

THE ROLE OF SUB-REGIONAL ORGANIZATIONS IN  
CONFLICT RESOLUTION-A CRITICAL ASSESSMENT  
OF IGAD's PEACE PROCESS IN THE SUDAN

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## DECLARATION

THIS DISSERTATION IS MY ORIGINAL WORK AND HAS NOT  
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## **DEDICATION**

I feel great pleasure to dedicate this humble work to my late brother, Adugna Ayalew Desta, who had been not only my mentor but also taught me to be honest and strong in life. My dear brother, your lofty ideals and integrity keep inspiring me. Although, you are not with me physically you remain to be my role model. May God help me not to let you down in every aspect!!

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makes any contribution towards ending the untold agony of the Sudanese people. most of the credit goes to all I have mentioned above and others who I have not mentioned.

## ABSTRACT

The inception and whole purpose of this study was to examine the impact of the structure and approaches of the IGAD peace initiative on the Sudan, and the issues involved in the conflict, on the performance of the institution in its endeavors to resolve the Sudanese conflict.

The major inputs to this study were secondary data, besides unstructured interviews with people who have either the knowledge of the conflict and/or those who have been in one way or another involved in the conflict or the resolution process.

The study managed to shed light on the nature of the conflict and the behavior of the parties to the conflict along with the merits and demerits of the structure and approaches employed by the IGAD framework. In addition, with a view to making comparative assessment, the study has dealt in some detail with the experiences of the major pre-IGAD peace initiatives on the Sudanese conflict. Through this assessment, the study established that the determinant issues in the conflict had been articulated during these processes and that there could not be a quick-fix in concluding the Sudanese civil war peacefully. Unfortunately, the study took note of the fact that IGAD has not drawn enough lessons from the strengths and pitfalls of the other similar endeavors.

In conclusion, according to the findings of this study, the delay and limited success of IGAD in resolving the long-running civil war is attributed, although not exclusively to

the major deficiencies in the mediation approaches and structures of the initiative, and the changing nature and intractability of the issues at stake.

Based on the above conclusion, the study underlines the need for major overhauling of the peace process, so that the initiative could become effective enough to conclude a comprehensive peace deal between the parties to the conflict within a reasonable time, lest the process face a catastrophic failure. In this regard, the study forwards some recommendations, which include, among others, the infusion of dynamism in the structure and approaches employed by IGAD, and devising mechanisms for the inclusion of other actors who could make or break the peace process. The study also identified that high-level engagement and political will of leaders of the member states, as a determinant prerequisite to implement the recommendations of this research in order to facilitate the realization of IGAD's objectives in general and the success of the Sudan peace process in particular.

## List of Abbreviations

- AACC**-----All Africa Conference of Churches
- ACCORD**----- African Center for the Constructive Resolution of Disputes
- APG**----- Associate Parliamentarian Group on Sudan
- AU**----- African Union
- COMESA**----- Common Market for Eastern and Southern Africa
- DOP**----- Declaration of Principles
- ECOWAS**----- Economic Community of Western African States
- FEWER**----- Forum for Early Warning and Early Response
- GOS**----- Government of Sudan
- IGAD**----- Inter-Governmental Authority on Development
- IGADD**----- Inter-Governmental Authority on Drought and Desertification
- IGO**----- Inter-Governmental Organization
- IPF**----- IGADD Partners Forum
- ISGM**----- Institutional Strengthening and Grant Management
- JELI**----- Joint Egyptian-Libyan Initiative
- NEPAD**----- New Partnership for Africa's Development
- NDA**----- National Democratic Alliance
- NGO**----- None-Governmental Organization
- NIF**----- National Islamic Front
- OAU**----- Organization of African Unity
- SSIM**----- South Sudan Independence Movement



**SSLM**-----Southern Sudan Liberation Movement

**SPDF**-----Sudan People's Democratic Front

**SPLM/A**----- Sudan People's Liberation Movement/ Army

**TOR**-----Terms of Reference

**UK**----- United Kingdom

**UN**----- United Nations

**US**-----United States

**WCC**----- World Council of Churches

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# CHAPTER ONE

## IGAD: A SUB-REGIONAL SCHEME FOR PEACE AND DEVELOPMENT

### 1.0. Introduction

In the early 1980s Africans and those concerned with the continent's dire economic and over all situation were propagating for the establishment of regional blocs to extricate Africa from the vicious circle of underdevelopment. Among the blocs, which particularly emerged in line with the 1980 Lagos Plan of Action was the Inter-Governmental Authority on Drought and Desertification (IGADD)

IGADD was launched in 1986. in Djibouti with a membership of six countries including Djibouti, Ethiopia, Kenya, Somalia, Sudan and Uganda. The independence of Eritrea in 1993 increased the members to seven.

The establishment of IGADD as a sub-regional body had taken five years of negotiations and another five years for the effective operation of the scheme (El-Affendi, 2001, 582).

IGADD, as the rest of African integration schemes, did come up with fascinating development projects, although their implementation was so appalling. The reasons

for IGADD's failure to attain its objectives could be attributed to, *inter alia*, over-ambitious expectations, poor rapport and cooperation between/among members, the prevalence of rampant conflicts and varying ideological lines of leaders of member states.

Following the collapse of the Socialist bloc and the end of the Cold War, IGADD had to undergo a revision of its vision and focus. The March 1996 decision for the revitalization of the sub-regional bloc was considered as the outcome of the new wave of democratization, peaceful resolution of disputes/ conflicts, and development that gained currency across the continent.

Through revitalization and the amendment of its Charter, IGADD officially took peace and stability of the sub-region as part of its main concerns. Thus, the peaceful resolution of both intra and inter-state conflicts became the major engagement of the organization. However, IGADD was involved in peace efforts since the early 1990s (before revitalization) to resolve the conflicts in Somalia and Sudan.

The recent success in identifying the need for an early warning mechanism and the establishment of an office in Addis Ababa to carry out this task is obviously an addition to IGAD's capacity in preventing conflicts.

IGADD's involvement in Somalia both as a bloc and through designating a member state to lead the process did not produce tangible results. The Somalia peace process

of the early 1990s was ineffectual because, among others, the conflict was at its peak and hence was too much for an organization like IGAD, which was only at its infancy stage, and the fiasco by the UN/US intervention in late 1992. After defying all initiatives by Djibouti, Ethiopia, Egypt and other extra-sub-regional forces, the resolution of the Somalia conflict is currently coordinated by Kenya with the participation of all member states, particularly the countries bordering Somalia.

IGAD's other and more institutionalized peace effort has been geared towards resolving the Sudanese civil war. This particular peace initiative began in 1993 by way of engaging the two parties to the conflict: the Government of Sudan and the Sudan Peoples Liberation Movement/ Army (SPLM/A), in the search for a negotiated settlement. To this effect, a series of talks were conducted in 1994, though no breakthrough was achieved. However, the basis for the continued negotiation was laid as a result of this initial engagement, for the Declaration of Principles (DOP) was first introduced by IGAD in 1994.

From El-Affendi's vantage point, the IGAD peace effort on the Sudan "is seen as a model for regional co-operation in Africa and has received a high level of international support" (El-Affendi, 2001, 581). The continuous support of the 'Friends of IGADD', which later on developed into the IGAD Partners Forum (IPF), has been in line with this spirit of assisting regional peace efforts.

Following the revitalization of IGAD, it is claimed that the peace process on Sudan became better focused and organized though no substantial result was registered save the acceptance of the famous DOP by both parties in 1997.

The apparent strength of the IGAD peace process on the Sudan is the endurance and persistence of the mediators not to give up despite multifaceted internal and environmental predicaments faced for the last nine years. This has obviously denied the parties to the conflict a pretext for completely abandoning the option for peaceful resolution of the long running civil war in Africa. In order to deal with the intransigent character of the parties, and to mitigate the threats of collapse prompted by parallel initiatives and the growing fatigue on the side of the supporters of the framework, IGAD had to pass through dynamism

The establishment of a Permanent Secretariat in July 1999, the set up of permanent negotiators and other infusions in the structure and approach of the process, are among the changes introduced with the view to enhance the credibility and the efficacy of the framework.

Despite all the mediators' efforts to prevent the collapse of the peace talks, until recently, the over-all assessment was that IGAD's initiative was a failure and hence doomed to wither away.



It was amidst such pessimistic environment that the June/ July 2001 Machakos talks surprised the whole world for though not complete, the parties for the first time agreed on the basic issues of contention. In this regard, although the second round of the Machakos talks hit a snag, there is still a possibility to take the process a step ahead.

The most important issue of analysis regarding the IGAD peace process in the Sudan is the crucial elements that impacted on the efficiency and effectiveness of the initiative. It is with this objective that this research would attempt to critically assess the determinant factors on the performance of IGAD.

## **1.1. Statement of the Problem**

The genesis of the civil war in the Sudan has been analyzed in various ways by different authors. Those who deliberately or unknowingly incline to favor the stance of the Government such as Mohamed Beshir, claim that the main causes of the conflict are basically external (See Beshir, 48-79). On the other hand, there are analysts who attribute the root causes of the conflict mainly to religious, racial, economic and other forms of discrimination of the Southern Sudan by the subsequent governments dominated by the Northerners. For instance, Hizkias Assefa argues, “conflict between the South and the North Sudan took place against a background of slavery, domination, deceit and hostility” (Assefa, 1987, 37).

Whichever way is argued, appreciating the root causes could assist in the attempt to evaluate the approaches and methodologies employed by third parties involved in the mediation process.

The intervention of third parties in the Sudanese conflict dates back to the first phase of the conflict: since the mid-1950s. During the civil war between the *Anya Nya* and the government, prominent personalities, including Emperor Haile Selassie of Ethiopia, Uganda's President Milton Obote and Ghana's President Kwame Nkrumah, and organizations such as the Movement for Colonial Freedom (MCF) were involved in the peace effort (Assefa, 87-94). It was after these initial efforts that the peace initiative by the All Africa Conference of Churches (AACC) and the World Council of Churches (WCC) took place. This particular effort achieved a peace agreement, which lasted from 1972 up to 1983 when it collapsed and the second phase of the civil war, which pitted the government against the SPLM/A erupted. Since then, there has been a series of peace talks between the SPLM/A and the GOS. Some of these talks were held in Addis Ababa in August 1989, Nairobi in December 1989 and in May 1993, Abuja in May/July 1992 and April/May 1993, and Frankfurt in January 1992.

It was after the failure of these peace efforts that IGADD assumed the responsibility of mediation in 1993. Since then, continuous efforts have been exerted to bring the parties into agreement to resolve the conflict in a peaceful fashion.

In line with this objective, the IGAD Ministerial Sub-Committee on Peace in Sudan conducted a number of peace talks. However, as the process was deemed to be sluggish, the Committee's 4<sup>th</sup> session resolved to set up a Permanent Secretariat in July 1999. The Secretariat, which is stationed in Nairobi, has its own committees on political and transitional arrangements.

The political committee, based on its mandate has held four meetings until September 2000 and conducted negotiations based on the DOP. Shuttle diplomacy, and consultations with the different Heads of state and government were also undertaken (See Report of the IGAD Permanent Secretariat, November 2001).

Despite these efforts, some analysts argue, apart from maintaining the spirit of negotiation, the tangible achievement of IGAD has been the formulation and the subsequent acceptance by the parties of the DOP. The DOP remains yet the only credible basis of negotiations in the Sudanese peace talks.

As a result of the pitfalls in the IGAD peace process, other parallel initiatives including the so called Joint Egyptian-Libyan Initiative (JELI) emerged and hence added up to the challenges of IGAD. The reliable supporters of the IGAD initiative notably IPF have also started to express lack of confidence, and vacillation towards the worthiness of support to the process. This state of disillusionment and the resultant tightening of conditions by IPF further undermined the initiative. According to El-Affendi, "The IPF's increasingly intrusive role made the relationship adversarial at

times, since IGAD had become very proprietorial (*sic*) about the process” (El-Affendi, 592).

On the other hand, there has been a strong conception that both parties to the conflict are not for a negotiated settlement of the conflict and hence have been using IGAD as a time buying and public relations platform. This type of argument has its basis in the belief that the two parties have deeply entrenched convictions, which are difficult to transform. Hence, as long as the GOS remains adamant on an ‘Islamist Conception’ of the Sudan and unless SPLM/A get out of its ‘utopian’ vision of a transformed multiethnic political system, IGAD’s peace effort was considered an exercise in futility (Lesch, 1998, 186).

Nevertheless, in spite of IGAD’s limitations, it has been recognized as the “only process that ties the government to addressing the issue of self-determination” (ICG, 160).

In a nutshell, as much as IGAD’s peace initiative on the Sudanese conflict is paramount and some how indispensable, it has been painfully slow and ineffectual, leaving the war to continue unabated.

This being the objective situation, the research examines IGAD’s role in the peaceful resolution of the conflict in Sudan by way of assessing its concrete achievements and

exploring the major factors (internal and external) that impacted, positively or adversely, on the performance of the organization.

Thus, the major research question addressed is “what role has IGAD played in resolving the conflict in the Sudan?” Through this exercise, the study aims at contributing to the better understanding of the relevance and efficacy of sub-regional organizations in conflict resolution.

## **1.2. Objectives of the Study**

The main objectives of the study could be summarized as follows:

- (a) To identify and critically examine the achievements of IGAD since it embarked on mediation between the parties to the conflict in Sudan; and
- (b) To explore how the issues of the conflict, and the structure and approaches employed by IGAD have influenced its performance in mediation.

## **1.3. Justification of the Study**

This research was meant for providing findings that would be of relevance to academics and policy matters.

Africa in general and the Horn of Africa in particular have been considered by the rest of the world as hopelessly marred by violent and fratricidal conflicts. This state of

affairs has resulted in a progressive marginalization of the continent and hence the reign of abject poverty and lack of direction.

One of the major conflicts in the continent is the civil war between the government of Sudan and the Southern movements. This civil war has persisted for more than three decades save the peaceful period from 1972 to 1983. All peace efforts to resolve the conflict did not bear fruit except the short-lived Addis Ababa Agreement.

As a result of this protracted war, millions had died, thousands internally displaced, while the others have sought refuge in the neighboring countries and beyond. Those who are 'fortunate' have been resettled in the USA, Canada, and other developed countries.

One could not also forget that, the most barbaric and deplored practice of slavery is allegedly taking place, in this part of the world due to the convenient situation created by the intractable conflict.

Thus, while the issue is so serious, the available researches do not appear to be adequate enough in raising awareness and in critically evaluating the performance of the peace initiatives geared towards the resolution of the conflict.

Although a number of studies have been conducted in the Sudanese conflict, most of them either lack comprehensiveness or are limited to certain issues of interest and

biased due to pre-formed opinion towards either the mediators or the parties to the conflict. This should not be surprising, however, for most researches were done or sponsored by the institutions or governments of the 'Western' World and hence their interests have been usually reflected in the outcomes of studies.

It is in this context and taking into account the painful delay of the resolution of the conflict that this study was initiated with the view to critically evaluate the on-going IGAD peace effort to resolve the Sudanese conflict. The research is deemed to contribute to the better understanding of the strengths and drawbacks of the mediation process. The findings of the research might enrich the academic exercise in the assessment of the appropriateness of inter-governmental endeavors for peace and stability in Africa.

The research has also policy relevance in that the critical evaluation of the IGAD peace initiative in the Sudan and the findings thereof could be used both by IGAD and other similar schemes engaged in the mediation of intra-state conflicts. This could be possible, for the research covers major issues including the nature of the causes, the behavior of the actors, the way the process is designed and implemented, and the impact of internal and external environment. In addition, a comparative assessment of the major efforts other than IGAD's could give a broader picture of the weaknesses or strong sides of the initiative so that future endeavors would take relevant lessons.

Given the renewed motivation and vision of African leaders through the recently launched African Union (AU) and the ambitious New Partnership for Africa's

Development (NEPAD), the importance of critical evaluation of the already functional sub-regional institutions is paramount.

#### **1.4. Scope and Limitations of the Study**

Researches in an on-going phenomenon usually faces challenges and limitations related with the fluid nature of the subject under investigation.

This being the case, this research is focused on the performance of IGAD in its peace effort in the Sudan, with particular emphasis on critically assessing the structure and approaches employed for the last nine years. This would be done in such a way that conceptual tools and examination of the nature and outcomes of other initiatives of the same objective could be used to have a reliable reference for fair and balanced assessment.

However, this research does not attempt to cover all actors and issues involved in the Sudanese conflict because its main intent is to critically evaluate the IGAD mediation effort between the GOS and SPLM/A. As much as the researcher has tried to be objective and attempted to gather information from different corners, there was a certain level of limitation in having access to the broader views of the parties to the conflict, particularly the SPLM/A.



## 1.5. Literature Review

Research interest and writings on conflict and conflict resolutions have been observed to be on an increasing trend. This may be associated with the proliferation of conflicts across the continent.

Various authors have tried to define what the concept conflict denotes to be. Mwangiru states that conflict is the result of the incompatibility of goals of different parties about a particular thing (Mwangiru, 2000, 3). This incompatibility arises from their differing perceptions, goals and ideas about how to achieve them (*ibid.*).

Nicholson on his part asserts, "conflict is an activity which takes place between conscious, though not necessarily rational, beings" (Nicholson, 1992, 11). In simple terms, Nicholson further comments: "A conflict exists when two people wish to carry out acts which are mutually inconsistent" (*ibid.*).

In its collective form "social conflict refers to conflict in which the parties are an aggregate of individuals, as groups, organizations, communities, and crowds, rather than single individuals..." (Oberscsall, 1978, 291). The conflict, in the Sudan falls in the category known as social conflict and has an element of ethnicity as it is between the Southern and Northern peoples of the country.

The typical nature of ethnic conflicts as described by Horowitz is "a recurrent phenomenon" (Horowitz, 1985, 4). The pattern of shifting contexts make ethnic

conflicts now more, now less prominent. The international environment plays a part in its emergence and remission” (*ibid.*).

In broader terms, conflicts could be in the form civil wars (intra-state) or international (inter-state), although the former types of conflict are increasing in numbers while violent inter-state confrontations have become rare.

Since the preoccupation of this research is on the way the Sudanese conflict has been handled, the next part of this section dwells in detail on civil war and their resolution.

Daniel Papp explains civil wars as follows:

In general terms, civil wars are conflicts within a state between two or more groups fought because of disagreements over the future of the state. At least one of the groups at war must be non-state actor; the other group(s) may be either the state's government or additional non-state actor (Papp, 1997, 503).

The genesis of the conflict in the Sudan may be seen in line with the above explanation. In this regard, Peter Woodward attributes the Sudanese conflict to the failure of the state to accommodate the divergent interests demonstrated in heterogeneous forms of clientelism. This in turn prompted “competition and incompatibility of various groups, parties, and movements.” As a result, the situation “led not only to unstable governments but has threatened the survival of the state itself with significant international as well as domestic consequences” (Woodward, 1990,9).

The Sudanese conflict is usually approached in two phases: the period, which covers from 1955 to 1972 during which the GOS was fighting against the southern movement known as *Anya Nya* (which means snake poison), and the civil war between the Sudan Peoples Liberation Movement/Army (SPLM/A) and the GOS, which has lasted from 1983 to date.

Despite some elements of partiality, particularly on the cause of the conflict, Mohamed O. Beshir gives a good account of the civil war during its first phase (Beshir, 1967).

Assefa had made detailed analysis of the conflict focusing on the period until the Addis Ababa Agreement of March 1972 with a brief reference to the situation that followed the abrogation of the agreement in 1983 (Assefa, 95-213).

Besides different authors with academic and/or research interest, institutions affiliated with either of the parties to the conflict present varying explanations of the causes of civil war. For instance, an article on the SPLM/A *Update*, comments as follows:

It is however, our opinion that the fundamental cause of the conflict in Sudan is the perpetration of injustice against a significant section of the Sudanese citizenry. At independence, the Sudan Government did not only make any effort to develop the South, but neglected it for the purpose of exploiting its natural resources for the benefit of the North (SPLM/A, December 2000).

Those who are sympathetic to the Government put the blame on the Southern elites whom they call separatists, and anti-peace and stability forces.

In spite of divergences in explaining the root causes of the conflict, the civil war has cost millions of lives. According to Hugh Mail, the Sudanese civil war has caused the death of 1.5 million people within the period from 1983 to 1997 (Maill, *et al*, 1999, 26). Recent reports indicated that over 2 million southern Sudanese had died due to the civil war and conflict induced famine (The East African, July 29-August 4, 2002).

Various authors have attempted to analyze the process of resolving the conflict in the Sudan. Among these, Assefa's could be taken as seminal, particularly with regards to the first phase of the civil war. Assefa attempts to show the dynamics of the civil war while giving prime emphasis to the mediation process that resulted in the Addis Ababa Agreement of 1972. This work explores the theoretical framework of mediation and its actual practice in the Sudan case with the view to produce "principles of a successful mediation process" (Assefa, 26).

Another commendable work on the general background and dynamics of the Sudanese conflict is by Monsour Khalid. Khalid, who was a key member of the Nimeiri government from 1969 to 1978, had articulated how the subsequent governments' foreign and domestic policies created and nurtured the Sudanese conflict. Khalid is of the opinion that "the Sudan's civil war has without reservation become the main preoccupation and most dominant feature of political life in the country"(Khalid, 1990, 387). He also attributes the persistence of the conflict mainly to the choice of

different administrations since 1983 to resolve the conflict through sheer force and forced acculturation (*ibid.*).

Francis M. Deng is also one of the most respected Sudanese researchers and authors on the Sudan conflict. In his book *War of Visions: conflict of identities in the Sudan*, Deng elucidates the real cause of the conflict, which in his opinion is more of identity than anything else.

According to Deng, the emergence and parallel development of Southern and Northern identities and the way the governments in the Sudan tried to treat them had led to the violent way of attaining objectives. As he has a strong conviction that the conflict is mainly of identities, values and mutual respect or lack of it between the south and the north, Deng argues "...the resolution of the destructive impasse in that country depends on forging a national political identity by consensual means" (Deng, 1995, 23).

On the process of the resolution of the Sudanese civil war, a number of literatures are available covering all efforts from the early 1970s to the current IGAD initiative. In this regard, Assefa's work stands out for its detailed and critical assessment of all peace efforts until up to the 1972 Addis Ababa Agreement (Assefa).

The other serious attempt to resolve the second phase of the Sudanese conflict, the Abuja talks, was thoroughly dealt with by an anonymous writer sponsored by the

United States Institute of Peace. According to this literature, “Sudan’s national identity has been contested bitterly for decades” and hence was the main cause of the civil war (Anonymous, 29). Thus, the Abuja talks were analyzed in line with the manner it attempted to resolve the conflict based on how it managed to address the basic issues of contest.

The author comments that Nigeria’s role in the Sudan case had elements of arbitration and mediation. In the former case, Nigeria tried to take positions on some critical issues, particularly on those, which had implications for Nigeria itself. On the latter case, it attempted to remain neutral while assisting the parties to reach an agreement. It also attempts to identify the objective contribution of the talks, which includes attracting international attention to the rather neglected conflict; readjusting the civil war into its north-south alignment; clear identification of the casual factors of the conflict; and filtering areas of agreements and disagreements (*ibid.*).

One could not claim that there is exhaustive and thorough research on the current IGAD peace process on Sudan. However, there are some partial and sporadic assessments made by individuals and institutions.

In this respect, Mwagiru comments that:

The efforts of the former Inter-Governmental Authority On Drought and Desertification (IGADD) to have member states mediate in the conflict in Sudan represented the first time that there was anything approaching a systematic perspective in regional conflict management in the Horn of Africa (Mwagiru, 80).

On the limitations of IGAD, Mwagiru states that the approaches followed by IGADD and its successor IGAD fall short of including the non-state actors in the mediation process, which could be taken as a drawback to the process. He also attempts to demonstrate the limitations of 'multiple mediation' by citing as an example, among others, the unfriendly relationship between different member states of IGAD themselves.

Out of a series of articles produced on the subject, Abdelwahab El-Affendi's could be taken as a well focused and articulated one (El-Affendi, 581-599). El-Affendi had attempted to critically assess the dynamics of IGAD's process on the Sudan. Though the author began his article by stating that "the Horn of Africa is not the best area for testing the potential of regional co-operation", he otherwise, argues, "the assumption of a mediation role by IGADD marked a significant precedent in the history of the region, which had known more conflict than co-operation" (*ibid.*, 581-582).

El-Affendi tried to examine the performance of IGADD in its round of talks since the early 1990's to the beginning of the 21<sup>st</sup> century. In this article, the author articulated the internal, regional and international factors that impacted on the IGAD peace process. He also elucidated the behavior of both the mediators and the parties to the conflict in line with the changing nature of alignment between members of IGAD and the parties, which somehow had influenced the nature and direction of the peace initiative.

In conclusion, El-Affendi lamented that “[t]he IGAD Sudan mediation was a difficult and uphill undertaking from the outset: the parties are intransigent, the issues are intractable and the stakes are high for all concerned” (*ibid.*, 598). He shares the concern of many writers and analysts on the efficacy of the process and hence made some recommendations to salvage the initiative from its eventual death.

Ann Mosely Lesch had also made a commendable contribution in the understanding of the Sudan civil war in general and the earlier stage of IGAD’s initiative in particular (Lesch, 167-186). Lesch, attempted to identify the perceptions and attitudes of the parties to the conflict towards each other, the respective prescriptions of the parties to resolve the conflict, the role of external actors most particularly the United States government, and the initial efforts and achievements and limitations of IGAD.

The author argued that at that stage “IGADD mediators views were distinctly more favorable to the SPLM than to Khartoum. Moreover, they lacked mechanisms for carrying out their proposed solutions” (*ibid.*, 186). The writer was of the opinion that the major factor for the conflict was the divergent perspectives on national identities. Thus, Lesch states: “ Civil war and military force, rather than negotiations, were likely means by which the national identity crisis would be resolved” (*ibid.*).

A report by Center for Peace and Strategic Research briefly discusses the efforts, achievements and problems of IGAD’s peace initiative. This report substantiates the above remark of Mwagiru; for instance the report comments that:



The Sudanese leadership feels that IGAD is not sufficiently neutral to undertake genuine and impartial mediation between the parties to the conflict. In turn, countries of the region have obviously expressed concern for the alleged support Khartoum is giving to rebels or other destabilizing regional elements (Center for Peace and Strategic Research, June 2000).

A more consistent and research-based assessment of the process has been produced by a body known as the *International Crisis Group* (ICG). Apart from periodic reports on the Sudan peace process, ICG recently published a book which covers elements including the historical and other backgrounds to the conflicts, the main issues and actors in the conflict, and the intent and competence of different initiatives directed towards the resolution of the civil war.

With regards to IGAD's initiative, ICG appears to be well informed. For its assessment and conclusions were based on closer information from the parties to the conflict, institutions and individuals involved in the process and the attitude and reaction of the extra-regional actors. In its rather brief analysis of the IGAD peace process, ICG highlights the recent efforts led by the Permanent Secretariat on the Sudan peace process, while also touching upon the strength and the predicaments of the initiative emanating from both internal weakness and international variables.

ICG winds up its assessment on IGAD making the following comment: "IGAD continues to appear to be on a slow roll to oblivion, absent a major shake-up, high level leadership, and more meaningful external partnership" (ICG, 2002, 160). This concise statement, though, pessimistic is telling much about what is lacking in the process and what should be done.

A number of resolutions and other documents produced by IGADD and IGAD are part of the literature on the subject with great importance to develop understanding on the dynamics of the peace process on the Sudan. Reference to the Amendments to the Agreement establishing the Inter-governmental Authority on Drought and Desertification (IGADD) in Eastern Africa (21<sup>st</sup> March 1996) indicates that IGAD's role in the Sudan conflict emanates from the "Aims and Objectives" enshrined in its Article 7. This Article in section "g" states one of the objectives as follows: "Promote peace and stability in the sub-region and create mechanisms within the sub-region for the prevention, management and resolution of inter and intra-state conflicts through dialogue" (IGAD, 21<sup>st</sup> March 1996).

The amended Charter of IGAD, gives more emphasis to peace by identifying conflict resolution as a separate item in its Article 18A. This section underscores that "Member States shall act collectively to preserve peace, security and stability which are prerequisites for economic development and social progress" (*ibid.*).

Careful assessment of the documents produced by IGAD would assist the evaluation of the role of IGAD. Among these, the Declaration of Principles (DOP) of May 1994, which was accepted by both parties in 1997, is paramount for it laid the basis and set the direction of subsequent negotiations. A report by the Nairobi based Permanent Secretariat, detailed the mediation efforts since the establishment of the Secretariat in

July 1999. It identified the progress made, limitations and recommendations for the way forward (IGAD Permanent Secretariat, November 2000).

The most recent documents containing the *Machakos Protocol* and others, which covers agreements between the GOS and SPLM/A on issues including, *inter alia*, State and Religion, Self-determination and Structure of Government are vital instruments to analyze achievements and possible outcomes in the subsequent efforts (See the Machakos Protocol and associated documents, 20<sup>th</sup> July 2002).

On the issue of success record of IGAD's peace process on the Sudan, one may divide outlooks into two major categories. Some, particularly before the Machakos talks, argue that IGAD has not been successful yet, due to the inherent pitfalls such as multiple mediation, structural deficiency and lack of innovativeness. Mwangi, El-Affendi and ICG may fall in this category.

The much-applauded *Machakos Protocol* did not manage to change the deeply entrenched doubt over the sincerity of the parties and the capacity of IGAD. In this connection, it is worth to mention the cautiously optimistic sentiments of those closely following up the issue. For instance, John Predergast of the International Crisis Group was quoted as saying: "remember that this is just a framework. It's not a peace agreement. The essential elements of the agreement still remain to be negotiated. Until that happens, I share the skepticism that this is just a public relations exercise" (The East African, July 29-August 4, 2002).

Others, who believe that IGAD has made commendable contributions in most cases cite the DOP as a major achievement. Dr. Kinfe Abraham who was a political advisor to the IGAD peace process comments as follows:

There are three milestones [specific achievements]. First, the commitment to resolve the conflict through peaceful means. Second, the commitment to the unity of Sudan by both sides. Third, the agreement on the basic principles of self-determination, which both sides have agreed to in principle. We [mediators] have also managed to get the two sides to agree to a temporary cease-fire for humanitarian purposes (The East African, October 16-22, 2000).

Many including those who are highly critical of the IGAD initiative share the points raised above. Indeed, there is a seemingly consensus that IGAD is the only process that brought the two parties to a continued negotiation, and the sole framework that ties the GOS to address the issue of self-determination (ICG, 160).

Various reports following the *Machakos Protocol* commended the persistence and 'unswerving commitment' of the mediators, though, this optimistic sentiment would not last long for there has been a tendency of shifting opinions as the initiative hit a snag.

In the middle between the strong critics and 'loyal supporters' of the IGAD peace process, one could come across a number of opinions, measured critics, and assessments entertained by various forum, media, and publications.

At this juncture, it might be appropriate to quote Charles Gurdon's bold statement on the possible five scenarios to emerge in the Sudan. He comments:

With luck, Sudan will begin the 21<sup>st</sup> century in perhaps the same position as India was relatively recently. In other words, it will be a decentralized multi-party democracy ruled by a central government but with powerful and effectively autonomous state administrations, which genuinely represent the interests of the regional population (Gurdon, 1994, 114).

Gurdon further laments that, if the above situation cannot materialize, Sudan can not continue to be a unitary state hence the Sudanese people would be condemned to “endless misery caused by continued civil war” (*ibid.*).

None of the five scenarios including the above envisaged by Gurdon has materialized. It is instructive, therefore, that scholars should refrain from extremely far-fetched generalizations and predictions. This study takes note of this.

Regarding the experience of other similar inter-governmental peace efforts in Africa, the literature is not rich. This might mainly be due to the lack of such organizations actually involved in peace efforts as institutionalized as that of IGAD. Those available are dealing with peace keeping or sporadic mediation efforts mainly led by prominent personalities like Mandela, in the Burundi case, and the DRC crisis, which changes hands from one mediator to another. Such efforts have been mostly under the aegis of the OAU mechanism for Conflict Prevention, Management and Resolution (Mwagiru, 1996).

On regional peace efforts, Miall simply asserts: “regional security arrangements and regional integration could contribute to the containment of internal conflicts” (Miall, *et al.*, 83). Institutional Strengthening and Grant Management (ISGM), on its part,

identifies the advantages and disadvantages of regional approaches for conflict management. ISGM mentions the OAU and COMESA besides IGAD, as inter-government bodies with constitutional mandate on conflict prevention, management and resolution (ISGM, May 2000, 1-12).

Mwagiru gives better attention to this issue. He tries to elucidate how sub-regional organizations started to intervene in conflict issues after the experiences of failure such as that of the former East African Community (EAC). Mwagiru is of the opinion that the reason for the emergence of sub-regional conflict management capabilities was the weaknesses of the OAU in discharging this responsibility.

The Economic Community of West African States (ECOWAS) had developed conflict management concerns in 1988-89, while IGAD's revitalization measures in 1996 took conflict resolution as one of the amendment's objectives (Mwagiru, 153-157).

Despite its appalling performance during its nearly four decade age, the OAU's sustained mediation effort in the recent Ethio-Eritrea conflict could be considered as a major development in the organization's conflict management and resolution process, though it could not deter the bloody war.

It is against this background that, many writers refer to the IGAD peace process as a unique and ambitious task, which if it succeeds, could set a significant precedence for future collective efforts to deter and resolve conflicts. The establishment of an IGAD's

early warning system with its office in Addis Ababa is further development in the realization of the institution's peace and stability objectives.

## 1.6. Theoretical Framework

In simple terms, theory denotes to a set of systematically organized ideas to explain a certain phenomena. The key concept here is explanation hence theory could be taken as a tool employed to understand the nature and character of a particular phenomena.

A closer concept to theory used in international relations is *paradigm*, which denotes to "a theoretical framework, a set of hypotheses, or model that serves as an organizing principle and a guide for research" (Evans & Newnham, 1998, 416).

Social scientists attempt to apply certain criteria to evaluate the merits of competing theories. The major criteria as such include consistency, coherence, comprehensiveness and parsimony (McGrew, *et al*, 1992, 76).

Theories of conflict and conflict resolution are relatively new as compared to the major theories of international relations including *realism* and *idealism*. In fact conflict resolution as a specialized field evolved in the 1950 and 1960s, at the height of the Cold War (Miall, *et al*, 1).

The models and paradigms developed in conflict studies are in one way or another linked to the different international relations schools of thought, although, they are also related to theories in other fields.

Fields of inquiry such as *conflict research* contends that conflict is a process, which is related to all behavioral systems and hence believes that it is possible to borrow ideas and research methods from other disciplines and apply them to the field of study (Evans, 94). On the other hand, *peace research* that is followed by researchers who are of the opinion that peace is attainable and desirable and that by simply conducting peace research "the goal of peace may be moved closer to realization" (*ibid.*, 424).

The concept of conflict resolution has been faced with criticisms of various sorts by proponents of different theories based on their fundamental assumptions on the nature of human beings and relationships of different levels.

As realism is based on the basic assumption that the international system is anarchic and hence power is the decisive force that could instill peace and stability, it is of the opinion that conflict resolution is a futile exercise. In other words, for the realists, conflict resolution is softheaded and unrealistic because it is only through power and coercion not from negotiation that lasting peace would be achieved (Miall, *et al*, 3).

On the other hand, *Neo-Marxists* and other radical thinkers argue that conflict resolution attempts to reconcile irreconcilable interests and hence fail from taking sides in "unequal and unjust struggles, and lacked an analysis within properly global



perspective of the forces of exploitation" (*ibid.*). This argument is tuned in line with class analysis and the relationship of the exploiter-exploited actors in the international arena.

Still others contend that they doubt whether methods developed within the Western model could serve in other cultures and circumstances. This argument makes nature and character of conflicts in the West differ from the other parts of the world. In line with this, there are also contentions questioning the relevance of models or methods during the Cold War to the post-Cold War situation (*ibid.*).

As opposed to adherents of the inherency school (whose base is the realist's theory of power), which contends that conflict is natural and inherent to human beings and states, proponents of the World Society school of thought, argue: "conflict is not inherent since the values, which can satisfy human needs are not in short supply." (Mwagiru, 22). In line with this argument, violent conflicts could be resolved if the environment is changed and the perception or misperception of the parties to a conflict could be positively transformed.

In spite of such critics and skepticism, the field of conflict resolution has progressively gained currency and hence undergone dynamism.

This being the general case, this study tries to relate the concept of conflict and conflict resolution to the Sudan case and IGAD's mechanism of conflict resolution.

In simpler terms, conflict could be defined as "the pursuit of incompatible goals by different groups" (*ibid.*, 19). This definition refers to social conflict, thus "the parties are an aggregate of individuals, such as groups, organizations, communities, and crowds" (Oberschall, 291). To make it more relevant to the case at hand, one could use the following explanation:

[Social] conflict [is] a struggle over values or claims to status, power, and scarce resources, in which the aims of the conflict groups are not only to gain the desired values, but also to neutralize, injure, or eliminate rivals. [It] encompasses a broad range of social phenomena: class, racial, religious, and communal conflicts; riots, rebellions, revolutions; strikes and civil disorders; marches, demonstrations, protest gatherings, and the like (*ibid.*).

The civil war in the Sudan has demonstrated multifaceted causes and issues involving religion, linguistic and cultural questions, ethnicity, and economic deprivation, which have been expressed in different forms of reaction including riots, civil disorders and in its highest form, rebellion and liberation movements

The explanation of conflicts have been done by applying different approaches including their structural sources, conflict-group formation and mobilization, and the dynamics of conflict (Oberschall, 292). The conflict in the Sudan may be explained applying a function of the above approaches, though, in varying degrees.

By their very nature, conflicts could be categorized into two: *symmetric* and *asymmetric*. The former refers to conflict of interest between relatively similar/equal parties, while the latter denotes conflict between or among 'unequal'/ dissimilar parties.

*Asymmetric* conflicts occur between, among others, a majority and a minority, and an established government and rebels. This is a case where there are powerful actors (known as top-dogs) and less powerful parties (referred as under-dogs) (Miall, *et al*, 12). The case in the Sudan has been that of *asymmetric* conflict, which has pitted the successive governments against the continuous armed resistance since the 1950s.

The root causes of asymmetric conflicts lies "not in particular issues or interest that may divide the parties, but in the very structure of who they are and the relationships between them" (*ibid.*).

Any conflict could be examined applying Galtung's model, which identifies three aspects in a full conflict: *Attitude* implying positive or negative perceptions or misperceptions of the parties to each other, *Contradiction*, which refers to the perceived or actual incompatibility of and *behavior* signifying "cooperation" or "coercion" (gestures meaning conciliation or hostility) (*ibid.*, 14-15).

Civil war is one expression of conflicts and according to Assefa civil war is "a war fought between different geographical areas, political divisions, or ideological factions with in the same country" (Assefa, 4). Daniel Papp also has a similar explanation and adds that they emerge because of "disagreements over the future of the state" (Papp, 503).

The conflict in the Sudan fits both to Galtung's idea on aspects of conflicts and the definition of civil war by Assefa and Papp. From the very beginning, the conflict in the Sudan was between the two geographically distinct areas: South and North, which incidentally differ, among others, in culture, language, belief, and ethnicity. The two parties disagree over the future of the Sudanese state in that, southerners' demands range from a secular and democratic Sudan to an independent south. Most of the regimes in the Sudan have been for a theocratic and centralized government with in united Sudan.

Conflict resolution processes, therefore, needs to take into account the general elements and aspects of a particular conflict, and this study examines the Sudan conflict in line with such ideas and approaches.

In the process of any conflict resolution, parties to a conflict usually anticipate *win-lose* (zero-sum), *win-win* (*non zero-sum*), or *lose-lose* outcomes. The role of third parties in this case would be to assist the parties to the conflict perceive a non-zero sum outcome, where both could be in a better position than they were before agreement. In other words, the role of a third party is to convince the parties to the conflict that they would be better off than they were through negotiated settlement.

A third party involved in conflict resolution could be with only 'soft' power in that it could only attempt to persuade, to inspire, and induce cooperation between the parties so that agreement could be achieved. In such cases, what the third party could do is to

facilitate communication and prepare a negotiating environment by allaying, *inter alia*, suspicion and fear of a harmful outcome.

On the other hand, the third party could possess 'hard' power, which makes it capable of ordering, coercing, and commanding the parties to the conflict to accept a certain course of action (*ibid.*, 10). This study, therefore, would attempt to evaluate the nature of IGAD's power as a third party involved in the resolution of the Sudan conflict.

In this respect, the peace process in the Sudan has to be examined based on the defining characters of the conflict: causes, expressions, issues at stake, power structure of the parties, and the role of other internal and external actors.

According to Mwangi, conflict resolution should not be based on the existing power relations. If it does so, it is settlement not resolution, for it does not address the root causes of the conflict. He further argues that conflict resolution is "non-zero sum" and satisfies both parties, which is a pre-requisite for an enduring peace and favorable post-conflict relationships (Mwangi, 41).

However, there is a lot of skepticism on the possibility of satisfying all parties to the conflict in every situation. People with such opinions argue that, although, it is true that, groups or other actors could be committed to fight to the end, there is always a room for resolution of conflict due to the massive cost on the societies concerned imposed by violent conflicts (Miall, *et al*, 155).

Assefa attempts to summarize the basic principles and values of conflict resolution as follows: (a) One cannot resolve conflicts and thus make peace unless the root causes of the conflict are identified and dealt with; (b) It is not possible to resolve conflicts and attain peace process unless attention is given to the justice and fairness of the process as well as the outcome of the settlement; (c) Since people's deeper interests' are not totally incompatible, third parties could help in exploring mutually acceptable solution through discovering commonality of interests and objectives; and (d) conflict resolution and therefore peace making involves a restructuring of relations... (Assefa, 2002, 5-6).

The other and most important theoretical contention here is whether civil wars of the Sudanese nature are amenable to resolution through the traditional state-centered approach (track-one diplomacy) or through the informal approach (track-two diplomacy).

New developments in conflict resolution theories also suggest the application of multi-track approach, "addressing elites, and grass roots, operating at structural-constitutional as well as at relational-community levels, with cooperation between involved international and internal agencies and a sustained commitment to the conflict in question over time" (Miall, *et al*, 19). Miall, further laments that "the increased emphasis on the importance of indigenous resources and local actors suggests the addition of what might be termed Track three peace making" (*ibid.*).

Official intervention by third parties in conflicts is a traditional approach used by states and international organizations. On the other hand, the unofficial method is an aspect of third party intervention practiced in the form of panel discussions under the aegis of social scientists or non- governmental agencies. This process brings a small number of representatives of ethno-national groups in a conflict. Such forums facilitate confidential discussions on sensitive issues. Proponents of this approach argue that it is appropriate to generate new ideas, create better understanding and trust, and to infuse flexibility in the resolution process (Mellison, 1999,119-128).

Those who favor formal/official approach contend that states justifiably hesitate to negotiate informally under the facilitation of a non-official third party. The basis of such state-centric argument is international law, which governs the transactions (positive or negative), of international actors.

As Mwangi puts it, track-one diplomacy is based on power, and hence its approaches are eventually inclined towards bargaining. The outcome of bargaining is settlement, which could be reversed with changes in power configuration (Mwangi, 124).

The critical issue here is that since unofficial intervention does not involve government representatives, it could not bring about agreements (in line with international law). Thus, it is mandatory to have official diplomacy at the end of a successful peace process by unofficial intervention.

The other pertinent issue to be considered is that, violent conflicts such as the Sudanese civil war call for a process of transformation (Miall, *et al*, 156). This could be achieved through the application of both official and unofficial diplomacy as the situation dictates. In this respect, Miall argues as follows:

Conflict transformation may be gradual or abrupt; perhaps, more typically, a series of rapid shifts is punctuated by longer periods of inertia and stalemate. If this process is to go forward, the parties must identify an acceptable formula for negotiation, commit themselves politically to a process of peaceful settlement, manage spoilers who seek to block the process, and return after each setback to fresh mediation or negotiation (*ibid.*, 164).

The Sudan conflict has been exhibiting the above characteristics. Therefore, according to the above line of argument, the study attempts to evaluate the relevance of IGAD's attempt to commit the parties to a particular framework known as DOP.

In the area of conflict resolution paradigms, there is a strong support for the application of eclectic approach, which prescribes a "range of appropriate actions and interventions at different stages of the conflict, depending on the situation" (*ibid.*).

The other vital point is the timing of third party intervention in the form of mediation, which is dependant on the nature of the conflict. The concept of *ripe moments* tries to identify when mediation should take off. Accordingly, a conflict may be ripe for resolution when there is a *hurting stalemate*, signifying that both sides realize that they cannot achieve their goals by further violence and that it is costly to continue fighting. The parties may recognize the prevalence of *imminent mutual catastrophe* and hence commit them selves to a mediation process. Similarly, parties to a conflict could



detect *enticing opportunity*, which would prompt them to seize the perceived opportunity to minimize their loss or maximize their gain (Miall, *et al*, 162-163).

An effective peace process, therefore, needs to closely follow up the general situation and the status of the parties so that to decide on appropriate timing and to employ a relevant approach.

Since this study is meant to examine a particular type of conflict resolution: mediation, the following part limits itself on this and on the efficacy of conflict resolution by inter-governmental organizations such as IGAD

Conflict resolution by inter-governmental groupings is a derivation of the role of the United Nations in the peaceful settlement of disputes.

Merrills comments that, for the UN and regional bodies, mediation is one of their major objectives. This is partly out of obligation, and partly due to the interest of members to influence the outcome (Merrills, 1984, 21).

Miall on his part underlines the importance of regional organizations in conflict resolution in the following way: "For conflict resolution, regional organizations have the advantage of proximity to the sources of conflict and familiarity with the main actors, actual values and local conditions". He, however, states that regional IGO's

may face such problems as lack of impartiality, and financial constraints (Miall, *et al*, 37).

A body known as Institutional Strengthening and Grant Management (ISGM) has also identified some merits and pitfalls of IGO's role. On the advantage side, the following were mentioned: feeling less restrained, more transparency, group ownership of initiatives, better experience sharing, and better network for peace building and conflict resolution. However, there are some drawbacks including, *inter alia*, possible violation of charter by members, lack of enforcement mechanisms, lack of resources and sometimes donor dependence, and lack of trust among the members (ISGM, 2000).

In summary, this study attempts to apply both the broader and specific theoretical assumptions and conceptual underpinnings in assessing the nature of the Sudanese conflict and its resolution process particularly the appropriateness of the IGAD structure and approach in line with the issues at stake. The principles of an ideal mediator, the appropriate timing of intervention, and the role of internal and external environment, as propounded by different scholars and researchers are among the specific tools to analyse the IGAD process.

## 1.7. Operational Definition of Terms

### Conflict

Conflict refers to disagreement between two or more parties, which may escalate to the level of violent confrontation. It is a result of divergent interests, values and beliefs, instigated by a certain triggering phenomena and may take different forms such as social, political, environmental and economic. In summary, conflict may be taken as the pursuit of incompatible goals by different parties. The nature of the conflict may be interpersonal, between among different communities, between a certain group and a government, and between states. It is possible to categorize conflicts (intra-state), and between states (inter-state). However, in contemporary conflicts, it is hardly possible to find a conflict, which is purely internal. In light of this, the conflict in the Sudan, which has been mediated by IGAD, is an intra-state one and the major parties are the GOS and SPLM/A. The two parties to the conflict can not agree on the nature and direction of the state of Sudan hence have been engaged in bloody fight for the last nineteen years. Their disagreement includes, *inter alia*, on the issues of identity, resource and power distribution, and the structuring of government.

### Conflict Resolution

Resolution of a conflict implies addressing the root causes of the conflict and to eliminate misunderstandings and suspicions between different parties. By doing so a positive environment for the post-conflict relations would be prepared, which could

prevent the recurrence of the conflict. The process of conflict resolution is “ non-zero sum” in that the gain of one party does not automatically result in the loss the other. In short, conflict resolution fosters co-operation through a mechanism that clearly deals with the factors that contributed to the emergence and development of the conflict.

The IGAD peace process on the Sudan is an attempt to resolve the conflict in that country through tackling, among others, issues of self-determination, state and religion, and resource and power sharing, which ignited the long-running conflict in 1983. If the process succeeds, it could infuse positive attitudes between the protagonists and prevent the chance of violence in future transactions.

### **Settlement of Conflicts**

In contrast to conflict resolution, settlement is a mere re-adjustment of situations wherein the outcome is determined by the status of power configuration between the parties. Settlement mostly addresses the symptoms of a conflict but leaves the root causes intact. Therefore, it is not unusual to observe the recurrence of the conflicts, which passed through the settlement process. The 1972 Addis Ababa Agreement is a case in point, for it only managed to temporarily stop the civil war in the Sudan short of resolving the key and sticky issues of conflict, hence it was abrogated in 1983.

### **Mediation**

Mediation is one of the methodologies of resolving conflicts or disputes. It is a form of third party intervention with the objectives of breaking a stalemate and/or providing

acceptable solution. Mediation may involve activities that range from a passive role of encouraging negotiation and the provision of channels of communication to an active engagement by way of providing proposals and seeking compromises. An individual, an institution, a state or a group of states could do mediation. IGAD's peace process is a form of multiple mediation by a group of states neighboring Sudan and its mandate emanates from its organizational Charter.

### **Civil War**

This a phenomenon expressed through a violent confrontation between or among different groups or parties in a particular state. Usually, civil wars occur between a certain political, religion or ethnic/national group and the government of the day. However, it is possible to observe inter-ethnic fighting not necessarily targeted against the government but in one way or another will oblige the state apparatus to take part. The war between the GOS and the Southern movements since 1955 is a typical example of civil war. The sporadic fighting between different tribes in the southern Sudan particularly between the Nuers and the Dinkas is also an aspect of civil war.

### **Negotiation**

In the context of this study, negotiation denotes to a technique of 'regulated argument' between delegations of parties to a conflict, in order to identify and iron-out points of disagreements so that settlement or resolution of disputes or conflict could be achieved. Negotiation could be direct (between the parties to the conflict) or could

take place through the assistance of a third party. IGAD's peace initiative on Sudan is a forum for negotiation between the GOS and SPLM/A, based on an agreed framework stipulated in the Declaration of Principles (DOP).

## 1.8. Hypotheses

The current conflict in the Sudan has defied all peace initiatives and hence persisted for nearly two decades. IGAD, which has been engaged in the resolution of the conflict since the early 1990s has not yet concluded its effort through a comprehensive agreement between the parties to conflict. In spite of whatever has been attained, many wonder as to why the IGAD peace process is so slow and short of a breakthrough.

In light of this fact, the study critically evaluates what IGAD has achieved and what it has not. This is done through the examination of the following hypotheses:

- (a) The structure and views were unstructured, inviting open and candid discussion on major issues.
- (b) Secondary data in the form of books, magazines, newspapers, websites, periodic reports by IGAD and other institutions, agreements and resolutions produced by different organs of IGAD, and statements and declarations made by the parties to the conflict.

## **1.9. Methodology**

In the course of assessing the performance of IGAD against what it ought to have achieved, the study highly depends on the data collected through the following ways:

- (a) Interview conducted with scholars, diplomats, and members of parties to the conflict, mediators and academicians. All interviews were unstructured, inviting open and candid discussion on major issues.
  
- (b) Secondary data in the form of books, magazines, newspapers, websites, periodic reports by IGAD and other institutions, agreements and resolutions produced by different organs of IGAD, and statements and declarations made by the parties to the conflict.

## **1.10. Chapter Outline**

The study is organized in such a way that one chapter will prepare the reader for the next and it encompasses a total of five chapters. The first chapter deals with general introductory elements. The second chapter is devoted to background and context of the conflict, elucidating the underlying historical and otherwise factors of the conflict along with the issues and actors involved. Chapter three discusses the major pre-IGAD initiatives with a view to examining their positive legacies and shortcomings.

Chapter four examines the dynamics of IGAD's initiative since its inception to the very recent negotiations. This chapter captures the major issues around IGAD with particular emphasis on what has been achieved so far. The last chapter is meant for conclusions based on the findings discussed in the preceding sections. In this chapter, the study forwards some recommendations that are believed to improve the performance of IGAD in its endeavor for peace in the Sudan.



# CHAPTER TWO

## BACKGROUND AND CONTEXT OF THE CONFLICT

### 2.0. General Overview

Any conflict has its own root causes, contributing factors, patterns, and behavior. Accordingly, the conflict in the Sudan should be approached and analyzed taking into account these and other relevant factors in order to have a fair evaluation of its resolution process. With this objective, the vital precursors and dynamism of the civil war in the Sudan would be assessed here.

The emergence and development of the Sudan as a state has many features in common with the rest of the African countries that passed through colonial rule. Among these, the absence of a country known as Sudan in the pre-colonial era, which covers the post-colonial territory; the bringing together of quite divergent communities into one nation and the consequent friction and violent confrontations between among these communities to preoccupy the subsequent governments; and the pattern of using sheer force to quell and subdue internal strife could be cited as examples.

The cumulative impact of these and other unhealthy developments have been challenging the very survival of most post-independence African states including the Sudan. This has been a serious hindrance to the process of building cohesive and solid

nations. Intractable and destructive civil wars in the continent are, therefore, the outcomes of the failure of the subsequent governments to iron out various forms of disagreements and incapacity or unwillingness to build states based on the principle of 'unity within diversity'. The case in the Sudan was not thus unique.

Researchers state that there were permanent settlements and powerful communities in the area of present Sudan way back in the B.C.'s. For instance, Roddis' asserts that in 750 B.C. a King in this area with a name Piankhy invaded Egypt. The capital of this Kingdom moved from Nputa, Northern Sudan (which is referred in some literatures as being called the Cush region) to Meroe in 590 B.C. The kingdom flourished for a long time until the Axumite Kingdom of Ethiopia destroyed it in 350 A.D. (Bratvold, 1988, 22; Roddis, *et al.* 1985, 11).

It is believed that the name of Sudan was derived from the term 'Bilad al-Sudan' used by Arab geographers in the middle ages, which means the land of black people (*ibid.*, 7).

Contemporary Sudan consists of territories that were being administered by the Anglo-Egyptian Condominium, which technically lasted from 1898 to the independence of Sudan on 1<sup>st</sup> January 1956 (Beshir, 1). According to Assefa, "until the end of the 19<sup>th</sup> century, the Sudan was not the political entity it is today and had no fixed boundaries" (Assefa, 36).

Geographically, Sudan as the largest country in Africa, shares boundaries with nine African states: Chad, Egypt, Eritrea, Ethiopia, Kenya, Libya, the Central African Republic, Uganda, and Zaire.

With regards to the composition of the society, “[Sudan] is normally thought as a country of two peoples and made out of two different halves—the Northern and Southern Sudan” (Beshir, 1).

However, there is no absolute consensus on the presence of a neat North-South dichotomy. Some argue that there are distinct racial, cultural, and religious differences between the two, while others contend that whatever variations exist between the north and the south, they are historical constructs and hence do not justify arguments for real racial bifurcation.

Despite the fact that there is no absolute agreement on this issue, it is undeniable that the majority of the people in the south and the north do not identify themselves as being one and the same.

In territorial terms, South Sudan refers to the areas covering the three provinces: Bahr al-Ghazal, Equatoria and Upper Nile, while the rest of the country is traditionally considered as North Sudan (Assefa, 35; Beshir, 2).

The people of northern Sudan are considered as: "Hamito-Semites who like to think of themselves as Arabs; descendants of the successive waves of Arab migrations, they probably went first into Egypt and then drifted southwards to settle and inter-marry with the original inhabitants, the Nubians, who were darker and often Negroid" (Assefa, 35).

On the other hand, the southern people are referred to as: "Primarily Nilotic and African in their features, outlook, and culture. They share ethnic and cultural similarities with the border populations of the neighboring countries" (*ibid.*, 37).

Given these facts, the conflict in the Sudan has been basically between the two societies represented by their respective leaderships. In other words, the northern people who have been controlling the lion's share of power base since independence have been faced with fierce and persistent southern resistance.

However, the conflict should not be deemed to be a post-independence phenomena, it rather has its roots in the period prior to 1956, though aggravated by the way and manner the State of Sudan was established and administered.

In line with this, Susanne Thurfjell asserts: "The roots of the present conflict lie very deep in history as far back as pre-colonial times, and the era of slave trade, when Arab tribes from the North made lucrative raids into the South for gold, ivory and slaves" (Thurfjell, September 2000,36).

Slavery was widely practised in the Sudan since several thousand years before the birth of Christ and persisted until the time of the Mahdists in the 19<sup>th</sup> century (Deng 1995, 35-36; Assefa, 37-40).

Although in the earlier periods, slavery was prevalent in both the south and the north, it became more rampant in the southern part particularly following the successive Arabization of the north. In this regard, following a discussion on how subsequent forces from the north inflicted massive destruction and indignity on the south, Deng laments: "This is why slavery has indeed remained the most glaring reminder of the bitter history of the North-South, Arab-African hostilities and animosities (Deng, 74).

Besides the dark era of slavery, a number of historical events in the pre-independence period, contributed to the development of different identities and in shaping the nature of the state that emerged after the independence of Sudan. One of these is the introduction and expansion of the two major religions- Christianity and Islam in the Sudan.

Christianity started in the northern Sudan prior to the arrival of official Christian missionaries from Constantinople in 543 A.D. Therefore, contrary to what most conceive, Christianity was practised in this part of the country for hundred years before Islam was introduced. The two religions, however, used to co-exist peacefully with the agreement concluded between the followers of the two faiths (Roddis, 13).

Gradually, Islam expanded as a result of immigration, inter-marriage, and increased commercial interaction between the Arabs and the northern Sudanese people. In line with this, Beshir argues: "The Arabs who came to the Sudan belonged to more recent historical waves in the Seventeenth century A.D." (Beshir, 4-8).

The emergence of a strong "arabized", "Negro" nation of the Fung in the 15<sup>th</sup> century was another important historical phenomenon, for the border of that nation extended to the boundary of Egypt, and due to its role in the expansion of Islam. According to Thomas, "By 1500 AD the Black Sultanate of the Fung was known, and it was at this that conversion to Islam within the Northern Sudanese tribes began and prospered" (Thomas, 1990, 3). However, the kingdom declined to be finally conquered in 1820 by Mohamed Ali, a viceroy of Egypt for the Ottoman Empire (Assafa, 33-38; Khalid, 1990; 25-30; Roddis, 14).

Thus far, the history of the Sudan was predominantly that of the north. As Beshir put it "Very little was known about the history of the three provinces before 1820, when the 'Turco-Egyptian' armies conquered Sudan. Until then the tribes lived in relative isolation (Beshir, 9).

This implies that it was only during the Turco-Egyptian rule that the south and the north came under one administration for the first time in their history. Since then, the south had been exposed to explorers, traders and other forms of influence by different actors from the northern side (Beshir, 10-12; Khalid, 30-33).

However, despite the attempts by subsequent forces since the Turco-Egyptian rule, to merge the north and the south into one central administration, the two communities maintained their unique sense of identity and heritage. In line with this, Bratvold comments, "Because Sudan's northerners and southerners think of themselves as separate groups, the nation's early history developed into two distinct ways (Bratvold, 22).

The Turco-Egyptian administration that was the first step towards union between the two communities did not impose its rule without facing opposition. To the contrary, it encountered fierce resistance from both the southern and the northern peoples. Deng asserts, "The popular unrest (against the Turco-Egyptian forces) culminated in a successful revolt, which began in 1881 and brought Mohammed Ahmed al- Mahdi to power in 1885" (Deng, 11-12).

The period from 1881 to 1998 known as *Mahdia* is considered very significant in the history of the Sudan. This is mainly because during the Mahdi movement, both the southerners and the northerners, albeit for different causes, stood against the Turco-Egyptian forces.

From the point of view of Deng "the south, though did not convert, saw the religion of Islam as a tool for a liberation, a way to organize opposition to the foreign rulers" (Deng, 11).

On the other hand, the northerners consider Mahdi as a national leader who waged a holy war against foreign powers and successfully united the north and the south for the same objective. Assefa quotes Wai as follows: "The cooperation should not be construed as a solidarity between the two... for the South the war against the Turks and Egyptians was a war against foreign blunderers and intruders, while for the North, it was a religious and political war" (Assefa, 41).

For whatever goal the south cooperated with Mahdi, it did not last long, for he faced fierce resistance while he tried to impose Islam and perpetuate slavery (Assefa, 40)). The Egyptians also did not give up with their imperial ambition over Sudan. Thus, they waged a war against the Mahdist movement with the preponderance of the British forces.

The subsequent defeat of the Madists in the late 19<sup>th</sup> century at the hands of the Anglo-Egyptian forces coincided with the infamous scramble of Africa by Europeans.

Although the initial pretext used by Britain in its fight against the Mahdists was to restore the Egyptian rule, in 1899 it formulated a joint rule dubbed the Condominium Agreement (Roddis, 24).

The period of the condominium government is considered to be vital due to its substantial contribution to the nature of the Sudanese conflict. The condominium agreement managed to 'end' slavery and 'unite' the north and the north, although, the



two were administered differently. This, as Deng put it, "reinforced Arabism and Islam in the north, encouraged southern development along indigenous African line..." (Deng, 11).

During this period, Christian missionary education expanded substantially in southern Sudan, in some cases with subsidies from the government. This and the usage of English as a language for learning, while the north continued with Arabic minimized the opportunity for the assimilation of the people of the two regions.

Economically, the British were more interested in exploiting the north for its potential to supply cotton to its industries at home. Accordingly, all development in infrastructure, trade routes and communication were geared towards the attainment of this objective. The south on the other hand, was not attractive for British's economic interests. Therefore, development was not the British agenda in the southern part of Sudan. The following statement underlines how the south was treated by the British administration:

While the colonial administration invested considerably in the political, economic, social and cultural development of the north, the south remained isolated, secluded and underdeveloped. The principle objective of colonial rule in the region was the establishment of law and order (*ibid.*).

From the administrative point of view, Britain was not firm and consistent on the future of the south for quite a long period. The idea of merging the south with the British East Africa was left open as the practice of separate rule under the southern policy continued.

In 1922, the south was officially declared as a 'closed district' to isolate it from the possible influence of the north. The basic principles of the southern policy, which had its seeds since 1902, include the following: Encourage the return of the south to tribal law, family life and custom; discourage all references and the use of Arab name, language, clothing and customs; introduce special permit for the Muslim traders to forbid northern traders entering the south; The gradual elimination of the northern administrators, clerk and technicians in the south, and their replacement by southern Sudanese; and the use of English where communication in the local vernaculars was impossible (Assefa, 45; Beshir, 37-59).

The overt rationale given by the British for the introduction of the policy was the protection of the south from the northern dominance. However, the widely believed motive was that Britain was afraid of possible expansion of the then growing nationalism in the north with a considerable influence by Egypt. The policy was a serious hindrance to the interaction between the two communities. Assefa describes this situation as follows: "Some claim these (measures introduced by the southern policy) created artificial barriers between' the two regions, which might have evolved a homogeneous culture through assimilation." (Assefa, 45).

The sad aspect of the policy and its implementation was that it did not give as much attention to the development of the south as its focus was on the isolation of the region from the north.

The southern policy was not popular even among some of the British officials themselves. Records indicate that some of the officers of the Britain administration had advised their government on the weakness of the policy particularly with regards to the difficulty to implement it.

This state of affairs persisted until the British administration suddenly reversed its southern policy in 1946 without prior consultation with the southern people (Assefa. 48).

Once Britain decided to abandon its southern policy, alternative measures were being considered. According to a document furnished by the British Governor General, the major options were: integration of the south into the north; integration of the south into East Africa; and integration of parts of the south with the north and the rest with East Africa (Beshir. 61-62).

As indicated above, the issue of granting independence to the south was not taken into account as an alternative altogether. The idea of merging the south, either partly or wholly with East Africa was not feasible because the latter considered the south as a possible liability. Thus, the 'best' option for Britain was to unite the south with the north.

Britain's justification for the abandoning the southern policy and the unity of the two regions was the fact that the south was not economically viable to stand by itself. But

those who doubt this line of argument raise two fundamental factors: the considerable pressure from the northern political forces including the National Union Party (a pro-Egypt group), the Umma party and the Graduates' General Congress, and the calculation in pursuit of the national interest of the British government.

In this connection, Assefa asserts: "The British government at that time was preoccupied with making a deal over the Suez Canal. Therefore, it did not want to throw Umma party into the arms of Egypt by separating the South from the North" (Assefa, 47-48).

However, it has to be clear that Britain's decision to unite the south and the north did not emanate from a principled support for the northerners' interest. The 1946 draft treaty was meant to establish a framework that included 'unity between Egypt and Sudan under the common crown of Egypt'. Although rescinded due to outrageous reactions from different corners, this infamous agreement known as 'Sidiqi-Bevin Protocol' was indicative of Britain's selfish move and disregard for the Sudanese people at large.

Nevertheless, the decision for the unity of the south and the north itself complicated the future of Sudan for various reasons. Primarily, the two were at different levels of development with considerable gap in the administration capacity and educational background of their respective people. Secondly, the two communities had no common political, cultural, linguistic and religious heritages that could cement strong bondage.

Thus, the unity imposed by Britain began in a very shaky foundation, regardless of some measures taken to involve the south in government positions, and the belated consultations with the southern 'representatives'.

In summary, the hastily planned and ill-executed preparation for independence did not help much the southern people who had neither the backing from Britain nor the capacity to articulate and defend their interests.

Since 1946, a series of measures were taken to pave the way for independence. The most important of these was the Juba Conference, which took place in Juba town, a capital of Equatoria Province, in June 1947. The main objective of the conference was to give an opportunity for the southerners to voice their opinion on the emerging scenarios.

At this point in time, the north was so eager for independence and the unity of the two regions while Britain was in the mood to de-colonize its subjects. Thus, the southerners and their sympathizers claim that the conference was nothing but to rubber stamp the decision already made by the colonial power with substantial support of the northerners.

The representatives of the south were initially reluctant to take part in the conference and reflected their suspicion on the sincerity of the arrangement to emerge out of it. In the course of the conference, the southerner delegates were allegedly either intimidated or bought to concede to the idea of unity and the establishment of a Legislative

Assembly. In line with this, it is argued "every recess or adjournment was marked by blackmail and bribery from the Northern side to the Southerners" (Assefa, 50).

In reaction to the way the delegates behaved on the first day of the conference, the chair of the conference was quoted as saying the following: "The northerners suspected the southerners of desiring separation, and southerners suspected the northerners of wishing to dominate the south" (Deng, 89).

However, the conference managed to arrive at an agreement on the setting up of a Legislative Assembly to be composed of representatives of the south and the north. The attempt to put a protective clause to safeguard the interests of the southerners in the ordinance that established the Assembly did not materialize as it was flawed from the very beginning (Deng, 91-92; Assefa, 48). Out of the sixty-five elected and ten nominated members of the Assembly, there were only thirteen southerners (Assefa, 50).

The next major political event before independence was the 1953 election for the transition period National Assembly. Political groups, which emerged since the 1930's were contenders for the seats in the Assembly. These included the Graduates General Congress, the Umma Party, the Khatimas, the National Union Party, and the Southern Party. The National Union Party won the election and its leader, Ismael el-Ahzari became the first Prime Minister of the Sudan in January 1954. Twenty-two southerners representing different parties made it to parliament through the election (Assefa, 51).

Prior to this important election, there were discussions in Cairo between the Sudanese political parties and the Egyptian government. The signing of the Anglo-Egyptian Agreement on February 12, 1953, followed this. But no southerner was represented in the discussions. In this regard, Beshir comments: "The absence of the Southerners from these discussions was as a proof to belittle the South and ignore their demands" (Beshir, 71).

In addition, the uneven distribution of government positions in the transition period (1954-56) is claimed to have exacerbated the already unhealthy relation between the south and the north. Assefa describes this situation as follows: "Out of the 800 positions filled, only six were given to the southerners, and the highest of these six was that of an Assistant District Commissioner (Assefa, 51).

The dissatisfaction created by, among others, the exclusion of the south from vital decision makings; the unfair sharing of public posts; the decision that made Arabic an official language of Sudan; and the replacement of traditional leaders by northerners fuelled the contradiction to a serious degree.

Some argue that the above factors were so critical and hence determined the emergence and development of the most tragic civil war in Africa. In an attempt to elucidate the situation, Beshir asserts:

The events, which followed self-rule (1954), however, aroused the suspicion of the south and finally led to the outbreak of the Southern Army Mutiny in 1955. The roots lay in the mistakes and faults committed by the Northern

political parties, which were exploited and fanned by those administrators and missionaries who had always objected to the new policy (Beshir, 70).

Beshir's effort to look for excuses for the eruption of the conflict was an exercise in futility, for he himself admits the neglect of the south and the resultant mutual suspicion and animosity between the southerners as reflected in several forums. The mutiny was a significant signal to the predicaments of the future of Sudan.

In light of this circumstance, Deng appears to be only fair when he qualified the period of self-rule as a 'divided march to independence' and hence it could be safe to retrospectively conclude that a state of Sudan was ushered to independence with a 'time bomb' to explode any time with a slight triggering factor.

The subsequent governments since the independence of the Sudan in January 1956, were not willing to admit that they had serious issues to be addressed and redressed, hence the civil war that was ignited in the 1955 mutiny expanded and persisted up until now.

## 2.1. The Dynamics of the Conflict

The civil war in the Sudan has passed through two major phases. The initial conflict, which was instigated by the mutiny in 1955, lasted until the Addis Ababa Agreement was concluded in 1972. The major parties to the conflict in that period were the government of the day and the Southern rebels basically but not exclusively represented by a group known as *Anya Anya*.



Following the abrogation of the 1972 accord, the second phase and the still going-on civil war was re-ignited. Despite the emergence and death of various southern opposition groups, the major actors in the second phase of the conflict have been the GOS and the Sudan Peoples Liberation Movement (SPLM).

The issues that pitted the GOS against the Southern movements have evolved from simple to complex and hence the effort to resolve them has become more difficult from time to time.

The next section of this chapter tries to elucidate the most contentious issues of the conflict and the nature and behavior of the actors involved in both phases.

### 2.1.1. The *Anya Nya* Movement

As mentioned else where in this study, the root causes of the civil war in the Sudan developed out of the situation that prevailed in the pre-independence situations. The disappointment of the southerners in the manner the transition to independence was handled was compounded by further disillusioning measures in the post-independence actions of the government. This was believed to exacerbate the existing suspicion of the southerners against the northerners and hence prepared the ground for the eruption of conflict.

The most important issue in the first years of independent Sudan was the question of federal status to the south as promised by the northern politicians during the preparation to independence. The Southerners considered federalism as a guarantee to safeguard

their overall interest, for there was a very low level of trust between the south and the north (Thurfjell, 35).

Thus, since all three governments from 1956 to 1958 refused to honor the promise for federal status to the south, the option left was clandestine politics and armed rebellion with the help of the already active remnants of the 1955 mutiny who were in the bush (Assefa, 58-59).

Most notably, the failure of the practice of multi-party democracy in November 17, 1958, when General Ibrahim Abboud usurped power through a bloodless coup, sheer force instead of political dialogue became the basic instrument to address any dissent in the south.

The military regime of General Abboud took some severe measures against Christian institutions in the south including the expulsion of missionaries and pursued the agenda of forceful arabization and islamization. Khalid explains this situation as follows: "The policies of Islamicization and Arabicization in the south, were, in reality, high-risk policies that followed a simplistic approach. Naturally it ended in much bloodshed and tears that, eventually, cost Abboud his throne" (Khalid, 190). The dissolution of all political parties including the southern ones left no alternative to peacefully articulate and voice the interest of their community (*ibid.*, 191).

This gave more impetus to the southern opposition, thus southern politicians and educated elites started to flee the country to the neighboring states (Holt & Daly, 1988, 178-179; Assefa, 59).

The emergence of various southern groups including the Southern African Closed Districts National Union (SACDNU), which later on changed itself into the Sudan African National Union (SANU), and the *Anya Nya*, in the early 1960s was the result of policy crisis and dictatorial rules of the subsequent governments.

SANU, an exiled group headquartered in Uganda, was of the opinion that the independence of the south should be a last resort. In line with this, it tried to get the support of the northerners to work for equality and fair participation of the south in the political life of the country. However, the appeal of SANU was to no avail and hence "the stepping up of the struggle was a forgone conclusion" (Khalid, 192).

Consequently, the major southern rebellion under the umbrella of *Anya Nya* emerged in 1963 as a formidable southern force through the merger of the embryo guerilla movement composed of former southern troops and fugitive civilians who were engaged in sporadic ambushes. From its inception, *Anya Nya* declared that it had resolved to resort to armed struggle and embarked on establishing training camps, enhancing recruitment, and launching attacks in different parts of the southern region.

The initial serious attack by *Amra Nya* on the government forces was on a provincial capital known as Wau, in January 1964. Although, the attack was unsuccessful, the brutal reactions by the government enhanced the resilience of the rebels so much so that the resistance went on unabated (Assefa, 60; Holt & Daly, 180). To indicate the intensity of the problem, Assefa comments: "by late 1964, it was estimated that about forty percent of the Sudan Defence Force (SDF) was in the south" (*ibid.*).

Thus, since its formal establishment, the *Amra Nya* movement, led by General Taffeng spearheaded the southerners' armed struggle against the Government of Sudan.

However, while the armed struggle had been intensified in several parts of the south, General Abboud was overthrown in October 1964. The coming into power of a civilian government through the 'October Revolution' brought about political normalcy and a window of opportunity to peacefully resolve the southern problem.

The transitional government established following the fall of Abboud, tried to accommodate southern politicians in government posts and sought dialogue with different groups representing the southern community. The 'Round Table Conference' of March 1965 was organized for such objectives. Nonetheless, the southern groups were divided in their solution to the southern problems. The radicals were for outright independence, while the moderates called for federal arrangement with the south. The northern politicians, on their part were not in harmony, though they were cohesive in their stance against any move endangering the unity of the Sudan (Assefa, 62).

Thus, although the conference managed to bring the southerners and northerners to a negotiation table, it failed to achieve any concrete reconciliatory agreements. According to Beshir, "The real achievement of the Round Table Conference was the opportunity it provided for the leaders and public of both parts of the country to have a much better knowledge and appreciation of the extent of the Southern problem" (Beshir, 97).

Indeed the southerners used the forum to articulate their positions and attract wider international attention to the grievance of the south at large. As summarized by Deng, the southern delegates stated that: the relation between the south and the north was imposed by external actors, the south-north relation strained by the actions of the northerners need a serious overhauling, the south had been economically neglected as compared to not only the north but also to the rest of Africa, and the southern problem could not be solved by mere "cocktail of" opinions but only by union of hearts" (Deng, 151). Deng further laments that: "Even the Round Table Conference of 1965 proved to be a forum for highlighting the widening North-South cleavage" (*ibid.*).

The most important thing at that particular juncture was the basic issues underlying the north-south conflict were made stark clear. The southerners were so blunt in that they tried to reveal the fact that there was not much in common between the two communities both as a shared legacy and future. This was illuminated by one southern speaker who tried to show the apparent dichotomy between the 'hybrid Arab race' in the North and an 'African' group in the South. In the view of this speaker and those

who shared his opinion, there was no basis for the unity of the two societies as there were no shared identities, values, beliefs, and the quest for unity by the northerners was "based on historical accident and political domination over the Southern Sudan" (*ibid.*, 152).

The conference, therefore, only uncovered the major issues that caused the north-south strife and made it persist despite the attempts to arrest the escalation of the situation into a full-scale civil war.

In the aftermath of the Round Table Conference and the subsequent change of government, the handling of the southern problem reverted from that of a reconciliatory fashion to a military means. The new government led by Prime Minister Mahjoub perpetrated indiscriminate military campaign against the southerners and hence "saw the most tragic escalation of hostilities" in that region (Khalid, 230).

The administration of Sadiq al-Mahdi, which succeeded Mahjoub also failed to come up with a peaceful approach to resolve the southern issue. Although al-Mahdi's overt slogan was "pacification through persuasion" his aim was "crushing the rebellion", while trying to appease those who might support unity (*ibid.*, 231). The administration was particularly working to isolate and crash the *Anyanya*, which by that time had managed to get wider acceptance and support among the majority of the southerners.

However, the divide-and-rule approach of Mahdi did not work much. To the contrary, the southern politicians in the Diaspora formed a semblance of exiled government in August 1967 known as Provisional Government for the south under the control of *Anya Nya*. Militarily, *Anya Nya*'s forces showed dramatic rise in number and activities. The situation was further exacerbated by, among others, the re-assumption of power by the infamous Mahjoub and the subsequent ineffectual military crackdown, and the 1968 mysterious assassination of the relatively moderate southerner leader, William Deng.

The cumulative impact of the above situations was the closure of all avenues to peace and reconciliation. In reaction, the southern movement got more momentum to the extent that the Nile Provisional Government (NPG) was formed in 1969. The declared objective of NPG was the establishment of an independent state in southern Sudan through armed struggle in co-operation with *Anya Nya* (Mohammed, October 1993, 22).

Nevertheless, in May 1969 'progressive' officers under the leadership of Jaafar Nimeri took power through a bloodless coup. This revived the opportunity for the peaceful handling of the southern problem. Besides the leftist attitude of the regime, which made it entertain the idea of an autonomous administration for the south, the internal division and friction between the northerners, prompted Nimeri to seek support from the south.

On the other hand, the southern rebellion achieved substantial strength through the generous support of neighboring countries, which resulted in the emergence of the

Southern Sudan Liberation Movement in 1970 led by General Lagu. General Lagu progressively centralized control of the *Anya Nya* forces and SSLM.

It was amidst such enhanced southern resistance that the conciliatory approach of Nimeri's administration managed to revive the chance for peace, which was almost closed since the failure of the Round Table Conference.

It was during Nimeri's period that an opportunity for external mediators was created, which led to the Addis Ababa Agreement in 1972 following the failed attempt by the Movement for Colonial Freedom (MCF). Despite the painstaking effort to arrive at a negotiated settlement, the 1972 peace accord lasted for a decade.

In summary, as briefly discussed above, the Sudan conflict, which has been nurtured during the pre-independence Sudan, was further escalated due to the militaristic option and disregard of the south by almost all governments since 1956.

The apparent issues of conflict during the first phase were: the quest for a federal status of the south, which was denied by northerners, and the discrimination of the south in the political, economic, social, religious and cultural aspects of Sudan. The issue of federalism was particularly important, for the northerners failed to make good the promise they made during the preparation for independence. This deepened the degree of mutual suspicion and acrimonious attitude between the south and the north. In this



connection, it would be instructive to quote what Prime Minister Mahjoub said about the promise for federation:

We canvassed all the parties to secure unanimity. We encountered some difficulty in convincing the southerners, so we inserted a special resolution *to please them* pledging that the constituent Assembly would give full consideration to the claim of Southern Sudanese members of parliament for a federal government for the three Southern Provinces (Khalid, 230-231).

Such a deceptive and myopic approach employed by the northern politicians could not serve its purpose. It rather worsened the north-south relation resulting in the bloody civil war.

The major actors in the conflict were the subsequent governments of Sudan and the various southern groups which evolved from sporadic civilian and armed uprisings to a more organized guerilla movement and political forces culminating in the set up of the Southern Sudan Liberation Movement (SSLM) with the goal of self-determination for southern Sudan.

At the international level, the southern forces had secured support from various neighboring states including Congo, Ethiopia, Central African Republic, Chad, as well as some European governments, Israel, churches, and voluntary organizations. The government had been assisted by, among others, the USSR, Egypt, Saudi Arabia, Algeria and some East European states, depending on the ideological orientations of the administration in Khartoum.

### 2.1.2. SPLM/A and the Second Phase of the Conflict

The Sudan People's Liberation Movement (SPLM) came into existence in July 1983 after the Addis Ababa Agreement was effectively dismantled and hence both southern civilians and armed groups rose to fight against the government from within and using the territories of neighboring countries as their launching pads for their attacks.

The emergence of SPLM/A was preceded by the 1983 mutinies in different battalions of the army, which were faced with fierce attacks by government forces. Those who took part in the mutinies and in the subsequent fights with the army, joined hands with the *Anya Nya-Two* forces operating around the Ethiopian border. These elements formed the SPLM/A after some in-fighting to control leadership. Dr. John Garang has been the chairman of the movement and commander of the military wing-the Sudan People's Liberation Army (SPLA).

The SPLM from the very beginning made it clear that it was not a secessionist force. During that particular period, as most movements all over the world, the SPLM was inclined towards Marxism. The SPLM openly criticized the *Anya Nya* movement as short-sighted and elitist agenda focusing mainly on grievances on the distribution of government posts. The SPLM declared: "The South is an integral and inseparable part of the Sudan" (SPLM, *Manifesto*, 31<sup>st</sup> July 1983). Thus, SPLM started its operation with the objective to develop and implement "a consistent democratic solution to both the nationality and religious questions within the context of a United Socialist Sudan"

(*ibid.*).

The subscription of SPLM to a socialist ideology and practices won it friends including Mengistu of Ethiopia who provided generous military, logistic, training and other types of support. This situation enabled the SPLM/A to use the bordering Ethiopian territories as a spring-board for its attacks against the government.

However, although the movement got stronger during this period, it later on streamlined its doctrine and hence re-articulated its aims and objectives in the 1990s. Accordingly, in 1994, the movement declared that its objective was the establishment of *New Sudan*, which temporarily comprises Bahr el Ghazal, Equatoria, Southern Blue Nile, Southern Kordofan and Upper Blue Nile (SPLM, Vision, Programme and Constitution, 1998, 24).

The New Sudan was defined as the complete destruction of the rule of the oppressive minority and its replacement by "a free, just and secular system of governance based on the free will and popular participation of the New Sudan..." (*ibid.*, 25).

As a safeguard to the interest of the Southern people, SPLM put the right to self-determination a must "before or after the demise of the present National Islamic Front (NIF) regime ... or in any peace talks with the Government of the day in Khartoum for the achievement of the aspirations of the people of New Sudan" (*ibid.*).

For the GOS, religion by implication was not only a source of legislation but also a way of life and it claimed that the northern people as they are the majority had the democratic right to be governed by Islamic laws and principles (Anonymous, 48). Although, the initial and real intention of the NIF regime was islamization of the whole of Sudan, gradually it softened its position due to enhanced internal opposition and international pressure. As a result it started to claim: *Sharia* (Islamic law) remain the supreme public law in a unified Sudan, while *Huddud* (specific system of punishment) would not apply to citizens in the south but would apply to non- Muslims in the North (Lesch, 177). But for the GOS, even "the partial exemption of the south was a voluntary concession, not a right" (*ibid.*, 184).

This stance was not convincing enough for the southerners for it was clear that the GOS was not willing to abandon political Islam as the most dominant force, which puts all sources of laws and political ideas subordinate. In addition, despite the public relations exercise, the GOS was not ready even to exempt the south from *huddud* let alone suspend *sharia* (ICG, 96). The 1998 Constitutional Decree and all other policies and measures proved that the government insisted to maintain *sharia* as one of the major sources of legislation (*ibid.*).

Despite the fact that Turabi is no more in power his philosophy based on political Islam was and somehow remains still the most influential idea moulding the principles and practices of the government. The following statement by Turabi is instructive as to how

the concept of political Islam was deeply entrenched in the minds of the northern extremists:

An Islamic state cannot be isolated from society because Islam is a comprehensive, integrated way of life. The division between private and public, the state and society, that is familiar in Western culture, has not been known in Islam. The state is only the political expression of an Islamic society... (Inter-Africa Group, *Sudan Peace Seminar, Briefing Paper 1*, 4).

On the other hand, the SPLM was adamant that there should be a secular state where there would be no relation between state and religion and hence did not accept even the idea of southerners' exemption from *sharia*. In one of the peace talks, a southern delegate stated: "The SPLM cannot, for a split of a second, entertain the idea of separate existence with the NIF... under the same roof, for that roof, lets face it, is the national constitution, and it is either secular or religious based" (Anonymous, 52).

During negotiations that took place in the year 2000, the parties presented their respective positions on state and religion where: "GOS was of the opinion that the Federation should be ruled by Islamic Law with states having to opt out if they wish. SPLM/A was of the view that the Federation should be secular and States may adopt legal systems as they wish" (IGAD, *Brief on IGAD Secretariat on Peace in the Sudan*, November 2000).

These polarized positions of the two parties, thus, were until recently the most challenging aspect of the conflict and its resolution process.

The other vital issue in the conflict was the idea of self-determination. This concept evolved from the pre-independence situation and the denial of the promised federalism by the north-dominated successive governments. Consequently, the south started to claim the right to self-determination so that they could decide their own fate if the system failed to accommodate the various interests of their people.

As indicated earlier, the SPLM Constitution singled out self-determination as one of the movement's objectives to be exercised by the people of the New Sudan. For the southerners, self-determination has been considered as a safeguard to any eventuality in the north-south relation. The US Special Envoy for peace on Sudan asserts: "Southern Sudanese have claimed self-determination as a means to protect themselves against persecution; however, there are different views of what self-determination means in Sudan's future" (Danforth, April 26, 2002).

Initially, when the GOS showed an indication of accepting the idea of self-determination, it only meant defining the nature of north-south relation within one Sudan. On the other hand, the SPLM, though refrained from advocating separation, claimed that the right should include the option for secession to be considered in case other alternatives fail to materialize. In other words, SPLM was of the opinion "if certain set of conditions prevailed, the Sudan could remain united. In other circumstances, it might break up" (Anonymous, 64). According to some analysts, although the SPLM/A does not openly argue for independence, it could not cover the fact that it has been its hidden objective.

From the ICG's vantage point, "much of Garang's hesitation on independence was tactical and grounded in understanding that independent south was not acceptable to regional leaders" (ICG, 109).

Through a series of negotiations, the GOS recognized the right of the south to self-determination, although, there remained differences on the *modus operandi*. The government was of the idea that this right could be exercised through a referendum after an interim period with domestic or selected external observers. The SPLM, calls for a referendum widely supervised by international observers. This issue appears manageable, though, not easy. But, later on the stickiest element of self-determination became agreement on who is entitled for the right.

The GOS has been consistent in this regard since it recognized the right both in its 1998 Constitution and under its agreement with the Southern Sudan Independence Movement (SSIM) in 1997 (Republic of Sudan, 21<sup>st</sup> April, 1997, 21). For the GOS, therefore, the right is limited only to the Southern regions-Bahr el Ghazal, Equatoria and Upper Nile, based on the boundary definition at the time of independence. However, progressively the GOS indicated at least to discuss the status of Abyei while outrightly rejecting the question of Southern Kordofan and Southern Blue Nile (IGAD, Brief on...).

On the other hand, the SPLM, claims the right to self-determination should be extended to also the other 'marginalized' areas-Abyei, Southern Kordofan and Southern Blue

Nile. This position of the SPLM has been claimed to contradict with the positions it took previously, including during its acceptance of the DOP in 1997, in the 1992 Abuja Talks and when it concluded agreement with the NDA in Asmara, in 1995 (Inter-Africa Group, *Sudan Peace Seminar, Briefing paper 2, 3*).

The issue of interim arrangement was also an important component in the peace talks between the parties to the conflict. However, this issue has been contingent on the nature of agreements and would be expected to take place before a referendum is conducted. One paper vividly puts what interim arrangement is all about as follows:

Interim arrangements are (a) a practical, intermediate matter, merely intended to ensure the preconditions for long-term settlement based upon self-determination and democracy and (b) a reflection of the interests and concerns of the parties, manifest in a way that guarantees the stability of the agreement (Inter-Africa Group, *Sudan Peace Seminar, Briefing Paper 3, 1*)

However, this does not make the issue controversial for it encompasses many elements that had been proven difficult to agree upon. The major items of negotiation in the interim arrangement are, the length of the period, the type of authority during the period, security arrangements, international involvement, and the question of the regions beyond the traditional south (*ibid.*).

The issue of interim arrangement most importantly entails the question of the structure of government and the distribution of power. Since the Abuja talks, the SPLM was for a confederation between the north and the south or a weak central government during the interim period. The movement refers to the fact that the north dishonored the agreement on federation hence argues that the best mechanism is a loose relation between the two regions. The government, on the other hand, rejects confederation on the ground that it is tantamount to offering independence to the south even before a referendum.



Interim arrangement has been linked in one way or another with the issue of religion. In this regard, SPLM argues, if the north wishes to be ruled by Islamic laws, it could within its jurisdiction, while the south would enjoy a secular system within its constituent part.

The movement's proposal provides a number of elements of power to the constituent states and few national character powers to the center (See, SPLM's *Response to the Envoys Proposals*, September 2000).

On the issue of wealth sharing, the Special Envoys stated: "the two parties corresponded with their position on self-administration [structure of government]" (IGAD, *ibid.*) Accordingly, the SPLM claim power and wealth should be concentrated at the state level, while the GOS was of the opinion that wealth sharing should be conducted in accordance with a principle of equitable share and through the definition of resources as Federal and State.

Wealth sharing became more complex and difficult following the discovery and exploration of oil and the rise in government revenue accrued thereof. In the view of a report by the Associate Parliamentary Group on Sudan "The oilfields have become a major strategic focus. Moreover, oil revenues have led to an increase in military spending, and a greater intransigence on the part of the government" (APG, 2002, 5).

In summary, the issues discussed above form the basic preoccupations of the parties to the conflict in the second phase of the conflict. Therefore, any peace process including IGAD's, are supposed to tackle the polarized positions of the SPLM and the GOS on these and related issues if the conflict is to be resolved in a sustainable manner. The Declaration of Principles (DOP) introduced in 1994 by IGAD, which was accepted by both parties in 1997 covers these major issues as the basis of negotiations.

The major actors in the second phase of the conflict have been the successive governments of Sudan and SPLM/A. However, this does not mean that there were no other opposition forces, for a number of southern groups emerged, though most of them could not manage to gain mass support. Some of these groups tried to strike a deal with the GOS and be part of the administration, while the SPLM/A remained for the last 19 years the most formidable fighting force against the different regimes in Khartoum both in the battlefield and on the diplomatic front.

Internationally, both neighboring countries and extra-sub-regional states and forces have been either part of the solution or the problem in the Sudanese conflict. Among the neighbors, Ethiopia and Eritrea have been both the key supporters of the GOS or the SPLM depending on the type of government they had in their countries and the nature of their relationship with the governments of Sudan. Uganda too has been involved in the conflict not only as a mediator but also as a staunch supporter of the SPLM/A as a reaction to the GOS's assistance to the Lord's Resistance Army (LRA).

Among the extra-sub-regional actors, Egypt stands out for it followed up the dynamics and the resolution process very keenly and closely. This was basically due to its perceived fear that if the resolution of the conflict leads to the emergence of an independent Southern Sudan it might complicate the already sensitive issue of the Nile. In addition, Egypt has been also concerned that the secession of the south might re-enforce fundamentalist reaction in the north with a spill-over impact on its domestic situation. Thus, some claim that it would do everything possible to remotely control the process or be directly involved in the resolution process as it tried through the Joint Egyptian/Libyan Initiative.

## 2.2. Conclusion

The Sudan emerged as a state with multi-faceted problems inherited from the pre-independence periods, characterized with slavery; and religious, cultural, ethnic and

economic discriminations. This unfortunate state of affairs could have been altered had there been a democratic government devoid of myopic and sectarian attitude. Unfortunately, the successive governments opted for either deceptive or coercive approaches to perpetuate the domination of the south by the north in various forms.

As a result, there has been a natural resistance on the part of the southerners, since 1955, which was expressed in the form of mutinies and sporadic public defiance. The resistance changed form following the formation of a leading organization known as the *Anya Nya* Movement along with other southern forces both within Sudan and the Diaspora.

As the southern struggle became more fierce and got international attention, different peace efforts were put in place culminating in the Addis Ababa Agreement in 1972. However, the conflict was re-ignited in 1983 because the Nimeiri regime abrogated the agreement and the successive governments followed suit. The emergence and development of the SPLM/A was, therefore, the outcome of the perpetuation of undemocratic and theocratic administration in the Sudan. Although the SPLM/A managed to control substantial southern areas in the course of its armed struggle, it could not conclude the war with complete victory. The GOS has also failed to decisively crush the armed southern resistance as it wished to. The fact of the matter is that, the war has been going on for nearly two decades while the two parties' military positions kept shifting depending on the internal and environmental factors.

As discussed above, the major issues of conflict in the Sudan have evolved from a simple power sharing or questions of administrative reform to very critical and somehow emotional ones that touch upon the identity and dignity of communities and individuals along with the widely accepted human, political and economic rights.

Thus, the responsibility assumed by IGAD to resolve this long-running and intractable conflict should be viewed in line with the nature of the conflict, the issues at hand and the behavior of the parties involved.

# CHAPTER THREE

## PRE-IGAD PEACE EFFORTS

### 3.0. Introduction

As discussed in chapter two, the Sudanese civil war has passed through different stages, during which it has developed different characters and the parties to the conflict have also undergone dynamism. Accordingly, the conflict, which started as an ad hoc and sporadic resistance matured into a full-scale engagement between the successive governments of the Sudan and a well-organized southern movement under the vanguard of the Sudan People's Liberation Movement (SPLM) with an armed wing known as the Sudan People's Liberation Army (SPLA).

Therefore, peace efforts targeted towards the resolution of the conflict varied depending on the intensity of the conflict and the stakes at hand. In line with this, besides the military means, the government had tried to conclude agreements with different southern forces with the objective to neutralize and crush the most threatening ones. However, this did not bear fruits and hence the conflict started to attain international recognition, particularly since the late 1960s.

Although, a number of peace efforts have been initiated by external actors with the view to ameliorate the situation through a peaceful resolution of the conflict in the Sudan, this

research focuses only on the major ones, which have contributed to the dynamics of the on-going resolution process.

In this context, the following part is devoted to, the efforts in the 1960s and 1970s, by the Movement for Colonial Freedom (MCF) and the All African Conference of Churches (AACC) and the World Council of Churches (WCC), which culminated in the Addis Ababa Agreement of 1972. The other major initiatives discussed in this chapter are the Abuja Talks of the early 1990s conducted under the aegis of the Nigerian government of that time.

### **3.1. The Movement for Colonial Freedom (MCF)**

When the conflict in the Sudan, which was triggered in 1955, started to escalate to a substantial degree, it became the concern of the international community including governments and international non-governmental bodies. The mediation efforts by Milton Obote of Uganda and Kwame Nkrumah of Ghana could be cited as the earliest African third party attempts, though they did not meet their objectives (Assefa, 242). At the international level, the Movement for Colonial Freedom (MCF), a London-based socialist oriented and anti-colonialist forum, engaged itself in the search for peace in the Sudan since the early 1970s.

Prior to the formal peace effort, MCF, through its Secretary General, Barbara Haq, had been in contact with the Southern opposition groups in the Diaspora. It had also the opportunity to appreciate the position of the Government of Sudan (GOS) through the

diplomats and other Sudanese officials. Thus, motivated by its strong support for freedom and peace in Africa, and encouraged by its link with individuals and groups of both parties to the conflict, MCF began its active involvement in the peace process. Its initial engagement was through the launching of a fact-finding mission to the Sudan "to gather information and inform the British opinion about the issues involved in the Sudan conflict" (Assefa, 90).

During the initial go-between efforts of MCF, Mading de Garang of the Southern Sudanese Liberation Movement (SSLM), and John Garang, the Minister of Southern Affairs, were the main actors from the two camps respectively. Barbara Haq had managed to organize a series of meetings in London between the two Garangs and between Mading de Garang and the Sudanese Ambassador in London.

However, as much as MCF was successful in assessing the positions of the two parties and in bringing together their representatives, it could not get rid of the prevailing mutual suspicion between them. In this regard Assefa states:

From the perspective of Joseph Garang and other communists, Southern politicians were seen as an obtrusive petit-bourgeois elite, essentially counter-revolutionary in class terms, and furthermore manipulated by the imperialist forces who controlled the *Anya Nya* movement... On the other hand, the Southern elites and politicians considered Garang more of a communist than a Southerner (Assefa, 92).

Nonetheless, in spite of this fact, the two parties were willing to meet and articulate their respective positions. Accordingly, following a meeting on 2<sup>nd</sup> August 1970 between the Sudanese Ambassador in London and Mading de Garang, Barbara Haq wrote to Joseph Garang stating that there was basis for preliminary negotiations. The proposals

forwarded by Mading and Lawrence were: detailed explanation on the government's intention regarding autonomy for the South, the use of Barbara Haq to convey the proposal to the government and consultation with the *Amya Nyva* leaders, and invite Tanzania, Uganda or Zambia to act as a host once the basis for negotiation was prepared (Besshir, 102).

Further discussion was conducted in London, in September 1970, between Joseph Garang, and Mading de Garang and other representatives from the South. As a result of this follow up meeting, it was agreed that the Southerners identify six representatives for negotiations with the Government (*ibid.*, 103).

In the course of various contacts between Haq and Mading de Garang, an understanding was created in that all negotiations should be within the acceptance of the unity of Sudan, and all deliberations should be kept confidential.

Unfortunately, while all went well in the creation of rapprochement and a spirit of negotiations between the parties to the conflict, MCF squandered the opportunity for further moves. This was due to yet another partisan and outrageous article by Barbara Haq published in "The Mirror" of November 5, 1970:

It is significant that the Southern problem had not attracted world attention until May 1969, and that it is only since the Revolutionary Council declared its aim that reactionary forces, including the CIA, are throwing all strength behind organizations like the Southern Sudan Association Ltd [of which Mading de Garang and other Southerners were members] and the Minority right Group in London, whose aims are in direct opposition to those of the people of the Sudan. We, therefore, feel it of great importance that our organization [MCF] should be in position to oppose the false hoods



emanating from those sources, by obtaining first hand information such as the British delegation has been able to acquire during their tour of the Sudan (Assefa, 94).

This statement apparently made the Southerners furious and contributed to the death of MCF's peace effort. Given the sensitivity of the issue and the commendable initial engagement of the movement, Haq's non-judicious decision to come up with such an explicitly partisan article remains an enigma.

In a nutshell, despite the sudden collapse of MCF's peace initiative, its contribution could not be denied, for it laid the initial ground for subsequent efforts.

### **3.2. The Addis Ababa Agreement of 1972**

Of all the peace initiatives in the history of the Sudanese conflict, the one that led to the Addis Ababa Agreement and brokered mainly by the World Council of Churches (WCC) and All African Conference of Churches (AACC) has been considered as the only successful effort. The Addis Ababa Agreement of 1972 has been commended, for it managed to bring about peace for a period of more than a decade.

Prior to its direct involvement in the peace process, WCC had operated in the Sudan mainly as an "aid giver" for the internally displaced and refugees in the neighboring countries. The opportunity to closely appreciate problems associated with the civil war, gave the council an impetus to be engaged in the search for peace. As Assefa put it: "...Growing out of this situation, in 1965, the WCC sent a representative [to the Sudan] to find out what the WCC could do in light of the continuing conflict" (Assefa, 96).

Despite a number of prior activities, the peace process took shape in December 1966 when "the WCC received a report from the AACC goodwill mission, which visited the Sudan at the invitation of the government extended through its Ambassador in Kenya" (*ibid.*,97). The basic objective of the visit was to observe the situation and offer the services of the AACC in the effort to attain peace in Southern Sudan.

The delegation of AACC, after its discussion with both the government officials and native church leaders, furnished a report. The report summarizes "the desire of the Southerners for a greater share in governing the Sudan; the need for a constitution guaranteeing religious freedom; the need for reconciliation rather than military operations, and the need for a revision of the 1962 Missionary Act to permit outside help to strengthen the Sudanese churches" (*ibid.*, 97). Part of the report, which characterized *Anya Nya*'s activities as provocative and the critics on the exiled Sudanese over violent choice to solve the conflict, had disappointed most Southern oppositions.

The peace effort by the religious groups commenced in an opportune period for the government of the day, led by Nimeiri was inclined towards reconciliation. In this regard, Deng asserts, "[a] long lasting victory for the forces of change and the hope for reconciliation between the North and the South came on May 25 1969, when young free officers under the leadership of Jaafar Muhammed Numeiri seized power and announced socialism for the whole country and autonomy for the South"(Deng, 155). In line with this, the launching of the follow-up mission by AACC in June 1970 could

be attributed to the internal convenient situation in the Sudan and was a critical move towards the beginning an objective peace effort.

The gradual graduation of the WCC's role through its regional affiliate AACC from a solely philanthropic mission to a mediation between the Government of Sudan and the then Southern Sudan Liberation Movement (SSLM) dictated the scenario that unfolded in the early 1970s.

It is worth mentioning here that the defunct peace effort by the MCF had served as a ground from which WCC's initiative took off. The external channel of communication between the two parties, which was established by MFC, was proved to be relevant and functional, because it was used by WCC during the end of 1970. Within the Sudan, AACC was busy assessing the situation and convincing the governmental bodies.

Nevertheless, in spite of a strong support for the WCC/AACC's offer for mediation from the Government side, the skeptical reaction of the Southern groups was a serious challenge. In addition, WCC's role, particularly in aid distribution was in a precarious situation as there were two contradictory positions. On one hand, there were groups who claimed that aid should be distributed to areas and people under the control of *Anya Nya*; on the other hand, there were those who argued that providing aid to a rebel movement was against the OAU charter and was considered as the violation of the sovereignty of a country.

It was due to the outstanding tact employed by the WCC/AACC leadership and through rigorous and continuous consultations with various actors, that the foundation for negotiation was laid (Assefa, 100-106). The Nairobi meeting on April 2, 1971, explicitly stated that "the WCC/AACC delegation should approach the Government of Sudan and the leaders of the *Anya Nya* offering to mediate towards a political settlement and reconciliation, [and also] to approach some African Heads of State(s) to help in mediation and reconciliation (*ibid.*, 103).

In the subsequent meeting between WCC/AACC and the Government of Sudan on May 15, 1971, the former managed to get not only the blessing of the latter on its intended mediation role but also secured some areas of agreement in the impending reconciliation process (*ibid.*, 106).

On the other front, a number of contacts and discussions were made with the different Southern groups, both within Africa and Europe. Through the course of these contacts WCC was able to iron out problems within the Southern groups and hence got a consensus position and representation to the planned negotiations.

The preparation for negotiations went smoothly, save hiccups here and there including the foiled coup by communists against the Nueri regime. The attempted coup, among others, resulted in the execution of Joseph Lagu, who was Minister for Southern affairs and representative of the government during consultations organized by both MCF and WCC/AACC.

The confusion and suspicion over the intention of the government following the aborted coup was significantly mitigated when Nimeiri appointed Abel Alier to succeed Joseph Garang as a Minister of Southern Affairs. In this connection, Beshir comments: "the opportunity for break-through came in July 1971. Abel Alier, who had always taken an active part in the attempts to reach a solution, became Minister of Southern Affairs after the abortive communist coup of July 1976" (Beshir, 98). Alier's appointment created a positive sentiment and was supported by the Southern elites both abroad and within the Sudan.

In summary, among the factors that contributed towards the realization of the negotiation process, the following could be mentioned: The continuous and judicious effort by the mediators to bring the two parties into a spirit of negotiation; The challenges the GOS faces from within (communists and other extreme elements) obliged it to minimize its foes by securing an agreement with the guerilla forces; The fact that the Southerners managed to stand as a bloc with well articulated positions (pre-conditions) and defined mandate for the representatives; and Meaningful support from the international community, notably from the African leaders, non-governmental/religious institutions and others.

Once the spirit of negotiation was created in both camps, the mediators embarked upon logistical and protocol issues including choice of the venue and proposals as to who should chair the final negotiations, among other confidence building activities.

The cumulative effect of all these efforts led to the first preliminary talks between the parties to the conflict in November 1971. In Mansour Khalid's words:

[Events] happened quickly and by November 1971 preliminary talks were being held between the two sides in Addis Ababa, with the government side led by Abel Alier seconded by the author [Monsour Khalid], the SSLM by Iboni Mundiri (Khalid, 269).

The tense atmosphere in the initial stage of the talks was not surprising. The two parties had a deeply entrenched sense of mutual suspicion and mistrust, which could easily surface up with a simple triggering factor. Thus, the Southern delegation's annoyance by the mere presence of their Southern kinsmen in the government's delegation, and disagreement on the idea of negotiation within the framework of a unified Sudan, were serious hindrances, though, they did not completely derail the process (Assefa, 122-123)

The talks were salvaged from being bogged down due to a function of, *inter alia*, the following favorable factors: The fact that the SSLM representatives had personal relationships with the head of the government's delegation, Abel Alier; The tact and wisdom demonstrated by the chief moderator, Burgess Carr in settling temporary irritations and hostilities which might have left the whole effort in disarray; and The possibility of conducting informal and private communication between the leaders of the parties which was so effective to clarify some sensitive issues.

While the atmosphere around the parties to the conflict and the commitment of and capacity of the moderators was encouraging, there were some problems simmering within particularly the Northern 'extremists'. Khalid described that situation as follows:

We were fighting a rear ground battle with elements back home who virtually accused us of collusion with the World Council of Churches, in order to dismember the Sudan and dilute its Arab-Islamic character. Even the idea of talking to an organization that calls itself a liberation movement [SSLM] was considered bordering on treason (Khalid, 270).

Nevertheless, the process overcame such stumbling blocks. Eventually, the Addis Ababa preliminary talks were concluded by drafting a document indicating that the parties agreed that: There was 'generous sincerity' in the talks; There was mutual desire and need for peace; There was a lack of confidence in each other by both sides, but there was a recognition of the need by all for restoring mutual confidence; That there was a basis on which to start negotiations without going into the past for justification; That relief to the conflict areas and the manner of its delivery would be a priority issue to be discussed when official negotiation started; That official negotiations would start on January 20, 1972 in Addis Ababa; and That the SSLM would agree on the principle of one Sudan, if the details, methods, and conditions which would safeguard and ensure the special interest of the South could be reached through a negotiated settlement (Assefa, 125).

Although, the general understanding created during the preliminary talks paved the way for the planned official negotiations, in between, a lot of positive and negative developments were observed.

On the negative side, the continued wariness and hence objection by Northern oppositions particularly the issue of autonomy; the suspicion of some Southerners over the sincerity of the government regarding regional autonomy; and lack of trust on the

Numeri regime by foreigners working with the SSLM, were the major ones (Assefa: 126-128; Beshir, 106). On the other hand, the government had taken a number of successful and re-assuring confidence building measures.

As part of such activities. Numeri sent delegations to European capitals to conduct discussions with governments and representatives of moderators and related agencies. However, the most important event was the meeting between the government delegation and the Southern representatives-Mading de Garang and Lawrence Wol Wol. "According to Wai, more than anything else, the advantage of this meeting was to help each party assess what would and would not be acceptable to the other"(Assefa, 130).

It was on the basis of such fertile ground and positive atmosphere that the Addis Ababa conference took off, albeit, the rescheduling of the date from January 28 to February 15, 1972.

Both delegations to the Addis Ababa conference were composed of senior personalities. The government's side included, among others, Vice President and Minister of State for Southern Affairs, Abel Alier; Minister of Foreign Affairs, Dr. Monsour Khalid; and Major General Mohammed Al Baghir Ahmed. The SSLM was represented by prominent leaders such as Ezboni Mondiri, Dr. Lawrence Wol Wol and Mading de Garang (Beshir, 107). The seniority of the delegates was important for it was an indication of how serious the two sides were towards the peace talks, assuring the capacity of the delegates to negotiate on vital issues.



The conference started on the 15<sup>th</sup> of February, as re-scheduled. However, there were some formality /protocol/ matters that almost deadlocked the negotiation process before proceeding to the substantive issues. In this connection, *inter alia*, the following could be mentioned:

- (a) The fact that Emperor Haile Selassie declined from chairing the negotiation, which was resolved when the Emperor agreed "to send his Foreign Minister on the first day to deliver an opening speech and that his personal representative at the negotiation would act as his liaison"(Assefa. 132).
- (b) Disagreement over who should chair the day-to-day meetings. The GOS insisted that much formality was not necessary hence the chair could alternate between the two parties, while SSLM was adamant on a strict formality. Finally, it was agreed that Carr of WCC assumes the chairmanship in the name of a moderator.
- (c) The issue of the position of Southerners in the Northern (government) delegation. Some SSLM delegates contested that as Vice-President Alier was a Southerner he should not be the member of the Northern delegation. The moderator managed to cool down the tension by appealing to the parties to focus on discussing the real issues.

Once the negotiation on the substantive issues started, highly polarized positions emerged on matters related with: the mode of relation between the South and the North or form of government, on economic, political and human rights issues, and military/security matters. The intermediaries applied different methods to prevent and/or get out of the status of impasse. The use of small committees composed of members from both parties to identify points of agreement and disagreement was one of the effective methods employed. This helped to proceed from agreeable issues to the sticky and complex issues. Lobbying and shuttle consultations in between sessions were also helpful. The contributions of expert advice by personalities including Ambassador Mohammed Sahnoun, the Deputy Secretary General for Political Affairs of the OAU, and religious appeals such as prayers, could not be over emphasized.

In spite of the application of one or the function of the above approaches, the negotiations were almost to collapse while dealing with the subject of security. The military/security issues, *inter alia*, involved how *Anya Nya* should be absorbed into the Army, and the number and location of the Northern troops in the South. As the disagreement on this single issue defied all sorts of efforts even after four days of debate, almost all lost hope. Assefa described the situation as follows:

At last, after the fourth night of debate over this issue, every body was exhausted. The *Anya Nya* delegation's spokesman stated that the meeting had failed to resolve this important issue, and moved that the meeting be indefinitely adjourned. To the surprise of the moderator, Vice-President Alier, leader of the government delegation agreed. There was a definite sense of impasse, and according to Carr, it was the tensest moment of the entire negotiation (Assefa, 139).

It was at this trying time that the moderator sought the intervention of Emperor Haile Sellasie. The Emperor agreed to intervene and hence talked to the two delegations separately. Eventually, the charisma and the tremendous influence of the Emperor salvaged the meeting from an imminent death as the two sides accepted a compromise formula after consultation with their respective bosses.

After passing all the hurdles, the agreement was eventually ratified on March 27, 1972 with General Lagu of the SSLM and Foreign Minister, Mansour Khalid signing the document. From then, despite some snags the agreement prevailed for more than a decade.

In short, the Addis Ababa agreement was and remains yet the only peace deal that was capable of bringing about peace and stability in the Sudan.

A number of factors could be identified for the successful conclusion of the 1972 peace agreement, out of which Deng and Beshir (Beshir, 99-120; Deng, 161-162), singled out the following: Both sides were convinced by then that no military solution was possible and the military operations in the south were a continuous drain on the meager resources of the country; the new policy towards the south was convincing more and more southerners that there was no alternative to a negotiated settlement; The approach by WCC to the southern political leaders first made in May 1971 and intensified during the following month, elicited a general consensus on the desirability of peace; the abortive leftist coup of July 1971 and the resultant changes in policies, structures, and personalities substantially reduced the southerners' doubts over the sincerity of the

regime's intentions towards the south; and the appointment of Abel Alier, a respected southerner, as a Vice-President and Minister for Southern Affairs in August 1971 facilitated the whole peace effort.

Apart from the favorable general situation, there were some specific factors related to the quality of the mediators. Assefa attaches great importance to the nature and capacity of the mediators for the success of the Addis Ababa peace Agreement.

First, according to Assefa, the perceived neutrality of the WCC/AACC as compared to the fear of inherent bias and feeling of interference by official governmental mediators was a vital advantage.

Secondly, the mediation process did not start from the scratch. It was rather based on a detailed study called "The Sudan Conflict: Its History and Development", which was sponsored by WCC. The study did not only assist the mediators to appreciate the problem, but also instilled confidence in the parties to the conflict in that they were convinced that the mediators had a good knowledge of the nature of the conflict.

Thirdly, the composition and approach of the mediators was appropriate. The mediators operated as a team, which made it possible to tap the skills and experiences of different individuals as the situation required. The use of small committees and the involvement of other third parties (besides the moderators) when the situation called for,

added with the discipline to keep the proceedings confidentially, were considered to have reinforced the chance of the process to succeed.

Last but not least, the psychological atmosphere including the capacity to create a sense of urgency and the heavy cost of failure, and the prayers and sermons amidst the talks had undoubtedly assisted in maintaining a spirit of negotiation and to push through, even at time of extremely polarized positions (Assefa, 151-186).

However, although, the Addis Ababa Agreement is widely recognized as successful, it is not free from retrospective criticisms. For instance, one interviewee for this research, comments that the Addis Ababa Agreement was directed towards only the visible symptoms rather than the root causes of the conflict. As a result, it only "managed to produce a federal arrangement which in effect was a political settlement, for it was not reconciliation and the process did not in anyway try to feel the interest and concern of masses at a grass root level"(Taken from an interview with a person involved in the IGAD peace process, Nairobi, December 2001).

Francis Deng argues that the motive for the signing of the agreement was tactical. In this regards, he comments:

It is now obvious in hindsight that although the Addis Ababa Agreement in fact offered the nation the most promising basis for unity to the point, it was not initially intended by Numei as a national accord that would endure over the long run. It was, a tactical move by a desperate dictator in search of a political base of representative power (Deng, 160).

A renowned conflict analyst on the region, Makumi Mwangi, on his part argues that the Addis Ababa Agreement was only a conflict settlement process because it ended up short of tackling the underlying causes of the Sudanese conflict. Therefore, he contends, "the Addis Ababa Agreement began its collapse soon thereafter contrary to popular belief that it endured for ten years, when the current round of conflict began" (Mwangi, 2001, 47).

However, most critics focus on the weakness of the agreement related with its failure to foresee the possible challenges and spell-out mechanisms and guarantees for its implementation. For instance, during the Abuja-Two talks, one of SPLM's delegates commented that: "an agreement based on exemption would mislead people into thinking that they had gained peace when in fact, they were sitting on a volcano that would erupt at any time. This had already happened with the Addis Ababa Agreement of 1972 (Anonymous, 165).

During the same Abuja negotiations, the southerners, while discussing interim arrangement rejected the devolution of powers along the line of the Addis Ababa Agreement because "the south was treated like a child whose privileges would be taken away if he didn't behave" (*ibid.*, 175).

In line with this, in a recent document, some southerners argue as follows: "with the 1972 Agreement in Addis Ababa between the Southern Sudan Liberation Movement (SSLM) and the Government of Sudan (GOS), the Southern leaders who were

deceived into signing the agreement, did so hoping that their personal objectives would be better achieved through the system of regional autonomy for the south..." (*The Diseases That Ail The SPLM/A*, 2002, 1).

From the government side, a senior Sudanese diplomat, whom the researcher interviewed, has identified the following drawbacks of the Addis Ababa Agreement:

First, the agreement did not have a vision, it rather was a short-term solution, and it was taken as an end by itself, while it should have been a means to an end.

Secondly, it did not adequately anticipate the implementation phase. It failed to assess the capacity of the government and the newly organized southern administration to implement the agreement and how it could be enforced.

Thirdly, it did not outlaw war as a means to achieve political objectives.

Last and most importantly, both sides took the agreement as a time buying and/or face-saving opportunity, hence lacked the sincerity and willingness to uphold it (Abstracted from an interview with a Sudanese diplomat, Nairobi, November 2001).

In summary, despite the fact that, the Addis Ababa Agreement had certain inherent limitations, which eventually led to its collapse, it was the only process by which the parties to the Sudanese conflict demonstrated the willingness to negotiate and make

compromises. It was also the sole agreement yet that was practically implemented and, though, short lived, managed to halt the first round of the civil war.

In conclusion, the variations in the evaluation of the agreement emanate from the perspective each person wishes to focus. In this regard, while authors such as Hizkias Assefa concluded that the process was a success, considering its contribution to stop the civil war, and taking the skill, capacity and influence of the third parties involved as the major criteria of assessment (Assefa, 164-165). Others differ for they concentrate on its failure to deal with the very causes of the conflict, which led to its eventual collapse. From the latter category, Deng asserts: "While the Addis Ababa Agreement signified a major step toward peace in the Sudan, it did not resolve the crisis of national identity as the central issue in the Sudanese nation building. The agreement itself was based on the asymmetry of identities and relations between the North and the South (Deng, 166).

Nevertheless, the Addis Ababa Agreement and its grand objectives were eventually shattered in 1983 when President Numeiri decided to abrogate the critical aspects of the pact.

It is possible to mention some of the internal and external factors that shaped the nature of post-1972 Sudan and resulted in the death of the Addis Ababa Agreement. These, among others, were: the forceful integration of the southern forces into the national army and the civil service and the alleged discrimination against them; The progressive strengthening of the Nimeiri regime due the support from the south and its capacity to



accommodate the northern extremists: the division (mainly based on tribal factor) among the southerners in their attempts to control and consolidate power within the region; the discovering of oil in 1975 in the southern province of Upper Nile; The downfall of Emperor Haile Sellassie in 1975 and the emergence of a "Marxist" military regime in Ethiopia; and the economic and political instability in the early 1980's which culminated in the decreeing of Islamic law as the law of the land in the Sudan since 1983.

The disappointment with the series of actions taken by the government contravening the 1972 agreement and the other contributing factors mentioned above, resulted in a chain of reactions including mutinies in 1975, 1976 and 1977 in different southern towns. This eventually led to the formation of the Southern Peoples Movement Army (SPLM/A) in 1983 based on the foundation laid by the *Anya Nya*-Two movement (*The Diseases That Ail The SPLM/A*, 1-9).

Following the collapse of the 1972 Agreement until the end of 1980's, a number of unsuccessful peace efforts were launched to resolve the Sudanese civil war. In this regard, one could cite: the Koka Dam Declaration of March 1986; the Addis Ababa Peace Forum-Struggle for Peace and Democracy of August 1987, Kampala, September 1987; Nairobi, Search for Peace, September 1987; the Addis Ababa Peace Forum of July 1988; the November Accord November 1988; Ambo Workshop (Koko Dam-Two), February 1989; Addis Talks, August 1989; National Dialogue Conference, October 1989; and the NDA Charter of October 1989. The Abuja Talks, which will be

dealt with in the following part were the result of the frustration due to the failure of the successive initiatives mentioned above.

Some of these forums were between or among the southern groups themselves, while some were between the southern and northern groups excluding the government, and the rest were initiated and conducted by a third country or non-governmental bodies.

While discussing the issue of the various peace efforts, a document by ACCORD, states as follows:

The second phase of the war also elicited efforts by such prominent personalities as General Obasanjo, General Ibrahim Babangida in his capacity as both Head of State of Nigeria and Chairman of the OAU, church leaders, and Statesmen from several countries. Their efforts have largely been to no avail (ACCORD, 1997, 10)

### **3.3. The Abuja Talks of 1990s**

As discussed above, the peace initiatives that emerged after the collapse of the 1972 arrangements were not effective in resolving the second phase of the Sudanese civil war.

Thus, the Abuja Talks were continuations of the commitment by the regional bodies to contribute to the search for peace and stability in that country. By the time the Talks were launched in 1992, the conflict and the military balance between the Government of Sudan and the movement leading the Southern rebellion (SPLM/A) had undergone a remarkable dynamism. In short, it is worth mentioning here that the southern movement led by SPLM/A transgressed to a serious weakness in the military field and hence factional divisions in contrast to its substantial victory in the 1980s both in territorial

control and organizational cohesiveness. By then, SPLM/A was divided into "Torit" and "Nassir" groups.

On the other hand, the GOS had the military upper hand and the capacity to divide and manipulate the southern politicians and groups. This was particularly visible after the coming into power of the military regime led by General Beshir in 1989 supported by the National Movement (NIF) spear-headed by Dr. Al Turabi.

The overthrow of Mengistu's regime in 1991 and the subsequent weakening of SPLM, made the government think that it could easily crash the movement. Thus, Bashir's regime was not interested in peace talks. This state of affairs prompted successive OAU presidents to embark on peace efforts. However, it was only the Nigerian President, Ibrahim Babangida, who in 1991 secured the consent of Garang and Beshir for launching a peace talks. The emissaries of Babangida gained the agreement of the parties on the agenda of the talks, in October 1991. Though Bashir did not refuse the proposal for negotiation, he was expecting victory in the battlefield given the weakness of the SPLM/A partly caused by the schism in the movement. But he was at the same time with the opinion to play the two factions of the SPLM (*Nassir* and *Torit* groups). To this effect, he insisted the Nassir group, which had signed an agreement with the GOS prior to the Abuja talks to send a separate delegation (Lesch, 172).

It is not, therefore, difficult to deduct from the above statement as to why the parties came to the negotiations-what their real motives were and how the mediation ended up in Nigeria.

The first phase of the talks, dubbed Abuja-One was convened from May to June 1992. Five months before these talks, the government signed a cease-fire agreement with the SPLM-Nassir group. The attendants of the Abuja-One talks were the GOS, and the SPLM-Torit and the SPLM-Nassir groups

Immediately after the negotiation took off, diametrically opposite positions surfaced on the major issues of negotiations. The most important thing to be noted here is that the mediator, Nigeria, had its own positions and hence sided with one or the other depending on the implication of the issue upon its own internal situation. For instance, Nigeria, due to its destructive experience (during the Biafra secession movement), was adamantly against the demand for self-determination. Thus, on this particular contentious issue, the mediator and the GOS stood together against the southerners.

Lesch explains this situation as follows:

The issue of self-determination was contentious, since the government and Nigeria had deliberately excluded it from the agenda. Given Nigeria's suppression of Biafran secessionists, the mediators stressed that they would not preside over a conference that advocated dismemberment of the Sudan (*ibid.*).

The seeming deadlock over self-determination was best elaborated in a literature, which assessed the Abuja talks under a topic 'National identity'. This literature first sets a premise by underlining the following comment on the question of national identity: "The

prevailing model had been built upon the idea that Islam is the religion of the majority, Arabic is the most spoken language, and an Arab ethnicity adheres to a significant number of citizens" (Anonymous, 29).

Convergence or divergence of positions on this vital issue determines the success of any peace effort in the Sudan. Therefore, in Abuja-One, the whole effort of the parties and the mediator was to defend their rather deeply entrenched respective positions. The GOS was with a strong conviction that the prevailing system, with a minor adjustment, could accommodate the interest and concern of all Sudanese people given their diversity in culture, language and ethnicity.

On the other hand, the SPLM-Torit group argued for fundamental changes in the prevailing system based on its concept of "New Sudan" to make it more democratic and fit into the multi-racial, multi-lingual and multi-religious Sudan (*ibid.*, 39-40).

The SPLM-Nassir group on its part took a radical position in that it claimed for the emergence of two Nations-North and South, as it was with the conviction that the two had been always separate in various aspects. In this regard, one of leaders of the group was quoted for asserting as follows: "[T]he North-South cultural distinction pre-dates the Turkish invasion and the Europeans scramble for Africa, and meant that the two peoples had not only separate pasts but 'divergent destinies'. Based on this assessment of the situation the Nassir group claimed for "self-determination: the North and the South should become two separate states based on two separate nations" (*ibid.*, 41- 42).

In summary, on this paramount issue, three divergent positions emerged: 'One Sudan' with a symbolic reform presented by the GOS; 'New Sudan' with a radical change proposed by the SPLM-Torit group; and two separate states through self-determination by the SPLM-Nassir group. The mediator strongly supported the unity of Sudan but shared the concerns of the south with regards to the need for introducing substantial changes in the system to accommodate the diverse nature of the Sudanese societies. Since agreement on the rest of the issues, was contingent on some sort of understanding on the thorny issue of national identity, the talks did not achieve much in specific areas including, state and religion, self-determination, and interim arrangement. In most, if not all major issues, the GOS and the two SPLM factions' positions were so polarized and hence compromise was impossible. In some cases, instigated by the hard line positions of the GOS, the two SPLM groups stood together. For instance, on the issue of self-determination the SPLM factions finally released a three-point joint declaration (*ibid.*, 76-77).

In an attempt to establish the balance sheet of the Abuja-One talks, one could argue that the major result of the talks was the fact that they served as forums during which the parties clearly articulated their respective positions on the major issues of contention. The talks also underscored the diverse nature of the country, albeit, failure to reach at a consensus on the way to reform the system so that it could effectively address the diversity issue.

On the other hand, some attribute the limitations of the talks, partly to the lack of neutrality on the part of the mediator especially on the question of self-determination. But then, the mediator had tried its level best to encourage the parties to make compromises that could forestall the escalation of the impending military engagements. Nigeria attempted to inject its own experience in the peace process in relation to issues of state and religion and the form of government. The use of committees to deal with and iron out differences was also a commendable approach.

This being the case, the final outcome of the Abuja-One talks was the communiqué covering eight points. The communiqué did not, however, contain concrete agreement in any of the major issues but generally indicated the spirit of peaceful resolution of the conflict and agreement on the need to continue negotiations.

It took about a year after Abuja-One to convene the next round of negotiation known as Abuja-Two, in April 1993. During the long interval, the situation on the ground had drastically changed. The government had managed to control more territories including Torit-the then headquarters of SPLM/A (Lesch, 174). However, in spite of, its, military upper hand, the government accepted to come back to the negotiation table due to the mounting international pressure and the need to give a break for the over extended forces (*ibid.*). On the other hand, following the Abuja-One talks, the two SPLM factions did not come into a merger, on the contrary defections from the Torit to the Nassir group continued. In addition, strong allegations that the latter joined forces with the GOS, led to the total exclusion of the Nassir faction from the negotiation process.

Generally, Abuja-Two was planned and executed in a situation where the government was with the conviction that it could easily crush the movement and achieve an outright military victory, while the southern movement was further weakened both by factionalism and defeat in the battle field. Given this state of affairs, the government was initially of the opinion that it could meet the SPLM in bilateral talks in the absence of any mediators (Anonymous, 129).

However, after the idea was outrightly rejected by the SPLM, the parties agreed to hold a pre-talks meeting in Abuja. In this agreement made in Entebbe in February 1993 hosted by President Yoweri Museveni, the parties issued a four-point communique known as the "Entebbe Communique". This communique was signed by Dr. Ali Al-Haq, Minister of Economic Planning and Investment of the GOS and Dr. John Garang, Chair and Commander-in-Chief of SPLM/A.

The basic issues in the communique were: the expression by the SPLM/A of its willingness to go to Abuja-Two unconditionally, the exclusion of the Nassir group from the talks, the decision to hold the pre-talks in Abuja, and the GOS's acceptance to go to Abuja-Two talks following the preliminary talks with the SPLM/A main stream-SPLM-Torit (Anonymous, 135).

The pre-talks took place as planned but achieved nothing much, though, it served to eliminate the possible excuses for the GOS to drag its feet from the negotiation process.



During the pre-talks, the government side wished to discuss substantial issues such as interim arrangement, while both the Nigerian observers and the SPLM/A delegates strongly argued against the idea stating that the issue should be deferred to the Abuja-Two proper. Therefore, as there was no agreed agenda for the pre-talks, the parties moved directly to the main talks based on the agenda proposed by Nigeria (*ibid.*, 135).

The proposed points for discussion dealt with the two controversial and determinant issues: State and Religion, and Interim Arrangement. The latter identified basic elements such as ceasefire, time for the Interim period, federalism, definition of the North and south, referendum, and permanent political arrangement (*ibid.*, 136). Prior to the actual talks, the two parties presented their proposals on the issues that deadlocked the peace process until then (Lesch, 175). The respective positions of the two parties as it transpired through their proposals and during the discussions in the talks were so divergent. In this regard, Lesch states: "the parties disagreed on virtually every issue during the three weeks despite detailed proposals by Nigeria and deliberations by technical committees" (*ibid.*).

The major areas of disagreements, in the Abuja-Two talks, were and still remain to be the decisive factors that make or break any peace effort on the Sudanese conflict. These vital and sticky issues are discussed briefly in the following part (Lesch, 177-179; Anonymous, 140-211).

## State and Religion

Nigeria had attached strong importance to this issue than the rest, for it was of the opinion that resolving the problem of state and religion, would pave the way to the resolution of other less controversial ones. Lesch, states that the mediator believed that "if that [state and religion] could be resolved, the other issues would fall into place; if not, then no accord was possible" (Lesch, 177). However, despite, a thorough discussion, and relentless effort by the mediator, the parties remained adamant on their polarized positions. The Nigerian proposal on this issue was the suspension of *Sharia* during the interim period, save the right of individual Muslims to practice it in their personal matters. The SPLM approached the issue from two perspectives: in case of a unitary state, it envisaged the complete separation of religion from state while in a confederal arrangement, the North could adopt *Sharia* except in the confederal capital, Khartoum. On the other extreme, the GOS insisted that *Sharia* should remain the 'supreme public law in a unified Sudan', with the exemption of some provisions (such as *Hudud*-amputation of hands for offences such as theft) in the south (*ibid.*).

As all efforts to arrive at a compromise position on state and religion failed, the talks proceeded to the other issues with sense of more aggravated mistrust and less expectations. This unhealthy atmosphere was described as follows: "The failure to agree on the status of religion doomed the Abuja peace process. Differences were deeply rooted in the parties' polarized perceptions of the country's future"(Anonymous, 166-167).

## Interim Arrangements

The issue of interim arrangement covers the major aspect of the nature and practice of primary political, economic and security situation of the Sudan during a period to be agreed upon.

Since, Abuja-One ended short of an agreement on interim arrangement, it remained one of the daunting tasks during the Abuja-Two talks. This being the case, Nigeria tried to invoke its experience with the aim to bring about an understanding between the rival parties as to how to maintain the unity of the Sudan through a pragmatic devolution of power. In this regard, it proposed that the south could have an independent judiciary, an enhanced administrative jurisdiction, while retaining the key economic powers at the center, to provide the states with the authority in curriculum development, commerce and industry, and fishing.

On security matters, Nigeria came up with a mechanism of gradual separation of forces, demobilization and the creation of a cease-fire commission (Lesch, 177-178).

The proposals of the parties were not less polarized on this issue too. The SPLM was for a set-up of a confederal state where in constituting states preserving major authorities in the political, economic and security fields while the center becomes a mere coordination activity. On the other hand, the GOS as expected, stuck to its position of a strong central government under the federal arrangement. Accordingly, it rejected the idea of confederation and insisted on central control of major socio-economic politics.

The two parties did not agree also on the nature and timing of a cease-fire.

The last aspect within the framework of the interim arrangement was referendum on self-determination. On this item, Nigeria was not pleased with the SPLM/A's demand for referendum for it was strongly against secession emanating from its own experience and the possible negative precedence thereof.

The only areas where the two parties were closer to concordance were on the issue of the set up of a commission handling revenue allocation and the cease-fire commission. However, they could not agree on the composition and mandate of the revenue commission. In fact, the GOS delegation rescinded its initial acceptance of the case of a cease-fire commission at the later stage of negotiation (Lesch, 176-78; Anonymous, 169-216).

Given the situation discussed above, the Abuja-Two talks could not be taken as a forum that took the peace process a step ahead from the Abuja-One deadlock. This could be attributed to, among others, the following major factors.

- (a) The intent and will of the parties were governed by the reality on the military strength at that time. A militarily victorious GOS came to the talks with no serious will to strike a deal with a weaker SPLM/A;

(b) There was no any situation that could assist to mitigate the deeply entrenched mutual suspicion between the parties to the conflict. This made compromises on even minor issues appear as a loss to either of them; and

(c) The nature of the mediator (Nigeria) had contributed also to the stalemate at the end of the talks. In some cases, Nigerian's experience and associated positions had affected the direction and nature of the talk process. Nigeria was against 'self determination'/referendum for fear of its implication upon its own domestic politics.

On the other vital item, 'State and Religion' mediators were criticized for lacking firmness. The following statement elucidates this state of affairs:

In the discussion, they [mediators] wavered between the GOS's principle of exemption and the SPLM's principle of secularism. This did not help the process of negotiations. They over-played, in our view, the importance of neutrality in mediation. They proved unable to guide the parties in a practical direction (Anonymous, 167-168).

Considering the impossibility of agreements on the thorny issues, mediators tried to prevent the impending post-talks military engagement and to face their own faces. These efforts include informal consultations between the parties; invitation of the president of the GOS and the Chairman of SPLM to Abuja before the talk collapse; secure an agreement at least on cease-fire, and finally to issue a joint communiqué indicating a spirit of commitment to the peace process. However, none of these were attained as planned leaving, Nigeria alone to release a press statement enumerating the areas of agreement and disagreement.

In summary, although the Abuja talks did not resolve the Sudanese conflict, it had served at least as a forum where the two parties clearly identified the areas of disagreement and the degree of polarization. From the vantage point of an anonymous writer, "they [the Abuja talks] provided a unique platform to expose the causes of the conflict and what Sudanese themselves thought were possible solutions. The forum also gave the two belligerent parties an opportunity to appreciate and appraise each others views, feelings, perceptions and aspirations"(Anonymous 210).

In this respect, the Abuja talks deserve much credit in that they assisted in clearly identifying the real issues to be dealt with and the methodology and structure of mediations to follow. It was a lesson to understand how limitations in mediation could further widen rather than narrow the existing gaps between the perceptions and positions of the parties. As Lesch argues "[t]he negotiations illustrated the pitfalls of negotiating in a polarized context, in which talks heightened mistrust rather than bridged differences" (Lesch, 174).

### **3.4. Conclusion**

The process of resolving the Sudanese conflict have passed through various stages starting from individual African Statesmen's ad hoc efforts to more organized and continuous negotiations between the parties to the conflict.

Despite the fact that not all efforts resulted in a concrete peace accords, each of them had positive contributions in different ways. The individual peace efforts by prominent African leaders were useful in awakening the world that a dangerous civil war had been taking place hence all concerned for peace should not sit and observe the tragedies. On the other front, movements such as MCF, exposed the problem at the international level, and as discussed above, managed to identify some issues of the conflict through their contact between the members of the conflicting parties. This had assisted the subsequent initiatives, because, among others, a channel of contact had been established and the MCF had secured relevant information on the situation in the Sudan and the nature of relationship between the government and the southern oppositions. Thus, the eventual failure of MCF's effort due to the non-judicious partial gesture, though unwarranted, should not totally cloud over the contribution of those involved in the process.

The role of AAC and WCC was so distinguished in that they were able to bring the parties into agreement in 1972, which was the first ever-tangible peace pact in the Sudan. In spite of retrospective criticism on the process, it was not only the sole successful initiative, but also served the subsequent efforts, for the process made the basic issues of conflict crystal clear and the tact and approach of the mediators could be taken as a model for effective mediation.

However, the dismantling of the 1972 agreement, due to the fact that the root causes of the conflict were left intact, led to the second round of the conflict, and yet another

peace process had to be launched. As a result, the Abuja talks of 1990s were initiated. Abuja was not capable to attain its objective, but took the peace process a step ahead in that it reminded the whole world that no quick fix is possible in the Sudanese civil war. It was during Abuja talks, that the most critical issues to be addressed were well articulated out of the respective positions of the parties to the conflict. While it is true that the mediators were not adequately impartial on some vital issues, the process contributed in informing the next effort down the line as to what must be dealt with and how the process should be designed and managed.

The IGAD process, has, therefore, started not from nothing. It has the advantage of information on the nature of the conflict, the behavior of the parties and strength and pitfalls of prior initiatives. Has IGAD exploited this situation? Did it learn from the preceding efforts and organize itself in such a way that it could be able to face the task of resolving one of the most intricate and intractable conflicts in Africa? These are to be examined in detail in the next Chapter.



# CHAPTER FOUR

## THE IGAD PEACE PROCESS

### 4.0. General Background

The Horn of Africa has been known as one of the poorest and conflict-ridden areas of the world. Recurrent drought and intractable wars have been the trademarks of the sub-region. Since the wave of de-colonization, most states in the Horn have experienced inter and/ or intra-state conflicts. The two Ethio-Somalia wars of the 1960s and the 1970s, and the recent bloody Ethio-Eritrean are examples of inter-state conflicts. Civil wars have occurred in Djibouti, Eritrea, Ethiopia, and Somalia.

The situation in Somalia since 1991 is an example par excellence of a failed state in the contemporary world. Uganda, which is part of the Greater Horn, has its own share of both inter-and intra-state conflicts. The only exception in this regard is Kenya, which has remained peaceful and stable save the sporadic tribal clashes particularly during elections.

Most, if not all, of the intra-state conflicts emanated from either perceived or real ethnic domination or dictatorial regimes. The impact of arbitrary border demarcations by colonial powers, however, cannot be understated. Colonial powers, as they did to the rest of Africa, left the same ethnic groups divided between or among different states of

the sub-region. This is considered as among the recipes for the persistence of conflicts in the Horn of Africa.

As a result, the major preoccupation of the subsequent governments of the sub-region was not development and democracy. Their focus was rather on crisis management to deal with natural disasters such as drought and epidemics, and to foil various forms of armed insurgencies and external aggression.

It is against this general background that one has to assess the *raison d'être* for the emergence, and the dynamics of the Inter-Governmental Authority on Drought and Desertification (IGADD), later on changed to the Inter Governmental Authority on Development (IGAD).

IGADD was founded in Djibouti, in 1986 by the Heads of state and government of Djibouti, Ethiopia, Kenya, Somalia, Sudan, and Uganda. Eritrea joined the club during the 4th summit meeting in Addis Ababa, in 1993.

The initial objective of IGADD was to collectively fight the two major problems of the area, drought and desertification. However, taking into account the negative impacts of conflict on the sub-region's overall situation, the Heads of state and government, resolved to restructure IGADD and expand its mandate so that it could deal also with issues of peace and security.

In accordance with the declaration of the extra-ordinary Summit on 18 April 1995, the restructuring of IGADD along with the amendment of its charter was thoroughly discussed by the experts committee meeting in Addis Ababa, which took place from the 16th to the 25th of June 1995 (See IGADD, 2<sup>nd</sup> Experts Meeting Report, June 1995). The report of the Experts Meeting was, therefore, the major input to the March 1996 Summit decision, which through articles 7 and 18A of the amended Charter mandated IGAD to deal with sub-regional peace and conflict management (IGAD, March 1996).

This measure was considered a landmark, because it was a step ahead in the efforts to cure the chronic ailments of conflict in Africa, in general, and in the Horn in particular.

In this connection, Mwangiru, argues:

The amendment of the IGAD Charter in 1996 was a sign of the strengthening of the sub-regional institutions and their conflict management capacities. The thinking behind these developments was that sub-regional organizations could concern themselves with matters other than economic ones. It was necessary to face realities and admit that development could not take place while the regions were embroiled in conflicts (Mwangiru, 154).

However, IGAD's involvement in peace efforts precedes its revitalization as it had been attempting to contribute to the peaceful resolution of the Sudanese conflict since the early 1990s. A number of factors had influenced IGAD's decision to assume this responsibility. Among these, the failure of the Abuja talks, and the spillover destabilizing impact of the conflict on the neighboring states were considered as the major ones, which made IGAD to take over and establish a standing committee on peace in Sudan, in September 1993 (See Lesch, 179).

In the sub-regional dynamics, the downfall of Mengistu, who was the strong ally of SPLM/A, and the emergence the state of Eritrea were additional impetus to the process for the parties, most particularly the GOS, which might have expected at least impartiality from the mediators. IGAD's initiative thus got President Bashir's blessing because he presumed that there were no overt hostilities towards his government from the members of the bloc. According to Lesch, Khartoum's approval of the peace effort was because:

Presumably the government assumed that Ethiopia and Eritrea were sympathetic since Sudan had assisted them to overthrow Mengistu. The government also contrasted IGADD to the United States, which had placed Khartoum on the list of countries that support terrorism and passed resolutions criticizing the government's human right violations, and supported reconciliation between Garang and Machar on the basis of self-determination (Lesch, 180).

Once the acceptance of the sub-regional peace process was secured, the mediators started to engage the parties to the conflict by initially conducting separate consultations. This was a preliminary move to set the agenda for the main negotiations under the auspices of IGAD. Therefore, "during the fall of 1993, IGADD met separately with Bashir, Garang and Machar, and set the agenda in January 1994/ in separate meetings with delegations from the SPLM-Main stream, SPLM-United, and the government" (*ibid.*). On January 6, 1994, the two SPLM factions agreed on a three-point agenda including an internationally monitored cease-fire, the right of the marginalized areas (Southern, Nuba and Ingessena) to self-determination, and the implementation of a comprehensive interim period. However, the government was not

willing to discuss the above sticky issues, and hence rejected the idea of incorporating them in the agenda of the planned talks.

Thus, Bashir repudiated the qualified acceptance of cease-fire by his lower level delegation, in the January 1994 meeting, in Nairobi. According to Lesch, the GOS rejected the above agenda, because: "He [Beshir] hoped to complete the occupation of the border areas before negotiations could start and, therefore, insisted on postponing the talks, using the excuse that the government could not send a delegation during Ramadan" (*ibid.*).

The situation discussed above informs the underlying factors that influenced the initial performance of IGADD's peace process. From the mediators' side, the predominant motive for taking the initiative was presumably to mitigate the burden the conflict had brought on the neighboring states, expressed, *inter alia*, in the influx of refugees and the proliferation of small arms, which had contributed to the rise of crime and insecurity in the area.

Nevertheless, there was also recognition, among the member states, of sustainable peace in the sub-region as a prerequisite for effective development endeavors in the sub-region.

On the other hand, as already mentioned, the GOS did not accept the process in good faith. At that point in time, Bashir was of the opinion that Sudan's strong allies in the

group: Ethiopia and Eritrea would prevail in safeguarding its interest within the IGAD framework. Other wise, its true picture became crystal clear when it out-rightly rejected the main items of the talks, which were carried over from the failed Abuja talks. In fact, the government was reckoning much on its military prowess demonstrated in the victories registered in the battlefield.

The situation in the movement's camp did not change much from the reality during the Abuja Talks, as they remained afflicted with schism and infighting, despite agreeing on some aspects of the agenda of the negotiations.

In short, despite IGAD's resolve to conclude the Sudanese conflict in a peaceful fashion, the initiative took off within a state of logjam as that of the Nigerian effort.

This being the birds-eye-view assessment of the beginning of the IGAD peace process, this research approaches the dynamics of the initiative by dividing it in to two phases: 1993-1999 and July 1999 to present. The relevance of the division into phases rests upon the fact that the framework had under gone some changes in its structure and approach since July 1999. Driven by the evolving global and sub-regional situation, the perception, attitude and roles of the vital extra- IGAD actors were also believed to have substantially altered since the late 1990s.

## 4.1. Phase-One (1993-1998)

### 4.1.1. Overview

The first phase of the IGAD initiative adopted by the fourth IGADD summit in Addis Ababa in September 1993, was structured in such a way that it involved members from the experts level up to the Heads of state and government. Abdelwahab El-Affendi describes this as follows:

...[A] Peace Committee made up of the heads of state of Ethiopia, Uganda, Eritrea and Kenya was set up to oversee the process. Kenyan President, arap Moi was named as the chairman. The actual mediation process was handled by a Standing Committee made up of the foreign affairs ministers of the four countries, with the Kenyan foreign minister normally chairing the talks in the presence of his colleagues (El-Affendi, 585).

Following the set up of the Peace Committee, IGAD, through the chairman of the committee, tried to bring the parties to the negotiation table. Thus, despite the initial hiccup due to the intransigent position of the GOS, IGAD persisted and managed to conduct four rounds of meetings in Nairobi. The first round was held from 17<sup>th</sup> to 23<sup>rd</sup> of March 1994. The delegates for this meeting were from the GOS, SPLM-Main stream, and SPLM-United. The main objective of this meeting was to formally launch the peace process and to agree on the agenda of the talks. In that sense, the meeting succeeded in launching the processes, albeit, the failure to bring the leaders of the parties together. Lesch, described the scenario as follows:

IGADD tried to bring together Bashir, Garang and Machar. Bashir refused to meet Garang or even be in the same room when they signed the joint statement launching the talks... Bashir had hoped that Garang would not attend, so he could claim there was no southern movement with which to negotiate (Lesch, 180).

As Bashir left even before the launching ceremony, prompting Garang to follow suit, the talks were carried on led by their delegated officials: al-Haji from the government side, and Salva Kiir from SPLM. The talks could not reach agreement on any of the substantial issues, because there was no consensus, in the first place, on the agenda items for discussion.

IGADD's proposal to include interim arrangement and other major constitutional principles hit a snag when the head of the government delegation out-rightly objected the idea of dealing with the issue of self-determination while the two SPLM factions concurred on its inclusion on the agenda. Consequently, the talks were deadlocked and adjourned with a mere agreement to form a sub-committee on relief aid, which agreed to open air corridors for this purpose (See I esch. 180-181).

The second round was held from 17<sup>th</sup> to 22<sup>nd</sup> of May 1994. Prior to this meeting the government bombed *Chukuduma* airstrip on May 16. In spite of the absence of any sign of hope for the parties came with highly polarized positions, that round of talks has been considered as the platform which laid the hitherto framework of IGAD's peace initiative. It was at that meeting that the mediators 'surprisingly' introduced the Declaration of Principles (DOP). The DOP captures the major issues of contention and attempts to prescribe the possible solutions.

The DOP was drafted taking into account the issues that lingered through since the eruption of the second round of the conflict, and the respective positions of the parties



to the conflict. In El-Affendi's words: "The DOP faced the parties with a stark choice between accepting a secular state and allowing the south to opt for independence" (El-Affendi, 585).

In other words, the DOP affirmed the right of the south to self-determination while giving due recognition to the priority of the unity of Sudan under an accommodative system. If things do not work, the DOP states as the final resort, the need for a referendum through which the south would determine its future status (See IGADD, Declaration of Principles, May 20, 1994).

In a nutshell, "the Declaration of Principles envisions a peace agreement structured around a democratic and secular Sudan and calls for the sharing of the national wealth and resources. Failing to do that, it calls for negotiations over the modalities of an interim period followed by self-determination referendum for the south" (ICG, 155).

However, the DOP resulted in diametrically opposite reactions from the parties to the conflict. The government side, which was convinced that it would easily crush the SPLM/A was so enraged and accused the mediators of siding with the 'rebels'. The head of the delegation was quoted as saying: "we have no option than except to continue the war to its finality" (Lesch, 182).

On the other side, SPLM/A embraced the DOP as a God-given opportunity for it addresses the vital issues it had been concerned with. In this regard, Lesch states,

"SPLM-United found the DOP even-handed and a pleasant surprise. Its newly elected National Liberation Council endorsed the DOP fully as the basis for negotiation" (*ibid.*).

As a result, the second round of talks ended with such divergent stands on the focus and direction of the mediation process. At the closure of the meeting, the parties were urged to study the DOP and come up with their official positions in the next round.

The next round of talks was held from July 18<sup>th</sup> to 19<sup>th</sup>, 1994. The meeting was opened by the Chairman of the Peace Committee, President Moi who appealed to the parties for a cease-fire and the implementation of the agreement to distribute relief supplies (*ibid.*).

However, there was no sign of narrowing of gaps, for the parties stuck to their previous positions. The government delegation presented a written position, in which the head of the delegation stated point-blank that the GOS did not accept the DOP. He argued that issues incorporated in the DOP, particularly, religion and state, secularism, self-determination, and secession were beyond the scope of IGAD's mandate. The sole issue to be considered by the government was interim period in line with 'its known formula and focusing on how to share power and wealth within the south' (*ibid.*).

The government contended that a proposal for self-determination implied that "the north was engaged in colonial rule over the south, and hence declared that secession of the south could only be realized "through the barrel of a gun". On the issue of referendum, the government's delegation articulated a three-phased process. The first phase would be a referendum at the end of an interim period to decide on the federal system. At this

stage, if the federal arrangement were rejected, people would vote for an alternative system. The final vote would be on options including secession.

Much as this proposal appears to be tantamount to recognition of the right for conducting referendum on the north-south relation, it was a calculated move. The proposal stipulated that the Sudanese people at large would take part in the referendum. This meant that, due to the sheer population size, the northerners would dwarf the vote of the southerners, hence secession remain to be nothing but an illusion (*ibid.*, 183).

In contrast, the SPLM delegation reiterated its confidence in the IGAD initiative, fully concurred with the DOP, and emphasized on the need to hasten the process.

Faced with such irreconcilable positions, the mediators tried their level best to gear the talks towards the two major items: self-determination and transitional period. To facilitate the talks, a committee composed by members from each party was set up with a task to identify areas of agreement and disagreement. And before the end of the talks, a six-points 'non-paper' was issued. According to the non-paper, IGAD recognized the 'inalienable right' of the people of the south to decide on their destiny. This was to be exercised through an internationally supervised referendum following an agreed interim period. The non-paper also pointed out that the interim arrangement should be devised within the context of the unity of Sudan.

True to its pattern of reaction, the government failed to accept the proposals of the non-paper. But then, this time around, on the issue of referendum, the government refrained from blanket rejection. It instead opted for forwarding its own version. From the government's vantage point, the terms 'inalienable right' and 'self-determination', were out of question, while it argued "at most the people of the south would freely determine their future status within Sudan through an internationally supervised referendum" (*ibid.*). This, in effect was a mere right to decide on the nature of relations between the south and the north, short of the option for independence.

This limited sign of compromise by the GOS delegation itself infuriated the higher authorities back at home. Lesch asserts:

Even accepting this limited version of self-determination caused Khartoum to rebuke the two senior delegates, Khalifa and al-Haji, and to accuse them conniving with fellow Africans to undermine the Arab-Islamic character of Sudan. They were replaced by NIF's Ghazi Salah al-Din Atabani and Nafi Al Nafi (*ibid.*).

This situation was a clear indication as to how far the government was determined to object to any proposal with the slightest contradiction with its deeply entrenched political and religious doctrines. Thus, as the mediators were not in a position to proceed with the negotiations for there was no political will to do so, the talks ended up with yet another stalemate. The talks managed only to strike a deal on cease-fire, which Garang accepted grudgingly.

The final round of the 1994 Nairobi talks was hosted from September 4<sup>th</sup> to 7<sup>th</sup>.

Unfortunately, this round led to the interruption of IGAD's initiative for three years.

In the September talks, the government came with a more pronounced level of suspicion against the IGAD's peace talks, and it was so indiscreet to criticize IGAD for introducing the DOP. In his opening speech, Salah al-Din attributed the problem in the south to the British colonial rule. He also openly accused IGAD of instigating the SPLM to raise the issue of self-determination, stating that the concept lacked any legal or moral basis (See Lesch, 184). The GOS delegation was so blunt and vivid in reiterating that Sharia was irreplaceable and the partial exemption for the non-Muslims in the south was only a voluntary concession..

However, the talks reached a dead end when the government, with no sign of hesitation, declared that the government's duty is to Islamize the continent of Africa at large- a mission 'interrupted by colonial rule'. The government also made it clear that it preferred shuttle diplomacy than IGAD's face-to-face mode of negotiations (see ACCORD, 13; and Lesch, 184).

At that stage, the GOS not only gave unambiguous signal to the whole world that it was dragging its feet from the negotiation table, but also uncovered its grand religious calling. Therefore, since the platform was not meant for entertaining the GOS' stated motive, it was not surprising that the chair abruptly adjourned the meeting. The situation at that time appeared that there was a need to have an additional mediator between the mediators themselves and the government.

The SPLM leadership, which did not get the opportunity even to make its opening statement, had no choice but to present a written reaction to the Chair of the Peace Committee.

The September talks thus ended up with an apparent deadlock. However, in spite of such discouraging state of affairs, the mediators refused to give up. To the contrary, the Chairman of the Committee convened IGAD's Summit and brought together Bashir and Garang on September 18<sup>th</sup>, 1994. Nevertheless, President Moi could not succeed to bridge the gap between the dangerously divergent positions of the two parties.

In the aftermath of the deadlock discussed above, the relationship between the Sudanese government and most of the members of the IGAD Peace Committee deteriorated to a serious degree. Accusing Sudan of sponsoring sporadic attacks by the 'Eritrea Islamic Jihad', Eritrea severed its diplomatic tie with Sudan in December 1994. Uganda, on its part, ended its relation with Sudan for the alleged support of the latter to anti- Musevini activities particularly by the Lord's Resistance Army (LRA). The other member state, Ethiopia, also down graded its relation with Bashir after implicating the regime with promoting and exporting 'Islamic fundamentalism'.

In light of such hostile relations with member states, Sudan began to insist, "any meeting with IGADD leaders should discuss only bilateral relations, and put the mediation on hold" (El-Affendi, 586).

Therefore, real motives aside, the apparently unhealthy relations of Sudan with most of IGAD's members ostensibly justified Bashir's doubt in the impartiality of the mediators. On the other hand, SPLM not only continued with its commitment to the IGAD process but also wished the initiative get an enhanced support from the international community. In line with this, President Moi, Chairman of the Committee traveled to Europe and Africa to solicit and consolidate support for the process. Moreover, "IGADD mobilized Western governments through the Friends of IGADD [later changed into IGAD Partners Forum], which included Australia, Britain, Canada, Italy, Norway, and the United States" (Lesch, 185).

In spite of this, the initiative could not take off for three years during which the parties to the conflict stayed busy in the effort to consolidate their political support and military positions, and weaken the other side. This was done through alliance and counter-alliance formation and in military confrontations.

The SPLM leadership along with the Northern opposition groups revitalized an umbrella organization known as the National Democratic Alliance (NDA). NDA was founded in 1989 to counter the coup by Bashir and the consequent dictatorial rule (ICG, 21). The effort to isolate the Bashir government got momentum after the IGAD's initiative was rudely rejected by the government in September 1994. NDA issued the 'Asmara Declaration' in June 1995 with an open and strong assistance from the Eritrea government (See, El-Affendi, 587). The declaration includes three basic elements in line with SPLM/A's concept of 'New Sudan': a multi party democracy; a transitional period

with a confederal arrangement between the north and the south; and the exercise of self-determination by the south and other marginalized regions (ACCORD, 14).

The Asmara Declaration coincided in time with the June 1995 abortive assassination attempt against President Hosni Mubarak of Egypt during the OAU summit meeting in Addis Ababa. This incident further aggravated the acrimony between Ethiopia and Sudan for the latter was incriminated for having a major part in the plot and allegedly gave refuge to the perpetrators of the terrorist act.

This situation is claimed to have laid a fertile ground for the oppositions under NDA, to get unreserved support from the neighboring states in their objective of overthrowing the Bashir regime through military and political means. However, the intensified military offensive launched in late 1996 against the regime from different fronts did not succeed to the extent of shaking the foundation of Bashir's government. But one could not undermine the pressure on the government resulting from such military operations mounted by the armed groups from different directions (See El-Affendi, 587).

The government too intensified its military mobilization and offensive while at the same time it took some political measures and embarked on a series of direct peace talks with different opposition groups. In the latter case, the government reviewed its laws and made some amendments with regards to issues in dispute; organized and concluded agreements with some splinter oppositions in April 1996 and April 1997, in Khartoum.



The signatories to the Sudan Peace Agreement of April 1997 were the GOS and South Sudan Independence Movement (SSIM) led by Dr. Reik Macher; a faction of Sudan Peoples Liberation Movement (SPLM) led by Cdr. Kwan Kawanyan and other groups. The agreement contained the major divisive issues such as state and religion, self-determination, interim arrangement, and wealth and power sharing (See, The Sudan Peace Agreement, Khartoum, 21st April, 1994). The SPLM/A-Main stream and other prominent opposition groups rejected the Khartoum agreements and called them inconsequential.

Nevertheless, since the content of the Khartoum agreement happened to address the vital contentious issues, it managed to get an initial positive gesture from the international community. Thus, El-Affendi laments: "This positive reaction encouraged the government to accept the resumption of the IGAD peace talks" (El-Affendi, 588).

Consequently, President Bashir was persuaded to accept the DOP at the IGAD summit in Nairobi, in May 1997, hence, the peace talks, which had been dormant for three years, resumed in October 1997.

Considering the three years break, some critics contend that the mediators did not use the interval to revisit their approach and make the framework fit to the nature of the conflict. The return of Bashir to the peace talks was not also taken at face value for some considered it as a tactical move. ICG, comments "the government's acceptance

was less a function of the desire to strike a comprehensive peaceful settlement than a product of military pressure and international isolation" (ICG, 156).

The critics of IGAD's failure to exploit the three years interval makes much sense as it was abundantly obvious that the mediators showed up with the same ineffectual structure and approach of negotiation. The mediators appeared so naïve for they were in the illusion that the government's acceptance of the DOP and the rather encouraging support of the international community would lead to a break-through. But then, when the talks started in October 1997, in Nairobi, it was witnessed that everything was as it used to be, if not worsened. Given this situation, the first meeting after three years of suspension faced the same fate as the 1994 talks.

Although, the talks continued in May 1998, in Nairobi, and in Addis Ababa, in August 1998, they were merely forum where the parties demonstrated their mutual mistrust and acrimony. The extent of hostility and incrimination between the parties was beyond the capacity and preparedness of the mediators, hence the talks ended with no tangible results. In the meantime, the issues involved became more intricate and the gap between the positions of the parties more widened.

For instance, discussion on the issue of self-determination started to be bogged down in the definition of the south. The government insisted that the south refers to and only to those areas (Equatoria, Upper Blue Nile, and Bahir al-Ghazal) described at the time of

independence in January 1956. SPLM/A on the other hand, argued it must include Abyei, Southern Blue Nile, and Southern Kordofan.

Positions on the issues of interim period, the form of government, and the relation between state and religion remained as polarized as ever.

In this context, it was only apparent that the IGAD framework was not in a good shape to deal with such a complex and sensitive conflict like that of the Sudan.

The ministers of foreign affairs of member states, who were the main negotiators, were obviously busy in their own domestic nitty-gritty, hence lacked the required level of involvement in the process. Usually, they came to the talks with the briefings they got from their respective Ambassadors/experts. However, the experts advice and the technical support from the IGAD secretariat in Djibouti was not good enough to resolve the long running and intractable conflict of the Sudan. El-Affendi captures this situation as follows:

The talks were normally scheduled to take one week (Monday to Friday) to fit the busy timetables of the ministers involved, but often broke up after only three days. The format was varied occasionally to include separate discussions with the parties, but the norm was plenary sessions that degenerated very quickly into slanging matches (El-Affendi, 588).

He also justifiably argues that there was 'little foot work' before the actual negotiations to "evaluate shifts in positions, devise and promote possible compromises or working papers to guide the discussions" (*ibid.*, 588-589).

To make things worse, the border dispute and all-out war between Ethiopia and Eritrea, which erupted in May 1998, overshadowed the Sudanese civil war. As a result, the peace talks were once again stalled for about a year. ICG summarized this state of affairs as follows: "In mid-1998, as the Ethiopia-Eritrea war broke out and Uganda became increasingly involved in the Congo war, military pressure on the government sharply declined, and IGAD again became a toothless process with no leverage to bring the parties together" (ICG, 156).

The Ethio-Eritrean war resulted in the realignment of relations throughout the Horn of Africa. The two countries began to mend their relations with the GOS for their own particular reasons. Ethiopia considered it important to revisit its policy toward the Sudan for, among others, it wished to minimize its foes and as some assumed it needed potential access to a port for the conflict with Eritrea sealed the opportunity to use the port of Assab. Thus, Ethiopia decided to leave behind the June 1995 incident and became busy in initiating and implementing multiple bilateral agreements with the GOS. Eritrea, on its part, resumed its diplomatic relations with Sudan following an agreement sponsored by the Qatar government. This was basically to stop the threat from the fundamentalist groups launching attacks from the Sudanese territory, and to neutralize the effect of a strong Ethio- Sudanese bondage.

This situation dramatically changed the nature of the relationship between the mediators and the GOS from that of open hostility to a pronounced rapprochement.

On the international front, states and international organizations (both governmental and non-governmental) expressed their wariness over the feasibility of the peace process and the capacity of IGAD to resolve the Sudanese conflict.

In light of this, there was a tremendous pressure on the U.S. government to revisit its policy on the Sudan and apply adequate leverage on the parties to the conflict to heed international appeal for peace. In this regard, a number of conferences were conducted, assessment missions were effected, and a series of literature were produced, almost all indicating that the U.S. role is vital for the conclusion of the conflict in a peaceful fashion. Most of these forums tried to uncover the alleged atrocities, human rights abuses including slavery, and humanitarian crisis in the South as a result of the government's extremist and dictatorial policies.

It was in response to such mounting appeals and lobbies by different bodies, and to safeguard its strategic interest in the area and beyond, that the Clinton Administration appointed Harry Johnston in August 1999, as its special representative. However, America's effort through the special representative "appeared as powerless as those it wanted to help" (El-Affendi, 593). Mr. Johnston did not even succeed to hold the planned meeting of IGAD session in Washington (ICG, 169).

The European governments through the EU were also engaged in the process basically under the IGAD Partners Forum (IPF). The EU, besides assisting the IGAD process in

various forms, attempted to exert pressure on the parties to the conflict, although it achieved nothing substantial.

#### **4.1.2. Assessment of Performance**

Generally, phase one of the IGAD peace process on the Sudan was not effective not only in resolving the conflict but also in either persuading the parties towards peace or in exerting enough pressure to soften their polarized positions.

The limitations of the process during this phase could be attributed to a number of factors including the following.

Firstly, the relation between the mediators and either of the parties to the conflict had been shifting from open hostility to friendship or vice versa. For instance, the initial cooperation between Eritrea and Ethiopia with the GOS changed faces into antagonism and hence the former were alleged to assist the SPLM/A including in military offences.

This was further complicated by the changing of alignment from one party to the other based on domestic and strategic interest, which gave the parties a leeway to manipulate the situation to their respective advantages.

The war between Ethiopia and Eritrea was an additional blow for the two could not see each other eye-to-eye let alone to sincerely consult each other and cooperate on sub-regional issues like of the Sudan peace process. The cumulative impact of these seriously affected the required degree of neutrality and harmony among the mediators.

This in turn led to the dwindling of the level of credibility of the IGAD process both from the side of the parties to the conflict and the international community at large.

Secondly, the IGAD peace talks were structured in such a way that the Ministers of Foreign Affairs of member states would play the vital role. But given the fact that these authorities were so much engaged in their domestic politics and bilateral problems, they could manage only to meet once in six months or so to deal with such a complicated conflict. Therefore, since the mediators could not be continuously engaged in the process, it was not possible to iron out the contentious issues so that the parties would arrive at compromise positions. Consequently, usually the IGAD talks end in impasses leaving the parties to go back to their routine of fighting.

Thirdly, the approach employed by IGAD was not fit to the nature of the conflict and the behavior of the parties. In the Ministerial level talks the parties were making their usual parallel positions, which were too much loaded with acrimony and sense of mutual suspicion. Once such positions were forwarded, the mediators were helpless, despite their attempt to bridge the gap through separate consultations and plenary discussions.

Fourthly, the two parties did not demonstrate genuine interest to resolve the conflict through the IGAD forum. They remained in the process, either because they perceived that they have friendly members whom they thought would assist them to achieve whatever they wish to or for they imagined their respective military upper hand would

oblige the other party to give in for fear of fatal consequences. The pre-and post- talks serious military showdowns were justifications for this line of argument.

Last but not least, the role of international community was minimal and lacked consistency both, in assisting the process or in prevailing upon the parties to opt for a peaceful resolution than the military option. In this regard, although IPF remained involved in supporting the IGAD initiative, it was not as strong as it ought to be in terms of enhancing the capacity of the framework and in using its leverage to make the parties honestly work towards peace.

The lukewarm attitude and the apparent vacillation of the U.S.'s interest in the Sudanese case also contributed to the lack of success in resolving the conflict. In addition, the controversial bombing of a pharmaceutical factory in Khartoum, in August 1998 tarnished the image and sincerity of the U.S. policy on the Sudan.

In summary, much as one could argue that IGAD had been the only peace forum that was 'accepted' by the two parties, at the end of phase one, it was not capable to narrow the wider gap between the GOS and SPLM/A let alone to strike a comprehensive peace deal. During this period, despite the fact that IGAD managed to come up with a DOP, which served as a framework for negotiation, and the mediators' perseverance in the face of extreme challenges, there was no breakthrough to end the destructive Sudanese conflict.



## **4.2. Phase Two (Since 1999)**

### **4.2.1. Overview**

In the late 1990s, the reading of the international community at large was that IGAD's peace process was doomed to fail. In fact, the parties to the conflict themselves were of the opinion that, unless a major reform was undertaken, the process was futile. The GOS was so open to call the IGAD peace process as impotent, while SPLM/A for the first time had shown inclinations towards entertaining other initiatives.

The mounting criticism on the performance of the IGAD peace initiative was associated with either explicit or implicit alternative options. As the degree of dissatisfaction over the process was so high and the level of expectation for improvement was minimal, most extra-sub-regional actors and analysts were prescribing the need for better regional or external framework.

#### **4.2.1.1. The Permanent Secretariat on the Sudan Peace Talks**

Recognizing the growing lack of confidence in the efficacy of the IGAD peace process on the Sudan, the members of the Ministerial Sub-Committee deliberated on the measures to be taken to rejuvenate the initiative during the Fourth Round of Negotiations from 19<sup>th</sup> –23<sup>rd</sup>, July 1999. At the end of this meeting, which included the two parties to the conflict, the Ministers resolved that the structure and approach of the negotiation should be changed. To this effect, the Ministers established a Permanent Secretariat on the Sudan peace talks to be stationed in Nairobi.

The purpose of setting up the Permanent Secretariat was to carry out continuous and sustained mediation efforts instead of intermittent Ministerial meetings. By doing so the mediators presumed it would be possible to pursue dialogue on issues until the stage the parties arrive at compromise positions.

The Ministers neatly defined the Terms of Reference (TOR), the Structure, and the Rules of Procedure of the peace talks (See IGAD, documents stating the *Rules of Procedure for the Sudan Peace Process involving all the Parties to the Sudan Conflict*, and *Structure and Terms of Reference (TOR) for the Secretariat of the IGAD Peace Process on the Sudan*, Nairobi, July 21<sup>st</sup> 1999).

The meeting openly admitted that there were time constraints 'on the Ministers assigned to deal with the Sudan Peace Process' and hence decided to establish a Permanent Secretariat with a structure involving a Special Envoy appointed by the Chairman, the President of Republic of Kenya, and envoys from mandated countries: Eritrea, Ethiopia and Uganda (See IGAD, *Structure and Terms of Reference (TOR) For the Secretariat of the IGAD Peace Process On Sudan*, July 1999).

The Special Envoy was assigned to chair the envoys meetings and 'preside over the Sudan peace Negotiations' including plenary proceedings, 'conduct informal consultations with the parties to the conflict and provide general guidance for the conduct of the Negotiations' (*ibid.*)

The envoys in general were expected to work as a team and be accountable to the Ministerial Sub-Committee to which they furnish periodic reports on the progress of the process. The use of resource persons and coordination with the IGAD Executive Secretary were indicated in the Ministers' decisions.

The new structure was envisaged in such a way that the envoys would be designated to different committees. The two major committees identified by the Ministerial Sub-Committee were the Political Committee and the Committee on Transitional Arrangements. As the basis of the setting up of the Committees was to facilitate agreements on the DOP, the Political Committee was assigned with items enshrined in Paragraphs 1.2 and 3 of the DOP while the other Committee was to deal with Paragraphs 4.5 and 6 of the same (*ibid.*)

In the document dealing with the Rules of Procedure, the Ministers stated that the two parties shall 'designate representatives' for the plenary and for each of the Committees. They also officially recognized the role of extra-IGAD actors by allowing the participation of IPF, OAU and other invited agencies as observers in the peace talks (See IGAD, *Rules of Procedure for the Sudan Peace Process involving all the parties to the Sudan Conflict, 21<sup>st</sup> July 1999*).

The negotiations were designed in a format involving three levels: Plenary meetings, Committees and Informal Consultations. Each level of negotiations has been assigned with specific duties and tasks along with the respective *modus operandi*. The need for

expert and resource persons in the provision was also indicated in the minister's resolution (*ibid.*).

Two issues are worth mentioning at this juncture. Firstly, the Ministers deserve appreciation in that they critically and openly revisited the process and hence tried to reinvigorate the framework of the negotiation by changing its structure and approach. Secondly, the fact that the mediators sought the assistance of extra-IGAD actors either through observing the process or through technical or expert advice could be considered as a positive development.

However, the issue of dependency on particularly IPF's financial assistance to cover the cost of the process was an apparent limitation of the initiative. In this regard, although the Ministers had indicated that fund would be obtained from the IGAD member states, there was an implicit expectation that IPF would bear the lion's share of the burden. This was clearly manifested when member states except Kenya failed to appoint a full time envoy to the process for IPF declined to cover their expenses. As a result, all states decided to appoint their resident Ambassadors in Kenya to serve as their envoys.

Nevertheless, given the sluggish and ineffectual nature of the process prior to the July 1999 Ministerial meeting, the attempt to infuse some elements of dynamism was widely accepted by the international community.

Following its establishment, the Secretariat started its work including shuttle diplomacy missions with the parties to the conflict, and Political Committee Meetings (See IGAD, *Report of the Envoys, IGAD Secretariat in the Sudan to the Ministerial Sub-Committee On the Sudan Peace Process*, November 2000).

According to the Envoys' report, the Secretariat managed to conduct four political committee meetings and attempted to deal with the most contentious issues. In the first meeting that was held from January 15<sup>th</sup> to 20<sup>th</sup> 2000, the parties "reiterated their commitment to the peaceful resolution of the conflict" under the IGAD framework and "signed a document-Common Understanding and points of Differences" (*ibid.*). Although the parties once again reaffirmed the right of the South (as per the January 1<sup>st</sup> 1956 borders) to self-determination through referendum, they failed to agree on the status of areas known as Abyei, Southern Kordofan and Southern Blue Nile. This issue was perceived from different vantage points. For the government, the South is the one defined at the time of independence and hence self-determination needs to be limited thereto, while the SPLM/A argues that the situation, which evolved in the post-independence era, should be taken into account.

On the issue of the unity of the Sudan, despite the concurrence in the principle, SPLM/A attached strings requesting the 'separation of state and religion during the interim period' and linked it to the "outcome of the referendum on the rights of self-determination". The GOS underscored that no condition should be put on the unity of

the Sudan (*ibid.*). Since the meeting could not iron out divergences in the parties' positions on these issues, they were left pending.

The second meeting of the Political Committee, which took place from 21<sup>st</sup> to 26<sup>th</sup> February 2000 tried to deal with points of difference in the first meeting. However, the parties were adamant on their stated stances, which prompted the mediators to conduct shuttle diplomacy between the leaderships of the GOS and the SPLM/A, though it was not possible to bridge the gap.

The next meeting held from 3<sup>rd</sup> to 7<sup>th</sup> April 2000, faced the same fate because the parties insisted on their previous positions. The SPLM/A was of the opinion that a confederal and secular system of government was mandatory in the interim period, and the right of the areas beyond the traditional South, Abyei, Southern Cordofan and Southern Blue Nile, to self-determination should be guaranteed. In fact, the SPLM warned that unless there is a clear separation of State and Religion it would be impossible to allow progress in negotiations. The GOS on the other hand stated that a federal system would address the concern and the constitution of the Sudan accommodates the existing religious diversity. It also made it clear that the three areas mentioned above were never been part of the South, hence their inclusion is unwarranted and beyond the mandate of IGAD.

On issues of wealth sharing, human rights and the independence of the judiciary, the positions of the two were based on their proposals on the nature of the interim

arrangement. Consequently, although there seemed a window of opportunity to arrive at compromise positions on these issues, the parties were ultra-cautious fearing a compromise in one would result in weakening one's stance on the major items.

In the meantime, on 16<sup>th</sup> June 2000 the SPLM/A declared that it would withdraw from the peace process alleging a continued bombing of civilian population in the South by GOS, genocide and ethnic cleansing in oilfield areas, and the lack of concern by international community specifically IGAD and the UN (*ibid.*).

The envoys had to carry out painstaking consultations with the SPLM/A and shuttle diplomacy missions to Khartoum to bring the former back to the negotiating table.

After the mediators managed to get out of the logjam mentioned above, the Fourth meeting of the political committee was held from September 21<sup>st</sup> to October 1<sup>st</sup>. During this meeting, which was known as the *Lake Bogoria Talks*, the mediators tried to change their approach by furnishing their own proposals to both parties based on the DOP, as the framework for discussions and negotiations. Accordingly, the envoys introduced their proposals on State and Religion, self-administration, wealth sharing, and the status of Abyei, Southern Kordofan and Southern Blue Nile.

Although the parties supported the new approach, it resulted in nothing but divergences on major issues became more transparent through their reactions to the envoys proposals and in the course of discussions.

It would be appropriate at this juncture to mention the stated positions of the parties on the major issues, which could assist in comprehending the nature of polarity between the parties in both their perceptions on and prescriptions for the Sudanese conflict.

The GOS once again underlined that during the interim period "the Federation should be ruled by Islamic Law with States having to opt out if they wish". SPLM/A on its part argued that "the Federation should be secular and States may adopt legal systems as they wish" (*ibid.*).

On the principles and modalities of wealth sharing, the GOS stated that the center preserves the right on minerals and it will allocate certain percentage of revenues accrued thereof to the State. SPLM/A contended the other way around, in that "the revenues should first accrue to the State, which then provide some to the center" (*ibid.*).

The other sticky issue, the status of the areas beyond the legally defined South remained yet dividing positions world apart. The SPLM/A not only considered it as a justified issue for negotiation in the IGAD framework, but also revealed that it was "willing to incorporate representatives from these areas in future negotiations". As a stark contrast to this, the GOS insisted that discussion on the three areas does not fall within the mandate of the IGAD peace process, which as a matter fact is correct.

In summary, the four-round-talks under the auspices of the Permanent Secretariat did not achieve much in the search for a peaceful resolution of the Sudan conflict.



However, despite the intransigent behavior of the parties, the mediators did not give up, they rather attempted to reinvigorate the process. To this effect, the envoys came up with the idea of incorporating a participatory symposium approach where the outstanding issues would be discussed by experts with a view of laying the ground for future deliberations. The other attempt by the Secretariat to enrich the mediation process was setting up a "Working Group mechanism" wherein the two parties would be represented in each work group chaired by the Secretariat.

The injection of supportive approaches to the rather less responsive and rigid type of framework was commendable. However, although the parties subscribed to the proposals, none of the good intentions were promptly put into practice. The first working group meeting on Wealth Sharing scheduled from November 14<sup>th</sup> to 17<sup>th</sup>, and the first symposium on State and Religion, Self-determination, Self Administration and Wealth Sharing planned to take place in Addis Ababa, from 26<sup>th</sup> to 29<sup>th</sup> November, did not materialize save the Workshop on Wealth Sharing, which took place between November 2000 and February 2001.

In addition, to the efforts mentioned above after the fourth round of talks, the envoys visited member states of the IGAD Sub-Committee to brief the governments of respective countries. They also tried to bring the OAU closer to the process by informing the then Secretary General, Dr. Salim Ahmed Salim on the developments in the peace process.

Nevertheless, all these good intentions and commendable efforts by the Secretariat failed to prevent the stalling of the process for more than a year.

Amidst the ominous gloomy situation and the intensity of pressure from the international committee, IGAD held a Summit meeting of members of the Sub-Committee on Sudan, in 2<sup>nd</sup> June 2001, in Nairobi. The Summit, which involved also Bashir and Garang reviewed the developments in the peace process. This Summit, however, achieved nothing substantial but appealed to the parties to show more commitment; appreciated IPF's support; reaffirmed with the parties IGAD's commitment to the peace process based on the DOP; and convinced the parties to agree to appoint fully mandated permanent negotiators (See IGAD, *Report of the IGAD Secretariat on Peace in Southern Sudan to the IGAD Partners Forum-Rome 11<sup>th</sup> -12<sup>th</sup> April 2002*).

The 9<sup>th</sup> Summit of IGAD, in January 2002, in Khartoum, also listened to the report of President Moi, Chairman of IGAD sub-Committee on Sudan. During the summit, leaders "called upon the Chairman... to rejuvenate the IGAD Peace Process and invite other initiatives with a view to coordinate the efforts" (See *Communiqué of the 9<sup>th</sup> IGAD Summit of Heads of State and Government, 11<sup>th</sup> January 2002*).

In between and following the two Summits, a number of activities had taken place to save the process from total failure. These included, among others, (a) convening a Technical Committee Meeting where the two parties gave their consent to define the modalities and work programs of the negotiation; conducting consultative meeting

between envoys, advisors and resource persons to set up the agenda and defining a time frame for the permanent negotiations; (b) consultation with the IPF Core-Group with President Moi; and (c) the appointment of new Special Envoy by Kenya, who traveled to Khartoum with a message from the Chairman of the Sub-committee to President Bashir and met with President Mubarek of Egypt delivering a proposal from President Moi on the co-ordination of IGAD and Joint Egyptian/ Libyan Initiatives (See *Report of the IGAD Secretariat on Peace in Southern Sudan to the IGAD Partners Forum 11<sup>th</sup> – 12<sup>th</sup> April 2002*).

#### **4.2.2. Assessment of Performance**

As discussed in the preceding part, IGAD attempted to revitalize the Sudanese peace talks through some changes in the approaches and structure of negotiations. However, a number of internal and external factors limited the success of the initiative.

According to an assessment in September 2001 done by IGAD itself, the parties to the conflict failed to arrive at a negotiated settlement basically because they were not genuinely involved in the framework (See *Executive Brief on the Inter Governmental Authority On Development Initiative on the Conflict in Sudan, Ministry of Foreign Affairs, Republic of Kenya, September, 2001*).

IGAD claimed that the parties used the initiative mainly for propaganda purpose and they were seeking for military solutions. Neither of the parties were under pressure to be engaged in serious peace talks for the GOS had been content with its military upper hand while SPLM/A was waiting for opportune moments to expand its control from its

limited territories. On the GOS side, oil revenue and steadily improving relations with its neighbors made it convinced that there was little force obliging it to make concessions (*ibid.*).

In the external dimension, IGAD was of the opinion that the progressive involvement of Egypt in undermining the process was part of the bottleneck. Egypt along with Libya launched the joint Egypt- Libyan Initiative (JELI) allegedly to counter IGAD for fear of eventual secession of the South and hence uncertainty in the unimpeded flow of the Nile. The GOS was positive to this initiative, while SPLM/A viewed it suspiciously.

An idea of integrating or merging the two initiatives had been entertained by, *inter-alia*, IGAD itself, IPF and the American government. In this regard, the 8<sup>th</sup> Summit of IGAD resolved to coordinate the two initiatives though no elaborate modalities were set (*ibid.*).

However, it was so obvious that any attempt to integrate or merge the two initiatives was tantamount to going back on the DOP and the redefinition of IGAD's mandate. This was not acceptable to the SPLM/A lest it would lose its credibility within the Southern society.

The other limitation of the process was its financial weakness. As the Secretariat was highly dependant on funds from IPF, the latter's reluctance in this regard impacted on even in running its office let alone organizing talks, workshops and seminars. During a visit by the IPF Assessment Mission from 19<sup>th</sup> to 22<sup>nd</sup> 2000 to Kenya, the former put

some conditions for its continued support. IPF's conditions, include higher level involvement of IGAD states, changes in the TOR of the Secretariat, more pressure on the parties to be negotiate in good faith, the use of resource persons, and the inclusion of other countries (presumably referring to Egypt) with interest in bringing peace to Sudan (*ibid.*). However, IPF suspended its funding to the process since early 2001.

During an interview in December 2001, one of the envoys concurred with the problems identified above. He, however, adds some structural and approach limitations within the IGAD framework. According to the envoy, after the establishment of the Secretariat, the parties started to send lower level delegates because the mediators themselves were none other than Ambassadors. This limited the parties not only from making concessions but also from discussing issues, which they perceived were so sensitive to be tackled at their level. In addition, the envoy was so honest to accept that the mediators were not authorities in mediation methods and approaches. The envoys lacked political clouts and were not as free as they ought to be for they had to calculate what the interest at a higher level would be.

The interviewee argues, the above factors added to the failure to properly utilize resource persons and the deeply entrenched mutual mistrust between the parties seriously hindered the IGAD initiative from attaining its objectives. In his conclusion the envoy recommends that IGAD needs enhanced and consistent support from the UN, USA and EU, and the use of track-two diplomacy to complement the formal IGAD process has to be considered seriously.

The parties to the conflict were not also content with the performance of IGAD mediation process. In this regard, one senior Sudanese diplomat commented, "the IGAD countries are not actually mediating, they are mediating by proxy" (Taken from the researcher's interview conducted in 11<sup>th</sup> November 2001 with a senior Sudanese diplomat, Nairobi, Kenya). From the interviewee's vantage point, the envoys give only a little time and attention to the peace process for as Ambassadors of their respective countries they were busy in other bilateral and multilateral duties. In his opinion, the concept of Permanent Secretariat was a failure for it down graded the level of involvement both from the side of the mediators and the parties to the conflict.

As a result, he lamented: "the four round talks of the political committee produced nothing substantial". The diplomat did not also underestimate the impact of the Joint Egyptian-Libyan Initiative for he claimed that it "created at least confusion both within the parties and the international community, which was faded up with the stagnation in the IGAD initiative". The approach including "plenary were forums where we listen to our echo and the futile shuttle diplomacy had proved to be ineffectual" argues the interviewee. Thus the diplomat commented, "unless major revitalization takes place IGAD's initiative would end up in failure".

Different officials of the GOS openly stated lack of confidence in the IGAD peace process. Following the impasse after the Lake Bogoria meeting, high ranking officials of the government were commenting that unless the process was revitalized, the IGAD initiative was as good as dead. In this regard, in July 2001 the Presidential Peace

Advisor, Ghazi Salahuddin Attabani was quoted for saying the following: "IGAD is moribund, it is not useful. The Declaration of Principles is flawed. It gives 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" (ICG, 157).

On the other hand, SPLM/A, although not satisfied with the achievement of IGAD is so cautious in its criticism. For instance, a scholar close to the SPLM/A leadership underlined "IGAD with all its drawbacks is the only forum having workable principles and sustainable negotiation" (Taken from the researchers interview with a Southern Sudanese scholar based in Nairobi, November 2001). The scholar argues, once the IGAD peace process is dead, the GOS would get enough excuse to carry on its war of subduing the South. He, however, believed the set up of the Permanent Secretariat, did not substantially change the mechanism of mediation. In addition, he was of the opinion that the then Special Envoy, Ambassador Daniel R. Mboya did demonstrate neither the capacity to head the mediation nor the political clout to move the process.

The fact that the Special Envoy was conspicuously missing from the IGAD summits corroborates this line of argument (See ICG, 159). On the issue of the impact of the Joint Egyptian Libyan Initiative, he argues that although the initiative lacks detailed vision and framework, some powerful forces pushed it to appease Egypt. He further commented that there was an obvious need to use track-two approach to exploit the expertise and experience of non-governmental actors. He, however, stated that at the

end of the day the efforts of track-two diplomacy should be concluded with the formal official framework like that of IGAD.

Despite the fact that SPLM/A's commitment to the process was much unquestionable, both parties were expressing their doubt on the effectiveness of the process, though, for varying reasons. A report by ICG summarizes this situation as follows: "Too much historical baggage surrounds the IGAD initiative, which has made essentially no progress for eight years. IGAD is not taken seriously, asserted one Sudanese government official. IGAD can't do it alone, echoed an SPLA official" (ICG, April 2002, 14).

In an interview with Professor Hizkias Assefa, a scholar, researcher and conflict resolution specialist, the professor made clear his strong doubt on the capacity of the IGAD (Taken from the researchers' interview with professor Hizkias Assefa in December 2001, Nairobi). Assefa underlines that IGAD's framework lacks the basic principles of mediation. In the scholar's point of view, the mediators were not adequately impartial, they don't possess enough skills and experience in mediation, and the parties do not have trust in the mediators.

In a nutshell, he commented that IGAD's process needs fundamental change so that its approach, structure and participants could be revisited and hence fit to the nature of the conflict and the behavior of the parties to the conflict. He has a strong conviction that the civil society, research and educational institutions, traditional forums and others could contribute much at different stages of the mediation if the process is designed



meticulously. Otherwise, the professor laments, given the highly politicized nature of the process and its amorphous structure, IGAD's framework would remain to be nothing but a public relations platform for both the parties and the mediators.

The comments by various research institutes and individuals were also indicating to a serious ailment in the IGAD peace process. ICG for instance, summarizing its criticism of the process comments "IGAD continues to appear to be on a slow roll to oblivion, absent a major shake-up, higher-level leadership, and more meaningful external partnership. Nevertheless, IGAD remains as the only process that ties the government to addressing the issue of self-determination" (ICG, 160).

A report by *Associate Parliamentary Group* identified, among others, institutional weaknesses on the part of IGAD: lack of substantial political leverage from the IPF; failure to include major regional players most notably Egypt; and the exclusion of important Sudanese opposition groups from the process as the major drawbacks of the IGAD, which limited success in its peace initiative (See *Associate Parliamentary Group on Sudan, Visit to Sudan, 7<sup>th</sup> -12<sup>th</sup> April, 2002*).

In summary, by mid-2002 there appears to be a wide consensus that the IGAD's peace process was in ICU, and hence short of radical reform, it would be the end of the nine years old initiative. In light of these unfavorable circumstances, the mediators tried to save the framework from its eventual collapse through, *inter alia*, the replacement of Ambassador Daniel R. Mboya, by Lt. General Lazaro K. Sumbeiywo, as IGAD's

Special Envoy to lead the mediation process; assure the parties, IPF and others that the process would be reinvigorated; and gave repeated signals that IGAD was ready to work for the co-ordination of different initiatives.

However, the reiteration of commitment by the mediators and some measures associated with it could not manage to immediately kick-start the rather dormant process. Thus, the Americans and others were looking for other options including garnering support for the Joint Egyptian Libyan Initiative. As a result, there was a lot of uncertainty as to what to do about it with in IGAD, the parties to the conflict, extra-sub-regional states and non-state actors with varying stakes at the Sudan and the sub-region.

#### 4.2.3. The Machakos Protocol

While the whole world was on the verge of losing hope in the IGAD peace process, the parties to the Sudanese conflict concluded a deal in July 2002, in Machakos, Kenya. This agreement brokered by the IGAD Permanent Secretariat was a surprise and a little too good to believe for both conflict analysts and all actors involved in the Sudan conflict.

The two parties after a continuous negotiation from 18<sup>th</sup> June to 20<sup>th</sup> July 2002 signed agreement, particularly on the most contentious issues of State and Religion, and the Right to self-determination for people of South Sudan, as well as the preamble, principles, and the transition process (IGAD, *Machakos Protocol, 20<sup>th</sup> July 2002*). They also agreed to continue the negotiation in August 2002 to finalize a comprehensive deal

on all packages incorporated in the draft framework presented by the mediators. The Agreement includes also an interim period of six years before a referendum is conducted to decide on whether the southern people wish to continue in a united Sudan or opt for secession. The interim period will be preceded by a six-months pre-interim period, during which all institutional and constitutional mechanisms will be established to facilitate the implementation of the Agreement regarding the interim arrangements.

The two delegations were led by Dr. Ghazi Salahuddin Atabani of the GOS, and Cdr. Salva Kiir Mayardit of the SPLM/A, while the mediators chaired by Gen. Sumbeiywo were Ambassadors of Eritrea, Ethiopia and Uganda to Kenya as envoys of their respective Countries.

Despite the failure to have a complete package of agreements, due to the breakdown of the second round of talks in August, 2002, the Machakos protocol is considered as a breakthrough in the IGAD peace process for it has opened a window of opportunity to conclude the most destructive and intractable conflict in Africa.

What made the Machakos agreement yet an enigma was the situation that had been looming prior to the talks was extremely discouraging. While the parties were preparing to come to the talks, they had been in a fierce military confrontation, during which the SPLM/A captured a strategic town known as *Kapoita*. In fact, on the opening date of the peace talks, the leader of the SPLM/A delegation sarcastically referred to its military victory as follows:

[By] the very nature of war, any military situation anywhere will always remain fluid for as long as the conflict prevails. It is therefore of the utmost importance that the military situation does not distract the parties from focusing on finding a negotiated political settlement. (SPLM/A, *SPLM/A Opening Statement- First Session of the Political Committee Task Force on Peace in the Sudan*, 17<sup>TH</sup> June 2002, Nairobi).

Three months before the talks, an American *Charge d' Affairs* to Sudan openly commented that "after the lake Bogoria meeting IGAD's process appears to be moribund and hence there is a justified need to co-ordinate it with the Egyptian- Libyan Initiative" (A briefing given to Nairobi-based diplomats by Dr. Brown, *Charge d' Affairs of the US to Sudan*, Nairobi, 27<sup>th</sup> March 2002).

The U.S. was, therefore, focused on a piecemeal and step-by step approach like the one, which led to the internationally monitored *Nuba Mountain Cease-fire Agreement*, in mid-January 2002 sponsored by the US and the Switzerland governments. At the same time, America was allegedly pushing Kenya to water down the DOP and work with Egypt to arrive at a compromise framework.

It appeared that Kenya had bought the US approach in that Gen. Sumbeiywo was reported to have been shuttling between the parties and traveled to Khartoum, Cairo and the IPF countries to secure support for the planned coordination of the IGAD and Egyptian-Libyan initiative. There was, in fact a strong suspicion among the diplomatic community and others concerned that there was a draft proposal secretly presented to the leaderships of the parties to the conflict.

The single-handed effort of the Special Envoy was believed to have agitated the rest of the members of the sub-committee, for the envoys of these countries' were not consulted

or invited to the Secretariat until a few days before the talks began. The other envoys did not even take part on the Technical Committee Meeting between the SPLM/A and the GOS that took place from 2<sup>nd</sup> to 5<sup>th</sup> May 2002, which laid the foundation for the June talks.

All these and related factors indicated that by the time the Machakos peace talks took off, there was low level cohesiveness within the Permanent Secretariat and little external support for the IGAD initiative. In addition, besides the fact that the war was going on during the talks, up until the last week of the negotiations, all information emanating from Machakos was not warranting optimism.

This being the case, some argue that the achievement in Machakos was due to excessive pressure by the US government and its European allies. In an interview with a regional peace analyst with close links with both parties, the researcher was informed that the US had threatened both parties that they would face dire consequences unless they seized the opportunity and arrive at a negotiated settlement. In this regard, the SPLM/A leadership was told point-blank, that the humanitarian assistance to the south could be halted and the SPLM/A office in Kenya would be closed. According to this source, the GOS was also warned that, failure to strike a deal would result in the tightening of pressure and sanctions on the Sudan, which otherwise has been slackening following the September 2001 incidents in the US (Taken from the researchers interview with a regional analyst whose name is withheld, in July 2002, Nairobi).

Although, it would be difficult at this stage to safely generalize on the degree of leverage and its influence upon the outcome of the talks, the involvement of the US along with the EU countries, was so apparent.

On the other hand, one of the delegates in the GOS' team down played the alleged direct threat by the US as the major factor that made to conclude agreements on the stickiest issues (Taken from an interview with a senior Sudanese diplomat, who was a member of the delegation of the GOS, in 26<sup>th</sup> July 2002, in Nairobi).

The diplomat, however, did not underestimate the direct message from the international community. He commented that there was an obvious fatigue among all concerned and hence the parties were reminded that the Machakos talks was a rare opportunity, hence the consensus was "if the parties lose it then they would lose it forever". Otherwise, he lamented the parties were as mutually suspicious and cautious as ever in most of the negotiation period. He further made it clear that it was only on the 33<sup>rd</sup> day of the talks that a signal of compromise was observed as the two parties decided to face the issues boldly. As a result, he states, "the GOS had to concede on the issue of Self-determination, the SPLM/A on State and Religion, and met in the middle on the issue of the Structure of Government". However, the two parties had to frequently consult with their respective higher authorities on issues of great importance, and the talks had to go on some times overnight.

On top of this, as per the perception of one of the envoys who took part in the process, two factors stand out for facilitating the success of that round of talks (Taken from the researchers interview with one of the IGAD Envoys to Sudan peace process). These are the effective utilization of resource persons from different institutions, which shed some light on the rather traditionally sensitive issues including the concepts of State and Religion and Self-determination. The actual negotiations took place after presentations by the resource persons and open discussions with the parties. This, in the envoys view, assisted a lot in allaying exaggerated fears emanating partly from misconceptions.

The other factor, which contributed to the partial success, was the way the proposals were prepared. According to the envoy, an opinion shared by the Sudanese diplomat, the package of proposals were captured from what transpired during the presentations by the resource persons and the contribution by the parties in the form of queries and reactions. The possibility of informal contact among the members of the two delegations due to the stationing of both in the same place for quite a long period of time had also made the negotiators to feel at ease towards each other.

Last but not in any way least, was the role of the observers from Italy, Norway, UK and the US, who were actively involved in lobbying, pressurizing and assuring the parties in the course of negotiations.

In general, the Machakos talks, which began with a lot of pessimism achieved agreement on two of the most divisive issues, thus, turned out to be a landmark in the history of the

IGAD peace talks to the surprise of not only the international community, but also the parties to the conflict themselves.

The fact that President Bashir and Dr. Garang met face-to-face in Kampala and reiterated their commitment to honor the Machakos Protocol was believed would facilitate the final wrapping up the peace process with agreements on all pending issues.

Unfortunately, the capturing of strategic town known as *Torit*, in August 2002, by the SPLM forces led to the walking out of the governments' delegation from the second round of the Machakos talks, which resulted in the suspension of the peace process. This scenario confirmed the cautious opinions and skepticism of analysts and others closely following the process regarding the Machakos 'break-through'.

There is a strong suspicion that the *Torit* incidence was only a pretext, while the real reason presumed to be Egypt's strong pressure and the simmering of substantial opposition against the deal, which could threaten the very survival of Bashir's regime. Thus, even if the talks resume, the chance for a comprehensive peace pact appears to be remote.



### 4.3. Conclusion

The Inter-Governmental Authority on Development (IGAD), which is a club for the most conflict-ridden and poorest states of the world has been burdened by the daunting task of resolving one of the long-running and complex civil wars of this generation.

Given the erratic nature of inter-state relations in the sub-region, the direct or indirect link and support for either of the parties by one or more of the members, the multifarious nature of the conflict, and the pathetic economic situation of the member states, there has been less expectation for a comprehensive and prompt resolution of Sudanese civil war under the auspices of IGAD.

However, IGAD member states boldly took up this responsibility since 1993 and managed to get the acquiescence of the two parties, which remained engaged in the process, despite their wavering attitude depending on the internal, regional and global circumstances.

Notwithstanding the internal and environmental predicaments, the IGAD framework has one prominent strength: the resolve of the mediators not to give up. Members of the Sub-Committee have varying degree of stakes in the resolution of the conflict. This is deemed to be the major reason behind the persistence of the mediators even during the time that the collapse of process was conceived to be imminent.

For almost a decade, IGAD was the only process, which tied the two parties to a certain framework and operates with agreed principles of negotiations (the DOP accepted since 1997). All other contemporary initiatives including the Joint Egyptian-Libyan Initiative, and the Nigerian effort were not either credible enough to get the acceptance of the parties or could not solicit substantial international support so that they could hold water.

Nevertheless, as much as IGAD is commended for its continuous engagement in the Sudanese peace process, it is not insulated from honest criticisms, for it has played its part in prolonging the civil war hence the suffering of innocent people particularly the Southerners. In this respect, apart from the inherent weaknesses of inter-governmental organizations, the IGAD process was devoid of appropriate structure, judicious approach methodologies and lack the advantage of the role of respected personalities with the stature of the late Emperor Haile Selassei of Ethiopia and Nilson Mandela of South Africa who could make a difference in the search for peace.

This being the general situation, IGAD has been trying to redress its wrongs and revitalize the process based on periodic assessments prompted either from within or due to the pressure from the international community. The talks which began as intermittent ministerial and summit meetings passed through the practice of shuttle diplomacy by the Ambassadorial committee and later on the set-up of a Permanent Secretariat with the objective of a sustained engagement of the parties. Particularly, the establishment of the Permanent Secretariat and later on the idea of naming permanent negotiating teams by each party changed not only the structure but also the approach of mediation. As a

result, the talks moved from only that of a plenary session where the mediators listen to the usually polarized positions to a situation where the mediators furnish their proposals. This made the mediators active participants.

However, despite the periodic amendments in the *modus operandi* of the IGAD peace process, there remained some specific and vivid pitfalls until the very recent Machakos talks. The following could be identified, among the various weaknesses.

Firstly, there has been lack of adequate co-ordination, which sometimes was manifested in conflict of interest between among the members of the sub-committee.

Secondly, both the ministers and the ambassadors envoys had been busy with their own national, bilateral and sub-regional issues: hence the peace talks were secondary matter.

Thirdly, even when the mediators were fully involved, they lacked the required level of mediation skills and experience. In fact, some of them are not well informed about the nature and intricacy of the conflict they are expected to resolve. The transfer of Ambassadors to other postings partly contributed to this limitation.

Fourthly, although IGAD's capacity to maintain support from the sometimes vacillating IPF could be taken as strength, its excessive financial dependence has not been an advantage for it makes the process prone to possible manipulations.

The highly formalized and politicized nature of the process was also an additional liability to the initiative. Until recently, the role of resource persons and other actors did not get adequate attention. The recognition of the use of Track-Two diplomacy by the Permanent Secretariat was an indication to this drawback (See *Report of the IGAD Secretariat on Peace in Southern Sudan to the IGAD Partners' Forum-Rome 11<sup>th</sup> -12<sup>th</sup> April 2002*).

Last but not least, failure to allay the fears of some regional actors, notably Egypt through positive engagement had hindered a breakthrough in that others would either sabotage or come up with parallel initiatives like that of the JELI, hence complicated the situation.

The above internal drawbacks added to the lack of seriousness and manipulative behavior of the parties had undoubtedly tarnished the image and credibility of the process until it was finally salvaged following its temporary resurrection at Machakos.

It is true that, given the stated facts, no one would dare to fully attribute the prevailing but lately fading spark of hope for peace in the Sudan to IGAD, but then it would be equally unfair to give the whole credit to the US and its 'allies'. After all, if IGAD had been capable to exploit America's and others' oil or strategic interest to attain its long awaited objective of resolving the Sudanese conflict, it should be taken as more of a strength than a weakness.

However, the endurance, flexibility, openness and the capacity to keep the parties engaged in the negotiations was not sustained in the subsequent negotiations and hence the prolonged IGAD peace initiative is still on suspense.

# CHAPTER FIVE

## SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

### 5.0 Summary

The main objective of this study is to analyze the performance of IGAD in resolving the civil war in the Sudan. To this effect, it has tried to evaluate the factors, which are thought had impacted on the effectiveness and pace of the initiative.

One of the hypotheses of the study was that *the structure and approaches of mediation employed by IGAD have delayed the resolution of the conflict in the Sudan*. In this regard, the study examined how the peace process had been conducted since 1993, with particular emphasis to the assessment of the different levels of mediation and the *mochus operandi* in place at different phases. The basic conceptual tools applied to examine these are, Galtung's model of *conflict triangle*, the nature of *asymmetric* conflicts, the *ripe moment* principles and the different types (tracks) of third party intervention. These are used to test whether the approaches and structure of IGAD are fit to the nature and character of the conflict and the required resolution mechanisms.

The other assumption of the study was that the complexity of the issues in the conflict has limited the success of IGAD's peace process on Sudan. The study attempted to look into the dynamics of the issues with the view to elucidating how they evolved from

simple and limited to broader and more intricate and intractable ones. By doing so, the study tried to prove as to how the complexity of the issues at stake had impacted on the achievements of IGAD's peace initiative in its nine-years existence. For this purpose, the study assesses the nature of the issues by identifying those related with values, identities and emotions, and those, which are simply based, *inter alia*, on governance and resource sharing. This is deemed to assist in evaluating whether the delay and limited success of IGAD is attributable to the nature of the issues or other contributing factors.

In the course of testing the two hypotheses of this study, the major inputs were, various literature produced by scholars and researchers in conflict and conflict resolution in general, and unstructured interviews with a number of people involved in either the mediation process or in one way or another engaged in analyzing the Sudanese conflict and its resolution process.

With the objective of facilitating better understanding of the conflict and the IGAD initiative, Chapter Two of the study discussed in some detail the background and context of the Sudanese civil war. The chapter, besides setting the general background, sheds light on the root causes of the conflict and the changing nature of the conflict along with both the internal and international actors involved during the two phases of the civil war.

The experiences of other similar peace initiatives, particularly those, which preceded IGAD's, are believed to have substantial influence on the direction and approach of the IGAD peace process on Sudan. Thus, the study, in its Chapter Three covered and tried

to identify the merits and demerits of three major peace processes in line with the lessons drawn from their success or failure. This is particularly relevant to examine whether IGAD had learnt from what others did and came up with appropriate structure and methodology of resolving the conflict.

The most important part of the study is covered in Chapter Five, which critically assesses, among others, the goals, structures, methodologies and outcomes of the IGAD peace process. This chapter attempted to identify the challenges and opportunities of the process at different stages of the mediation process. Through this assessment, the study tried to pose and answer issues such as, what, how and why IGAD had achieved or failed to attain the objectives it set out when it launched the peace process on Sudan.

All issues dealt within the four chapters, informed and shaped the nature of conclusions drawn and the recommendations forwarded in Chapter Five. This chapter obviously contains the gist of the study, which is presumed would have some importance for further research by scholars and policy actions by IGAD.



## 5.1. Conclusions

The purpose of formulating and testing hypotheses is to establish the nature of relationships between the dependent and independent variables identified at the beginning of a research, in order to make correct deductive or inductive conclusions.

In line with this, based on the data collected and through the critical analysis thereof, the study proved the existence of positive relationship between the structure and approaches of IGAD's peace initiative on the Sudan and the delay of the resolution process. The structure of IGAD peace initiative on the Sudan encompasses: (a) organizational arrangement of the mediation, which involves, Heads of State Government of members of the Sub-Committee, Ministerial Committee and Ambassadors' Committee (transformed into Permanent Secretariat since July 1999); and (b) the parties to the conflict, which refers to the GOS and SPLM/A.

In this respect, the study established that the organizational arrangement of the IGAD initiative has been cumbersome. The Ambassadors / Envoys, who have been engaged in the routines of negotiations had to make frequent consultations with their respective Ministers, who in turn had to do the same with their Heads of state/government on critical issues. This is mainly because, as the mediators had varying stakes in the conflict, those involved in the process would try to take maximum precautions to avoid any move that might contradict with their national interest. The situation was relatively better before the establishment of the Permanent Secretariat, for the Ministers, albeit, their

busy schedule managed to convene rounds of peace talks, though, ending up with deadlocks. The pitfalls of the Permanent Secretariat are two fold:

Firstly, since the mediators have become envoys/Ambassadors, the parties to the conflict started to send junior delegates, which limited the possibility of making quicker decisions on substantial issues without getting instructions from their respective bosses. Sometimes, the talks were derailed because the delegates shied away from committing themselves even on relatively less serious issues, which could have been easily handled by senior delegates.

Secondly, relegating the mediation to the envoys level left such intricate problem to political appointees with no skills and experience of mediation. The study had proved, that the envoys do not even have adequate knowledge of the conflict and hence had no idea as to how to extricate the talks, from being derailed and stalled. When an Ambassador is recalled or posted to another country, the one taking over must have to start from the scratch.

The IGAD initiative, which is based on the DOP, has been exclusive, in that it left out all other opposition forces except SPLM. This has encouraged others (parties to the conflict and external actors) to seek their own mechanisms. This has substantially contributed to the delay, for the parties included in the process had started to look out for other alternatives or others got the opportunity to launch parallel initiatives. The

activities of NDA and the emergence of the Joint Egyptian/Libyan Initiative could be taken as part of the proof in this regard.

The approaches employed by IGAD, including shuttle diplomacy in between the talks, political committee meetings and plenary sessions, have been exploited by the parties to delay the resolution process. For instance, during the plenary sessions, the Ministers used to just listen to the pre-prepared positions of the parties usually loaded with acrimonious statements. Such meetings, in most cases, ended up with rhetoric press statements expressing the commitment of the parties to the IGAD peace process and the time for the next meeting.

Shuttle diplomacy by the Ambassadors Envoys was supposed to prepare the ground for planned talks. However, they were usually used by the parties to convey to the mediators and to the international community at large, that they have been sincere in the peace process and it was the other side sabotaging the progress of the initiative. There was no any record whatsoever indicating that shuttle diplomacy had secured any tangible commitment by the parties to soften their positions or make compromises.

On top of this, there has been lack of team spirit among the mediators due to various reasons. This contributed to the delay, because in an approach where collective effort is mandatory, less cohesive positions and approaches have negative repercussions.

Similarly, the step-by-step approach, apparently employed by IGAD, though recommended by theorists, was not properly applied. IGAD was commended for drafting the DOP and committing the parties thereto. However, IGAD could not effectively use the momentum created by the acceptance of the DOP, because in most peace talks, the mediators were not capable of gearing the parties to negotiations on the real issues. Presumably, in fear of permanent derailment of the process, the mediators appeared to be helpless when the talks had been diverted to procedural matters, and to the routine of accusations and counter-accusations between the delegates of the two parties.

In addition, the IGAD process lacks mechanisms as to how to consolidate its strength by encouraging and linking the process with complementary approaches such as track-two and/or track-three diplomacy. Until the Machakos talks, the structure and approaches were also not convenient to tap the skills and knowledge of resource persons in different issues.

Moreover, the approaches and structure of IGAD, applied in nine years, were not flexible and dynamic enough to feel *ripe moments* for resolution and to decide on the methods and levels of intervention depending on the internal and external circumstances.

In summary, due to the factors discussed above, one can safely conclude that the deficiencies in the structure and approaches of IGAD have contributed to the delay in the conclusion of the conflict in the Sudan in a peaceful manner.

The second assumption of the study was that *the complexity of the issues in the conflict had limited the success of IGAD's Peace Process on Sudan*. As discussed earlier, the issues of the Sudanese conflict has progressively evolved from simple to complex.

The complexity of the issues was measured taking into account, among others, their diversity, their relationship with values, belief and identity, and whether they are static or keep changing. These variables determine whether the issues are intractable or easier to resolve, and the approaches to be devised in the peace process.

The success of a peace process, particularly a resolution process, refers to a conclusion of a comprehensive agreement between the parties, through effectively addressing the root causes of the conflict.

Therefore, after critically evaluating the following situations, the study has confirmed the above hypothesis.

As discussed in chapter two of this study, the core issues to the conflict are those related to *self-determination*, and the relation between *state and religion*

The two issues are closely linked, *inter alia*, with the respect for the culture, language, belief and hence the identity of the south. Given this situation, the SPLM/A has been adamant from the very beginning that any peace talks should have to include these vital items in its agenda, while the GOS had been trying its level best to avoid serious talks on

these rather emotive issues. Therefore, it took IGAD a couple of years to secure the concurrence of parties on the DOP, which basically singled out religion and self-determination as the prime focus of negotiations.

However, even if the parties agreed to discuss the issues, their respective positions have been worlds apart. Consequently, the possible outcome of any negotiated agreement on these vital elements has been considered as *zero-sum*. The positions of the parties were, therefore, so rigid and polarized, for any derogation from the stated stances were perceived to be equivalent to betrayal of their constituents' interests and the weakening of their social bases.

The issue of self-determination, when first brought up by the SPLM/A was meant to be applied within the south as per the boundaries defined in January 1956. Thus, initially the argument by the GOS was, that it should be limited to deciding on the nature of the north-south relationship with in united Sudan, although it later on considered secession as an option for the decision to be made by the southerners through referendum. The DOP was drafted with such understanding.

Nevertheless, once the right of the south to self-determination was recognized, the issue of contention shifted to the definition of the south. This became yet another challenge to IGAD, for while the SPLM/A started claiming that right should be extended to the peoples of other 'marginalized' areas, the GOS was not even willing to entertain the idea as an issue for discussion. The attempt to bridge this gap between the divergent

positions of the parties further contributed to the sluggish nature of the IGAD process. Moreover, the manner in which the right should be exercised had been part of the problem associated with self-determination.

The other core issue IGAD has been dealing with was the relation between religion and state. Of all types of conflicts, those, which are based on religious causes, are so intractable and difficult to resolve, for in most cases, parties to the conflict believe that it is better to sacrifice anything than make compromises on their faith.

The issue of religion became very important in the Sudanese peace process, because the age-old discriminatory practice, started to be institutionalized, after *sharia* was officially declared as the law of the land by both the Nimeiri regime and the incumbent government led by President Bashir.

The options for IGAD, as a mediator were, therefore, to convince either, the GOS to abandon its theocratic policy or the SPLM/A to forget (though not attempted officially) about its objective of establishing a secular form of government in the Sudan. Neither of the parties has shown any sign of softening their stances in this respect. But then, there has been another seemingly feasible option in the middle, which is the establishment of a system where the rule of Islam could be maintained in the north, while the south would practice secular type of administration.

Despite IGAD's sustained effort in the four-round-talks of 1994, and the four-round-negotiations under the political committee meetings, under the Permanent Secretariat the best it achieved was the assurance by the GOS that the south could be exempted from specific punishments and that no legislation at a national level would affect the rights of any citizen. This was not obviously assuring enough for SPLM/A, which was strongly arguing for a secular constitution and clear separation between state and religion.

Therefore, until the Machakos talks, the relation between state and religion has been a sticky issue, which caused most of the negotiations to hit a dead end and hence has been the major factor in delaying the peace process.

In summary, issues of self-determination and the relationship between state and religion have been the most divisive elements in the resolution of the Sudanese conflict. In most cases, these issues were the reasons for the deadlocks and suspension of the IGAD peace process since it was launched in 1993. Indeed, there was serious concern both within IGAD and the international community at large, not only on the apparent delay of the process, but also the permanent collapse of the peace talks, due to the sensitivity of the issues and intransigency of the parties.

However, although the two issues were the most intractable ones, issues such as: *interim arrangement* causing divergence on, *inter alia*, the form of government (federal or confederal), the length of the interim period, and security matters; *wealth sharing*, which became progressively sensitive since the oil exploration and the rise of government revenue accrued thereof; *cease-fire* (comprehensive or temporary); and



*power sharing*, which deals with the distribution of power between the central government and the constituting states, had their own share of contribution in limiting the success of the IGAD initiative.

The Machakos talks, achieved agreement on the two core issues discussed above, and hence could be considered as another success of the IGAD peace process, after the acceptance of the DOP in 1997. However, there still remain at least interpretation problems on the provisions of agreements on the two major items. There has been a symptom of backtracking particularly from the government side on what the comprehension on self-determination was.

In conclusion, due to the deficiencies in the structure and approaches of IGAD, and the complexity of the issues at stake, there is no question that the process was long delayed and success so limited, albeit, the little hope sparked by the Machakos Protocol. In fact, due to this discouraging state of affairs, there had a strong argument that IGAD was not well placed to deal with a conflict which has an emotional character with the basic issue at stake being the question of identity.

Nevertheless, it would be unfair to conclude that these were the only variables for the delay and the limited success of IGAD's nine-years old peace process on the Sudan. Factors, such as the behavior of the parties, the emergence of parallel initiatives, and the role of external actors could also be identified, among others, to have had their own

contribution in one way or another. However, generalization on these factors is not the objective of this study, hence should be left for further research.

## **5.2. Policy Recommendations**

The Inter-Governmental Authority on Development (IGAD) has been one of the sub-regional groupings in Africa, which not only recognized that peace and stability are paramount pre-requisites for development, but also boldly engaged itself in resolving on-going conflicts in an organized way.

Among IGAD's peace efforts, the one directed towards resolving the long-running civil war in the Sudan, has attracted tremendous attention from different actors of the international community.

This study has attempted to elucidate the major achievements and pitfalls of the nine-years old IGAD mediation process on the Sudan. The sustained engagement in the process and practical attainments in successfully drafting and committing the parties to the conflict to the DOP, and the recent agreement on the two intricate issues of state and religion, and self-determination, could be considered as a reflection of the strength and partial success of the initiative.

However, as established through this study, IGAD has serious limitations in its structure and approach, which have contributed to the delay of the peace process and failure to

strike a comprehensive agreement. Given the intractable nature of the issues involved and the intransigency of the parties, IGAD's task remains an uphill one, and hence it might not be able to easily and promptly realize the rare opportunities created following the Machakos Protocol. However, the researcher would like to dissociate himself from the pessimists, who are of the opinion that IGAD's peace initiative on the Sudan, is nothing but a failed story.

But then, the author, based on his findings, has a strong conviction that IGAD's peace process on the Sudan could be a success story and an inspiration for other similar groupings if, *inter alia* the following recommendations are taken care of.

### Structural Revitalization

Firstly, IGAD needs to revisit its structure, in that higher-level leadership should play the vital role, for critical decisions are eventually made by Heads of state and government. The enhanced role of leaders could induce higher-level participation by both parties and quicken the pace of the process than hitherto. In addition, besides the possibility of applying more leverage on the parties, significant contribution by the leaders, could also reassure the international community on the sincerity and commitment of members of IGAD, which in turn would assist in harnessing and consolidating international support to the initiative.

Similarly, IGAD needs to devise a mechanism, which could make it capable to link and coordinate its efforts with other available and emerging initiatives including the Joint

Egyptian/Libyan Initiative. In this regard, it is pertinent to accept the fact that short of allaying the perceived fear of Egypt, it will be next to impossible to arrive at a comprehensive peace pact or to materialize it even if agreements are concluded.

Moreover, the structure should be revitalized in such a way that informal approaches could complement official negotiations. This is particularly relevant because, since the issues involved are more of emotional and value loaded, it is difficult to effectively deal with them under the current structure. Such issues need more of confidence building, streamlining respective positions, and re-assessing perceived negative repercussions of possible agreements. In this respect, the role of, among others, intellectuals and researchers, and professional, religious, gender-based, and traditional organizations should be considered seriously.

Still on structure, the current loose relationship between the Djibouti-based IGAD Secretariat, particularly the conflict management and resolution department and the Permanent Secretariat, in Nairobi should be rejuvenated and strengthened. The former has to play a visible role in providing sustained professional and technical assistance for the envoys who incidentally are only political appointees of their respective governments.

### **Revision of Approaches**

For a successful mediation, there needs, first of all, concerted efforts by the members involved. In this regard, in order to fill the gaps observed in the past, particularly the

situation during the period before the launching of the recent talks, the mediators should seriously address the problem of lack of cohesiveness among themselves so that they could have common understanding and unity of purpose.

Once the above issue is undoubtedly dealt with, IGAD has also to revisit its approaches that are in place. For instance, shuttle diplomacy should be more purposeful, well planned and judiciously timed. Similarly, shuttle diplomacy should not be exclusively left to the envoys, for the Ministers or Heads of state/government, could be better placed to convince or pressurize leaders of the parties to the conflict on some selected issues. In addition, shuttle diplomacy should sometimes be proactive, besides the usual reactive missions.

The effort by the envoys should be supplemented by higher-level engagement by Ministers' or Heads of state/government's regular review sessions focused on undertaking corrective measures and providing directions rather than sporadic and hasty meetings, which were basically public relations exercises. In line with this, the issue of upgrading the skills and knowledge of the mediators regarding both the nature of the conflict along with appropriate mediation principles and methods, and approaches should be addressed in a sustained way. Such undertakings could make envoys active participants and not passive observers of the process they are supposed to propel.

The practice of using resource persons should be further strengthened, for it has been proved effective during the Machakos talks. This should not be limited only during the

talks, and hence be exercised before or after actual negotiations. The idea of using, *inter alia*, political and military advisors, as prescribed in the TOR and the Rules and Regulations of the Permanent Secretariat should be effectively put into practice. This could assist to fill the technical and experience gap of the envoys. Organizing and conducting workshops dealing with the vital issues and the manner they could be dealt with, are among the mechanisms to instill a sense of confidence in the parties on the possible positive outcomes of a peace process. Such forums should be taken as complementary approaches to the official negotiations. It would be also worth commenting here that, unnecessary competition observed in the past, among member states as to where such workshops should be hosted, is a discredit to the sincerity of the members and has to be avoided in the future.

Similarly, the process has to devise mechanisms on how to induce and realize grass-root participation in the framework of resolving the conflict. For this purpose, IGAD could exploit the existing grass-root forums such as the *Nuer-Dinka People-to -People process*, the *Baggara-Dinka conference*, and similar traditional and/or faith-based schemes. But workshops and grass-root participation should also be done in a way that could bring together participants from both sides of the divide (north and south). Such arrangements could assist IGAD in extending the process from limited elite-based framework to a broad-based initiative, which in turn would encourage the protagonists to be sincere and prepare the ground for implementing agreements.

On top of these, the mediators have to be certain that in actual negotiations, the parties focus on basic substantive issues than on procedural and transient side issues. This would save much time and effort.

Besides the approach and structural reforms, IGAD has to streamline its relation with other supportive actors, including IPF and individual states, such as the US, UK, Italy and Norway, which not only showed interest but also made commendable contribution during the Machakos talks.

Finally, members of IGAD have to show practical commitment to the process by making financial commitment, otherwise, as experience has proved and given the situation where the process is totally dependant on IPF's and other actors' goodwill, it would be difficult to effectively run the process.

There have been strong arguments, that civil wars of the Sudanese nature, where the issues are related with race, religion and culture( which could be merged into a composite identity), negotiated settlement, particularly, through inter-governmental arrangements, is usually impossible. However, according to the findings of this study, notwithstanding the serious challenges, resolving of the civil war through the IGAD mechanism is not totally a hopeless case.

Therefore, if IGAD considers the above and similar recommendations earnestly and take measures accordingly, it could substantially improve its performance so that the long-

running conflict could be resolved within a reasonable short time. To this effect, the mediators have to be more pragmatic and judicious enough to accept that infusion of dynamism in the approaches and structure of the peace process is compulsory, and recognize the fact, that IGAD could not resolve the Sudanese conflict single-handedly.

In summary, timely and appropriate rejuvenation and revitalization measures including those discussed in this study could help IGAD to mitigate both inherent limitations of inter-governmental agencies, and specific pitfalls of the framework. This, in effect, would extricate and transform the IGAD peace process from the hitherto sluggish nature, to a more focused, dynamic and effective one.

As to whether IGAD would boldly accept its drawbacks and stand up to the expectations of the Sudanese people and the international community at large, is dependent on the political will of the leaders of the member states. If it does, IGAD, not only could extricate the Sudanese people from the scourge of civil war but also could become one of the sub-regional forces to reckon on to realize the grand objectives of the African Union (AU) and the New Partnership for Africa's Development (NEPAD).

### **5.3. Issues for Research**

This research has attempted to examine two variables presumed to have had impacted on the pace and level of success of the IGAD peace process in the Sudan. However, the study has identified that there are equally determinant issues to be investigated to arrive at more comprehensive conclusions. In this regard, among others, the contributions of:



the behavior of the parties to the conflict, the role of extra-IGAD actors, the relationship between the parties and the mediators, the relationships between/among the mediating states, and the exclusive nature of the IGAD process, could be mentioned as pertinent items calling for further researches. Such researches could contribute to improve the efficacy and appropriateness of sub-regional organizations such as IGAD in conflict resolution endeavors.

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