* (Pretoria: Sudan Focal Point – Africa, 2004), p. 39

³⁴ *Ibid.*, p. 39

³⁵ Peter J. Carnevale and Sharon Arad, “Bias and Impartiality”, in Jacob Bercovitch, ed. *Resolving International Conflicts: The Theory and Practice of Mediation* (London: Lynne Rienner Publishers, 1996), p. 49

³⁶ I. Zartman, “Dynamics and Constraints in Internal Conflicts,” in I. William Zartman, ed., *Elusive Peace: Negotiating an end to Civil Wars* (Virginia: R.R. Donnelly & Sons Company, 1995), ch. 1., p. 21.

³⁷ *Ibid.*, ch. 1., pp. 8-10.

'pretending' to be looking for a solution through IGAD which had essentially been selected for the very reason that it did not have any leverage. The IGAD secretariat itself depended on funding from the 'friends of IGAD' that later came to be known as the IGAD Partners Forum – IPF (composed of Norway, EU, US and Canada). These funds were insufficient because they were only to be used for facilitating meetings and could not pay for resource persons, consultations, or gathering of information, all necessary for IGAD's preparatory work.³⁸ The secretariat also lacked the expertise within the committees to interpret the technical details of areas of agreement and points of difference in the Declaration of Principles.

The IPF would have easily applied political pressure on the warring parties to reach a solution or empowered the IGAD process with leverage to enable it to exercise influence but instead it chose to stick to a peripheral agenda.³⁹ Furthermore, the varying degrees of familiarity with Sudanese affairs among many of the members (of IPF) often resulted in a lack of cohesion and initiative.

3.4.4 International Interference and Wavering Confidence in Mediation

The GoS at various times accused the US government of supporting SPLM/A by offering it political and military assistance, it said that "the US administration is one of the main reasons for the continuation of the war and the humanitarian situation in southern Sudan by encouraging the rebel movement to reject peace initiatives."⁴⁰ By March 2002, there were concerns that USA's interest in the Sudan was only linked to its 'war on terrorism'. Furthermore, there were doubts about Kenya's ability to direct the IGAD process in an election year not to mention the fact that suspicions were abound about Kenya acting as a tool for US policy.⁴¹ It was thought that the UK and USA might be offering concession on foreign aid in exchange for Kenyan support. On

³⁸ "The Infrastructure of Peace in Africa in Assessing the Peace Building Capacity of African Institutions," report by the Africa Programs of the International Peace Academy to the Ford Foundation, September 2002, p. 39.

³⁹ International Crisis Group African Report no. 39, *God, Oil and Country: Changing the Logic of War in Sudan* (Brussels: ICG Press, 2002), p. 168.

⁴⁰ John Ashworth, "Monthly Briefing: September 2000", in J. Ashworth, *Five Years of Sudan Focal Point Briefings* (Pretoria: Sudan Focal Point – Africa, 2004), p. 39

⁴¹ *Ibid.* . p. 91

the overall, IGAD policy was seen to be focusing on top-level leadership of SPLM/A and GoS, thus ignoring the people, civil society and other warring parties.⁴²

3.5 LINKING THE PROCESS WITH THEORY

Towards the last phase of talks that eventually gave rise to the peace deal, it can be argued that the Sudan conflict had taken on some but not all of the conditions necessary for negotiations as given by experts in the field. Drawing from Bercovitch's⁴³ criteria, these conditions exist when: a conflict has gone on for some time; efforts by individuals have reached an impasse; neither actor is prepared to countenance further costs or escalation of the dispute and when both parties become receptive to some form of mediation and are ready to engage in direct or indirect dialogue. Zartman⁴⁴ offers that the conditions necessary for negotiations include: a mutually hurting stalemate (MHS); a deadline; valid spokespersons; and a vision of an acceptable compromise. These two scholars essentially capture the same gist although they use different words to express themselves. Starting with the existence of a stalemate, the government of Sudan and opposition forces in 1998 are noted to have experienced a mutually hurting stalemate.⁴⁵ Government and rebel forces alike were raiding and burning villages, raping women and abducting children. Most of the revenue generated from oil sales was used to buy war material, some of which was used to protect the oil⁴⁶ field operations whose pipelines were often blown up by the SPLA rebel forces. By 2002, the disruptive effects of warfare greatly affected food production, along with the adverse weather leading to appeals for aid by the UN and other

⁴² Ibid., p. 91

⁴³ J. Bercovitch, "Conflict Resolution: Parameters and Possibilities," *Negotiations Journal* Vol. 7 (Plenum Publishing Corporation, 1991), p. 12.

⁴⁴ I.W. Zartman, "Negotiations in South Africa," *Washington Quarterly* Vol II (Autumn 1998), pp. 141-158

⁴⁵ See discussion in Don Petterson, *Inside Sudan: Political Islam Conflict and Catastrophe* (US: Westview Press, 1999 updated 2003), p. 230; Edgar O'Ballance, "Stalemate," in Edgar O'Ballance, *Sudan, Civil War and Terrorism*, 1956-99 (Hampshire: Macmillan Press Ltd, 2000) ch. 15 p. 196; Herman J. Cohen, *Intervening in Africa: Superpower Peacemaking in a Troubled Continent* (New York: St. Martin's Press, 2000), p. 86

⁴⁶ Oil had been struck in 1979 by the oil mining company of Chevron. See chapter two.

NGOs for increased aid to avert catastrophic famines⁴⁷ - the conflict was stalemated but the human costs continued to soar. On valid spokespersons, Dr. John Garang of the SPLA/M was the main representative of Southern Sudan while the government could either select a representative of its choice or have the President himself attending.

Even though there was no deadline, it can be argued that the new look⁴⁸ and approach taken by IGAD, that is, the inclusion of observers from the international community at peace talks and the appointment of General Sumbeiywo to take charge, facilitated the vision of an acceptable compromise which marked the beginning of areas of agreement on contentious issues that eventually culminated to the Peace deal of January 2005.

3.6 ASSESSMENT OF THE IGAD MEDIATION

The practice of mediation ideally requires that the conflictants either accept an offer to mediate or request for it.⁴⁹ In the Sudan case, intervention was only contemplated when the Government of Sudan invited mediation by specific actors. In this regard, the Sudan government retained the right to determine who intervenes, when and how.⁵⁰ President Bashir could therefore choose to 'un-invite' IGAD, just as he had invited them to assist with the southern problem in the first place. IGAD was therefore constrained by the fact that it could *only* get involved to the *extent* that such involvement was welcome – it could not impose mediation. For the GoS, the purpose of IGAD talks was to isolate the SPLM/A diplomatically while preparing the ground to destroy it militarily.⁵¹

⁴⁷ Don Petterson, *Inside Sudan: Political Islam Conflict and Catastrophe* op. cit. , p. 230

⁴⁸ See Chapter Two.

⁴⁹ J. Bercovitch, "Conflict Resolution: Parameters and Possibilities," *Negotiations Journal* Vol. 7 (Plenum Publishing Corporation, 1991), p. 2.

⁵⁰ This observation was made in relation to African interventions in general. See Paper by Josephine Odera titled, "Patterns and Processes of Post Cold War Intervention in African Conflicts: 1990-1999", p. 26.

⁵¹ P. A. Nyaba, "The Political Charter: No Act of Chivalry," in P.A. Nyaba, *The Politics of Liberation in Southern Sudan: An Insiders' View* op. cit. , p. 157

An assessment of the IGAD mediation must therefore take into account the fact that the organization was dealing with a government that was not, from the very outset, *wholly* committed to a conclusive peace process or one which would adequately address the needs of the south. In fact, as noted by Nyaba,⁵² the NIF strategists believed that the IGAD countries, because of their internal difficulties could not take a firm stand on the peace talks. The Sudan government insisted in pursuing the one single agenda of a united Sudan, that was Islamic and Arab in cultural orientation, and a political agenda that denied the people of the South and other marginalized areas their inalienable right to self determination while at the same time maintained the racial and cultural superiority of the Arabs. The Sudan government acted as if progress rested on the expeditiousness of the IGAD,⁵³ while in reality it was President Bashir, who in his failure to revoke Sharia law and continued violation of ceasefire arrangements, held the reins of the peace process.

The above factors notwithstanding, it has been noted by analysts that the IGAD states were cautious not to over-emphasize the issue of self-determination and autonomy, given the potential internal implications that these would have in their own countries.⁵⁴ This 'cautious' approach can also be explained in reference to the 'shadow' left behind by the OAU's interpretation and adherence of its charter's article 3(2). The IGAD as a sub-regional organization came into being in the wake of OAU dominance in conflict management in Africa. The OAU's conflict management principles were partially enshrined in its Charter and read: non-interference in the internal affairs of states (article 3(2)); respect for borders inherited at independence; principle of sovereign equality of states; and the fourth (not enshrined in the Charter) principle of African

⁵² Ibid. , p. 157

⁵³ For example, In the aftermath of September 11 2001 attacks, President Bashir dispatched an envoy to tell President Moi that without quick progress, his government would no longer participate. See, International Crisis Group African Report no. 39, *God, Oil and Country: Changing the Logic of War in Sudan* (Brussels: ICG Press, 2002), p. 156

⁵⁴ Korwa G. Adar, "A State Under Siege: The Internationalization of the Sudanese Civil War," *African Security Review* Vol. 7, No. 1, 1998, p. 7

solutions to African problems or 'try the OAU first'.⁵⁵ When the Cold War ended, African conflicts took a new turn, becoming more 'internal' and less inter-state. The OAU began to feel the constraints of article 3(2) to which it had adhered to religiously. In response to this turn of events and in an attempt to remain relevant in the conflict management domain, the organization established the Mechanism on Conflict Prevention, Resolution and Management which among other things would allow the organization to engage in management of internal conflicts.⁵⁶ However, the principle of 'non-interference' had left such a huge impact that consciously or subconsciously continued to inform the style of conflict management in Africa. The IGAD was therefore reluctant to cross the threshold that the OAU had kept away from.

In addition to all the counteracting factors outlined above that impeded the process, IGAD as a sub-regional organization was poorly endowed with the necessary knowledge and experience that would have been required to undertake mediation of such a complex, multilevel and multifaceted conflict. Furthermore, as discussed in greater detail in chapter five, its character as a track one actor disabled it from attending to the perceptual and psychological elements of that conflict which are essential for resolution of conflict. These gaps would have been effectively and creatively filled by track two actors who would have engaged the community at a more intimate and personal level, for instance through problem solving workshops, to identify and address the underlying issues of the conflict thereby preparing the ground for formal mediation and on the overall enriching the whole process.

⁵⁵ Makumi Mwagiru, "Conflict Management in the Organisation of African Unity," in Makumi Mwagiru, *Conflict: Theory, Processes and Institutions of Management* op. cit. . ch. 13, pp. 142-155

⁵⁶ Ibid. , pp. 142-155

CHAPTER FOUR

TRACK TWO MEDIATION IN SUDAN

4.0 THE 1972 MEDIATION BY THE WORLD COUNCIL OF CHURCHES/ALL AFRICA CONFERENCE OF CHURCHES (WCC/AACC)

4.0.1 Prelude to the Mediation

Various scholars name certain conditions that they find necessary to exist for negotiations to take place. For Zartman, these conditions include: a mutually hurting stalemate; a deadline, valid spokespersons and a vision for an acceptable compromise.¹ These factors however do not exist in all conflicts² and are not *always* the reason why negotiations take place. In fact not all these conditions existed in the Sudan conflict. However, analysts feel that the presence of a stalemate was among the factors that led to the WCC/AACC mediation. Assefa³ feels that both outsiders and parties to the conflict perceived a 'parity of forces' between the contending parties and therefore a stalemate in the battlefield. This he identified using a criteria submitted by Howell on how to establish parity in a war of insurgency who wrote:

In a guerilla war, parity is reached not necessarily by equality of strength but at a point where the superior conventional force of the counter-insurgent is unable either to eradicate the insurgent or prevent his continued recruitment of men and continued access to weaponry, and the insurgent, is unable to wrest control in areas which the counter-insurgent had determined to hold, and is unable to destroy the political will of the counter-insurgent to defend.⁴

In 1969, there were indications of parity between government and the Anya-nya forces. By 1971, the Nimeiri government is said to have realized that it could not totally defeat the Anya nya

¹ I. W. Zartmann, "Negotiations in South Africa", *Washington Quarterly* vol ii (Autumn 998) pp. 141-158

² In her analysis of the Ethiopia-Eritrean conflict, Marina Ottaway points to the absence of most of these factors. She especially points to the absence of a mutually hurting stalemate in a transitional conflict. See Marina Ottaway, "Negotiations in a Transitional Conflict," in I. William Zartman, ed., *Elusive Peace: Negotiating an end to Civil Wars* (Virginia: R.R. Donnelly & Sons Company, 1995) Chapter 5. pp. 103-118.

³ H. Assefa, *Mediation in Civil Wars: Approaches and Strategies – the Sudan Conflict* (Boulder and London: Westview Press, 1987), p. 152

⁴ John Howell, "Horn of Africa, Lessons from the Sudan Conflict", *International Affairs* 54 (July, 1978) p. 462

without a very prolonged war and constant repression of the south. With huge numbers of refugees leaving the country, the Anya nya was able to increase its size by recruiting young southerners. Even though the Anya nya was swelling in number, the members were aware that they only had the power to continue the war but not to win it.⁵

Another factor was the advocacy by members of the Communist Party (who were the major advisors to Nimeiri) for autonomous rule for the South that would facilitate for the development of Southern cultures and traditions within a unified Sudan.⁶ The 1971 coup,⁷ which saw Abel Alier appointed as minister for southern affairs, a seat formerly held by Joseph Garang facilitated a more serious approach in preparations for the peace talks. Further, following the coup, Nimeiri was encountering many internal enemies; the communists had gone into the opposition camp and the Muslim Brothers (advocates of an Islamic state) were opposing him on the change in foreign policy.⁸ He was also feeling threatened by the international support that the SSLM and the Anya nya had gained for the southern cause following publicizations of the war through the *Grass Curtain* publication in London. On their part, the SSLM and Anya nya welcomed the idea of negotiations because they were facing internal disagreements - there was a division between southern elites who were keen on secession and those in lower ranks who were supportive of federation.⁹

Nimeiri was also facing pressure and criticism by neighbouring governments who were suffering under the strain of southern refugees who were fleeing to their countries and stretching their education, health and other social service systems. He began to improve relations with

⁵ Raphael Badal, "The Rise and Fall of Separatism in Southern Sudan," *African Affairs* 75 (October, 1976), p. 471.

⁶ Mogga Dunstan Wai, *The African-Arab Conflict in the Sudan* (New York: African Publishing Co., 1981), p. 144.

⁷ The details of this coup and the death (execution) of Joseph Garang have been elaborated in chapter two.

⁸ M. O. Beshir, *The Southern Sudan: From Conflict to Peace* (London: C. Hurst, 1975), p. 124

⁹ Badal, op. cit. , 465

neighbouring governments of Ethiopia and Sudan; between Ethiopia, both sides agreed to stop aiding and abetting each other secessionists¹⁰; with Uganda, Sudan signed an agreement where it promised to end support for Obote in return for Idi Amin's curtailment of the Anya nya's international access through Uganda. These developments closed some of the channels that the Anya nya depended on for aid, making the prospect of peace more appealing. Nimeiri's insecurity was stemming from the uneasy relations that he was having with the USSR (on whom he hugely depended on for arms) which had culminated in their expulsion from Sudan.¹¹ In his analysis, Assefa points to the Nigerian civil war as another pacifying influence. In the OAU, that war had brought about a cleavage between those countries that supported Biafra, at least on humanitarian grounds, and those that opposed secession. For this reason, many African leaders were reluctant to take up the SSLM case in OAU forums. On the other hand, the manner in which the Nigerian war came to an end was not very encouraging to the SSLM, demonstrating as it did, that such a war could terminate in a military victory for the government.¹²

Owing to the political conditions that prevailed in Sudan pre the mediation, perhaps the greatest facilitating factor for that mediation was the character of the WCC/AACC as a non-political multinational organization. As discussed earlier on in this study, official involvement of any government and international political body in a conflict like the Sudan would have been deemed as interference – a reason why neither the OAU nor any other African government dared to involve themselves as this would have been perceived as “giving international political recognition to the cause of the rebel group and raising its status to that of a *de facto* independent

¹⁰ Beshir, *op. cit.*, p. 84-85

¹¹ Assefa, *Mediation in Civil Wars: Approaches and Strategies – the Sudan Conflict* *op. cit.*, 160

¹² *Ibid.*, p. 161

political entity parallel to that of the government.”¹³ To compliment this, the WCC mediation came at a point when Sudan’s policy was changing from neglect of the southern Sudan problem to one of actively searching for a solution.¹⁴ In addition, the WCC’s image in Africa had been enhanced by its involvement in the Biafran conflict where it had lent its support in humanitarian assistance. The *London Times* wrote:

The World Council of Churches had played an important part in bringing about these (Addis Ababa negotiations) talks – a role facilitated by its recent controversial decision to give support to liberation movements in Southern Africa. This action gained the confidence of Nimeiri and of the largely Christian leadership of the Anya nya.¹⁵

Another crucial factor was that the WCC had promised to avail aid through the government on the precondition that there was peace and reconciliation.¹⁶ This provision served two important functions. The first function was to the favour of the government as it meant that they would be able to *control* the way aid reached the needy southerners. If the aid was sent through, and distributed by the Anya nya, this could have established its legitimacy as a contending government in the eyes of the Southerners. Moreover, the aid would have benefited not only the Southern civilian population, but also the guerillas, which would have reduced their dependency on the government and saved them money to buy arms. Over and above this, the government was aware that the WCC would not only be able to influence its members to donate aid, but also other well-organized and endowed agencies, such as the Joint Church Aid. The second function worked to the favour of WCC/AACC because the precondition for peace and reconciliation meant they could use it as a “carrot” and be able to ensure adherence to the provisions of the eventual agreement.

¹³ Ibid. , p. 164

¹⁴ M. Mwangi, *The International Management of Internal Conflict in Africa: The Uganda Mediation, 1985* (Ph.D. Dissertation, University of Kent at Canterbury, 1994), p. 194

¹⁵ Colin Legum, “Fighting Ends in Sudan After 17 Years War”, *London Times* 26th February, 1972

¹⁶ Assefa, *Mediation in Civil Wars: Approaches and Strategies – the Sudan Conflict* op. cit. , p. 168

Among the preliminary arrangements done by the WCC/AACC in preparation for the talks was a study called "The Sudan Conflict: Its History and Development".¹⁷ Copies of this document were made available to both parties at the early stages of the peace process. This study demonstrated that the intermediaries were acting from a point of information - the study attempted to put into perspective the issues underlying the conflict including its economic and political dimension; it demonstrated the sincerity of the intermediaries towards the realization of a solution and finally it saved formal negotiating time having given the parties a background of either sides grievances rather than having to do this at the conference table.¹⁸

The WCC had chosen a team of mediators that brought different complimentary skills and personalities to the table. Further, the mediators manipulated the agenda so as to begin with the more 'agreement-prone' issues, a factor which helped to set the mood of the whole negotiation by starting with a more cooperative pattern of communication.¹⁹ At the negotiation stage, the proceedings were kept secret to the public, including the media with the exception of very few observers.

4.1 THE ADDIS ABABA PEACE AGREEMENT

The 1972 peace agreement created conditions of relatively peaceful and harmonious interaction that moderated, perhaps even disguised the inequalities of the national power and process. The agreement neutralized resistance to assimilation and subtly strengthened the centripetal forces.²⁰ To counter the trend, it became more urgent for the south to understand the forces at work and to realize its own potential to contribute toward an equitable restructuring and reshaping of the Sudanese national character. Instead, southerners were initially euphoric in their enjoyment of a

¹⁷ Ibid. , p. 169

¹⁸ Assefa, *Mediation in Civil Wars: Approaches and Strategies – the Sudan Conflict* op. cit. , p. 169

¹⁹ Ibid. , p. 175

²⁰ Francis M. Deng, *War of Vision: Conflict of Identities in the Sudan* (D.C.: The Brookings Institution, 1995), p. 28

regional autonomy that they increasingly found was empty of economic and political power. By the time they became aware of what was going on, it was too late - Nimeiri had undone the agreement, divided the south into three regions to weaken it, and imposed Islamic law on the whole country by a Presidential decree.²¹

4.2 ASSESSMENT OF THE WCC/AACC MEDIATION

Much of the literature written post the Addis Ababa agreement criticizes the mediation process for (among other things) having failed to fundamentally address the underlying issues – specifically the psychological and perceptual elements - that informed that conflict. In fact Mwangi has written that the agreement ‘began to fall apart soon after the mediation’.²² Some scholars like Assefa²³ however call the mediation a success, a tag that raises the question whether he means success of the actual around-the-table mediation from start to finish, or whether he includes the events post the agreement, which in any case were *not* a success. In assessing the WCC/AACC mediation therefore, this section compares it against criteria given by scholars as to what constitutes successful mediation.

Success of mediation for Kriesberg²⁴ means a set of developments that involve: de-escalation in the means of struggle; negotiations that move towards an agreed upon settlement; and a settlement that contributes to an ending resolution. Going by Bercovitch’s and Houston’s contingency approach,²⁵ success would be if the mediation achieves a cease-fire, a partial settlement, or a full settlement. Within these provisions and in acknowledgement of the conflict

²¹ Ibid. , p. 28

²² Makumi Mwangi, “Conflict and Peace in the Horn of Africa”, Paper for IRG Conference, 1996, p. 10

²³ H. Assefa, *Mediation in Civil Wars: Approaches and Strategies – the Sudan Conflict* op.cit. , chapter 7.

²⁴ Louis Kriesberg, “Varieties of Mediating Activities & Mediators in International Relations,” in Jacob Bercovitch, ed., *Resolving International Conflicts: The Theory and Practice of Mediation* (London: Lynne Rienner Publishers, 1996), p. 219.

²⁵ Jacob Bercovitch, “The Study of International Mediation: Theoretical Issues and Empirical Evidence,” in Jacob Bercovitch, ed., *Resolving International Conflicts: The Theory and Practice of Mediation* (London: Lynne Rienner Publishers, 1996), pp. 14-16.

management options that existed at the time, the WCC mediation can therefore be analyzed in terms of the *extent* that it was successful.

4.2.0 Successes of the WCC/AACC mediation

The first and most obvious success of the WCC mediation was that it was able gain entry into the conflict and to bring the two parties to the negotiating table.²⁶ This was not an easy task for two reasons: first is because the Sudanese government insisted on holding the talks with the SSLM within the context of a united Sudan²⁷ and second, the SSLM insisted that the negotiations take place in an independent non-Arab African state under an agreed African or OAU Chairman.²⁸ These problems were solved when Addis Ababa as a venue was approved by the SSLM and a ‘moderator’ – Burgess Carr - leader of the WCC group was appointed to act as chairman. Carr’s appointment was however after a contest between the government (who did not want to have Haile Selassie during the talks) and the SSLM (who wanted his full participation as Chairman and moderator).²⁹ As Assefa wrote, “it is not clear whether the Emperor had undertaken to be the mediator and changed his mind or whether it was a misunderstanding by the parties who thought that by offering his good offices he had agreed to be chairman”.³⁰ Some point out that he was advised against chairing the meeting for if the southern Sudanese won a substantial autonomous state, then the Eritrean secessionists insurgents in Ethiopia might demand a similar status which was not acceptable to Haile Selassie.³¹

²⁶ Makumi Mwangiru, “Conflict and Peace in the Horn of Africa”, Paper for IRG Conference, op. cit. , p. 10

²⁷ Abel Alier, “The Continuation of the Peace Process,” in Abel Alier, *Too Many Agreements Dishonoured: Southern Sudan* (Oxford: Imprint, 2003), ch. 5, p. 93-94.

²⁸ Makumi Mwangiru, “Conflict and Peace in the Horn of Africa”, Paper for IRG Conference, op. cit, p. 10

²⁹ Abel Alier, “The Continuation of the Peace Process,” in Abel Alier, *Too Many Agreements Dishonoured: Southern Sudan* op. cit. , ch. 5, pp. 113-114.

³⁰ Assefa, *Mediation in Civil Wars: Approaches and Strategies – the Sudan Conflict* op. cit. , p. 132

³¹ *Ibid.* , p. 162

The other success, and supported by Bercovitch's and Kriesberg's criteria is that the parties indeed adhered to a cease-fire,³² which although marked by small-scale violations, was nonetheless manageable. Other successes included the granting of regional autonomy for the south – marked by the appointment of the Interim High Executive Council to head the south; the repatriation and rehabilitation of returnees from exile and the absorption of the Anya nya into the regular army, police and prison forces all of which was in keeping with the provisions of the Addis Ababa agreement. To this extent the process can be argued to have been a success.

4.2.1 Shortcomings of the WCC/AACC Mediation

One of the most repeated criticisms of the WCC/AACC mediation other than the fact that it did not address the perceptual and psychological aspects of the conflict is that resorted to track one methodologies instead of restricting itself to track two approaches and methodology.³³ The WCC mediation is also blamed for having failed to take into account the internationalized nature of the conflict³⁴- the issues in the agenda of that mediation restricted themselves to the 'internal' issues purely between the government and the rebels but did not take into account the external support the conflict was receiving from within and out of Africa. Furthermore, the WCC did not sufficiently address itself to issues of implementation and interpretation of the agreement. Although this is all true, it is important to acknowledge several factors that affected the WCC/AACC as an entity and subsequently its performance in that mediation. Harold Miller³⁵ feels that the WCC/AACC by 1972 was still an *immature* organization as an independent entity and in its experience in conflict management. Indeed even though it had participated in other

³² Abel Alier, "The Addis Ababa Agreement," in Abel Alier. *Too Many Agreements Dishonoured: Southern Sudan* op. cit., p. 152-4.

³³ Makumi Mwagiru, "Conflict and Peace in the Horn of Africa", Paper presented at the International Resource Group (IRG) Conference, op. cit., p. 11

³⁴ M. Mwagiru, *The International Management of Internal Conflict in Africa: The Uganda Mediation, 1985* (Ph.D. Dissertation, University of Kent at Canterbury, 1994), p. 195

³⁵ The author interviewed Harold Miller of the Mennonite Central Committee on 26th September, 2005

conflicts like the Nigeria conflict and been applauded for that, Miller feels that an assessment of its performance must appreciate the fact that it was still 'learning' and gathering experience.

Secondly, WCC/AACC did not have a lot of international backing as the Sudan war was hardly given any international attention. Some of the reasons³⁶ advanced are: the lack of proper organization or political expertise on the part of the resistance; the inability of the resistance to present their case convincingly due to limited exposure to the outside world and lack of access to the necessary media mainly because of the government's monopoly on the Sudanese communications media. The Church was the only institution functioning among the people that could be able to take information outside of Sudan; this was however done with a lot of caution because the Church was afraid of being seen as a traitor. Subsequently, even when they had information, their stories were 'raw' and poorly articulated, making them difficult to verify and publicize as authoritative.³⁷

4.2.2 The Abrogation of the 1972 Addis Ababa Agreement

In 1977, Nimeiri reached an agreement of national reconciliation with Saddiq El Mahdi³⁸ of the National Front (NF). Part of this agreement was to revise the Addis Agreement. The NF gave Nimeiri two distinct impressions which contributed to the ultimate abrogation of the agreement. The first was that he would get full support from the political forces in the North if he could review and effect substantial changes which in their view weakened national sovereignty (that is, areas relating to the role of religion in society and certain powers relating to culture, power to

³⁶ Dr. Haruun L Ruun, "Foreword," in John Ashworth, *Five Years of Sudan Focal Point Briefings* (Pretoria: Sudan Focal Point – Africa, 2004), p. i

³⁷ *Ibid.*, p. i

³⁸ Saddiq was one of the leaders of the National Front (NF), a political group composed of vocal opposition elements in the Umma Party (NUP), the Democratic Unionist Party (DUP) and the Islamic Charter Front (ICF) later renamed the National Islamic Front (NIF). See Abel Alier, "The Abrogation of the Addis Ababa Agreement," in Abel Alier, *Too Many Agreements Dishonoured: Southern Sudan op. cit.*, pp. 276-279.

check the central government and the number of regions). Secondly, they implied that if Nimeiri introduced an Islamic constitution, he would go down as the greatest Sudanese leader in history and would regain the following of the bulk of the society in Northern Sudan.³⁹ Nimeiri made these concessions based on the belief that northern opposition groups were more dangerous than the south and that the south had been effectively and decisively neutralized.⁴⁰ However, his introduction of Sharia law, division of the south, and manipulation of oil reserves and water resources, as well as his attempt to move southern troops to the North to undercut the capability for a potential rebellion, all combined to trigger the resumption of hostilities.⁴¹

Other factors leading to the abrogation are that Nimeiri was angered by riots of Rumbek Secondary School boys against him and by the publication of a small booklet called *The Solidarity Book* (by the Southerners), which criticized his policies and those of Northern Sudanese leaders generally. In this booklet, reference was made to the disappearance of Nimeiri during the three days of the Libyan invasion of 1976,⁴² leaving the others to face the invaders. Another reference was made to the role of Southern officers and soldiers in the army, suggesting that but for them the government would have been overthrown. Other references were made about Arab-Israeli relations where the Arabs were portrayed in unfavourable light. All these factors eventually culminated in Nimeiri's unilateral abrogation of the Agreement saying it was "not the Qur'an and not the Bible" intimating thereby that it could be broken.⁴³

³⁹ Ibid, p. 277

⁴⁰ Francis Mading Deng, "Negotiating a Hidden Agenda: Sudan's Conflict of Identities," in I. William Zartman, ed., *Elusive Peace: Negotiating an end to Civil Wars* op. cit. , chapter 4. pp. 92-93.

⁴¹ Ibid., p. 92

⁴² Alier observes that although one could not have expected that a head of state would march around the streets leading the army against the invaders, the point had been stressed in the book and enormously annoyed Nimeiri.

⁴³ Dr. Haruun L Ruun, "Foreword," in John Ashworth, *Five Years of Sudan Focal Point Briefings* (Pretoria: Sudan Focal Point – Africa, 2004), p. i

4.3 THE TRACK ONE CHARACTER OF THE TRACK TWO MEDIATION OF 1972

Track Two and Leverage

Leverage in a track two context as submitted by Mwagiru⁴⁴ is located in the track two actors' knowledge of a particular conflict, its processes and management methodologies. This type of leverage is different from that conceived in a track one context located in economic or military endowments. In the WCC case, the mediators had both: the knowledge (based on their findings in the study prior conducted and experience (although minimal) gained from their involvement in the Biafran war) and financial (the economic resources at their disposal and what they could get by influencing other organisations).⁴⁵ The 'aid' factor can be argued to have dictated the nature of the whole process acting as an incentive where on several occasions the WCC threatened to withdraw as mediators if the parties failed to remain committed to the negotiations. Furthermore, the fact that peace and reconciliation was made a precondition to aid served to ensure the adherence by the parties to the provisions of the agreement after its ratification at least to the extent that they did. In a track one context, this manipulation would have been applauded and seen as befitting their character but in a track two context, it defeats the whole purpose and meaning of *track two* participation in conflict management.

Track Two and (In)formality

Track two actors are associated with informal procedures in their conflict management activities mainly associated with problem solving workshops. This informality was however superseded by the nature of intervention that they undertook. Mediation ideally demands a degree of formality similar to that of bilateral and multilateral diplomatic negotiations. This did not leave room for the Church delegation to execute their duties outside of that formality. In fact, owing to

⁴⁴ Makumi Mwagiru, "Track Two Conflict Management," in Makumi Mwagiru, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark Publications, 2000), ch. 12, p. 133.

⁴⁵ Assefa, *Mediation in Civil Wars: Approaches and Strategies – the Sudan Conflict* op. cit. , p. 174

the polarized positions of the parties and the emotionally charged atmosphere that prevailed during the talks, it is hard to imagine that progress would have been made had the parties been allowed to let their disagreements play out without the moderator to guide the discussions and organize for side talks when they seemed to be heading for an impasse.

4.4 OVERVIEW OF THE WCC/AACC MEDIATION

In the WCC/AACC case, the real 'track two' character of that mediation was conspicuously absent among the other shortcomings outlined above. The covert nature with which the delegates conducted the mediation shows a few strains of track two methodology coming to life albeit to a small degree especially since covertness is not unique to track two and is sometimes practiced by track one in some of its negotiations. This covert atmosphere created an appropriate forum for issues to be addressed without the normal inhibitions that plague *most* track one actors and their overt approaches to conflict management. It is obvious that the issues informing the Sudan conflict necessitated the involvement of both track one and track two actors since both needs and interests were at stake. However, the complex and multi-level nature of that conflict and the sole involvement of track two actors saw the WCC/AACC attempting (and failing miserably) to tackle all the aspects of the conflict, a function for which it was ill suited. As outlined in chapter one, many scholars writing on track two diplomacy exclude or recommend the exclusion of track two actors in *actual* mediation except only in certain circumstances.⁴⁶ This could probably be so because mediation as a practice is very closely connected to negotiation whose patterns of communication tends to encourage a contest of wills⁴⁷ that is best suited for track one actors. As it turned out, WCC/AACC was unable to escape the dictates of

⁴⁶ See literature review in Chapter One.

⁴⁷ H. Assefa, *Mediation in Civil Wars: Approaches and Strategies – the Sudan Conflict* (Boulder and London: Westview Press, 1987), p. 7.

mediation methodology and thus fell back to coercion and manipulation that ring true of track one strategies. The collapse of the Agreement demonstrates the importance of including *all* pivotal factions in the decision making process. It has been noted that huge opposition mainly came from northern political parties who had been excluded from the process.⁴⁸ The fact that the agreement solely relied on Nimeiri without a larger entity to provide the necessary checks and balances led to its eventual undoing.

The submission in this chapter therefore recognizes that WCC/AACC (and its limited capacity) tried to make the best of the situation within the parameters set by President Nimeiri and the non-committal/disinterested attitude of the OAU and international community at large. This mediation also serves a very useful function by demonstrating how a mono dimensional approach to complex, multilevel and multifaceted social conflict is likely to fail thus setting the stage for the proceeding chapter where the benefits of a dual (track one track two) conflict management approach are outlined.

⁴⁸ Francis Mading Deng, "Negotiating a Hidden Agenda: Sudan's Conflict of Identities," in I. William Zartman, ed., *Elusive Peace: Negotiating an end to Civil Wars* (Virginia: R.R. Donnelly & Sons Company, 1995) Chapter 4. pp. 95.

CHAPTER FIVE

CRITICAL ANALYSIS: THE CASE FOR DUAL DIPLOMACY

5.0 INTRODUCTION

The internationalized nature of many conflicts essentially calls for conflict management approaches that have the capacity to address conflicts at both the intrastate, interstate and international levels. In efforts towards conflict resolution, it should be appreciated that resolution is not a single process, but rather it involves peacekeeping, peacemaking and peacebuilding.¹ The methodology proposed for dual diplomacy if effectively and creatively employed is definitely equal to such a task. This is because it approaches conflict on the basis that both the internal and inter-state character of a conflict should be addressed.² The concept is indeed not new, however, the ultimate challenge and one that has eluded most of Africa's interventions is the translation and application of the precepts of dual diplomacy in actual conflict situations. This chapter begins by outlining some of the reasons why track one and track two actors have not been able to cooperate fully in their interventions then proceeds to analyse dual diplomacy in terms of the benefits it can lend to the conflict management process with particular reference to the Sudan mediations.

¹ Stephen Ryan, *Ethnic Conflict and International Relations*, (England: Dartmouth Publishing Company, 2000), p. 23.

² M. Mwangi, *The International Management of Internal Conflict in Africa: The Uganda Mediation, 1985* (Ph.D. Dissertation. University of Kent at Canterbury, 1994), p. 197

5.1 THE LINKAGE PROBLEM BETWEEN TRACK ONE AND TRACK TWO

One of the challenges that track two actors face in their attempts to engage in matters of conflict management is that they are entering into a domain where states have enjoyed dominance and monopoly for millennia. Seen from this perspective, it is understandable that track one actors feel inclined to protect what they have for a long time known to be their turf. Subsequently, interactions between these two actors are characterized by suspicion and antipathy where either one withholds information even where this would have enhanced the conflict management process.³ For their part, track two actors tend to view track one players as ill-informed bureaucrats who do not have a sound understanding of issues especially since they do not interact with communities in conflict at a personal level like they do.⁴ Such attitudes and conceptions are unfortunate and do not further the cause of conflict management - conflict management should be focused on the conflict and its victims and not on the egos of the actors involved. As Ambassador John McDonald states;

“no one track is more important than the other, and no one track is independent from the other . . . each track has its own resources, values and approach, but since they are linked, they can operate more powerfully when they are coordinated.”⁵

He further adds that track two should not be seen as a replacement for track one efforts “but rather as an indispensable preparation for and an adjunct to them.” John Burton gives a similar observation when he says that the end objective should be to adopt a dual track one and track two conflict management approach and not an elevation of track two to be the dominant management track.⁶

³ Makumi Mwangi, “Track Two Conflict Management,” in Makumi Mwangi, *Conflict: Theory, Processes and Institutions of Management* (Nairobi: Watermark Publications, 2000), ch. 12, p. 134.

⁴ Ibid. . p. 134

⁵ J. McDonald, “Further Exploration of Track Two Diplomacy,” in Louis Kreisburg, ed., *Timing the De-escalation of the International Conflict* (Syracuse: Syracuse University Press, 1991), pp. 201 -220

⁶ J.W. Burton. “Conflict Resolution as a Political Philosophy,” in Sandole, J. D. and Hugo van der Derwe, eds., *Conflict Resolution Theory and Practice: Integration and Application* (New York and Manchester: Manchester University Press, 1993) p. 58.

5.2 SETTING PARAMETERS FOR TRACK ONE AND TRACK TWO

Dual diplomacy does not propose for a 'melting pot' where both tracks shed their identities to become 'one' track, neither does it suggest that these tracks should cooperate throughout the life cycle of the conflict. In any case, there are instances when such cooperation would be a hindrance to the success of whole process. The beauty of the approach lies in tapping the strengths of each track at the most appropriate point in a conflict. This in turn demands for actors who are well versed in the study of conflict and its management in terms of its structure, patterns and so on, so that they can know when to engage a certain mode of intervention. As Laue argues, 'conflict is highly patterned,' making it possible to predict some of the stages of conflicts in various systems.⁷ Interveners therefore need to identify the type of roles required at a given conflict resolution stage and ensure that acceptable agents fill these roles at the same time decoupling actors from the process who might impede progress.⁸ Actors involved in one stage of the process such as the convening of talks, may not be appropriate in other stages. Furthermore, it is pointed out that "... the primacy of any elements' influence varies throughout the course of any single conflict and over different conflicts."⁹

Some roles operate on fundamentally contradictory principles; for example, where an intervener is conducting multiple roles, he should be careful not to engage in activities which cancel out each other at different times. Facilitation for instance requires an intervener to be perceived as impartial; if at another time, he gets involved in an advocacy role (often on behalf of one or more of the 'groups' in conflict), he loses the trust of previous participants who see him as biased. The same goes for mediation as noted by Nathan who states that, "if a mediator's effectiveness

⁷ James H. Laue, "The Emergence and Institutionalization of Third Party Roles in Conflict", in Jacob Bercovitch, ed. *Resolving International Conflicts: The Theory and Practice of Mediation* (London: Lynne Rienner Publishers, 1996), ch. 13 p. 256-257.

⁸ See Laurie Nathan, "At the Core: Six Strategic Principles of Mediation," in *Track Two Journal* titled Debating Mediation, vol. 7 no. 1 (Pretoria: CCR Press, 1998), p. 9.

⁹ L. Keashly and R. J. Fisher, "Toward a Contingency Approach to Conflict Resolution: A Cyprus Illustration." *International Journal*, vol. 65, no. 2. p. 426

depends on the trust of the parties, then he cannot be a lobbyist and carry a big stick."¹⁰ Other roles, such as enforcer and reconciler can also compromise an intermediary's credibility.¹¹

Glasl argues that all forms of intervention have utility if applied at the appropriate level of escalation.¹² He outlines a nine-stage model of conflict escalation where he brings together a diverse range of interventions that have typically developed in isolation from one another – from traditional substantive and structural approaches of mediation and arbitration to the new relationship building approaches of consultation and problem solving. For Glasl, questions regarding superiority of any one approach over another do not arise. Interventions are judged by their *relative effectiveness* to the conflict as it unfolds, which suggests for the coordination and sequencing of different interventions over the course of a conflict management initiative.¹³

Keashly and Fisher, building on the work of Glasl, propose for a contingency approach based on the assessment that social conflict is a dynamic process in which objective and subjective¹⁴ elements interact over time as the conflict escalates and de-escalates. Subsequently and depending on the subjective-objective mix, different interventions will be appropriate at different stages of the conflict.¹⁵ For example, they argue that if objective elements linked to resource scarcity are predominant at a given point, then third party methods that facilitate a compromise or provide a judgment are appropriate – a role that track one actors can play in negotiations and

¹⁰ See Laurie Nathan, "At the Core: Six Strategic Principles of Mediation," in *Track Two Journal* titled Debating Mediation, vol. 7 no. 1 (Pretoria: CCR Press, 1998), p. 9.

¹¹ This aspect is illustrated by the Burundi situation where in 1996, nations states in the Great Lakes and the Horn of Africa applied economic sanctions to force President Pierre Buyoya to deal with perpetrators of violence and to embark upon democratic reforms. At the same time, many of these senior government actors were attempting to facilitate processes to bring about these same reforms in Burundi. Furthermore, the peace initiative facilitated by President Julius Nyerere, suffered from perceptions of bias towards the Hutu parties. This demonstrates the problems that arise when intervenors attempt to play the role of facilitator and enforcer at the same time. See Kent Arnold, "Managing Intervenors' Role Integrity and Role Coordination," in *Track Two Journal* titled Debating Mediation, vol. 7 no. 1 (Pretoria: CCR Press, 1998), p. 17

¹² F. Glasl, "The Process of Conflict Escalation & Roles of Third Parties," in G.B. J. Bomers and R. B. Peterson, eds., *Conflict Management and Industrial Relations* (Boston: Kluwer-Nijhoff, 1982), pp. 119-140.

¹³ *Ibid.*, pp. 119-140

¹⁴ Objective and subjective elements are similar to interests and needs as outlined in Chapter One.

¹⁵ L. Keashly and R. J. Fisher, "Toward a Contingency Approach to Conflict Resolution: A Cyprus Illustration." *International Journal*, vol. 65, no. 2. 1990 p. 424-453

mediation. Where subjective elements such as misperception, miscommunication are more prevalent, then third party activities that improve the relationship and induce problem solving are recommended – a role best suited for track two actors. The main submission is that both objective and subjective elements of a conflict have to be addressed for long-term resolution.

5.3 THE LINKAGE POTENTIAL FOR TRACK ONE AND TRACK TWO

5.30 Contributions of Track One

The contributions of track one in conflict management are indispensable for overall conflict resolution. In the conduct of mediation for example, and specifically the mediator role of manipulation, track one becomes very instrumental in “sharpening the stalemate and sweetening the proposed outcome.”¹⁶ This is based on an assessment that conflict resolution does not necessarily *always* have to be predicated on non-coercive, non-directive approaches only; some arm-twisting or bribery might sometimes aid the process.¹⁷

Mandell shares a similar observation when he states that;

“To succeed in protracted regional conflicts, however, mediation is best conceived of as a norm-generating mechanism for influencing the longer-term behaviour and capacity of states to develop and internalise self-enforcing and co-operative norms. **Incentives, rewards, and punishments**, seen from this perspective, become integral contributions in building new relationships among adversaries rather than simply instruments for constructing new agreements based on narrow self-interest.”¹⁸

He also calls for the cooperation and coordination of mediation with other peacemaking activities and the creation of norms that are derived from global and regional dialogue.¹⁹ In South Africa for example, it is argued that the imposition of sanctions against the government

¹⁶ I. W. Zartman, “Tactics of Mediation,” in I. William Zartman, ed., *Elusive Peace: Negotiating an end to Civil Wars* (Virginia: R.R. Donnelly & Sons Company, 1995) Chapter 1. p. 21.

¹⁷ Stephen Ryan, *Ethnic Conflict and International Relations*, op.cit. , p. 115.

¹⁸ Brian Mandell, “The Limits of Mediation: Lessons form Syria-Israel Experience, 1974-1994,” in Jacob Bercovitch, ed. *Resolving International Conflicts: The Theory and Practice of Mediation* op. cit. , p. 146

¹⁹ *Ibid.* , p. 136.

played a role in ending apartheid. Furthermore, as Ryan²⁰ asks, who could object to military interventions against Saddam Hussein in order to prevent him from attacking the Kurds in his country?

5.3.1 Contributions of Track Two

Track two efforts are not always as visible as track one activities; this is because they seek to affect the intangible aspects of conflict like intractability and not to produce peace agreements or effect major shifts in policy in the short term like their official counterparts.²¹

In the early stages of conflict, many deep-rooted conflicts are not ready for formal mediation or negotiation by anyone.²² Each antagonistic group may or may not have an organized leadership with legitimacy to represent them, and even in cases where they do, such leadership will barely look at each other across a table. Furthermore, in many developing countries, there is no effective legal mechanism to handle such conflicts.²³ It therefore goes without saying, that in such a situation, any attempts by official actors for negotiations or mediation would be rebuffed. Since track two actors do not pose a threat to conflictants, they can easily gain entry into the conflict and through modes like problem solving workshops introduce to the participants the possibility for formal mediation or negotiation. A bottom up approach can be employed where individuals who have certain influential positions in the conflict environment on the ground are engaged and provided with an alternative and positive-sum understanding of their conflict, which through a trickle-up effect, will eventually play a role in the international politics related to the

²⁰ Stephen Ryan, *Ethnic Conflict and International Relations*, op.cit. , p. 110

²¹ Diana Chigas, "Track Two (Citizen) Diplomacy," Conflict Research Consortium, University of Colorado, 2003 - on website, URL: <http://www.beyondintractability.org> p.

²² David Baharvar, "Beyond Mediation: The Integral Role of Non-Governmental Approaches to Resolving Protracted Ethnic Conflicts in Lesser Developed Countries," *OJPCR: The Online Journal of Peace and Conflict Resolution*, Issue 4.1., 2001 p. 3 URL: www.trinstitute.org/ojpcr

²³ Ibid. , p. 3

conflict environment.²⁴ As Prein points out, problem solving is most effective when miscommunication and mistrust are high, whereas mediation is more successful when substantive issues are at the fore of the conflict.²⁵

When conflictants have gone through such a process, the mediator(s) - and even the conflictants themselves - are in a more efficacious position to address the substantive issues of the dispute. In this regard, track two players play a pre-mediation role by preparing the ground for track one actors to conduct mediation. This function is very important for overall resolution of conflict because as Wall and Lynn observe, "there is hardly any empirical evidence to show that mediation is able to influence relationship variables (like to restore trust, build positive attitudes and improve other important qualities of the relationship)."²⁶

5.4 DUAL DIPLOMACY AND CONFLICT DE-ESCALATION

Borrowing from Keashly and Fisher's contingency model, it is possible to identify stages of conflict escalation where the employment of either track one or track two actors would contribute to conflict de-escalation. These stages from the low to highest level of escalation are given as: discussion; polarization; segregation and destruction.²⁷

At stage one, communication difficulties are the main issue of concern between conflicting parties which if left neglected can turn into adversarial behavior. The concept of conciliation is recommended where track two actors step in to facilitate clear and open communication on interests and related positions. The hope here is that problem solving workshops would pave the

²⁴ Mareike Kleibor, "Understanding the Success and Failure of International Mediation," *Journal of Conflict Resolution* p. 362.

²⁵ H. Prein, "A Contingency Approach for Conflict Intervention" *Group and Organisation Studies* 9, 1984, pp. 81-102

²⁶ A. J. Wall and A. Lynn, "Mediation: A Current Review." *Journal of Conflict Resolution* no. 37, 1993, pp. 160-194

²⁷ L. Keashly and R. J. Fisher, "A Contingency Perspective on Conflict Interventions: Theoretical and Practical Considerations", in Jacob Bercovitch, ed. *Resolving International Conflicts: The Theory and Practice of Mediation* op. cit. , p. 244

way for direct negotiations between parties before any damage is done to the underlying relationship.

At stage two of conflict escalation, mistrust and distorted perceptions characterize the relationship among conflictants. Consultation (also called problem solving) is advised to allow the parties to work on relationship issues (that are not the focus of mediation) and provide the parties with a low risk forum in which to consider “the merits of and the potential agenda for mediation.”²⁸

The third stage of conflict escalation is characterized by defensive competition and hostility. A form of immediate control becomes necessary to halt the spiral of violence and to demonstrate to the parties that agreement is still a possibility and an option. Fisher recommends that arbitration at this point would be the most suitable.²⁹ He however introduces another alternative, which he calls power mediation seen as midway between arbitration and pure mediation. Pure mediation involves the intervention of a skilled and experienced intermediary who uses reasoning, persuasion, control of information and suggestion of alternatives to assist the antagonists in finding an acceptable agreement. Power mediation on the other hand builds on these functions, but also includes the use of leverage or coercion in the form of promised rewards or threatened punishments. In such a case, the third party influences parties to agreement by inducing costs, giving positive inducements such as military assistance or promises of developments.

At the fourth and final stage of conflict escalation, the conflict has reached its peak where the parties attempt to destroy each other. The third party strategy at this level is peacekeeping which

²⁸ H. C. Kelman and S. P. Cohen, “Resolution of International Conflict: An Interactional Approach,” in S. Worchel and W. G. Austin eds., *The Psychology of Inter Group Relations* (2nd edition, Chicago: Nelson-Hall, 1986), pp. 323-342.

²⁹ L. Keashly and R. J. Fisher, “A Contingency Perspective on Conflict Interventions: Theoretical and Practical Considerations”, in Jacob Bercovitch, ed. *Resolving International Conflicts: The Theory and Practice of Mediation* op. cit. , p. 242

is designed to separate the parties and control violence.³⁰ When the situation on the ground is stabilized, it becomes possible to engage other forms of third party intervention like consultation to identify key elements and issues in the conflict. Some of these issues can then be handled through pure mediation and others by continuing consultation with aim of reversing the stages of conflict.

The above model demonstrates an ideal form of complementarity between track one and track two actors from the latent to manifest stages of conflict. At stage one and two, it has been noted that track two processes are best suited to handle the various issues as outlined, while stage three and four blend well with track one processes. This means that with proper 'division of labour' tracks one and two can be able to cooperate effectively without overlapping their efforts or acting out of their domain.

5.5 THE WCC/AACC AND IGAD MEDIATIONS IN RETROSPECT

This section attempts to outline areas within the WCC/AACC and IGAD mediations where aspects of dual diplomacy would have been incorporated successfully and hence served to provide a more holistic approach to the issues involved in that conflict. However, these suggestions are made with the appreciation that the contexts within which these mediations took place may not have allowed for such a possibility especially in the WCC/AACC case.

5.6 THE CONTEXT OF THE WCC/AACC MEDIATION

At the time of the first mediation by WCC/AACC, the Sudan conflict was 'little-known' mainly because of the strict censorship measures that had existed since the Abboud regime.³¹ As a result, the international community's peripheral involvement can be explained partly (and conveniently) either by the fact that the conflict was not brought to their attention or because

³⁰ L. Keashly and R. J. Fisher, "A Contingency Perspective on Conflict Interventions: Theoretical and Practical Considerations", in Jacob Bercovitch, ed. *Resolving International Conflicts: The Theory and Practice of Mediation* op. cit. , pp. 248-249

³¹ Edgar O'Ballance, *Sudan, Civil War and Terrorism, 1956-99* (Hampshire: Macmillan Press Ltd, 2000), p. 130

they were plainly not interested. In fact, one of the benefits that came out of the WCC/AACC involvement was that the intermediaries were able to spread word on the conflict to countries abroad.³² Another aspect is that when WCC/AACC offered to undertake mediation, President Nimeiri had adopted a more benign³³ attitude and was quite receptive to their involvement.³⁴ Furthermore, in 1972, it must be appreciated that there were no sub-regional organizations like IGAD(D) - Africa's capacity and inclination to engage in internal conflict was very weak. In hindsight, even had such options been available and willing, it is doubtful that Nimeiri would have allowed their participation noting his constant reiteration that the Sudan conflict was an 'internal affair'. The only existing African organization that could have been involved was the OAU which as outlined earlier was constrained by its Charter provisions. The OAU officials,

“... assured them [the intermediaries] that they would help unofficially in whatever way they could, even though they would formally stay out of the negotiation, because the issues of the conflict was considered to be an internal affair according to OAU policies.”³⁵

As a result only a non-political entity like the WCC/AACC was able to gain entry into the conflict.

5.7 DUAL DIPLOMACY AND THE WCC/AACC MEDIATION

It has already been outlined above that the official policy of 1972 would not have allowed the involvement any track one actors in the Sudan conflict. This section does not make rigid 'probabilistic' claims about the outcome of the WCC/AACC mediation had a dual approach been open for use; what it seeks is to demonstrate how the index provided in the contingency model can work using an actual conflict situation.

³² The author interviewed Harold Miller on 26th September, 2005

³³ An observation by Harold Miller, interviewed by the author on 26th September, 2005

³⁴ These factors have been outlined chapter three.

³⁵ H. Assefa, *Mediation in Civil Wars: Approaches and Strategies – the Sudan Conflict* (Boulder and London: Westview Press, 1987), p. 137

5.7.0 Pre-negotiation/Pre-mediation Stage

The initiative by the Church to sponsor the study titled “The Sudan Conflict: Its History and Development” was indeed commendable but a minimal effort in terms of the potential that a more intimate and long-term engagement holds. The suggestion here is that the Church would have interacted with the community over a longer period of time, gotten to understand and address the underlying issues through problem solving workshops and fact-finding efforts, while warming them up to the idea of formal mediation. For example, when the Kettering Foundation (an international NGO) was involved in the Tajikistan “Public Peace Process”³⁶ in 1993, it held six meetings with the delegates *before* actual mediation, paving way for the official process.³⁷ After each of the meetings, participants briefed a few top leaders in the government of Tajikistan, the opposition leadership, the US and the UN (which mediated the official negotiation in 1994). The NGO made it clear that their intention was not to mediate an agreement but to create a group within the conflict with the capacity to develop their own peace process. Participants some who later participated in official negotiation also learned the importance of structuring the agenda for a negotiation in a way not to block negotiation at the outset.³⁸ Such a well coordinated pre-mediation function would have greatly helped the Sudan mediation. As it were, the findings of the study were made available to the delegates shortly before the onset of mediation denying them an opportunity to properly ‘digest’ the issues and address them outside of all the other problems that had been brought to the negotiating table. The mediators therefore found themselves having to deal with both bargainable and non-bargainable issues at the table, a forum that was ill suited for such a function.

³⁶ The concept of a Public Process is a form of unofficial dialogue that was first introduced by Dr. Harold Saunders. See Chapter One.

³⁷ From the website of the Kettering Foundation, <http://www.kettering.org>

³⁸ Ibid. ,

5.7.1 Negotiation Stage

The dual approach suggested here suggests for official actors to conduct *actual* mediation. With most of the underlying issues having been addressed by track two actors, the mediators would have been left with the substantive issues which would have been addressed through bargaining and the use of leverage where applicable. The mediation process should also have been designed to involve *all* the parties that had an interest in the outcome noting that one of the reasons that President Nimeiri abrogated the Addis Ababa agreement was because of opposition by northern parties who had been left out of the process.³⁹

In the face of deadlocks, track two actors would have been at hand to organize side talks to facilitate continuance of the negotiations. These track two actors would also have been able to update the community (albeit discretely and selectively so as not to jeopardize the process) on proceedings as they unfolded.

5.7.2 Post-mediation/Implementation stage

Once the agreement was signed and ratified, unofficial actors would have assisted the general public to understand the provisions by interpreting the technical details and in implementation of the same. This should have been done on a long-term⁴⁰ basis where track two actors would have remained in constant communication with track one actors on the progress and challenges they were facing..

³⁹ See Chapter Four

⁴⁰ For example, when the Institute of Multi-Track Diplomacy (IMTD) – a US based NGO got involved in the peace process in Cyprus, it made a five-year commitment to working with the community. See David Baharvar, “Beyond Mediation: The Integral Role of Non-Governmental Approaches to Resolving Protracted Ethnic Conflicts in Lesser Developed Countries,” *OJPCR: The Online Journal of Peace and Conflict Resolution*, Issue 4.1., 2001, pp. 5-6
URL: www.trinstitute.org/ojpcr

5.8 THE CONTEXT OF THE IGAD MEDIATION

In the early 1990's when IGAD was invited to mediate in Sudan, it was a young organization, upon whom a new mandate was thrust. This is the typical case scenario with many African sub-regional organizations where track one conflict managers rise out of organizations whose mandate at inception did not include security issues. Bakwesgha⁴¹ argues that it became necessary for sub-regional organizations such as ECOWAS, SADC and IGAD originally set up to promote economic integration, to also embrace issues of peace and security given that the UN, OAU and now AU cannot be everywhere at the same time. These organizations together with civil society were to act as the first port of call on peace and security matters. However, the urgency with which sub-regional organisations have had to develop their intervention agenda has of necessity caused them act before they were properly prepared - they were 'compelled to develop their systems to deal with events that were thrust upon them.'⁴² Because of their lack of experience and expertise in conflict management, a lot of learning is done on the job with its attendant goof ups and disagreements – an aspect that can be likened to management by 'muddling through'⁴³ – all at the expense of the conflict victims. In addition, the close proximity that these organizations have to the theatres of conflict sometimes (and often so) makes them more a part of the problem than the solution.⁴⁴ It should also be remembered that these actors at the time of mediation also have to attend to the running of their own governments and other issues of international concern. This kind of multi-tasking has an eventual bearing on their performance where they are not able to commit to long periods of time to properly understand

⁴¹ Chris Bakwesgha, "The Emerging Role of Sub-Regional Organisations," in *Conflict Trends* 2003/4 (Pretoria: ACCORD Press), p. 17.

⁴² F. Olonisakin, "Conflict Management in Africa: The Role of the OAU and Sub-Regional Organisations." ISS Monograph Series, No. 46. February, 2000 p. 91

⁴³ This concept is associated with the Organizational Process Model of Decision Making. See Joshua S. Goldstein, *International Relations* (5th edition, India: Pearson Education Inc., 2003), pp. 157-159

⁴⁴ Chris Bakwesgha, "The Emerging Role of Sub-Regional Organisations," in *Conflict Trends* 2003/4 op. cit. , p. 17

and address the underlying issues of a conflict. Over and above all these IGAD suffered from a dire lack of resources, and had to depend on external funding which was not enough to cater to all the demands of the mediation.⁴⁵

5.9 DUAL DIPLOMACY AND THE IGAD MEDIATION

Unlike the WCC/AACC mediation which had monopoly over the process, the IGAD mediation run alongside other initiatives conducted by both track one⁴⁶ and track two actors. Michael Ouko of the NSCC feels that to claim IGAD conducted the mediation all by itself would not be an all-inclusive statement.⁴⁷ This study does not dispute that there were track two actors conducting their own peace efforts, what it disputes is that these efforts do not conceptualize dual diplomacy. Such questions and observations need one to revert to the definition and concept of dual diplomacy. As mentioned earlier, dual diplomacy *is not* the independent presence of track one and track two actors in the field⁴⁸ working in isolation; instead, it involves track one and track two actors working together in the same conflict (and conflict system) in complementarity and synergy. This suggests a situation where both actors meet in a suitable forum, discuss the issues in a conflict and then outline an agenda that stipulates the division of labour among the actors who then set out to perform their duties constantly comparing notes on progress, challenges and where the need arises, a revision of previous strategies.

Efforts by unofficial actors include the NCCK facilitation exercise of 1991 following the SPLA split and continued efforts through the Sudan Ecumenical Forum (SEF) made up of ecumenical

⁴⁵ The Nairobi secretariat had to contend with an inflexible structure in using its available funds. IPF funds were earmarked for costs related to facilitating meetings and could not be used for other activities like paying for resource persons, consultations, gathering of information or for diplomacy or negotiations before and after meetings. See The Infrastructure of Peace in Africa in Assessing the Peace Building Capacity of African Institutions," report by the Africa Programs of the International Peace Academy to the Ford Foundation, September 2002, p. 45

⁴⁶ The other track one initiatives have been outlined in Chapter three.

⁴⁷ The author had a chat with Michael Ouko, Peace Program Manager of the New Sudan Council of Churches on 30th September, 2005

⁴⁸ M. Mwangi, *The International Management of Internal Conflict in Africa: The Uganda Mediation, 1985* (Ph.D. Dissertation, University of Kent at Canterbury, 1994). pp. 428-429

bodies like NCCK, NPI, the Life and Peace Institute and others committed to peace in Sudan. The 1991 NCCK facilitation exercise, just like the WCC/AACC mediation fell back to track one methodologies of bargaining instead of engaging the conflicting parties at a psychological and perceptual level.⁴⁹ Even though it recorded some successes: like the establishment of a ceasefire, the transportation to safe areas of about 600 prisoners, and the development of an elaborate framework for the democratization of the two factions; it failed to reach consensus on a lasting solution about power sharing between the two factions leading to the collapse of the process in February 1992.⁵⁰ In 1994, the SPLM/A and NSCC held a conference in Yei county from 21 to 24 July 1997 to discuss and agree on their aims and roles in liberating their people from the oppression and war dating back to 1955.⁵¹ A major success came in the Wunlit conference which brought together the Nuer and the Dinka tribes who agreed to resolve their internal difficulties after a seven-day conference.⁵²

It cannot be disputed that these efforts were commendable, however, despite their good intentions, they were in disconnect from the IGAD process. It is worth remembering that there were many competing initiatives during the lifetime of the IGAD mediation as outlined in chapter three; the SPLM/A as the recognized party representing southern Sudan was being pulled in all directions; initiatives were not coordinated and some were not well meaning⁵³; church initiatives concentrated on southern Sudan and did not involved actors from IGAD or from the north. All these factors negate the complementarity and synergy that is envisioned under dual

⁴⁹ Makumi Mwangiru, "Conflict and Peace in the Horn of Africa", Paper presented at the International Resource Group (IRG) Conference, Nov. 1996 revised 1998, p. 11

⁵⁰ Ibid. . p. 11

⁵¹ "Come Let Us Reason Together" Report of the Historic Dialogue between the SPLM and NSCC 21-24 July 1997 (Nairobi: Africa Church Information Services – ACIS, 1998), pp. 1-4.

⁵² *Inside Sudan*, "The Story of People-to-People Peacemaking in Southern Sudan", magazine by The New Sudan Council of Churches, October, 2002, pp. 58-61

⁵³ See Chapter Three

diplomacy. A better coordinated peace initiative as hypothesized in the WCC/AACC case would have been more feasible with the inclusion of all key players.

5.10 OVERVIEW

The procedures suggested for dual diplomacy sound very novel on paper, but rarely are they ever adopted in existing practice. The common scenario is characterized by interventions that are often sporadic and uncoordinated. Although mediation is often the popular choice, it is resorted to when relationships between parties have deteriorated, interests have been interfused with needs thus appearing non-negotiable and respective positions have become intransigent through a series of past commitments.⁵⁴ Looking at both the IGAD and WCC/AACC mediations, relationship issues – like addressing distorted perceptions, negative attitudes, mistrust among others were brought to the negotiating table for lack of a suitable forum where these issues could have been effectively addressed. As a result, these issues were often left unattended/poorly attended making them a major sticking point throughout the rest of the process and impeding any meaningful progress. Conflict resolution requires that conflict managers identify the *real* causes of conflicts and avoid the pitfalls of believing conspiracy theories to explain the reasons for the conflict.⁵⁵ Ignoring either of the party's underlying needs and interests, not only denies adequate

⁵⁴ L. Keashly and R. J. Fisher, "A Contingency Perspective on Conflict Interventions: Theoretical and Practical Considerations", in Jacob Bercovitch, ed. *Resolving International Conflicts: The Theory and Practice of Mediation* op. cit., p. 244

⁵⁵ An example is given of the regimes of Rhodesia and South Africa. These regimes claimed that the liberation movements in their respective countries were primarily motivated by Communist ideals and a global conspiracy against "free and Christian countries". These claims ignored and denied the legitimate quest for freedom by black people in Rhodesia and South Africa. Instead of finding solutions to meet the need for freedom, costly and disastrous military actions were undertaken to suppress Communism. The argument here is that the relatively peaceful settlement of South Africa's conflict in 1994 emanated from the serious efforts by political parties to address the *real* needs of all South Africans, and in so doing recognizing the importance of replacing the structures and systems frustrating these needs. See "The Implications of Human Needs Theory on Government Policy and Practice," *Track Two: The Political Management of Ethnic Conflict in Africa – A Human Needs Based Approach* Vol. 11, No. 4, September 2002 (Pretoria: CCR Press, 2002), p. 18

analysis, but also appropriate action.⁵⁶ Track two approaches therefore require taking great pains to identify and eliminate to the extent possible political sloganeering by the parties so as to prepare the ground for meaningful inquiry through processes like mediation.

Drawing from the strengths that a dual conflict management approach holds, it can be noted that the engagement of such an approach would have hugely enriched both the IGAD and WCC/AACC mediations.

⁵⁶ "The Implications of Human Needs Theory on Government Policy and Practice," Article in *Track Two Journal* titled "The Political Management of Ethnic Conflict in Africa – A Human Needs Based Approach" Vol. 11, No. 4, September 2002 (Pretoria: CCR Press, 2002), p. 18

CHAPTER SIX

CONCLUSIONS AND RECOMMENDATIONS

This study, in line with the objectives set out at the beginning has investigated and analyzed the mediation in Sudan by WCC/AACC in 1972 and the IGAD mediation that led up to the signing of a peace deal in January 2005. These two mediations have been analyzed in context thereby appreciating the environment within which they took place. The preceding chapter has outlined the benefits of dual diplomacy with reference (but not exclusively) to ethnic conflicts.

This chapter carries conclusions and recommendations that are not only relevant to protracted ethnic conflicts in Africa but also in other parts of the world. As a summary of the whole study, this chapter outlines practical ways in which track one and track two actors can gain a higher level of cooperation in their approach to conflict management and resolution. It begins by proposing that track one and track two processes especially in Africa need to first and foremost address their shortcomings separately before merging their efforts in a dual conflict management approach.

6.0 AREAS FOR GROWTH IN TRACK ONE PROCESSES

6.0.0 Sub-Regional Organizations

Noting the rise in number of African sub-regional organizations in the post Cold-War era, Africa appears to be turning more towards her *African* organizations to handle her economic, political, conflict management and other matters. While this is commendable and should be encouraged, these organizations need to be well prepared and endowed with the necessary intellectual and material resources before they take up issues, lest they 'bite more than they can chew'.

Judging from the problems that the IGAD encountered in mediation, it is imperative for sub-regional organizations to 'put their house in order' and work towards attaining more cohesion in their approach to issues in conflict management. These organizations should have a governing mechanism that checks and censors their activities and conduct. For example, how should cases like that of Eritrea abandoning the IGAD process to conduct its own bilateral effort with Sudan be handled? Especially since that conflict was already being mediated by IGAD where Eritrea was a front-line member? Should such efforts be allowed? To whom do member states answer to when they are mediating a conflict and at the same time aiding one or the other of the warring parties in the background as some of IGAD member states did? Clearly, these issues need to be addressed and put into perspective if there is to be any coherent and meaningful intervention by these organizations.

Another problem that needs to be addressed is the lack of financial resources that has impeded many of the activities carried out by these organizations. Even though it will take time before these organizations acquire the type of leverage (in monetary terms¹) that can be used as a 'carrot' in negotiations, they should be assisted by other actors to enable them to fund the most basic of functions like facilitating mediation as they strive for eventual self sufficiency.

6.0.1 Selection of Mediators

It is important that selection and appointment of representatives say in mediation, be rationalized against their skill, knowledge and experience in the practice. Actors need to understand that mediation is both an art and a science. As an art good mediators must have a combination of personal traits that include sensitivity, intuition and empathy. As a science, mediation

¹ This point is made with the appreciation that leverage does not lie in monetary resources only.

encompasses a body of theory, models, techniques and skills which relate to process design, conducting meetings, facilitating communication and overcoming deadlocks.²

Burton notes that in deep-rooted conflict, conflictants often tend to think that their conflict is unique³; it is the mediator's responsibility to refer to similar situations in order to show how escalation took place. It is also necessary to demonstrate that both sides probably have the same negative image of each other, based on the stereotypes built in the course of the conflict. Such a process endeavours to establish the conditions necessary to de-escalate the conflict, presenting it as a 'problem to be solved rather than a contest to be won . . .'⁴ It also examines the relationship between the parties and the broader goals that they want to achieve. Joanna Flaunders, a mediator with the Center for Conflict Resolution (CCR) adds that a mediator can help make visible what the parties can't see and in so doing help them "understand the different 'languages' they are speaking not help them speak the same 'language'."⁵ As Jandt notes, ". . . what separates the professional negotiator from the amateur or from the non-negotiator is the professional's ability to find creative solutions that helps all parties to obtain their interests."⁶

In Africa however, mediation is often entrusted to elder statesmen, who are selected because of their stature.⁷ Indeed this can have a positive input in the process noting that conflictants are more likely to be receptive to a mediator they hold in high esteem. However it would be a bigger advantage if such an individual were also knowledgeable on mediation issues – where this is not the case, a team of technical experts should be at hand to guide him through the process.⁸

² Laurie Nathan, "At the Core: Six Strategic Principles of Mediation," in *Track Two Journal* titled Debating Mediation, vol. 7 no. 1 (Pretoria: CCR Press, 1998), p. 10.

³ John Burton, *Conflict and Communication* (London: Macmillan, 1969), p. 63-73

⁴ *Ibid.*, p. 157

⁵ *Track Two Journal* titled Debating Mediation, vol. 7 no. 1 (Pretoria: CCR Press, 1998), p. 29

⁶ F. E. Jandt, *Win/Win Negotiating* (New York: Wiley, 1985), p. 187

⁷ Laurie Nathan, "At the Core: Six Strategic Principles of Mediation," in *Track Two Journal* titled Debating Mediation, vol. 7 no. 1 (Pretoria: CCR Press, 1998), p. 10.

⁸ *Ibid.*, p. 9.

6.1 AREAS OF GROWTH FOR TRACK TWO PROCESSES

6.1.0 The Role of Non-Governmental Organisations

Miller⁹ feels that NGOs need to rationalize the motivation behind their formation and their calling to conflict management ...is it to get funding? is it to get involved in politics using the track two 'cover'? do NGOs involved in a particular field share the same vision and approach for tackling the problem? These are questions he suggests that track two actors need to answer honestly before they engage.

Miller further laments that think tanks are subversive and that they engage in conflict matters in opportunistic fashion – where they expedite both track one and track two roles when convenient.¹⁰

In Sudan for example, when the MOU between the Sudan Relief and Rehabilitation Association (SRRA) and NGOs was being signed, questions were raised as to whether NGOs were really beneficial to southern Sudan.¹¹ Some NGOs were perceived as arrogant; some had different agendas and priorities that differed from those of the beneficiaries. Many were relief rather than development orientated, they also funded programmes that were short-term, to the detriment of long-term sustainable rehabilitation. Furthermore, international agencies often demand transparency from their local partners but are reluctant to share information about their own plans and budgets.

6.1.1 The Conduct of Problem Solving Workshops

The problem solving workshop is one of the strongest and most popular tool that track two processes have at their disposal. These workshops are however conducted so badly such that not many outcomes are successfully transferred to the wider relations and conflict between the

⁹ The author interviewed Harold Miller of the Mennonite Central Committee on 26th September, 2005

¹⁰ The author interviewed Harold Miller of the Mennonite Central Committee on 26th September, 2005

¹¹ John Ashworth, *Five Years of Sudan Focal Point Briefings* (Pretoria: Sudan Focal Point – Africa, 2004), p. 19

parties.¹² These problems are attributed to distortions caused by faulty communications, the asymmetrical power balance in some conflicts, a lack of common cultural ground between actors among other problems. Track two actors therefore need to exercise their creativity and find ways to include both the active parties to a conflict and those who may be able to exert some influence on political, social and economic processes.¹³

6.1.2 Style of Delivery of Relief and Humanitarian Assistance

The provision of humanitarian and other assistance should be designed in a way that it complements the existing structures in a community. The common scenario however is that humanitarian agencies working in difficult situations, often start to negotiate with the armed protagonists while the civilian population becomes passive.¹⁴ NGOs should refuse to side with any one party over any particular issue, even in the face of hostile or intimidating pressure and do their best to remain neutral so as not to betray their primary mission. Kumar laments that often billions of dollars are set aside for humanitarian relief, “while not even 1 percent of those funds are invested in peacebuilding”.¹⁵ He argues that it is important to shift that balance so that international agencies will empower local institutions and organizations and invest more resources in peace building.

¹² R. J. Fisher, “Pre-negotiation and Problem-Solving Discussions: Enhancing the Potential for Successful Negotiation”, *International Journal*, vol. 44 no. 2., p. 446

¹³ Kumar Rupesinghe, “Mediation in Internal Conflicts: Lessons from Sri Lanka,” in in Jacob Bercovitch, ed., *Resolving International Conflicts: The Theory and Practice of Mediation* (London: Lynne Rienner Publishers, 1996), p. 155.

¹⁴ *Ibid.* , p. 157.

¹⁵ *Ibid.* , p. 157.

6.2 TYING IT TOGETHER AND WAY FORWARD

6.2.0 Design of Context Specific Intervention Policies

In their approaches to conflict management, conflict managers need to improve their knowledge and skill by drawing lessons from conflicts where dual track approaches have successfully worked and note the problems in other conflicts like Uganda's¹⁶ which suffered due to the absence of such an approach. In South Africa for example, a dual-track approach was pursued by the government and the Truth and Reconciliation Commission,¹⁷ which together shaped attitudes and behaviors into an overarching non-violent vision. South Africa succeeded in making a generally peaceful transition from a system of racial apartheid to democratic majority rule. Sri Lanka's National Peace Council (NPC) also adopted a dual track approach when it initiated a five-day gathering on the Greek island of Crete to discuss parallels between the South African experience and that of their country.¹⁸ By holding several meetings, the groups learned about the various issues and concerns of other regional conflicts and compared it to that of their own. Such comparative analysis can prove very useful for informed approaches towards conflict resolution and should be widely adopted by conflict managers. However, this does not suggest that solutions should be copied blindly just because they have worked in conflicts of similar nature. The dynamics of ethnic conflict vary widely across the African continent.¹⁹ For example, Sudan and Nigeria's ethnic conflicts are complicated by the influence of religion.

¹⁶ See Analysis by M. Mwangi, *The International Management of Internal Conflict in Africa: The Uganda Mediation, 1985* (Ph.D. Dissertation, University of Kent at Canterbury, 1994).

¹⁷ The Truth and Reconciliation Commission was established when the new post-apartheid parliament came into office following the work of the Peace Commissions. These peace committees were useful in identifying when political violence was likely to flare up, and in working to preempt or contain such violence. To ensure that the inquiries were unbiased, senior police officers from the European Union were included on the commissions, and the UN was invited as an observer. The government respected the authority of the peace commissions and did not conduct any independent political investigations. See The Aspen Institute, *Conflict Prevention: Strategies to Sustain Peace in the Post-Cold War World* (Colorado: The Aspen Institute, 1996), pp. 23-31.

¹⁸ European Centre for Conflict Resolution, *People Building Peace: 35 Inspiring Stories from Around the World* (Utrecht, Netherlands: European Centre for Conflict Resolution, 1999) p. 171

¹⁹ See Article, "Lessons Learned: What not to do," in *Track Two Journal* titled "The Political Management of Ethnic Conflict in Africa – A Human Needs Based Approach," Vol. 11, No. 4. (Pretoria: CCR Press, 2002), pp. 24-25

Somalia, on the other hand is characterized by ethnic and religious homogeneity, yet it is deeply divided along a clan-base. What this means is that conflict managers should design policies and strategies that are appropriate to the particular history and circumstances of a country.

6.2.1 Use of Knowledge as a Complement to Leverage

Conflict managers should refrain from the narrow perception of leverage in Zartman²⁰ terms as the 'ultimate' bargaining chip in mediation. In any case, it must be appreciated that there could be instances where leverage is available but not open for use. For example in the analysis of the Uganda mediation, Mwangiri notes that Kenya was unable to use the leverage it had to effect a blockade on Uganda - a landlocked country because it was aware that this could hurt both parties equally.²¹ What conflict management processes need is to have track two actors who are knowledgeable about conflicts and the analytical processes of their resolution to supplement a mediator's limited source of leverage²². Noting the failure by track two actors in the Sudan conflict to perform proper *track two* roles; it is necessary for these actors to 'go back to basics' and revise if not re-learn the whole track two process and the methodology involved.

6.2.2 Creation of 'all-inclusive' Peace Agreements

Noting the short life span of agreements in Africa that have often collapsed soon after they have been signed, it is important for future agreements to have a strong mechanism to ensure that they endure.²³ This begins by the design of a negotiation process that includes *all* parties who have a stake in outcome.²⁴

²⁰ I. W. Zartman, "Conflict in Chad," in A.R. Day and M.W. Doyle, eds., *Escalation and Intervention* (Boulder: Westview, 1986), p. 27.

²¹ See a detailed analysis in M. Mwangiri, *The International Management of Internal Conflict in Africa: The Uganda Mediation, 1985* (Ph.D. Dissertation, University of Kent at Canterbury, 1994), pp. 433-434.

²² This observation has been drawn from M. Mwangiri, *The International Management of Internal Conflict in Africa: The Uganda Mediation, 1985* (Ph.D. Dissertation, University of Kent at Canterbury, 1994), p. 434.

²³ John Ashworth, *Five Years of Sudan Focal Point Briefings* (Pretoria: Sudan Focal Point - Africa, 2004), p. 8.

²⁴ P. A. Nyaba, "The Political Charter: No Act of Chivalry," in P.A. Nyaba, *The Politics of Liberation in Southern Sudan: An Insiders' View* (Kampala: Fountain Publishers, 1997), p. 151-152

The history of Sudan is abound with examples of political deals that were made without including principle factions subsequently failing in the face of strong opposition - for example, the Addis Ababa Agreement between President Nimeiri and SSLM in 1972 was a deal primarily between southerners and Nimeiri only.²⁵ Devoid of support from many of the northern parties, Nimeiri was forced to abrogate the agreement to pacify these elements when they mounted strong opposition.²⁶

6.2.3 NGO and Government Partnership

Many ethnic conflicts, especially those frequently in the eye of the media, attract a cluster of potential interveners competing at the same time for the attention of the parties. Some interveners are organized and trained in conflict resolution while others are not thereby increasing the incidence of duplicated efforts and interventions that are sub-standard.²⁷

These problems can be tackled by exploring opportunities for creative partnerships while drawing NGO projects more under the overall organization and supervision of government. This requires NGOs to be highly transparent, while governments need to coordinate efforts comprehensively and communicate relevant information with NGOs.²⁸

²⁵ Ibid. , p. 152

²⁶ See Chapter Three

²⁷ David Baharvar, "International Mediation: The Integral Role of Non-Governmental Approaches to Resolving Protracted Ethnic Conflicts in Lesser Developed Countries", *OJCPR: The Online Journal of Peace and Conflict Resolution*, 2000, URL: [www. trinstitute.org/ojpcr/](http://www.trinstitute.org/ojpcr/) p. 8

²⁸ Ibid. , p. 8

6.3 CONCLUSION

The present chapter has acknowledged the limitations of both track one and track two processes and made suggestions on how these can be improved to further enrich their efforts in a dual diplomatic context. Recommendations have also been proposed on how African interventions can increase their skill and knowledge in conflict management while at the same time making the most of the (limited) resources at their disposal.

This study, against the background of the mediation of the Sudan conflict has investigated three hypotheses that were made at the outset.

The first hypothesis held that isolated employment of either track one or track two in ethnic conflicts does not properly address all aspects of a conflict. Indeed this has been illustrated through the analysis of the mediations in Sudan which employed track one methodologies that were unable to address the underlying (perceptual and psychological) aspects of the conflict.

The second hypothesis held that a dual diplomatic approach would be most efficacious in ethnic conflicts in efforts towards conflict resolution deemed as the more desirable end of conflict management as opposed to conflict settlement. This has been illustrated in the outline of the dynamics of conflict resolution which calls for the creative engagement of *both* track one and track two processes at various levels and stages of conflict.

The final hypothesis held that the IGAD mediation that led to the signing of the Sudan Peace Agreement marked the *settlement* and *not* resolution of the conflict. This is backed by the truism that negotiations (a central aspect of mediation) even in the presence of a mediator almost inevitably result in a settlement.²⁹ The real work towards conflict resolution depends on how the

²⁹ Anthony de Reuck. "A Theory of Conflict Resolution by Problem Solving," in John Burton and Frank Dukes, *Conflict: Readings in Management and Resolution* (Basingstoke: MacMillan Press Ltd, 1990), p. 185

processes of peace building and peace making will be executed. As Miller pointed out, “peace agreements are ephemeral, but vigilance is eternal.”³⁰

Managing ethnic conflicts is a task that requires extraordinary skill and visionary leadership; there are no blue prints or ready-made recipes.³¹ As argued earlier, solutions and approaches to ethnic conflicts should not be cast in stone - ethnicity and ‘ethnic problems’ are dynamic social phenomena meaning policy choices will necessarily require periodic adaptation.³² Furthermore, the fact that most African countries find themselves in a transitional phase should caution against the temptation to design ‘ultimate’ solutions because current relevant policies could become obsolete in the future.³³ Conflict resolution should accompany structural change through decentralized structures designed to serve the psychological, economic and relational needs of groups and individuals within nation-states.³⁴

Africa is way past the days when it was thought not to know what was good for itself. Indeed, despite many of the shortcomings that have characterized its interventions, there have been successes too, like the realization of the Sudan Peace Agreement. The strengthening and improvement of these interventions are a work in progress that should continuously be tested against a larger framework.

³⁰ This comment was made by Harold Miller

³¹ *Track Two Journal* titled, “The Political Management of Ethnic Conflict in Africa – A Human Needs Based Approach,” Vol. 11, No. 4, September 2002 (Pretoria: CCR Press, 2002), p. 25

³² *Ibid.*, p. 24

³³ Laurie Nathan, “At the Core: Six Strategic Principles of Mediation,” in *Track Two Journal* titled *Debating Mediation*, vol. 7 no. 1 (Pretoria: CCR Press, 1998), p. 10.

³⁴ Edward E. Azar, “Protracted International Conflict: Ten Propositions,” in John Burton and Frank Dukes, *Conflict: Readings in Management and Resolution* (Basingstoke: Macmillan Press Ltd, 1990), p. 155

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