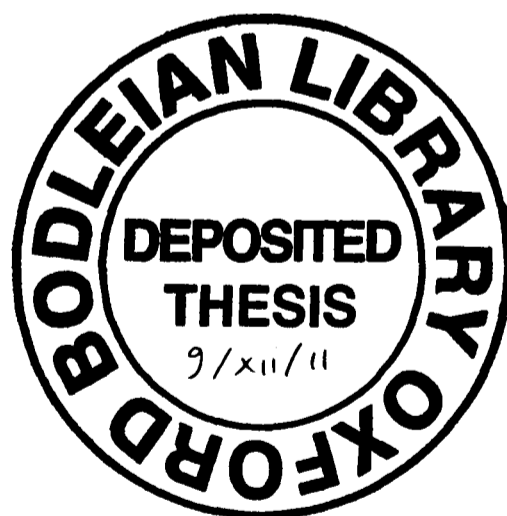


**WAR BY OTHER MEANS:
THE POLITICS OF PEACE NEGOTIATIONS IN SUDAN**

*Thesis submitted in partial fulfillment of the requirements for the Degree of
Doctor of Philosophy in Development Studies at the University of Oxford*

by

SHARATH SRINIVASAN



Department of International Development
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Michaelmas Term 2010
[i.e. 2011 - LTS = 24/v/11]

I hereby certify that this thesis is the result of my own work except where
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I also certify that this thesis is 100,000 words,
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SIGNED

DATE

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ABSTRACT

This thesis follows two equally important lines of inquiry. First, it offers a detailed account of the politics of peace negotiations in Sudan between the late 1990s and 2004, when the country's two decades-long second civil war reached a mediated settlement, but large-scale violence erupted in the western region of Darfur. Second, it proposes a new approach to studying peace negotiations. By analysing how key ideas that constitute peace negotiations institutions are contested, this thesis demonstrates how the politics of peace negotiations go far beyond the parties' bargaining at the negotiating table to include the actions of, and effects upon, a wide range of actors seeking to shape or reshape the 'negotiating table' itself. In order to examine peace negotiations in this way, close attention must be paid to how battles over peace take on increasingly institutionalised and discursive forms, while at the same time the communicative and coercive dimensions of political violence remain in play.

These arguments are developed through a close-range empirical examination of how and why the January 2005 Comprehensive Peace Agreement (CPA) between the Sudan People's Liberation Movement/Army and the Government of Sudan was achieved, and with what wider effects, including upon organised political violence in Darfur and the international response to that conflict prior to the signing of the CPA. 'Peace' in Sudan was open to being the name given to diverse possible political trajectories. Much depended on how those who prevailed in shaping the making of peace reduced these many futures to few, and then fewer still. This thesis argues that the CPA negotiations institution – constructed as bilateral 'north-south' talks to end the 'southern war' – was productive of violence in Darfur because of the way these constitutive ideas, and contestations over them, enabled and constrained political actions that fomented violence in northern Sudan.

TABLE OF CONTENTS

ACKNOWLEDGEMENTS	iii
LIST OF FIGURES	iv
LIST OF TABLES	iv
LIST OF ACRONYMS AND ABBREVIATIONS	v
ONE: INTRODUCTION	1
1. Sudan and the politics of peace negotiations	6
2. Mainstream peacemaking scholarship	21
3. Theory	33
4. Definitions and analytical schema	40
5. Methodology and sources	46
6. Structure of the argument.....	53
TWO: DESIGNS ON NEGOTIATED PEACE: SUDAN'S NORTHERN OPPOSITION AND THE PEACEMAKERS	57
Introduction	57
1. Background to politics in northern Sudan	60
2. IGAD peacemaking before 2001: the northern opposition fails to matter to peace	68
3. Contesting peace initiatives	85
4. Designating IGAD in 2002: peacemakers decide upon bilateral 'north-south' talks.....	93
5. IGAD's 'problem-solution' approach and northern opposition resentment	108
6. The exclusion of northern opposition parties from the Machakos talks	116
Conclusion	123
THREE: UNCOMPROMISING PEACE: THE SPLM/A, 'NEW SUDAN' AND THE MACHAKOS PROTOCOL	126
Introduction	126
1. The Machakos Protocol: the missing peace	130
2. The Machakos Protocol: A contested compromise	142
3. New Sudan: Interpreting the SPLM/A's identity and politics	158
4. New Sudan after the Machakos Protocol	179
Conclusion	190
FOUR: NEGOTIATING WITHIN THE MARGINS OF PEACE: THE NUBA MOUNTAINS	194

Introduction.....	194
1. A history at the political margins.....	197
2. The Nuba issue in peace talks prior to 2001.....	205
3. The January 2002 Nuba Mountains Ceasefire: the sufficiency of peace.....	212
4. The Many Surprises in Machakos.....	218
5. The Kampala and Kauda conferences: resolution without IGAD, or representation within?	229
6. Karen (Kenya) and Machakos (IGAD) in early 2003: The politics of peacemaking for the Three Areas	239
7. A divided United Sudan National Party and Nakuru.....	243
8. The May 2004 Protocol: the bitter peace at last	250
Conclusion	254
FIVE: PEACE BY MEANS OF WAR: DARFUR, THE SPLM/A AND THE CPA .	257
Introduction.....	257
1. Accounts of Darfur and IGAD: Obscuring the other.....	259
2. Background to conflict in Darfur.....	263
3. 2001 to September 2002, the roads to Machakos (peace) and Darfur (war)	273
4. September to December 2002: The SPLM/A's scope for hostilities in Darfur	279
5. January to April 2003, Negative peace in the south, positively war in Darfur.....	286
6. April to August 2003, IGAD visits Sudan under the spectre of El Fasher	298
7. August to December 2003, Khartoum negotiates in Naivasha and Abéché	305
8. January to June 2004: The end of the beginning for peace and war.....	312
Conclusion	317
SIX: NEGOTIATING VIOLENCE: DARFUR, KHARTOUM AND THE PEACEMAKERS	320
Introduction.....	320
1. Between a rock and hard place: Khartoum's bind with Garang and Darfur.....	325
2. Peacemakers' responses to Darfur	332
3. Peacemakers' response to the SPLM/A's Involvement in Darfur	345
Conclusion	355
SEVEN: CONCLUSION	357
BIBLIOGRAPHY	370
1. Interview sources	370
2. Unpublished sources	376
3. Published sources.....	384

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LIST OF FIGURES

Figure 1: Map of Sudan	20
Figure 2: Solution Modalities for the Sudanese Conflict (1).....	168
Figure 3: Solution Modalities for the Sudanese Conflict (2).....	169
Figure 4: Map of Nuba Mountains region in central Sudan	199
Figure 5: Map of Darfur	265

LIST OF TABLES

Table 1: Sudan Chronology, Second civil war and wider politics (1983-2005)	20
Table 2: Selected Text from the Machakos Protocol.....	131
Table 3: Episodic chronology of IGAD peace negotiations and conflict in Darfur	272

LIST OF ACRONYMS AND ABBREVIATIONS

AFP	Agence France-Presse
AP	Associated Press
BBC	British Broadcasting Corporation
CPA	Comprehensive Peace Agreement
CSIS	Center for Strategic and International Studies
DOP	IGAD Declaration of Principles
DLF	Darfur Liberation Front
DMG	Darfur Monitoring Group
DUP	Democratic Unionist Party
ELJI	Egyptian-Libyan Joint Initiative
EU	European Union
FCO	UK Foreign and Commonwealth Office
GOS	Government of Sudan
GOSS	Government of Southern Sudan
GUN	General Union of the Nuba Mountains
IGAD	Inter-Governmental Authority on Development
IPF	IGAD Partners Forum
IRIN	UN Integrated Regional Information Network
JEM	Justice and Equality Movement
NDA	National Democratic Alliance
NIF	National Islamic Front, later National Congress
OCHA	UN Office for the Coordination of Humanitarian Affairs
OFDA	Office of Foreign Disaster Assistance (USAID)
PNC	Popular National Congress Party
SAF	Sudan Armed Forces
SFDA	Sudan Federal Democratic Alliance
SLM/A	Sudan Liberation Movement/Army
SNP	Sudan National Party
SPLM/A	Sudan People's Liberation Movement/Army
UK	United Kingdom
UN	United Nations
USAID	United States Agency for International Development
USIP	United States Institute of Peace

CHAPTER ONE

INTRODUCTION

“We are always writing the history of the same war, even when we are writing the history of peace and its institutions”

Michel Foucault, *Society must be defended: lectures at the Collège de France, 1975-76*¹

This thesis follows two equally important lines of inquiry. First, it offers a much needed account of the politics of peace negotiations in Sudan between the late 1990s and 2004. when the country’s long second civil war reached a mediated settlement but large-scale violence erupted in the western region of Darfur. Second, it reappraises the dominant scholarship on studying peace negotiations by developing a different approach. By analysing how key ideas that constitute the institution of peace negotiations are contested in political processes occurring within and beyond the institution both in space and time, I argue that negotiations pertaining to peace are not just those undertaken by the parties *at* the negotiating table but are also the actions of a much wider range of actors seeking to shape the ‘negotiating table’ itself. A full account of what peace negotiations are must pay attention to how the negotiations are constructed and reconstructed within, and shape, and are shaped by, their wider political context.

Applied to the Sudan case, this approach unearthed important new evidence, which is drawn together in a detailed analytical account that changes how a historically crucial period in Sudan’s politics is understood. Between 2001 and 2004, peace was negotiated to end what was construed as Sudan’s two decades-old ‘north-south’ war when that war was not, or was not only, simply between the government in Khartoum and Sudan’s ‘southern

¹ Foucault (2004:16).

rebels', the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/A). I examine why and how the peace negotiations institution was constructed on such terms, how the institution's constitutive ideas were contested within Sudan's wider politics, and the effects of these interactions upon the negotiations and upon broader political developments in the country.

By deploying a different approach, this thesis aims to contribute a new analysis of how peacemaking influenced the escalation of violence in Darfur in 2003 and 2004, and how Darfur's violence then shaped the negotiations and their outcome. I examine how particular ideas constituting the peacemaking institution had constraining and enabling effects on the behaviours of different actors that exacerbated violence in Darfur. I will argue that particular characteristics of the negotiations institution served to motivate one negotiating party, the SPLM/A, to fuel rebellion in Darfur. At the same time the negotiations influenced peacemakers and the Sudan government to avoid publicly acknowledging this reality and to downplay Darfur's violence. Worse, peacemaking policy served to give the regime in Khartoum a measure of cover for pursuing a brutal counter-insurgency policy.

To explain how the peace negotiations interacted with the escalation of violence in Darfur and responses to that violence, we must enquire into the political processes that enacted the negotiations institution. This directs inquiry towards a wider range of actors and events than merely the parties and actions at the negotiating table; a realm too readily hidden from view in conventional analyses. By inquiring into how the negotiations institution was constructed through interactions with different aspects of Sudan's northern and national politics, this thesis seeks to enhance our understanding of why the negotiations had deleterious effects on violence in Darfur.

This study of Sudan's bittersweet experience of peacemaking and war is of significance for scholars of Sudanese and African politics, as well as for scholars of international

interventions in contemporary civil wars. The in-depth analysis of the Sudan case reappraises how we understand the recent global phenomenon of negotiated peacemaking. In the turbulent two decades since the end of the Cold War, negotiated settlement has been lauded as war's new endgame by other 'peaceful' means. Victory and defeat are increasingly rare in contemporary armed conflict. Proponents of peacemaking have pointed out that although victories outnumbered negotiated settlements by two to one during the Cold War, the reverse was true during the 1990s, and between 2000 and 2005 settlements outnumbered victories by seventeen to four globally (Human Security Centre 2006). Ten of these settlements were in sub-Saharan Africa (Human Security Centre 2007). They occurred mainly in intrastate conflicts, which predominate over wars between states. Non-state armed groups prosecute war with not just victory but political settlement, and third-party peacemakers, in mind.

Peacemaking, its proponents tell us, is contributing to a more peaceful world. "The single most compelling explanation" for the reduction in armed conflict, argued the inaugural 2005 *Human Security Report*, was found "in the unprecedented upsurge of international activism" in the wake of the Cold War, including a "fourfold increase in peacemaking activities" (Human Security Centre 2005:9; see also Centre for Humanitarian Dialogue 2007). "Peacemaking has taken on a global meaning," argues a leading conflict resolution scholar, "Without such peacemaking efforts the numbers of wars would probably increase significantly" (Wallensteen 2007:30). At the core of peacemaking, conflict resolution and mediation activities have become institutionalised and professionalised, undertaken by a growing army of well-funded governmental and non-governmental institutions and experts.

Yet in intrastate conflicts peace negotiations are not only war's endgame by other means, they are a focus of wider domestic politics where violent conflict has often constrained traditional domestic political space. Rarely a simple share of spoils, negotiations have

uniquely significant authority over major issues of state, territory, wealth and society; they are constitutive of significant social change and state formation processes. The historical role of war in forming domestic political institutions (Tilly 1990; Tilly and Ardant 1975) is increasingly mediated through peacemaking. Battles over what ‘peace’ should mean are thus not limited to the arguments of belligerents at the negotiating table. Held under secretive conditions and in distant locations, negotiations affect diverse groups besides the negotiating parties who in turn seek to access, influence, and sometimes usurp the peacemaking institution. Excluded issues or groups are marginalised to a more peripheral sphere of politics that sits in tense relation with the centre stage of negotiations.

Peacemaking has also become an important means of foreign policy and global governance. The negotiating table is shaped, resourced and overseen by foreign states and international organisations, diplomats, mediators and mediation experts: ‘peacemakers’ with their own ideas of how, by when, and in what form, ‘peace’ should prevail. Third-party peacemaking is one facet of the rise of western interventionism in conflict, attributed by some writers to the pursuit of a lasting ‘liberal peace’ whether justified as a normative project or in pursuit of state or transnational interests (Williams 2006; Paris 2004; Richmond 2006). Provisions for electoral democracy are arguably the most common feature of contemporary peace agreements (Jarstad and Sisk 2008:3). If we are correct to distinguish the post-Cold War period from previous chapters for the west’s “invention of peace as a policy goal” (Cooper 2004:111; see also Whitfield 2007), negotiated peace settlements are a central means for moving from this goal to the invention of peace in reality.

This thesis’ analysis of the Sudan case insists upon an elementary aspect of researching peace negotiations in intrastate conflicts that is frequently overlooked, namely to analyse them within the wider political context in which they are created. Mainstream scholarship on peacemaking is consumed by normative prescriptions – on conflict resolution as

something rightly to be done to transform violent societies, or on mediated deals that strike a rational bargain between armed adversaries that ends hostilities – that obscure the messy multilevel political battles that peace negotiations involve. Peace negotiations exist at the imprecise boundaries between binary categories of war and civil peace and its institutions, and between sovereign domestic politics and external intervention. This has unique implications for what otherwise makes peace negotiations similar to domestic political processes. They resemble formal domestic political institutions in that they are arenas of political decision-making on contested societal issues, and are constituted by rules that govern the agenda, standing and behaviour. Yet, under the stewardship of external ‘peacemakers’, they prioritise terms for ending war between belligerents, rendering rights of standing a product more of violence than citizenship. They exert a pull on, yet rebuff, a wider range of actors contesting ‘peace’ than the belligerents alone, and risk reproducing the political conditions for war.

By shifting analytical focus from how to best pursue one or another idea of peace to understanding more fully the politics of peace negotiations, I inquire into how these politics involve confrontational strategies closely tied to those of war. In his 1976 Collège de France lectures, Michel Foucault (Foucault et al. 2004) inverted the dictum of Carl von Clausewitz that “war is a mere continuation of politics (or policy) by other means” (Clausewitz 1832/1968:119). Clausewitz argued that war was a tool for securing the state’s sovereign interests when diplomacy failed. Foucault argued conversely that war preceded civil politics, which in turn did not liberate societies from violence as much as reinscribe war’s force relations in the institutions and practices that constitute ‘civil peace’. This applies especially to civil wars in formative nation-states such as Sudan.

Foucault’s use of war as a schema for analysing politics blurs conceptual distinctions between war and peace in illuminating ways, which we can appreciate without pursuing his

post-structural analysis of the historico-political discourse of war. His injunction to appreciate how war is reproduced in the institutions of civil politics is a reminder that the end of war mixes relations of force with political strategising on competing ideas of peace. This is uniquely so when war's end is negotiated and the unwinnable war becomes more a battle of politics. Politics are given the upper hand yet they remain closely tied to the force relations of the ongoing war. Peace negotiations are war by other means. I argue that this political means creates opportunity for actors besides the armed belligerents and especially for peacemakers.

The remainder of this introductory chapter proceeds as follows. Section One introduces the case under study, the research questions addressed and deficiencies in the relevant scholarship on Sudan. Section Two examines critically the ability of mainstream peacemaking scholarship to provide an analytical framework for addressing this lack, before looking to a broader set of literatures on contemporary conflict and international intervention to provide guidance. Section Three introduces the theoretical underpinnings of this thesis in social constructivism, historical method and policy discourse analysis. Section Four draws upon the foregoing to elaborate a new analytical schema for studying the politics of peace negotiations. In Section Five, I deal with issues of methodology and discuss what constitutes evidence in my analysis, and how I obtained and handled sources. Finally, Section Six outlines the structure of the argument developed in subsequent chapters.

1. SUDAN AND THE POLITICS OF PEACE NEGOTIATIONS

Between 2001 and 2004, peace negotiations between the Government of Sudan and the SPLM/A, led by the Inter-Governmental Authority on Development (IGAD) regional

organisation² and with the heavy involvement of the United States, the United Kingdom and Norway, brought to an end Sudan's two decades-long civil war. Following intermittent and abortive negotiations that had started in 1994, the newly rejuvenated IGAD mediation swiftly achieved a watershed accord, the Machakos Protocol, in July 2002. All substantive accords were finalised by late May 2004. After finalising implementation details, the parties signed their Comprehensive Peace Agreement (CPA) in January 2005. Major provisions of the CPA included: a national unity government prior to nationwide democratic elections; power and wealth sharing between an autonomous secular Southern Sudan region (with the SPLA as its independent army) and the central government; and the right of Southern Sudanese to exercise self-determination in six-and-a-half years through a referendum including the option of Southern independence. The agreement also addressed regional governance in the 'Three Areas' on Sudan's north-south border (Abyei, the Nuba Mountains and Blue Nile, see Figure 1: Map of Sudan, page 19, below) that had been a frontline during the war, granting only the people of Abyei a referendum on whether to join the south or north.

The significance of this period in modern Sudan's history, both to Sudanese and to African and international politics, admits little overstatement. Peacemaking in Sudan involved a major regional and international diplomatic effort to end the latest in a succession of lengthy and devastating civil wars in Africa's largest country, with the world's largest population of internally displaced civilians and one of its most costly international humanitarian aid operations. Straddling North and sub-Saharan Africa, contiguous with nine African states and a short Red Sea crossing from Saudi Arabia, war in Sudan drew in and destabilised an already volatile region. This research takes as its subject the negotiation

² IGAD comprises six Horn and East African states: Sudan, Somalia, Eritrea, Ethiopia, Kenya and Uganda.

of a peace accord that laid the foundations for the possible secession of the country's war-ravaged, landlocked and under-developed southern region to create Africa's fifty-fifth sovereign state. Furthermore, the thesis examines western, especially American-led, interventions in a state deemed by Washington in 1993 as a sponsor of terrorism and the subject of UN Security Council sanctions.

Sudan's politics during the IGAD negotiations included a critical early period in another conflict in the country, upon which the world's attention subsequently fell. While peace was being negotiated to end the ongoing civil war, political instability in Sudan's western Darfur region escalated into a major anti-government rebellion in early 2003. Some basic interconnections between the IGAD peace negotiations and the conflict in Darfur soon arose. The SPLM/A voiced its solidarity with one of two original Darfur movements, the "Sudan Liberation Movement/Army" (SLM/A), riling its negotiating counterparty. By mid-2003, Darfur's rebel groups protested their exclusion from the IGAD talks. The Sudanese government responded to Darfur's rebellion with a major counter-insurgency that appeared to reflect a sense of vulnerability as it negotiated peace with the SPLM/A. Khartoum also seized upon considerable room for manoeuvre as IGAD's western backers and the United Nations, in prioritising and protecting the IGAD talks, delayed and dithered on Darfur (Slim 2004; see also Cockett 2010). The ensuing human crisis became impossible to downplay, and by mid-2004 Darfur's conflict captured global attention while the IGAD negotiations laboured their way to a final agreement.

Sudan's prominence in the western political consciousness, especially in the United States, preceded Darfur's violence but was certainly amplified by it. The US Congress labelled the violence as 'genocide' in July 2004. Darfur was, for a time, everyone's *cause célèbre*. The violence engendered a new degree of global civil society activism (Mamdani 2009) and became a focal point for debates on China's fast-growing African presence (Srinivasan

2008). While conflict still raged, the nascent African Union sent its second ever peacekeeping mission to Darfur, and the situation emboldened and then tested to breaking point the emerging international doctrine of a 'Responsibility to Protect' (Bellamy 2005; de Waal 2007a). UN Secretary-General Ban Ki Moon echoed journalists who labelled Darfur the world's first climate change war (Willis 2007). The violence also motivated the first indictment of a sitting head of state by the newly established International Criminal Court.

The early period in Darfur's conflict up to mid-2004, when the substantive IGAD negotiations were underway, is too easily overshadowed by its subsequent global notoriety.

A cursory look at these two major and simultaneous courses of events in Sudanese politics raises important unanswered questions: How did the IGAD talks influence the escalation of conflict in Darfur, and vice versa? What specific characteristics of the peace negotiations and actions of the parties involved engendered these interactions? To what extent were peacemakers implicated in Darfur's spiralling unchecked violence? A central concern of this thesis is to unravel and analyse Sudan's politics during this period, when a war that ended through peacemaking was the context within which another war began. A critical empirical and analytical gap lies here, a gap which must be filled to understand properly both events and, by so doing, to understand the full politics of peace negotiations in Sudan during this period.

War and peacemaking, as I discuss later in this chapter, are too often studied as phenomena in themselves, failing to situate them as political processes embedded within, and influenced by, their socio-historical contexts. The literature on Sudan covering the period under examination provides few exceptions, and the interconnecting politics between violence in Darfur and IGAD peacemaking are underanalysed.³ In the burgeoning literature

³ The analysis here is elaborated upon in Chapter Five.

on Darfur, the influence of the peace negotiations on the rebellion and the government's response in the crucial early period between 2002 and 2004 is over-simplified. The delayed international response to Darfur is criticised and attributed to the prioritisation of the IGAD negotiations (Slim 2004; Prunier 2005; Srinivasan 2006; Flint and de Waal 2008; Johnson 2006; United Kingdom House of Commons 2005a), but little attention is given to how precisely peacemaking and early violence in Darfur impacted upon each other.

There are some valuable exceptions. Flint and de Waal's revised political history of Darfur's conflict (Flint and de Waal 2008; cf Flint and de Waal 2005) usefully identifies important events in 2002 and 2003 linking the SPLM/A to rebel mobilisation in Darfur. However, theirs is a detailed account of Darfur's conflict, and gives limited attention to how particular developments in the IGAD negotiations influenced these interactions, and why this was possible. Johnson (2006), in a short peripatetic essay on what links Darfur's violence to the 'southern peace process', attributes such linkage to the government's fear that Darfur's rebels were motivated by concessions that it was reluctantly negotiating for the 'Three Areas' areas in Sudan's political 'north'. He adds that patterns of brutal government-backed militia violence in one of these areas, the Nuba Mountains, were being repeated in Darfur. How important, then, was SPLM/A involvement in Darfur to Khartoum's actions? And what exactly did the SPLM/A – 'southern rebels' who had secured self-determination and regional autonomy – have in mind?

There is a need to investigate more systematically the role of peacemakers in shaping and responding to interactions between the negotiations and Darfur.⁴ Studies of the IGAD negotiations are surprisingly few, and here Darfur is either largely ignored (Waihenya

⁴ Young (2007; 2005b) critiques the elite and exclusive nature of IGAD peacemaking. However, he does not interrogate the role of peacemakers in the specific interactions under investigation here.

2007; Carney 2007), treated as an addendum (Iyob and Khadiagala 2006; Simmons and Dixon 2006b; Young 2007) or linked summarily as a causal consequence of IGAD's bilateral exclusiveness (Verney 2004; Woodward 2004; Young 2005b; El-Battahani 2006; Cheadle and Prendergast 2007; Blaydes and De Maio 2010). Cockett (2010) has argued that the US in particular assured Khartoum it would turn a blind eye to its actions in Darfur in 2003, when it was most concerned about the IGAD negotiations. This requires further interrogation, especially as to whether peacemakers also knew about the SPLM/A's involvement in the conflict, and why and how the institutional dynamics of peace negotiations influenced their policy choices.

Although my original question asked in what ways and why conflict in Darfur and the IGAD negotiations interacted, the research process, which involved numerous field trips and analytical iterations, led me to cast my net wider. A different set of issues, events and actors provided essential contextual understanding for addressing the original question, but also laid bare the need for a much broader and deeper understanding of the IGAD negotiations within Sudan's complex politics. This thesis enquires into how a particular 'peace' was constructed in Sudan during the period in question, what were the material and discursive actions of key actors in making this possible, and what the political effects were.

Peace in Sudan has been elusive since the country's independence in 1956 and thus it is a grave matter if peacemaking that helped 'end Africa's longest running civil war' was only able to do so by exacerbating dynamics that escalated another. Sudan's decolonisation from Anglo-Egyptian overrule was not consequent to armed liberation. However, the terms of independence were contentious and the country was born into a 17-year civil war between southern separatists (the Anyanya movement) and the northern-dominated central

government.⁵ The 1972 Addis Ababa agreement ended the first war, granting southerners regional autonomy and requiring that the Anyanya be integrated into the national army. The agreement was a success of President Jafar Nimeiri's 1969 coup-installed Sudan Socialist Union, which professed an inclusive nation-building and modernisation ideology. However by the early 1980s a weakened Nimeiri made political compromises with exiled northern groups threatening his one-party state and abrogated central terms of the 1972 accord (Alier 1992).

The rebellion launched in 1983 from bases in Ethiopia by the SPLM/A led by a Sudanese Army Colonel, John Garang, espoused a national struggle for Sudan's unity 'on a new basis', not southern separation like the Anyanya. Whether this "New Sudan" political project was a mere tactic to achieve southern objectives or a genuine commitment of the SPLM/A leadership became an enduring debate. This thesis examines the continuities, changes and contradictions in how the SPLM/A's political programme evolved up to and including the IGAD negotiations. It also investigates how different actors, including peacemakers, chose to interpret and constitute the SPLM/A's identity within the negotiations institution and, following this, to depict its political actions during the negotiations.

The twenty-two year war between the SPLM/A and successive Sudanese governments developed and mutated in complex ways, interacting with wider Sudanese, regional and international politics.⁶ This belies oversimplified narrative frames of the conflict. Western

⁵ Many factors contributed to southern disenchantment with the terms of independence and the outbreak of civil war in 1955 including, but not limited to, the British Closed District policy that cordoned off the southern region from socio-economic interaction with the more developed north: see Johnson (2003), Deng (1995), Lesch (1998) and Holt and Daly (2000); see also MacMichael (1922).

⁶ Table 1, at page 20 below, provides a basic chronology of major events during the period 1983 to 2005, split between the war and wider politics. It serves as reference for later analysis.

media mostly reduced the war into an ethno-regional identity conflict: the “war in southern Sudan” that “pitted the Arab and Muslim-dominated north against the mainly animist and Christian south” (AFP 2002f; see also Voice of America 2004a; BBC 2010). There are problems here with identity categories: ‘animism’ as Johnson notes (2003), is a misleading, indeed pejorative, descriptor for southern Sudan’s many theistic religions, and a Muslim-Christian divide misses that Christianity’s rise is only recent. Darfur’s conflict also laid bare that a considerable proportion of northern Sudan’s population does not identify itself as ‘Arab’ (de Waal 2005b; 2007b) and, albeit they are Muslim, disagrees with the brand of Islam propagated by those in power (Warburg 2003; Johnson 2006).

Binary ethno-regional identity opposition as an explanation of the civil war is misleading and wrong. Nevertheless, such characterisations are lazily reproduced in academic scholarship. Michael Mann, for example, places Sudan on “the Christian-Muslim faultline running across North Africa” and describes Sudan’s ethnic diversity as “polarised into a single principal division, a Muslim/Arabic north against a somewhat less cohesive Christian and animist South” (Mann 2005:519). Scholars of Sudan have also stressed Sudan’s struggle between binary African and Arab identities (Deng 1995; Jok 2001; Lesch 1998; Abd Al-Rahim 1971), though many probe the role of centralised state power and ruling elites in constructing and exacerbating this opposition.

The greater mistake with the binary trope of a North/Arab/Muslim versus South/African/Christian conflict, is that the second civil war also involved predominantly Muslim groups in Sudan’s political north fighting as part of, or in alliance with, the SPLM/A. It is all too easy to use misleading shorthand, and many renowned analysts, such as the historian Martin Daly, uncritically label the SPLM/A as the “southern rebel movement” and the IGAD negotiations as the “southern peace process” (Daly 2007).

Johnson (2006), too, analyses the Darfur conflict's connections with the "southern peace process". Yet in early 2003, he argued: "Multiple local grievances have created numerous motives for armed confrontation, and shifting alliances within the wider conflict have produced a pattern of interlocking civil wars, now being fought on different levels" (Johnson 2003:127). The tension between how the war was depicted and its actual manifestations is one that is central to exploring the politics of how peace was negotiated.

One region not accounted for in binary ethno-regional identity frames, the Nuba Mountains, was a particularly brutal frontier during the war. Large numbers of Nuba formed an important fighting force in the SPLM/A.⁷ The Nuba peoples' liminal identity (predominantly Muslim, but non-Arab) and geographical location politically within northern Sudan yet significantly allied with the SPLM/A, confounded the peacemaking institution's reductionist quest for a neat binary north-south negotiation. This thesis argues that the Nuba Mountains case is important in its own right for exploring politics within the margins of peace, but also because of how it connects the IGAD negotiations to the war in Darfur.

Addressing this complexity, some analysts characterise the country's woes as a 'centre versus periphery' conflict over large geographic disparities in wealth, resources, power, citizenship rights and development (Johnson 2003; International Crisis Group 2002a; Niblock 1987; de Waal 2007b). Such a diagnosis echoes pronouncements of various regionally-based opposition groups, including the SPLM/A and the Darfur-based rebel movements. The fertile Central Nile Valley, between Gezira and Atbara (see Figure 1, page 19, below), is Sudan's economic and political heartland, and the home of its ruling Muslim

⁷ Similarly, groups from the Southern Blue Nile, Eastern Sudan and Darfur intermittently allied with the SPLM/A: see James (2007) and Johnson (2003:127-42).

riverain Arab elites. Wealth and power has historically been concentrated in this region, and particularly in greater Khartoum. Radiating outwards from here levels of development as well as state authority diminish. Centre-periphery dynamics have historically combined resource exploitation and appropriation with social and political neglect and marginalisation. This was especially pronounced between the Nile Valley and the south, but not limited to it. By the 1960s, growing regional consciousness of relative marginalisation by those in control of the central state led to demands for greater political and economic participation, as well as autonomy, from groups in Sudan's centre, east and west.

Key conditions and political events that led to the Darfur rebellion in 2002 and 2003 were locally rooted and reflect this longer trajectory of regional awakening and mobilisation by local elites, as well as subsequent ethnic polarisation and militarisation during the thirty year Chad-Libyan wars, worsening land and resource conflicts and partisan central government policies. However important elements of the dynamics of escalation of Darfur's conflict, it will be shown, were closely tied to how particular features of the IGAD peace negotiations constrained, enabled and motivated the behaviour of various political actors, including the Darfur rebel movements but also the SPLM/A, Khartoum and international peacemakers. Negotiations structured around a north-south axis but which held out hope for wider political transformation across Sudan exacerbated, in the short term, political violence rooted in centre-periphery dynamics.

De Waal (2007b) explains how in addition to centre-periphery tensions the turbulence of the Sudanese state has also been driven by elite struggles at the centre. The split in the ruling National Congress party in 2000 certainly played out in the dynamics of rebellion in Darfur (Roessler 2007; Flint and de Waal 2008). Sudan's mostly exiled northern opposition parties, many of which allied to form the National Democratic Alliance (NDA) resistance

movement after the National Islamic Front (NIF) government banned their political activity following its June 1989 coup, also exemplify this dimension. Key NDA members such as the sectarian Umma and Democratic Unionist parties had previously been in government during its war with the SPLM/A, and their attempts to make peace by suspending or abrogating the application of *shari'a* law motivated the NIF coup. The SPLM/A later joined and co-led the NDA to pursue a joint offensive with northern opposition groups (including its erstwhile foes) against the NIF regime. The northern opposition's failed efforts to shape the course of peacemaking to address a conflict of national dimensions that required including them in any negotiations are poorly interrogated. Understanding these dynamics is important because it sheds light on how a southern-focused IGAD peace effort was not a given yet nevertheless prevailed, the decisive role of external peacemakers in this, and the effects of these dynamics on wider Sudanese politics.

Descriptive frames which oversimplified or distorted Sudan's socio-political make-up and misdiagnosed Sudan's problems were not benign: they were active ingredients in the actions of political actors and in the institutional practices of peace negotiations. This is partly because how war is defined is central to the possibilities for its resolution. Sudan's successive central governments were at pains to insist that the war with the SPLM/A was depicted and quarantined as the 'southern problem' only, while the SPLM/A from its inception consistently protested that the problem was national in scope and rooted in central government policies. Mary Kaldor's argument, that "diplomatic negotiations from above fail to take into account the underlying social relations; they treat the various factions as though they were proto-states" (Kaldor 2006:117), has merit in the case of Sudan. But it begs many questions. What happens when powerful peacemakers and institutionalised negotiation policy treat a complex polity in distorting or simplified terms? How does this

occur within the context of institutionalised negotiations? What happens when domestic political actors adapt to or actively contest these terms?

Negotiations institutions are uniquely constructed and take different forms, pursue different approaches, admit different parties and, in sum, pursue different ideas of peace. The IGAD initiative was only one among many regional and international peacemaking efforts to resolve the civil war. Similar to Northern Ireland during “the Troubles” – “in a twilight world between deadlocked war and permanent negotiations” (McGarry and O’Leary 1993:2) – from the mid-1980s Sudan was on a seesaw between the battle of bullets and that of words. Major external peacemaking initiatives included ones led by former US President Carter in 1990 (Lesch 1998:170-2), Nigeria between 1992 and 1994 (Wondu and Lesch 2000) and Egypt and Libya between 1999 and 2002. Why and how did IGAD prevail over other efforts between 2001 and 2004? What influence did powerful western states, which backed IGAD, have and what were the consequences of this for peacemaking and politics in Sudan?

This thesis examines how a particular ‘peace’ was constructed in Sudan during the period in question, how this was possible, and what the political effects were. I structured my research around three key themes: how the IGAD peacemaking institution was decided upon and how it was designed; how specific peace outcomes during the negotiations simultaneously shaped, and were shaped by, wider Sudanese politics; and the relationship between the negotiations and recurrent political violence. Within each of these, I examined the actions and perspectives of major political groups and their elite leaderships: Government of Sudan negotiators; Sudan’s largely exiled northern opposition parties; the SPLM/A’s “New Sudan” leadership; political groups in the central Nuba Mountains region excluded from the talks; and the Darfur-based Sudan Liberation Army/Movement.

Covering the late 1990s to mid-2004, these themes and actors are not exhaustive of all factors and influences at play in Sudan during this time. Nevertheless, they share in common how they provide a crucial lens upon the wider politics wrongly omitted by a narrow focus on only Sudan's warring parties, its north-south axis or just the negotiating table. Southern Sudanese political dynamics and internal tensions within the ruling National Congress party played important roles in the peace negotiations and are acknowledged. But they are less central to this thesis because they are incidental to its focus on how the IGAD negotiations as a "southern peace process" impacted upon northern Sudanese politics, especially in Darfur.

Finally, throughout the thesis I also examine the interpretive world and actions of third-party peacemakers, in order to interrogate how, why and with what effects they contributed and responded to the political dynamics of the negotiations. The peacemakers that prevailed brought with them ideas for what possible forms peace should take and how best to achieve them. The research challenge is to interrogate the political processes through which the IGAD institution and its particular ideas of peace were constructed, accounting for the range of political actors engaged with and affected by these processes. As discussed in the next section, conventional approaches to the study of negotiated settlements of civil wars provide an inadequate analytical framework for this inquiry.

Figure 1: Map of Sudan⁸



Map No. 3707 Rev. 10 UNITED NATIONS
April 2007

Department of Peacekeeping Operations
Geographical Section

⁸ Source: United Nations, Department of Peacekeeping Operations, April 2007.

Table 1: Sudan Chronology, Second civil war and wider politics (1983-2005)

Year(s)	Second Civil War	Wider politics
1983	SPLM/A forms in Ethiopia	National economic collapse; ongoing pressure from IMF; President Nimeri declares <i>shari'a</i> law
1984	Garang advocates national struggle; SPLM/A prevails over southern separatists	Famine in Darfur
1985	SPLM/A enters 'north' in Nuba Mountains; Arab ethnic militias armed by Khartoum	Nimeri regime overthrown by <i>intifada</i> in Khartoum. Transitional Military Council installed
1986	Peace negotiations between SPLM/A and northern public leaders (at Koka Dam) fail	National elections, Umma Party forms coalition with Democratic Unionist Party (DUP), later with National Islamic Front (NIF)
1986-89	Further arming of proxy militias by Khartoum; SPLM/A enjoys military success, reaches accord with DUP (Addis Ababa)	Unstable Umma-DUP-NIF coalition governments. DUP leaves coalition after SPLM/A accord. Later rejoins, NIF pushed out
1989	SPLM/A controls most of south; UN-led 'Operation Lifeline Sudan' humanitarian response begins. Negotiations with Umma Party prior to NIF coup	NIF orchestrated coup led by Army General Omar el-Bashir. National Democratic Alliance (NDA) formed by imprisoned northern political leaders
1990-91	SPLM/A units flee Ethiopia with heavy losses	Mengistu falls in Ethiopia; NIF backs Iraq in Gulf War
1991-92	SPLM/A splits, anti-Garang faction pursues Southern independence; SPLM/A advance into Darfur fails; NIF declares <i>jihad</i> in Nuba Mountains	Bin Laden moves to Sudan
1993	Heavy factional and ethnic fighting in the south	Sudan placed on US State Sponsors of Terrorism list
1994	IGAD negotiations begin. SPLM/A strengthens role in NDA. First SPLM Convention: declares 'New Sudan' in South and 'Three Areas' (Nuba Mountains; Southern Blue Nile & Abyei)	Khartoum's relations with Eritrea, Ethiopia and Uganda deteriorate
1995	SPLA begins to reverse losses after fall of Mengistu	NDA deepens north-south alliances against NIF NIF figures implicated in assassination attempt on Egyptian president Mubarak (UN sanctions follow)
1996-97	SPLA/NDA open front in Eastern Sudan NIF reaches accords with southern groups opposed to SPLM/A, promises Southern self-determination in 2001	Oil production development accelerated US pursues containment policy, Ambassador withdrawn
1998	SPLM 'New Sudan Constitution' promulgated	New 1998 Sudan Constitution: highly restrictive multi-party democracy; enshrines <i>shari'a</i> . US bombs pharmaceutical factory in Khartoum
1998-2000	NDA and SPLA advances in Eastern Sudan and Southern Blue Nile; Oil pipelines targeted; war-induced famine in Bahr-el-Ghazal	Ethiopian-Eritrean war Bashir removes NIF ideologue Hassan al-Turabi; Turabi forms Popular National Congress (PNC); Oil revenues start flowing. Western rapprochement, beginning with European Union (EU); CIA-Sudan intelligence co-operation resumes
2001	Riek Machar and John Garang reconcile; Turabi's PNC and SPLM sign accord	US Bush Administration seeks new Sudan policy. CSIS Task Force recommends ending war with 'One Country, Two Systems' solution; Retired Senator Danforth appointed US President's Special Envoy
2002	January: Nuba Mountains ceasefire July: Machakos Protocol framework agreement	Increased violence in Darfur, nascent local rebellion, Darfur Liberation Front (DLF), emerges
2003	Peace talks progress slowly until direct negotiations between Garang and Vice-President Ali Osman Taha (Oct 2003 – May 2004)	Darfur conflict escalates; SPLM/A voice support for DLF, now renamed Sudan Liberation Movement/Army (SLM/A). Second group emerges: Justice and Equality Movement (JEM). Major government counter-insurgency begins. Belated international recognition of humanitarian crisis
2004	June Nairobi agreement formalises major protocols: national unity government; autonomous Southern region with SPLA army; southern and Abyei self-determination with secession referendum in 6 years; no <i>shari'a</i> law in south; oil wealth-sharing; partial autonomy for Nuba Mountains and Blue Nile	April: Kofi Annan mentions Darfur at 10 th anniversary commemoration for Rwandan genocide. Weak ceasefire accord reached in N'Djamena, Chad. African Union sends peacekeeping force to Darfur. July: US declares 'genocide' in Darfur UN Inquiry reports Crimes Against Humanity in Darfur
2005	January: Comprehensive Peace Agreement (CPA) signed by SPLM/A and Government July: John Garang dies in helicopter crash, weeks after becoming First Vice-President of Sudan	Khartoum reaches accord with NDA UN Security Council refers violence in Darfur to the International Criminal Court

2. MAINSTREAM PEACEMAKING SCHOLARSHIP

It is important to situate this thesis' approach to analysing the politics of the IGAD peace negotiations in Sudan with respect to the growing literature on negotiation, mediation and conflict resolution. Forty years ago this was hardly possible or necessary, when the theoretical and empirical literature examining peace settlements was "notable primarily for its brevity" (Ott 1972; see also Pruitt and Snyder 1969). More recently, scholars have embarked upon writing the intellectual history of the fast-growing field of conflict resolution, heralding its arrival as a scholarly enterprise committed to praxis (see Ramsbotham, Woodhouse, and Miall 2005; Wallensteen 2007).⁹

The mainstream scholarship champions a link between thinking about and doing peacemaking, but this produces analytical shortcomings. How does a normative interest in solving for one or another ideal of 'peace' affect the way in which this scholarship examines the politics of peace negotiations? Can this scholarship, given its linkages to policy and practice, tell us something about how peacemakers think and how they act?

Mainstream theorisation of negotiated peacemaking ranges from the reductionist positivism of negotiation and mediation theory – together, 'conflict management' scholarship – to the maximalist socio-cultural orientation of conflict resolution, peace studies and conflict transformation scholarships. Turning first to conflict management approaches, they adopt instrumental rationality reasoning and an abstracted problem solving analytic to 'solve for' an end to war. The heritage of analysing wars between states is evident. Conflict management thought is the bedfellow of rationalist explanations of war, which focus upon

⁹ Ramsbotham et al (2005) devote a chapter to this purpose, and dedicate their book "to the founders of the field and to the new generation of conflict resolvers from all parts of the world who are carrying on their work."

the material capability and interests of organised groups strategising the use of force.¹⁰ The fluid and complex political context, within which peace negotiations in intrastate conflict are embedded, is treated as epiphenomenal. The units of analysis are monolithic ‘warring parties’ given formal equivalence – armed group ‘A’ versus armed group ‘B’ etcetera – with little regard for other political actors.

Negotiation theory, at the core of conflict management scholarship, analyses the bargaining logic of the negotiating table.¹¹ It employs a parsimonious epistemology and inductive rational-actor reasoning developed for diverse social phenomena besides war, such as business transactions and regulation. It discerns objectively determinable interests and predictable behaviours of actors contesting a limited supply of goods (territory, wealth, power etcetera). Negotiation theory addresses problem-solving ‘*what*’ questions: it asks what are the distributional problems and possible zero-sum (bargaining) or positive-sum (integrative) solutions. Bargaining divides a fixed cake whereas integrative solutions reconcile competing outcomes or pinpoint mutually advantageous solutions. Mediation theory analyses the *process of arriving* at negotiated solutions and has a ‘*how-to*’ technical focus: how can mediators develop trust, conditions of reciprocity, dialogue etcetera, by utilising negotiation agendas, problem-solving approaches, confidence-building measures, coercive leverage, technical assistance and so on, such that parties negotiate and agree rational solutions. An outsider (mediator) – insider (conflicting parties) approach is taken, and mediation assumes a functional and technical identity.

Drawing on both of these bodies of theory, mediation-focused conflict management scholarship, exemplified by the work of numerous American writers, is popular in policy

¹⁰ See Fearon (1995).

¹¹ See Fisher, Ury, and Patton (1999); Rubin, Pruitt and Kim (1994).

and practice.¹² This scholarship retains the rational-actor problem-solving orientation but applies and augments it in an effort to tackle particular obstacles faced by peacemakers seeking to end war. Although this scholarship is more expansive in accounting for the range of ‘variables’ influencing negotiated settlements, the focus remains on *how-to* questions pertinent to external mediation. Attention turns to factors external to the negotiating table, including when and when not to intervene, the complementarity of other intervention tactics (such as sanctions, diplomacy, military engagement) and identifying and supporting necessary conditions for mediation.

Prominent concepts include that belligerents must perceive a “mutually hurting stalemate” for the conflict to be “ripe” for a negotiated settlement (Zartman and Touval 1985; 2007; Zartman 1989; 2001; 2008) and provision of third-party and institutional guarantees to address the “security dilemma” facing rebel groups in relinquishing military capacity and thereby weakening their insurance against possible failure of a negotiated settlement (Walter 2001). The focus remains ending overt hostilities between belligerents, and intervening peacemakers are advised how to act to urge, reassure and incentivise belligerents towards choosing the benefits of peace.

Substantive considerations regarding what peace should consist of start with assumptions that rational trade-offs are possible and often deploy inductive behaviouralist analysis to assess the efficacy of different provisions in peace settlements in avoiding relapse into war. Large-*n* datasets of intrastate wars comprising coded variables are analysed to assess the effectiveness of specific policy options, for example: “fear reducing” ones, such as power-

¹² Representative studies include: Stedman (1991; 1996; 1997); Zartman and Touval (1985); Zartman (1989; 2001; 2008); Rothchild (1997); Fortna (2004); Hartzell and Hoddie (2007); Walter (2001); Sisk (1996; 2008); and edited collections by Crocker, Hampson and Aall (1999; 2001; 2004; 2007); Stedman, Rothchild and Cousens (2002); and Brown (1996).

sharing and third-party security guarantees, or “cost-increasing” provisions such as separation of forces (Mattes and Savun 2009). An instrumentalist logic dominates, and for some the content of peace settlements matters less than forestalling a resumption of violence.¹³ However, oftentimes conflict management approaches are inflected with normative arguments for the reconstruction of legitimate democratic governance and liberal state institutions to secure peace (Reynolds 2002; Sisk and Reynolds 1998; Roeder and Rothchild 2005). With the latter, there is convergence with strands of conflict resolution and peacebuilding scholarship.

In contrast to conflict management approaches, conflict resolution and peacebuilding scholarship resists an overly parsimonious interest-based rational-actor or behaviouralist analysis of war and seeks to address broader socio-political contexts and causes of violence. This produces a thicker conceptualisation of what ‘war’ involves and what ‘peace’ requires. Conflict resolution and peacebuilding thinking embrace a broader normative enterprise, but this distracts from detailed analysis of the narrower concern of peace negotiations. Over-reliance on negotiated settlements between armed groups and elites is criticised – there are better ways to address violence and its causes – but there is limited guidance on how to analyse the contested politics that occur during such negotiations.

Conflict resolution and peacebuilding approaches are diverse,¹⁴ but they have in common a normative orientation towards achieving some or another substantive conception of ‘peace’ that goes beyond a mediated deal between belligerents at the negotiating table. These approaches conceive of social conflict as embedded within societies and processes of social

¹³ Fortna (2003) argues that peace agreements without adequate peacekeeping enforcement are mere “scraps of paper”.

¹⁴ See, for example: Ramsbotham, Woodhouse, and Miall (2005); Darby and Mac Ginty (2000; 2008); Wallensteen (2007) and Galtung (2004).

change: the focus is upon transformation away from its violent expression. Maximalist conflict resolution approaches often look beyond direct physical violence to address latent and “structural” violence¹⁵ caused by socio-economic injustices. They investigate preventive and ameliorative efforts to address “contradiction” and “difference” (precursors to polarisation, violence and war, see Ramsbotham, Woodhouse, and Miall 2005:14) and “incompatibilities” (Wallensteen 2007) between adversarial social actors. At the limit, conflict transformation aims at “transcending” violent conflict (Galtung 2004; cf. Lederach 1997; Lederach 2005): using communicative and problem-solving approaches with a broad range of social groups (not only those armed), or at achieving a “deep transformation in the institutions and discourses that reproduce violence, as well as in the conflict parties themselves and their relationships” (Ramsbotham, Woodhouse, and Miall 2005:29).

In conflict resolution literature, the answers to *what* and *how-to* questions are expansive, and the narrowness of conflict management is criticised. Elite bargains pursue only an unsustainable “negative peace” (Galtung 1969) of ending overt armed hostilities. Such accords “minister to conflict manifestations rather than causes, reinforce rather than challenge inter-group division, attend to armed groups but neglect less vocal but more vulnerable constituencies... in short, they deliver poor quality peace” (Mac Ginty 2006:5, also 10). Giving advantages to armed elites may help to halt war, but if peace agreements “do not touch upon the underlying issues in the conflict [they] do not last” (Wallensteen 2007:37, quoting Azar and Burton 1986).

Instead, conflict resolution literature places a normative and prescriptive focus on how to foster one conception or another of “positive peace” (Galtung 1969): a sustainable socio-

¹⁵ Situations where, unlike direct physical violence between people, “[t]he violence is built into the structure and shows up as unequal power and consequently as unequal life chances” (1969:170-71).

political state of affairs in which unavoidable social conflict is managed non-violently (Azar 1990). The inquiry turns attention to ways of promoting non-violent social change deemed essential alongside (Ramsbotham, Woodhouse, and Miall 2005), or as a priority over (Kaldor 2006), mediated settlements between armed elites.

Conflict resolution critiques, and suggests alternative approaches to, elite peacemaking, but offers little guidance for how and why elite peacemaking often prevails in practice, and how it interacts with wider politics producing particular effects. If Kaldor (2006:118) is correct that diplomatic negotiations tend to treat various factions as proto-states, a point also made by Clapham (1998), how do negotiations institutions incorporate and enact this treatment and what are the consequences of doing so?

Compared to the instrumental-rationalist focus of conflict management thought, conflict resolution approaches more readily identify normative standards for good or acceptable peace settlements. These are prerequisites for 'positive peace' that elite negotiated agreements should contain. These value-based criteria have their provenance in western liberal democratic thought. Wallensteen, for example, resists *a priori* definitions of peace: "the definition depends on what the parties want or can agree to include". However he adds that "in the worst circumstances" the parties may agree to terms of peace that "negate widely held values" (Wallensteen 2007:9). "In a more cosmopolitan world," write Ramsbotham et al (2005:175), "outcomes are expected to meet wider criteria than those that might have been accepted in bargains between sovereign groups," even though these criteria may be contested. Wallensteen notes "increasingly established norms" for the content of "internationally acceptable peace agreements", including principles of democracy, human rights, criminal justice, reconciliation and economic cooperation (Wallensteen 2007:11; see also, Jarstad and Sisk 2008).

Despite their different objectives, epistemologies and analytical approaches, conflict management and conflict resolution scholarships are united by their object of scholarly inquiry – and their praxis project – of how ‘best’ to end war, whether it is through deducing and negotiating a rational bargain between elites representing armed groups; or unearthing and resolving underlying societal grievances; or ensuring better social and political institutions are established; or even transforming structures, behaviours and psychologies that produce violent conflict. However, these ideal-horizons detract from detailed analysis of the politics of peace negotiations. Peacemaking is sanctified *prima facie*, for it aims at the good of some idea of peace, and the greater intellectual effort is directed at its *efficacy*. The embedded nature of negotiated peacemaking within wider politics is too readily subsumed within analysis of conditions and techniques for, and obstacles and risks to, interventions for resolving conflict.

The orientation towards efficacy is exemplified in the almost universal concern with identifying and managing “spoilers” (Stedman 1997; Newman and Richmond 2006; Ramsbotham, Woodhouse, and Miall 2005; Wallensteen 2007; Darby and Mac Ginty 2003; Zahar 2003), a clearly pejorative term which by definition gives a damning motivation to a set of political actors whose reasons for action can be highly complex. Spoilers spoil the path to a peace settlement otherwise achievable without them. Stedman, a leading writer on the concept, provides a widely cited¹⁶ definition: spoilers are “leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it” (Stedman 1997; 2000).

¹⁶ Citations include: Zahar (2003:114); Höglund (2008:96); Darby (2001:47); Sriram (2008:38); Newman and Richmond (2006:219).

Yet if we switch the focus from the efficacy demands of peacemaking to more dispassionate analysis of the politics implicated therein, this may be rephrased: those whose power, worldview and interests dominate the process of constructing peace at the negotiating table label, define and manage the ‘spoilers’ who disagree with their endeavour. In the Sudan case this included, in the view of British civil servants, Amnesty International when it spoke out too loudly and too early on violence in Darfur and thus jeopardised the faltering IGAD negotiations. It also included, in the eyes of some western diplomats, the Egyptian and Libyan governments in their promotion of a different peacemaking initiative to that of IGAD. Yet peacemakers never applied the term to the SPLM/A, whom they knew was fuelling rebellion in Darfur. Rather, when questioned about this, the IGAD mediator retorted: “Any pressure applied in the north in order to get a solution, as far as I am concerned, was good enough.”¹⁷

Spoilers are not merely opposed to ‘negative peace’: they are opposed to a particular type of positive peace pursued by dominant peacemakers. In their review of UN practice, Bellamy and Williams determine that “spoilers” includes “those actors fundamentally opposed to resolving conflicts without recourse to violence and who are not prepared to participate in the construction of *liberal polities, economies and societies* within the state in question” (emphasis added) (Bellamy and Williams 2004:189). For such writers, spoilers are enemies of those seeking to expand the zone of “liberal peace”. In the Sudan case, the National Islamic Front/National Congress government, albeit a negotiating party, remained a potential spoiler for western peacemakers.

¹⁷ Interview, General Lazaro Sumbeiywo, Karen, July 2007.

Another troubling by-product of the mainstream literature's *prima facie* sanctification of peacemaking is the presumptive granting of virtue and legitimacy to peacemakers. Attention focuses on techniques and capabilities of peacemakers, "properties" such as "leverage, problem solving, unity, strategy, and learning" (Stedman 1999). The fact of whether and why third-party states intervene is sometimes analysed in terms of their interests (for example, Maundi et al. 2006) – security, material gains, domestic political pressures etcetera – but there is a paucity of analysis on how the interests, power, biases and ideological proclivities of actors intervening for peace impact upon the kind of peace made and the wider effects of this.

In Sudan, most of the 'peacemakers' involved in the IGAD negotiations had been engaged in proxy wars with Khartoum, were arming opposition groups, or had fractious diplomatic relations with Sudan. The type of peace they sought to make reflected their disposition towards the Sudanese state. The IGAD negotiations presented a 'ripe' opportunity for western interveners seeking to advance their reformist political agenda in Sudan.

To conclude on the inadequacies of negotiation, mediation and conflict resolution thought for the purposes of guiding my research inquiry, they pursue the same limited types of questions – *what* and *how-to* questions – very differently, but they pursue these questions all the same. This prompts two important considerations for my research. First, the very fact that 'war,' and the process of its resolution towards 'peace' are conceptualised differently across these literatures raises important questions for an empirical study of peace negotiations: Who defines the *what* questions – the 'problem' of 'war' and the 'solution' of 'peace' – generally and in any given case? How do they go about the work of defining? How do certain actors' definitions prevail over those of other actors and with what political effects? Secondly, if different contestations over *what* 'war' and 'peace'

mean are closely tied to ideas of *how-to* address the conflict, then the choices over the practices and institutional form of negotiated peacemaking are central to this political contestation. In pursuing such questions, this thesis departs from the mainstream literature and its normative orientation towards improving peacemaking practice, and by so doing this thesis challenges that literature's blind spots and self-justifying logic.

These considerations and questions have guided my research. However, I also situate my inquiry with respect to other literatures on contemporary political violence and international intervention that are not focused upon peace negotiations, but which resonate with my orientation. The first group of literatures challenges the conceptual binary of war/peace. This serves as an injunction to situate and analyse the negotiation of peace within wider socio-economic processes occurring simultaneously. The second group of literatures critically appraises hegemonic conceptions and applications of 'positive peace', notably those associated with contemporary 'liberal peace' interventionism. The injunction here is to examine critically the politics of how third-party peacemakers intervene to shape the meaning and practices of 'peace'.

The first group of literatures includes studies of contemporary organised violence with broadly sociological (Richards 2004b; Azar 1990; Kaldor 2006; Cramer 2006) and political economy (Keen 2001; 2005; Berdal and Malone 2000; Ballentine and Nitzschke 2003; Pugh and Cooper 2004; cf Collier and Hoeffler 2000) groundings. From different but overlapping disciplinary perspectives, these studies problematise the neatness of 'negative peace' but do so without substituting a fixed or idealist conception of a 'positive peace'.

Sociological and anthropological studies emphasise that when contemporary organised violence is viewed in socio-historical context and at close range, 'war' and 'peace' are often misleading registers for states of social affairs. Cramer captures well the distorting

tendency in analysing war or peace as things in themselves: “Wars end, more or less. Societies cross a fuzzy border from war into peace: the territory on either side of the border can look very similar” (Cramer 2006:13). Violent conflict, Richards argues, must be examined “in relation to patterns of violence already embedded within society” (Richards 2004a:11) and as “one social project among many competing social projects ... organised by social agents” (2004a:3).¹⁸ Political action in the name of either ‘war’ or ‘peace’ should not be detached from its wider context: neither the battlefield nor the negotiating table should be analysed in isolation from the historical and political processes within which they sit.

The political economy of war literature emphasises primarily economic (and rational-actor) explanations of behavioural continuities across the war/peace divide. Transitions from war to peace should be understood as “a realignment of political interests and a readjustment of economic strategies rather than a clean break from violence to consent, from theft to production, or from repression to democracy” (Berdal and Keen 1997:9; see also Keen 2000). Echoing Foucault’s thesis, Keen argues that a ‘bi-polar’ view of ending war and making peace overlooks how peace most likely “institutionalizes violence in some form,” including how certain actors continue to benefit from acting in ways resembling behaviour in ‘war’. By raising questions of “Whose peace? Peace on what terms? Peace in whose interests? And peace negotiated by which individuals or groups?” (Keen 2000:39) this literature also emphasises that creating mediated settlements “is a profoundly political endeavour” (Keen 2000:39). Together, these literatures pose important questions that must be asked specifically of the institutions and practices of peace negotiations themselves.

¹⁸ See also Scheper-Hughes and Bourgois (2004).

The second, varied, group of literatures takes as its subject Keen's "profoundly political endeavour" of peacemaking by critically examining third-party political actors who pursue their ideas of peace, especially western states and international institutions. The literatures here include diverse treatments of liberal interventionism, including realist¹⁹ but especially critical and post-structuralist ones. The latter examine how the 'liberal peace' idea reproduces itself in rationales and methods of intervention, the effects of interventionism on subject societies and how the pursuit of Kant's 'perpetual peace' approximates perpetual war (Williams 2006; Dillon and Reid 2009; Heathershaw 2008; Duffield 2001; Richmond 2005; 2008).

Creating a 'stable peace,' argues Williams (2006), has become an obsession of post-Cold War liberal democracies, often using military means and with destabilising consequences. Similar to Keen, Richmond insists, "One must take note of who describes peace, and how, as well as who constructs it, and why" (Richmond 2005:7, also 15). Richmond seeks to address the problem of the lack of "a research agenda that might clarify the contestation of the concept of peace" (Richmond 2005:6) at a macro-level, employing a genealogical approach. The dominance of liberal peace, through contemporary peacebuilding practice, embodies an idea of 'peace-as-governance', "propagated through an epistemic peacebuilding community, involving political, social, economic and even cultural intervention through external governance" (Richmond 2005:229).

This set of insights can be productively applied to a close-range unravelling of processes of ideational contestation during negotiated peacemaking. The pursuit of 'negative peace' between neatly distinguished armed 'proto-states' combined with a belief in, and promotion

¹⁹ The realist position is wary of intervention by states in the affairs of others, for reasons of either: consequences to international order; illegitimacy; or dangers of failure.

of, wider liberal constitutional transformation involves specific political actions that produce and reproduce the negotiations institution. This inquiry requires establishing clear theoretical foundations for ideational analysis that remains cognisant of the material dimensions of war and an analytical framework tailored to how specific ideas are contested by political agents in the politics of negotiated peace.

3. THEORY

This thesis pursues a detailed empirical investigation and analysis of near-contemporary events. It does not seek to make grand theoretical claims, but its theoretical underpinnings in social constructivism, historical method and policy discourse analysis require introduction. I draw upon conceptual insights from these theoretical approaches heuristically to assist me in observing more closely and systematically the political events and behaviours under study. “Theory is the servant of systematic empirical inquiry, rather than an end in itself” (Jenkins 2005:209), but it must also be sufficiently robust to serve such inquiry well.

We have seen that mainstream approaches for studying peace negotiations do not explore the ways in which negotiations are constructed and embedded within wider political processes. A range of political actors seek to influence what peace negotiations should be and what they should do because how peace is negotiated shapes the possible outcomes of negotiations. Negotiations aim to end war by means other than force, through political dialogue that assumes determinable ‘answers’ exist that are sufficient, at least, to convince those resorting to violence to stop so doing. Settlements are inscribed with agreed compromises, consensual undertakings and written guarantees. The practices and the

institution of negotiations thus enact language and ideas to frame and mediate social realities ascribed to ‘war’ and to ‘peace’.

To understand and explain better the politics of peace negotiations, my research thus proceeds from the premise that these politics are revealed by inquiry into how key ideational ‘components’ that constitute the institution of negotiated peacemaking and its practices are constructed in the first place and then contested discursively by different political actors within and beyond the negotiations. We must also ask how such contestations and the process of some ideas prevailing over others not only directs specific peace outcomes, but also shapes wider political behaviour and events through institutional processes and effects on political identities.

A premise that foregrounds ideational politics has evident connections to strands within social constructivism (in international studies) and constructivist institutionalism (in political studies), hereafter “constructivism”, which in turn usefully grounds and guides my epistemological approach. Constructivism begins from the ontological premise that social reality is ideational in nature, comprising social facts, which, as opposed to natural facts, are constructed through discursive human interactions. The interests and capabilities of political actors have a basic materiality – the need for sustenance or the capacity for physical violence, for example – but they are given significance and power through the ideas that define and constitute them (Wendt 1999; Ruggie 1998; Tannenwald 2005). Social institutions depend not only on environmental conditions and the rational pursuit by actors of their preferences, but on the understandings of these actors of what is of value in a wider context of meanings, including their views of other actors’ understandings.

Of importance here are the epistemological consequences of a constructivist ontological commitment in terms of the types of questions pursued, the kinds of evidence admitted and

theoretical justifications as to what, as well as how, findings can be drawn from this evidence. We saw in conflict management scholarship that what questions are asked and what constitutes evidence towards answering them matters greatly to what is and is not brought into view. Game theoretic modelling and large-*n* dataset regressions on optimal peace settlements seek predictability and generalisability, and so in defining and gathering evidence they aim to reduce complex social reality to less variables rather than more, and only variables for which actual or proxy data can be imputed or collected.

A constructivist approach, by contrast, admits complexity and contingency and thus directs inquiry far beyond the negotiating table both in time and space. It directs research to better understand how peace was constructed in the particular way it was and why, by examining the manoeuvring of different political actors to shape the institution of negotiations to pursue their ideas of peace. In turn, this inquiry helps unravel how the process of contesting the negotiations institution's constitutive ideas influenced how actors' ideas and identities also changed, and influenced political actions beyond the institution.

Constructivist scholarship usefully identifies different types of ideas, ranging from the more *factual* (or cognitive) – such as shorthand descriptions and frames of political phenomena (historical events, the identities of political actors etc), cause-effect beliefs and policy prescriptions – to the more *normative* – such as ideologies, values, principled beliefs and world-views (Campbell 1998; Tannenwald 2005; Ruggie 1998; Schmidt 2008). Theorisation of the roles different types of ideas play, and the different modalities through which they have effects on actions and behaviours is another useful dimension of this scholarship. Constructivists also emphasise the structural and constitutive role ideas play, in defining the identities of political actors and political institutions, in giving meaning to

material conditions, and thereby in creating the “rules of the game” or “possibility-conditions for action” (Wendt 1999:135).

In examining the contested political processes during the IGAD negotiations, I utilise constructivist tools to account for interrelated types of ideas that together comprised the content of and strategy for ‘peace’ pursued by different actors, and their effects on the way interests were framed and power was constituted and deployed. For western peacemakers, at a higher order level were ideologies, such as liberalism, and its correlates including ‘democratic peace.’ Also at a higher order level, were (often conflicting) principled beliefs such as a humanitarian imperative of ‘ending suffering,’ deference to state sovereignty and respecting war’s ‘balance of forces.’ Received cause-effect assumptions that drew upon outside ‘expertise’, such as the notion of ‘sequencing peace’ for Sudan’s interrelated conflicts by solving overt violence (securing ‘negative peace’) first before pursuing wider political (democratic) transformation, were particularly important for structuring subsequent policy decision-making.

One limitation of much constructivist thought is the overwhelming concern with large-scale societal relations and structural factors (Wendt 1999; Blyth 2002) and less with the close range agent-focused processes and dynamics of ideational contestation in particular situations (see Schmidt 2008; Hay 2004). Although institutions act as a structural constraint by delimiting the parameters of political choice, there is a danger of overemphasising structure and overlooking instances where political agency intentionally or unintentionally recasts and redesigns an institution (Hay 2008:61, fn 7).

Such conditions are especially evident when the institution is itself weakly structural and in the process of being created. Here, the ideas and practices it embodies are subject to dynamic (re-)formulation. The rules that define institutions, including rights of standing

and thresholds of participation, are liable to contestation to the advantage of some actors over others. Institutions may thus be seen as dynamic arenas of conflict, and their rules and constitutive ideas are “never neutral, but are instead part of a struggle between challengers and holders of power” (Rhodes, Binder, and Rockman 2008:xiv).

My research focus is on the specific discursive and material actions of key actors in seeking to shape the meaning of peace through, and sometimes in spite of, the constitutive ideas or ‘rules’ of a nascent peace negotiations institution. Much turns on how actors advance particular constructions of ideas central to the institution’s rules and practices in order to influence others’ behaviour. Bourdieu explains this as “the power to name”:

“By structuring the perception which social agents have of the social world, the act of naming helps to establish the structure of this world, and does so all the more significantly the more widely recognized, i.e. authorized. There is no social agent who does not aspire as far as his circumstances permit, to have the power to name and create the world through naming.” (Bourdieu 1991:105; cited in Mac Ginty 2006)

I supplement constructivist thought with analytical insights from discourse-based approaches that pay closer attention to how ideas are deployed and contested and influence behaviour at more agent-focused levels, and the consequences of this for the exercise and institutionalisation of political power. Schaffer’s theorisation of policy processes (Schaffer 1984) points usefully to the important implications of the definition of policy problems, depiction of data, selection of information and delineation of policy options, as well as to institutional influences. I am interested, as Snyder et al have put it in the field of foreign policy analysis, to attempt “the re-creation of the ‘world’ of the decision makers as they view it. The manner in which they define situations becomes another way of saying how [political actors] oriented to action and why” (Snyder, Bruck, and Sapin 2002:70). I seek to unravel the politics of how and why “of all the phenomena which *might* have been relevant, the actors (the decision makers) finally endow only *some* with significance” (ibid). I

examine processes of ideational contestation with an eye for how more powerful actors enabled some constructions to prevail and silenced others, and why these constructions were preferred.

In examining how such processes of construction have wider political effects, I draw upon strands in constructivism that pay close attention to how discursive constructions shape institutions and identities, and thus actor behaviours (Doty 1993; Schmidt 2008; Houghton 2007). Weldes and Saco argue that a discursive account “highlights relations of constitution by exposing the way in which a particular discourse ... both constrains and enables the production of particular understandings of [actor identities] and of the relations between them” (Weldes and Saco 1996:373).

This directs inquiry into “how meanings are produced and attached to various social subjects/objects, thus constituting particular interpretive dispositions which create certain possibilities and preclude others. What is explained is not *why* a particular outcome obtained, but rather *how* the subjects, objects, and interpretive dispositions were socially constructed such that certain practices were made possible” (Doty 1993:298). By privileging some identities and interests over others, this inter-subjective (or social and dialogical) production of meanings produces and reproduces power relations.

Despite foregrounding the power of ideas I do not stray too far from war and force. Actors seek to ensure their ideas prevail, both through force of argument and ‘conventional’ material force (or threat of force). Coercive power plays a clear role in the outcomes observed, but crucially it cannot explain everything. In the politics of negotiated peace, coercive power intermingles with ideas of legitimacy, which derive strength from persuasion and consent. Machiavelli’s image of power, adopted by Gramsci, “as a centaur: half man, half beast, a necessary combination of consent and coercion” (Cox 1993:52) is

apt. Persuasion may involve submission, consent may be neither wholly informed nor active, and threats of coercion may play a background role in extracting either of them.

Nevertheless, political strategies aimed at persuading and securing consent inevitably deploy discursive and ideational means. How political actors represent or depict social reality in public statements matters because such statements about reality ‘out there’ relate to how they justify or legitimate to others their responses to that reality. Political actors recognise the power of legitimacy, lending the use of ideas and constructions to the ends of political strategy, which in turn enables and constrains possible actions.²⁰ Use of ideas must work within the constraints of how legitimacy is contested: from the more factual claims to truth to more moral justifications of appropriateness.

Controlling the agenda of decision-making is one powerful dimension of political strategy involving institutionalising certain ideas and justifying their legitimacy. When a political actor creates or reinforces “social and political values and institutional practices that limit the scope of the political process to public consideration of only those issues which are comparatively innocuous [in that actor’s view]” (Bachrach and Baratz 1962:87) they are exerting political power through institutional means to regulate ‘legitimate’ political action.

In turn, political struggle and resistance involve ideational tactics, as well as tactics employing the material and symbolic capacities of violence, in the production of knowledge truths that subvert those being asserted by dominant power. Efforts to shape the institution and practices of peace negotiations in favour of a particular political agenda involve active political struggles, and we must ask how such agendas are controlled and how attempts to control them are resisted, and what the effects of these contestations are.

²⁰ See, for example, insightful discussions on the use of force in international affairs: Wheeler (2000:4-7); Walzer (2000); Finnemore (2003).

Narrative constructions of Sudan's wars and socio-historical reality will be shown to be key sites of contestation and claims to 'truth', and thus to legitimate bases for action. Discursive contestations of ideas of Sudan's 'problem' were important because they justified certain 'solutions': specific peace objectives, efficacious policy options and the parameters for the nature and type of peacemaking institution required to deliver them.

4. DEFINITIONS AND ANALYTICAL SCHEMA

In this section, I draw upon the foregoing theoretical discussion to elaborate an analytical schema for studying the politics of peace negotiations. I propose an approach focused on unravelling the politics of how the negotiations institution is constructed and its constitutive ideas are contested. My analytical schema also serves a direct methodological role by directing the identification, gathering and reading of evidence.

I examine how different political actors sought to influence the constitutive ideas of Sudan's peace negotiations, how they interpreted the actions and intentions of other actors similarly intent on influencing negotiated peace, and how the particular negotiations institution which was constructed then constrained and enabled the subsequent behaviour of these actors. Such inquiries help us to understand and also explain why these actors behaved as they did, and why important political developments in Sudan occurred during the negotiations.

What then are the 'constitutive ideas of peace negotiations'? First, I employ definitions of 'war' and 'peace negotiations' to serve as a basis for elaborating an analytical schema. My definition of 'war' captures how war's protagonists characterise the reasons for and purpose of violence, whatever their 'true' motivations. Definitions of war that derive from military strategy, capability and force relations are put to one side, not because they are wrong

(though they may indeed be problematic) as much as because they are presently unhelpful. Nor do I reduce belligerent motivation to purely rational self-interest (war defined by ‘greed’) or do I accept *a priori* political motivations as legitimate or genuinely held (war defined by ‘grievances’ or ‘justice’).

Kaldor’s proposed revision of Clausewitz’s well known definition of war – “an act of violence intended to compel our opponent to fulfil our will” – usefully accounts for how violence is depicted in political ways during war. “War,” Kaldor submits, is “an act of violence involving two or more organised groups *framed* in political terms” (emphasis added) (Kaldor 2010:274). Kaldor’s introduction of framing has an intention similar to her distinguishing “new wars” from old ones, namely the “growing illegitimacy of these wars and the need for a cosmopolitan response” (Kaldor 2006:3). I do not adopt her normative critique, but I share her concern when defining war to emphasise how violence is simultaneously represented and justified by adversaries in political terms.

War, understood in this way, is violent activity undertaken by political groups and aimed at competing ideas of peace. This peace may be unilaterally determined following victory (thus, the notion of ‘victor’s justice’ or even the ‘spoils of war’) or warring groups may negotiate and agree upon its meaning in terms sufficient to lay down their arms. Peace negotiations are a continuation of the framing of war as a political contestation of wills. They are war by other means.

My focus on ‘peace negotiations’ and not ‘peace’ is thus intentional. Defining ‘peace’ *a priori* involves a prescriptive and normative bias and is analytically problematic. Adopting a notion of peace tends to lead the research, rather than the other way around. ‘Peace’ is polyvalent and antonymic: it is capable of multiple meanings. Peace is value laden, complexly constituted and has taken irreconcilable meanings throughout human history

(Richmond 2005; Mac Ginty 2006); it can be usefully understood as an “essentially contested concept” (Gallie 1956; 1964). In ancient Egypt, to be at peace pertained only to the domestic state of affairs, irrespective of external wars, similar to *Pax Romana* during Augustinian rule (Raaflaub 2007). This is in contrast to the interstate focus of the Peace of Westphalia and Kant’s liberal or perpetual peace (Kant 1939). The latter remain referent exemplars for realist and liberal traditions respectively. In contemporary peacemaking literature, peace is defined by what will endure as just (the maximalist pursuit of ‘positive peace’) or by what is just enough to end war (the minimalist tendency towards ‘negative peace’).

I define ‘peace negotiations’ as ‘*a temporary political institution constructed to end war by facilitating dialogue between political actors to agree mutually acceptable political compromises*’. Elements of this definition require explanation. Peace negotiations may be understood as a *political institution* in two senses. First, they resemble political institutions in the lay sense of a specific formal organisation that is mandated, equipped and resourced to carry out a mediation function. Secondly, in the sense employed in the social sciences, they are an increasingly common set of political practices, norms and rules that prescribe behaviour, delimit possible political activity and shape expectations at the end of contemporary armed conflict (Blondel 2008; Rhodes, Binder, and Rockman 2008). I use ‘institution’ in both senses, referring specifically to the IGAD peace negotiations institution in Sudan while also emphasising commonplace characteristics of contemporary peace negotiations.

The negotiations institution is conceived by those involved as *temporary* and time-bound given its specific purpose of ending war. It is conceived of as a short-lived necessity, a defining characteristic that actors may use to justify political choices, such as including

only major belligerents at the table. Peace negotiations are also socially *constructed*: the institution and its defining parameters are a product of practices and utterances, namely the behavioural interactions and inter-subjective understandings of political actors.

These defining qualities of temporality and social construction emphasise again that agency and contingency are central to understanding the politics of negotiated peace. The particular form of a peace negotiations institution is not determined *a priori*. It must be created, it could be or have been created differently, and processes of construction and reconstruction of the institution intermingle with the actual negotiations. The institution is what actors make it to be *and equally* what it makes actors do at any particular time. We must analyse what particular aspects of the institution are contingent upon such processes, how these processes develop and interact with the institution of negotiations and the political effects of these interactions. The evidentiary net must be cast wider than the institution itself and the substance of negotiations. Attention must be given, for example, to other counterfactual possibilities of institutional form that did not prevail, to dissent, contestation and excluded perspectives, and to the political consequences of each.

Finally, peace negotiations aim to settle upon *mutually acceptable political compromises*, usually documented in a written peace agreement. Such compromises may take multifarious forms, ranging from deals on technical aspects of a permanent ceasefire, such as decommissioning weapons and demobilising soldiers, to constitutional prescriptions on issues such as religion, the system of government and the distribution of power, wealth and territory.

The underlying premise of *negotiating* peace is that war – violent activity framed as political contestation – can be ended by dialogical political interactions and consensual mutual agreement. It is, on this premise, both possible and useful for conflicting parties to

discuss ways of resolving a defined set of issues because words recorded in writing might bring an end to war. The institution of negotiations must therefore represent key elements of the war in ways that will encourage a shift in the means of political action from violence to argumentative ideational politics.

What are the ideational components of a peace negotiations institution? Here, the ‘negotiating table’ is an apposite and heuristically effective metaphor. We begin by positing that an intrastate war is going on, involving overt organised group violence amidst other interconnected socio-political processes. This war is liable to continue, but instead now a ‘negotiating table’ is to be constructed with a view to ending this war. It will affect and be affected by the war as well as other socio-political processes. The negotiating table is purpose-driven, and it aims to simplify the complexity ‘out there’ in ways that sufficiently represent this reality yet guide an ordered, structured political process amenable to reaching political outcomes that bring an end to the violence.

Questions immediately arise about this negotiating table that pertain to its constitutive properties, for example: Who constructs the table? Who resources it? Under whose authority does it lie? Where will this table be located? Why this table, if different tables are available? What is the table’s stated purpose and who decides this? What rules govern table manners and conduct? Who will preside at the head of the table? Who will be allowed to sit around the table and who will not? What matters are ‘on the table’ for negotiation? Where, precisely, does the edge of the table lie, and how are those things that are ‘off the table’ decided? How, if at all, does the table change if the war and political context changes? Tracing in detail how such questions were answered in a specific case, when and by whom, as well as the political processes through which they were answered and their effects, allows for an understanding of the ‘negotiating table’ in its full perspective.

The heuristic of the negotiating table and the questions it raises guides me to identify five components for my analytical schema. Any peace negotiations institution is constituted by ideas unique and particular to it for: (1) *how to* [norms and rules of mediation behaviour; organizational components, such as sponsoring institution, mediator, international support, experts, observers] (2) *end a war through reaching political compromises* [the rendering of the war as a specific political problem with related possible solutions guided by normative ideas of ‘peace’: a ‘problem/solution nexus’ captured in the agenda for talks] (3) *between specific actors* [who is or is not to be included; how the political identity of actors included are depicted and constituted] (4) *who are resorting to violence* [the political naming of violence, and the framing of war] (5) *to achieve political ends* [the ascribing of political ideology or purpose to the warring parties].

The ways in which each of these components is constructed is highly determinative of the possible outcomes of negotiations, and thus of the ideational territory for what ‘peace’ may mean. The ideational components of the institution, taken together, also require sufficient logical coherence. For example, when Sudan’s war was defined as a ‘north-south war’ and the ‘southern problem’ was elaborated as first and foremost the need to ‘end the violence and civilian suffering in the south’, then it was deemed sufficient to include only the primary belligerents depicted as representing ‘the north’ and ‘the south’ respectively, and to strike a deal *between* ‘the north’ and ‘the south’ that, whatever their political ideologies and objectives, ended the war. This involved attributing to the SPLM/A the identity of ‘southern rebels’ pursuing southern objectives. Before negotiations even began, the negotiations institution’s ideational components had framed the political contest of wills that constituted the war, and the ideational possibilities of peace. Similarly, the Sudan government and western peacemakers benefited from naming the violence in Darfur as

‘local’, ‘inter-tribal’ and ‘between farmers and pastoralists’ because this obviated the need to address this violence within the IGAD institution.

The politics of negotiated peace involve contestations over the institution’s component ideas, and these contestations are thus inherently part of the making of ‘peace’. Researching the politics of negotiated peace involves analysing how the mediation’s institutional componentry is constructed, why particular contestations arise, and the effects of such contestation. The shift of struggle from the battlefield to the negotiating table occurs within these political processes. These ideational components of the negotiation institution form the analytical schema I employed in designing the case-study and in gathering, reading and analysing my evidence.

5. METHODOLOGY AND SOURCES

My analytical schema is centred upon the set of interrelated ideas that together constitute the institution of peace negotiations and the ‘making’ of peace. My research focus was therefore on how these ideational components of negotiated peace are constructed and decided, how such construction is contested in political interactions, and how processes of construction and contestation shape, and are shaped by, politics beyond the negotiating table. This research framework placed heavy emphasis on detailed empirical investigation: on identifying elusive and hidden sources, and on gathering and interpreting difficult to obtain evidence on recent, politically sensitive events. A major methodological challenge, discussed below, concerned the clear tension between simultaneously recognising that such sources provided some perspective on historical events, and approaching them as constructions (Moore and Vaughan 1994:xxiv).

I was an “involved outsider” (Hermann 2001:79) insofar as prior to my research I had developed a personal interest in Sudan. I had worked in Sudan during the period under study and had enduring connections to people there that helped facilitate access. Equally, such prior involvement brought with it assumptions and prejudices. I had been dismayed by the lethargic response of external actors in responding to Khartoum’s brutal counter-insurgency in Darfur. I returned as a researcher to Sudan with a strong desire to get to the bottom of what had happened and why, such that while ‘making peace’ international actors avoided addressing escalating violence in Darfur.

In this section, I first explain the methodology that I employed to undertake this kind of historical analysis of near-contemporary events. I begin with a discussion of the boundaries drawn for my research and implications for the scope of the argument. I then elaborate my methodological approach and relate it to the organisation and structure of this thesis. A discussion of what constitutes evidence in my analysis follows, before I outline the ways in which I obtained and handled sources.

Three interrelated premises guide the boundaries of my research and their implications for how my findings and arguments are interpreted. First, a full account of what peace negotiations *do*, an account that goes beyond the narrower concern of the specific bargained deals, requires thick empirical description of what peace negotiations *are*. Second, what peace negotiations *are* consists in the political processes that construct, contest and reconstruct them as an institution and as practices. A description of what peace negotiations *are* must also include what they *are not* or *might have been* and must extend enquiry in space and time beyond and before the institution that finally prevailed. Third, these processes consist especially in the play of contested ideas and related political action. Peace negotiations are all the things that relevant political actors say and do in relation to them.

They are not what we reduce negotiations to be ‘really about’ based on predefined conceptualisations of what negotiations are meant to achieve.

Subsequent chapters bring to the fore salient ideational contestations about peace within and outside the negotiations institution that empirical fieldwork unearthed. This constructivist-oriented approach is inherently messier than parsimonious rationalist and behaviouralist ones in investigating and understanding political events. It relies on a “barefoot empiricist” approach combined with conceptual examination and “thick description” (Ruggie 1998:18). The concentrated research scope allows for detailed analysis, but my findings must be read in light of the events and actions that interest me. I do not seek to answer causation questions in the Humean sense, and I eschew any pretence of exhausting all the ‘variables’ in play to explain the predictability of what happened. Rather, I interrogate key episodes and themes to enhance our understanding of the politics of peace negotiations in Sudan and, only by so doing, help us to better explain why certain political outcomes occurred.

The ‘facts’ of what happened in Sudan during the fog of war-to-peace could only be ascertained to a degree, using textual and interview evidence, and it is thus heavily dependent on triangulation. My account is *an account*, an intervention in a recent and contested historiography where “validity is never demonstrated, only made more likely” (Bernard 1994:42). I sought to counter bias by giving special weight to textual and contemporaneous sources, employing direct quotations and use of multiple referencing *before* configuring my own account. I have not sought narrative coherence, rather to bring to the fore contending perspectives and analyse the significance of different accounts.

My evidence is drawn from a diverse range of primary documents (including letters, draft negotiating texts, peace agreements, actors’ personal notes) and interviews with political

actors and analysts. I also utilise others' published interviews with political actors, contemporaneous actor and event accounts in news sources, and secondary literature. I have taken an iterative approach to fieldwork and evidence gathering between 2005 and 2008, making best use of new material that came to light during this time. In total, I spent five months in Sudan, one in Kenya and approximately one month in the UK, France and the US conducting primary research.

Much of the evidence presented in this thesis is new, unpublished or missing from existing accounts. For example, some evidence was obtained under UK freedom of information legislation and from the private archives of Sudanese political organisations. Sources were interrogated critically to examine the implications of different actor descriptions and explanations of the same phenomena.

A major source of my evidence of the politics of Sudan's IGAD peace negotiations derives from interviews with political elites involved in and affected by these processes. "Researching the powerful" (Walford 1994) was chosen for its value in providing data otherwise unavailable in limited documentary evidence for contemporary historical research (Seldon 1988; Seldon and Pappworth 1983). Interviewees' selectivity, bias and exaggeration present a significant challenge when interviewing well-practised political elites (Berry 2002). However, following Richards (2004a:11), I disagree with the economist Paul Collier that discourse-based social science research on conflict is thus flawed and *only* behavioural econometric analysis is useful. The qualitative approach which Collier derides is not naïve, it is specifically concerned with *how* different untruths are told differently and for different reasons: it brings to the fore the political, and holds that the manner in which social actors legitimate and justify their actions is an integral part of the social fact of conflict and of negotiating peace.

I conducted semi-structured interviews with over 100 people over four years, including Government of Sudan and SPLM/A negotiators and senior officials, diplomats from the major peacemaking states, senior figures in major opposition political parties, representatives of international organisations and local and foreign non-governmental organisations, as well as analysts closely following political developments (see 'Interview sources' in Bibliography: includes only oral and written interview sources drawn upon). Interviews were recorded subject to consent. I offered to protect interviewee anonymity, which few interviewees sought. I attribute this to public interviews being a regular experience for political elites.

Interviews focused upon both unravelling specific events from the respondent's perspective, as well as gathering data on constructions of these events and of actors and their intentions. The former informed an iterative process of assembling a credible account, where interview data was examined against other sources (especially contemporaneous accounts contained in third-party written sources). Data on constructions was vital for examining perceptions and discursive contestations.

The range of primary textual sources of evidence relied upon in this thesis is diverse, including: published records (press releases, parliamentary debates, public reports); and unpublished documents (negotiating text drafts, letter archives, diplomatic cables, written personal notes). The quality and authenticity of written sources varies, and I have deployed an intuitively weighted approach, seeking to triangulate and rely upon them accordingly. For example, some press releases and records of agreements under Sudanese authorship were initially sourced from a third-party news website: <http://www.sudan.net>. I verified that relevant political groups did send press releases to this website and also checked specific content with interviewees wherever possible.

As with interview evidence, written sources provided both data on specific events and on actor constructions and representations. By adopting a critical perspective to reading these documents (Schaffer 1984), I have focused upon the implications of how policy problems were defined, how actors and events (both contemporary and historical) were depicted or omitted, and how discrete pieces of policy information are configured within wider institutional and strategic contexts. I especially looked for inconsistencies between different written and interview sources and possible authorial intent and biases, to examine what they revealed about contested constructions. For example, the IGAD mediator's authorised biographical account of the negotiations (Waihenya 2007) barely discussed the conflict in Darfur and spoke of a 'sudden' interest among other political parties to join the peace process after the Machakos Protocol. This flew in the face of my evidence (including evidence from my interview with Sumbeiywo), which in turn shed light on the partial account of peace negotiations that peacemakers sought to promote.

In developing my analytical account of events, I also drew heavily upon third-party verbatim quotes of primary actors (especially in media and analyst reports, but also in secondary sources). I systematically reviewed articles from newswires and news services, Sudanese (through translation services such as British Broadcasting Corporation (BBC) Monitoring) and international newspapers and *ad hoc* grey literature publications related to the periods covered by my research. This was an extensive exercise, including analysis of over 2,000 pages of newswire reports from major agencies (especially, Agence France-Press (AFP), Associated Press (AP), and the UN Integrated Regional Information Network (IRIN)). These provided rich contemporaneous evidence from which I could assemble parallel chronologies of different political developments and then interrogate interconnections between them. Mindful of over-reliance on these often hastily researched

and written reports, they are used mostly to configure event accounts, and less as sole independent sources of events. Moreover, they provided valuable verbatim quotations from actors recorded at the time, which proved extremely useful in my analysis of discourse, constructions and ideational strategies. My use of secondary research reports, especially by the likes of prominent ‘expert’ analysts with influence in policy circles such as those from International Crisis Group and Justice Africa, followed a similar approach.

One secondary source of note is the transcripts of interviews publicly available from the non-governmental United States Institute of Peace (USIP) “Oral Histories: The Sudan Experience Project”.²¹ An online source of scores of anonymous interviews conducted in 2006 by a contractor for USIP, the non-governmental Association for Diplomatic Studies and Training, it provided candid and highly valuable perspectives from primary actors involved in the IGAD negotiations, especially senior diplomats whom I was unable to interview. As an interviewee myself, and with my transcript also online, I was able to verify that the transcripts were indeed verbatim written accounts of recorded interviews, albeit with occasional transcription errors. Despite anonymity, with biographical details intentionally or unintentionally provided by interviewees during interviews, I was often able to research and identify the respondent. It was not intended that these transcripts be attributed but, being in the public domain, they were properly open to such examination.

A major empirical conclusion reached in this thesis – that Sudan’s peace negotiations exacerbated violence in Darfur and peacemakers turned a blind eye at a critical juncture – bears witness to the sensitivity of studies into ongoing conflict. Researching violent conflict is never benign: it is inherently political. What good purpose can therefore be served by

²¹ Available permanently at: <http://www.usip.org/resources/oral-histories-the-sudan-experience-project>.

such research? Some premium is clearly placed on ‘knowledge’, research that might ‘improve’ the quality of external interventions in violent conflict (Smyth and Robinson 2001:4). But there is a more pressing rationale, which concerns at its core the historical project as a critical inquiry that seeks to flush out truth, or a better approximation of truth, from its hiding places. When directed at recent, highly politicised and obscured events upon which contemporary political actors hang their credibility, such inquiry is manifestly difficult and sensitive, yet all the more necessary for this.

6. STRUCTURE OF THE ARGUMENT

I have already introduced the scope and research design of this thesis, what remains is to layout the structure of the argument in the chapters that follow. Chapter Two argues that the political processes of institutional design are central to how peace is contested, not merely by the belligerents, but by other domestic political actors and by peacemakers. Actors appreciate that prior to formal negotiations, the possible forms peace might take are delimited by the institution’s constitutive ideas. The chapter foregrounds the wider politics of negotiated peace by pivoting its analysis upon how and why Sudan’s northern opposition parties failed to ensure that IGAD’s peacemakers would include them. Western and IGAD peacemakers pursued a bilateral north-south peace process as pragmatically optimal for ending war, and they did this by depicting Sudan’s chief problem as the “southern war” and adopting the cause-effect idea that Sudan’s other concerns were separable from that war and best addressed sequentially.

Chapter Three moves forward chronologically to the breakthrough negotiations in mid-2002 that led to the Machakos Protocol, and narrows analytical focus upon the primary actors – the SPLM/A, the Sudanese government and the IGAD institution’s peacemakers.

The chapter argues that how key actors interpret differently negotiated ‘compromises’ may reflect deeper discord over the institution’s constitutive ideas and efforts to reshape them. Critiquing predominant accounts of this ‘watershed’ accord, the analysis argues that what was not fully or finally agreed – namely Sudan’s constitutional structures of government – was centrally important to what allowed the Protocol to be agreed yet also to the political discord that followed soon afterwards. The chapter augments my analytical schema to demonstrate that how a political actor’s identity and purpose is interpreted and constituted within the negotiations institution is an important component in the institutional production of ‘peace’. The chapter focuses on the SPLM/A leadership’s longstanding uncompromising stance on its identity as a national liberation movement pursuing its ‘New Sudan’ vision of national political change, despite the IGAD institution’s focus on ending the ‘southern war’ prosecuted by the ‘southern opposition’.

Chapter Four examines the politics of negotiating within the margins of a ‘north-south’ accord, focusing on one of the ‘Three Areas’: the Nuba Mountains region in Southern Kordofan state. The chapter argues that by attending to liminal cases such as the Nuba issue, including by examining the experience of local political actors, one is able to analyse how the peacemaking institution’s constitutive ideas are delineated, how such ideational boundaries are contested, and with what effects. Whether an issue, political group, or region is ‘on’ the negotiating table is at stake, and even then, how an issue, group or region is depicted and constituted within the parameters of peacemaking is subject to complex political contestations that sharpen experiences of ambivalence and polarisation for local political groups. For the SPLM/A, addressing the Nuba issue lay at the heart of its enduring New Sudan objectives for national liberation, and its manoeuvrings coincided with its interventions to support rebellion in Darfur.

Chapters Five and Six examine how war in Darfur mattered to the peace finally agreed in IGAD, and how the SPLM/A in particular took advantage of Khartoum and peacemakers' difficulties in negotiating their way through the issue of resurgent violence in northern Sudan while they sought a peace to end the 'southern war'. Chapter Five reappraises the predominant accounts of conflict in Darfur and the IGAD negotiations during the period 2001 to 2004 by situating the research inquiry neither wholly within Darfur's developing conflict nor within the IGAD negotiations, but in the political interactions in between. By focusing on the element of my analytical schema that posits a relationship between how political violence is named and given significance by different actors, and the relationship of this to contestations over other constitutive ideas of peace, this chapter argues that on close chronological examination the peace outcomes constructed within the IGAD institution and violence in Darfur were mutually constituting in specific and identifiable ways. The SPLM/A, which provided significant support to one Darfur rebel group, sought to portray the conflict as wholly resonant with its justifications for its 'New Sudan' programme.

In Chapter Six, I focus closer analytical attention upon the power of naming violence, and how such naming influences the political options that institutions allow for; it both enables and constrains political action. I argue that how Darfur's violence was characterised – and the meaning or intention attributed to it by the Sudanese government, Sudan's peacemakers and the SPLM/A – related fundamentally to contestations over 'peace' within the IGAD negotiations. Crucially, the IGAD negotiations institution and its peacemakers resisted openly acknowledging the interconnections between the SPLM/A and Darfur's rebellion, which directly challenged their prioritised and sequenced ideas for 'peace'. It did this in part by downplaying the severity of the situation and characterising the violence in Darfur

as local, mostly inter-tribal, and certainly not linked to the negotiations. I conclude the thesis by drawing together my arguments concerning both the politics of war and peacemaking in Sudan between the late 1990s and 2004, and an analytical approach to studying the institution of peace negotiations within the wider politics of contestations over 'peace'.

CHAPTER TWO

DESIGNS ON NEGOTIATED PEACE: SUDAN'S NORTHERN OPPOSITION AND THE PEACEMAKERS

“The shape of Sudan’s politics is almost completely controlled or governed by these agreements, made outside of Sudan.”

Dr Shafie Khidder Saeed, Secretary, Communist Party of Sudan, and Coordinator of the NDA-SPLM/A committee at the IGAD talks, June 2007²²

INTRODUCTION

From the mid-1990s, Sudan’s largely exiled northern opposition parties sought vigorously to influence the structure and approach of peacemaking in Sudan. Three issues were at stake: the choice of peacemakers and their mandate; the agreed ‘peace’ objective for negotiations, as depicted in its agenda that incorporated characterisations of Sudan’s ‘problem’ and required ‘solution’; and the political groups to be included in the negotiations. Insofar as the rejuvenated IGAD initiative prevailed as the negotiations forum in 2002, prioritising ending the ‘war in southern Sudan’ over addressing northern concerns, and excluding northern opposition parties from shaping the ‘Comprehensive’ Peace Agreement, the northern opposition’s efforts failed. The IGAD negotiations institution took its particular form due to the influence of dominant third-party peacemakers who resourced, shaped and led it. Peacemaking in Sudan was one means for neighbouring states and regional and international powers to pursue their interests. When the IGAD initiative – led formally by Kenya but steered heavily by the “Troika” of the US, the UK and Norway – won through over other initiatives in 2002, the institution incorporated specific ideas of

²² Interview, Khartoum, June 2007.

what 'peace' in Sudan should mean.

This chapter explores contested peacemaking politics during institution formation. I analyse how and why constitutive ideas of the negotiations institution took their particular form, and what effects this had within and beyond the institution. The chapter focuses upon the efforts of northern opposition parties to influence peacemakers during key episodes up to 2002. I also examine how various peacemakers sought to influence the choice of negotiating institution and its design. This perspective brings negotiated peace into focus as a political institution contested by and highly influential over a wider set of political actors than merely the primary belligerents or negotiating parties, who are the focus of mainstream conflict management scholarship.

Examining the politics of institution formation from the northern opposition perspective illuminates how it was possible that peacemakers excluded them. While the fact of exclusion of northern opposition parties has been raised in literature on the IGAD process,²³ there is little written that accounts for their perspectives on the manner in which this occurred, and with what effects. The chapter gives voice to the northern opposition through written and oral evidence gathered in fieldwork. Interviews were conducted with elites from all major northern opposition parties in 2007 and 2008. Their viewpoints were subjective and potentially revisionist, but how these were constructed illuminates northern opposition perceptions of peacemakers' agendas, and how they subsequently judged the final agreement and their political opportunities thereafter. Interview evidence also shed light on key events hitherto not accounted for, which I then corroborated or critiqued using

²³ See, for example: Young (2005b; 2007); Iyob and Khadiagala (2006); Carney (2007); Blaydes and De Maio (2010); Simmons and Dixon (2006b); Woodward (2004).

other interviews and documentary analysis (especially of letter archives and contemporaneous public statements).

Interrogation of the political actions of third-party peacemakers reveals how contestation between them occurred, both over institutional stewardship and over the meaning of peace in Sudan. Using textual and interview evidence, I show that far from merely facilitating a process towards peace, they played a key role in shaping an institution that in turn shaped wider Sudanese politics. I examine the manner in which the IGAD negotiations came to prevail over other initiatives, and its constitutive qualities as a political institution created by political actors pursuing political ends. Understanding the reasons why the institution and the particular ‘peace’ that it sought to make were so, and not otherwise, requires us to interrogate the politics of its creation, and what was ‘otherwise’ sought, including by other peacemakers.

Drawing upon my analytical schema, a range of idea types and their importance to understanding events are examined. The more factual idea types – such as frames, narrative constructs, and cause-effect prescriptions – are shown to be sites of contestation where between political actors are play out their differences over the agenda for negotiations. Received cause-effect ideas that drew upon ‘expertise’, such as western peacemakers’ idea of ‘sequencing peace’ by prioritising the ‘north-south war’, are identified as particularly important for resolving tensions between different normative goals and for rebutting complaints from those disenfranchised. Ideational contestation over ‘narrative constructions’ of Sudan’s wars and socio-historical reality are explored as critical to the institutional mandate for negotiated peace. Contestations over Sudan’s ‘problem’, for example, justify ‘solutions’: specific peace objectives, and parameters for the nature and type of peacemaking institution required to deliver them. I examine these processes with a

focus upon how more powerful actors enabled some narrative constructs and cause-effect ideas to prevail and silenced others, and how they shaped subsequent political developments.

The chapter proceeds as follows. Section 1 provides background to the northern opposition parties and Khartoum's tactical peace politics leading up to the rejuvenated IGAD peace negotiations. Sections 2 and 3 examine how contestation over peacemaking in the late 1990s occurred prior to the rejuvenated IGAD peace talks, focusing on how competing 'peacemakers' had different ideas for a peacemaking solution and how this influenced the political actions of the northern opposition parties. Sections 4, 5 and 6 examine in detail how and why the rejuvenated IGAD peace initiative finally prevailed in its particular form in 2002, and how the northern opposition was excluded. I conclude the chapter by reviewing the designations of constitutive ideas that were embedded within the rejuvenated IGAD institution ahead of the breakthrough Machakos negotiations in mid-2002, and by arguing, in advance of later chapters, some of the effects this had on subsequent political battle lines for contesting peace in Sudan within and outside of the institution.

1. BACKGROUND TO POLITICS IN NORTHERN SUDAN

This background section first introduces the main northern political groups examined in the chapter. I draw mostly upon secondary sources²⁴ and emphasise elements of particular contextual significance. Besides military regimes (1960-64; 1969-1971) and President Jafar Nimeri's one-party state of the Sudan Socialist Union (1971-85), the two sectarian political parties, the Umma Party and the Democratic Unionist Party (DUP),

²⁴ Important studies include: Woodward (1990; 1991); Niblock (1987); Bechtold (1976); Warburg (2003); Sidahmed (2005); Holt and Daly (2000: ch 13-15); El-Battahani (2002).

together with the National Islamic Front (NIF, earlier the Islamic Charter Front), dominated northern Sudan's politics after independence in 1956. As explained below, in the late-1990s the NIF evolved into the present National Congress, from which the Popular National Congress split in 2000.

Secular parties, notably the Sudan Communist Party (introduced here), and regionally focused parties (discussed in subsequent chapters) have also played important roles. All Sudanese parties have experienced splits and heavy factionalism. The brief introductions below address the mainstream of the northern opposition parties.

Umma Party

The Umma Party emerged in 1945 as a pro-independence political organisation of the *Ansar* Islamic movement, which comprised of followers of the 19th century messiah, the Mahdi, who predominate in western Sudan (Darfur and Northern Kordofan) and Gezira.²⁵ Frequently the most popular in post-independence democratic elections (1958, 1965, 1986, but not 1968) (El-Battahani 2002), it has been led for over four decades by Saddiq al-Mahdi. With 38 percent of the vote and 99 of 245 national assembly seats in Sudan's last freely contested elections prior to the IGAD negotiations (in 1986), the Umma Party formed a coalition government with the DUP and al-Mahdi became Prime Minister (El-Battahani 2002; cf Holt and Daly 2000:182). The Umma Party initially did little to pursue peace with the SPLM/A, instead arming ethnic militias against the SPLM/A (Johnson 2003:81-3). Following the DUP's agreement with the SPLM/A in November 1988, discussed below, the Umma-DUP coalition fell apart, and al-Mahdi accepted the NIF as a coalition partner. Under pressure from Sudan's military leaders, al-Mahdi belatedly ejected

²⁵ See especially: Holt (1979); Warburg (2003); and Umma Party History at <http://www.umma.org/02e.html>.

the NIF, joined again with the DUP and sought to make peace with the SPLM/A. He was thwarted by the NIF-orchestrated June 1989 coup. Subsequently, the party co-founded the opposition National Democratic Alliance. The small 500-strong Umma Liberation Army contributed briefly to the NDA's armed struggle in the late-1990s (Sidahmed and Sidahmed 2005).

Democratic Unionist Party (DUP)

The DUP co-founded the NDA and its leader was NDA chairman. Historically, the DUP drew considerable support from the *Khatmiyyah* sect, rivals to the *Ansar* and with close ties to Egypt. Its main precursor, the independence-era National Unionist Party, was secular and this intra-party complexity persisted thereafter. Led by Muhammad Osman al-Mirghani, the current *Imam* of the *Khatmiyyah*, the DUP won 63 of 245 national assembly seats and 24 percent of the vote in 1986 (El-Battahani 2002:261), and formed a coalition government with the Umma party. In November 1988 al-Mirghani and SPLM/A leader John Garang negotiated an accord in Addis Ababa linking a ceasefire to abolition of *shari'a* and a constitutional conference.²⁶ The DUP, strongly unionist, resisted southern self-determination.

Communist Party of Sudan

Formed in 1944, the Communist Party was prominent in the NDA in the 1990s.²⁷ Early on its members were a bridge between the sectarian parties and the SPLM/A. Its grassroots support has always been small, however its leadership comprises educated elites who have played an active role in post-independence politics. The party has been heavily persecuted,

²⁶ See Holt and Daly (2000:182-6). See also the then US ambassador to Sudan's account: Anderson (1999).

²⁷ See, especially: El-Battahani (2002); Niblock (1987). See also the official Sudan Communist Party newsletter website: www.miden.net.

including being banned in 1965 and subjected to a crackdown by President Nimeri following an attempted coup in 1971. The Communist Party won only three seats in the 1986 elections, despite popularity amongst Sudan's graduate electoral constituency (El-Battahani 2002). After the 1989 coup and the end of the Cold War, the party split and was weakened. Some members went underground and were prominent in the struggle inside Sudan that promoted an *intifada* to topple the NIF regime.

*National Democratic Alliance (NDA)*²⁸

Northern political leaders, who were arrested following the June 1989 coup and subsequent ban on political parties, formed the NDA in late October 1989 in Khartoum's Kober Prison (Sidahmed and Sidahmed 2005:63). The first signatories to the 1989 NDA charter were the Umma Party, the DUP and the Communist Party. Other parties, trade unions, and independent individuals soon joined. By the late 1990s, the NDA had a membership of close to twenty political parties and groups of political and civil society leaders, including the SPLM/A.

The SPLM/A signed an agreement with the NDA in March 1990 to seek to restore democracy in Sudan. A true partnership only developed following intensive consultations on major issues. In December 1994, the SPLM/A, DUP, Umma and former secular military leaders in the Sudan Allied Forces, signed a Declaration of Political Agreement in Asmara, which endorsed the "non-use of religion in politics,"²⁹ a multiracial, multiethnic and multicultural political system and, failing this, southerner's right of self-determination including a referendum on secession. This paved the way for wider endorsement and

²⁸ Lesch (1998) provides a detailed account of the NDA during the 1990s.

²⁹ Owing to DUP and Umma misgivings, the agreement explicitly refrained from using the word "secular."

elaboration at the June 1995 NDA Conference on Fundamental Issues (the “Asmara Declaration”), chaired by Garang (National Democratic Alliance 1995). The NDA agreed to southern self-determination to support Sudan’s “voluntary unity”, called for an all-party constitutional conference and endorsed a united struggle against the NIF. The SPLM/A’s “New Sudan Brigade” joined with smaller armed groups from the north and east under a united NDA military command. The NDA opened an eastern front against Khartoum from Eritrea and Ethiopia that remained active until the 2005 peace agreement.

The SPLM/A was both a leader of the NDA (SPLM/A Chairman John Garang was the NDA’s Commander-in-Chief and after 2000 Pagan Amoum, another senior SPLM figure, was Secretary-General) and in continuous negotiations with its northern opposition co-members. The Asmara Declaration was a strategically useful political stand between former adversaries now all out of power. It challenged both the NIF and southern secessionist groups opposed to Garang but as the political situation changed, the Alliance’s value to its members and external backers was tested.

Accommodating peace: the National Congress and Sudan’s politics in the late 1990s

Peacemaking in Sudan in the late 1990s sought to capitalise on a period of reform and accommodation by an embattled National Congress regime. Khartoum employed adeptly the maxim, “If we want things to stay as they are, things will have to change.”³⁰ This background section highlights peace negotiations as only one amongst many government tactics of accommodation and survival in the years leading up to the rejuvenated IGAD peace process. Sudan’s northern opposition largely rebuffed Khartoum’s overtures and instead strengthened their combative alliance with the SPLM/A and sought out external

³⁰ *The Leopard*, by Tomasi di Lampedusa (1961:40).

‘peacemakers’. The Umma Party lost hope for this strategy in late 1999, and its accord with the National Congress exemplified the dilemmas for opposition groups negotiating ‘peace’ with authoritarian state power.

After the June 1989 coup, all political parties were banned except for the National Islamic Front. Though the northern opposition organised and became increasingly active through the NDA, it was only after the 1995 Asmara Declaration and the creation of a joint military command with the SPLM/A that they achieved political and military gains against the Khartoum regime. Militarily, politically and economically on the back foot, by the mid-1990s the NIF was also isolated regionally and internationally. In 1995, Egypt officially recognised the NDA after it suspected the NIF’s involvement in the attempted assassination of President Hosni Mubarak in Addis Ababa. A hostile US Administration had designated Khartoum as a state sponsor of terrorism in 1993, and Sudan was engaged in proxy conflicts with three neighbours: Eritrea, Ethiopia and Uganda.

Beginning in 1996, the vulnerable NIF regime embarked upon a process of internal transformation and a strategy of ‘peace from within’ to accommodate forces opposed to it.³¹ Khartoum sought to weaken alliances between its northern and southern political opposition and to assuage regional and international concerns. From 1996 onwards, the NIF successfully concluded peace agreements with armed southern factions opposed to the John Garang-led SPLM/A, granting southerners the option to secede through a referendum on self-determination in four years (by April 2001). Southerners’ right of self-determination was then enshrined as law in Constitutional Decree 14 of 1997. In July 1997, facing military defeats inflicted by the SPLM/A as well as NDA forces in the east, Khartoum

³¹ See de Waal (2004a); Lesch (1998); Johnson (2003)

returned to the IGAD negotiations, reaffirming the IGAD's 1994 Declaration of Principles as 'one of many' bases for negotiation.³² Acceptance of the IGAD framework, which included only the SPLM/A as a negotiating counter-party, served to weaken the alliance between the SPLM/A and northern opposition parties in the NDA and challenged the latter's relevance to external peacemaking. Saddiq al-Mahdi argued the NIF were purely opportunistic, they had condemned the Asmara Declaration in 1995, yet then signed the Declaration of Principles in 1997 "because they were weak, out of necessity... Their whole idea of politics is pragmatic and Machiavellian – to stay in power."³³

In pursuit of a different 'peace' with northern opposition groups, Khartoum made legal and constitutional changes to allow a shift from military to civilian rule, opened up limited political space and conducted largely uncontested elections in 1996. Northern opposition groups responded to these political reforms differently, depending on their political stance and estimation of their prospects. As Khartoum moderated its politics, or purported to, they faced a choice to acquiesce and seek to make whatever gains possible, including purely self-interested ones, or to stand firm but risk being made irrelevant. Northern opposition parties in the then-ascendant NDA rebuffed the government's reforms as "Janus-faced" (National Democratic Alliance 1998a). Only small splinter factions of the Umma and DUP accepted Khartoum's terms.

The June 1998 constitution was strongly opposed inside and outside Sudan, as was the January 1999 law on the regulation of *Tawali* (political association), which allowed political parties to register for the first time since the 1989 coup. The NDA's spokesman, Farooq Abu Eisa, argued that the NIF merely sought to entrench its power, achieve

³² See Lesch (1998: 208); El-Affendi (2001).

³³ Interview, Khartoum, June 2007.

legitimacy and improve its image in the West (Warburg 2003:216). The *Tawali* law, for example, required registering parties to vouch for their fidelity to the tenets of the 1989 'National Salvation' regime, including *shari'a*.³⁴ The NDA also rejected a subsequent February 2000 law that permitted political parties to exist without this requirement but then precluded them from participating in elections (Al-Mirghani 2000).

Yet, as proved by the Umma Party's clandestine meeting with President Bashir in Djibouti in November 1999 and subsequent "Homeland Calling" agreement, Khartoum's reforms served to undermine solidarity within the NDA. Only months before, al-Mahdi had ridiculed these reforms as "not more than a symbolic pluralism under the umbrella of oppression laws in a police state hostile to human rights and basic freedom" (al-Mahdi 1999a). Al-Mahdi's accusation that the NIF were "pragmatic and Machiavellian" appeared equally applicable to him.

The reforms also strengthened the NIF, which refashioned itself as the "National Congress" party, during a period of internal crisis. The NIF ideologue Hassan al-Turabi had sought to wrest control from other loci of power, notably the military and President Bashir, wagering that this could be achieved under civilian rule. Al-Mahdi had secretly met Turabi in Geneva in May 1999; the two discussed fundamentals for a return to multi-party politics, which would have disempowered Bashir. Just as this pact threatened Bashir and gave Turabi succour to pursue his objectives within the National Congress, the Umma Party's November 1999 pact with Bashir provided ballast for the latter's dismissal of Turabi, dissolution of parliament and declaration of a state of emergency.

³⁴ In 1999, the UN Special Rapporteur on human rights in Sudan wrote critically: "[T]he provision requires that all political organizations must agree to adhere to the ideology of the ruling party in order to be registered" (Hussein 2000:para 28).

The Umma Party's actions reflected weakness in the northern opposition unity, which subsequently reduced their influence in the rejuvenated IGAD peace negotiations. The majority of northern opposition groups, however, held off submitting to unreliable internal conciliatory political processes that required submission to Khartoum's control and ideological standpoints. They expected more comprehensive and reliable gains through confrontational ones, including through a favourable 'external' political space backed by peacemakers. When, in mid-1999, Libya's President Gaddafi sought to persuade al-Mirghani to return to Khartoum, the DUP leader and NDA chairman recalled replying, "We do not want to go to Khartoum to have a quarrel there" (BBC Monitoring 2004). Instead, he recalled urging Tripoli to join Cairo and mediate a political settlement. This request arose when northern opposition parties had failed to influence and access the existing regional peace initiative led by IGAD.

2. IGAD PEACEMAKING BEFORE 2001: THE NORTHERN OPPOSITION FAILS TO MATTER TO PEACE

My analytical schema proposes that the nexus between ideas of 'peace', and characterisations of the conflict 'problem' and its required 'solution', lie at the heart of ideational contestations to shape the peacemaking institution. The history of such contestations examined in this section allows me, throughout the thesis, to better explain the political interactions of IGAD peacemaking with northern Sudan's politics between 2001 and 2004. I examine how IGAD's peacemakers increasingly chose to direct policy towards solving the conflict in 'southern Sudan', and what motivated them, such that northern opposition groups were deemed to have little claim for contesting the meaning of 'peace' within the negotiations. The NDA had some support from Washington, but this was

on the basis of its instrumental value in containing the Khartoum regime. This support waned leading up to 2001 as peacemaking required re-engagement with Khartoum.

Participation in the IGAD Sudan peace initiative, when created in 1993 at Khartoum's request, was limited to the Government of Sudan and the SPLM/A (at that time, two factions).³⁵ From around 1996 onwards, the NDA regularly pressed the four IGAD member states on the Sudan Peace Committee (Kenya, Uganda, Eritrea and Ethiopia) and its western backers in the IGAD Partners Forum (IPF)³⁶ to reconceive the initiative and to include the NDA. The arguments they made reflected different claims to legitimacy for their inclusion, based upon what they considered were the underlying notions of 'peace' that mattered to peacemakers. They focused upon their relevance to achieving 'negative peace', but they also invoked notions of democratic legitimacy and sought to persuade IGAD peacemakers that Sudan's problem was national and indivisible, with a partial solution liable to produce new conflict.

2.a Make or break? Western peacemakers' different ideas of peace

As the IGAD Sudan peace initiative became more institutionalised in the late 1990s, its western political and financial backers in the IGAD Partners Forum played a decisive role. With IGAD Member States either unable or unwilling to support northern opposition concerns regarding the initiative (see next section), influencing the IPF was important. In this section I explain how European and American approaches to peace in Sudan in the late 1990s were at odds. Western ideas of peace in Sudan had real effects on the possible

³⁵ See El-Affendi (2001), Lesch (1998) and van Baarsen (2000).

³⁶ The IGAD Partners Forum was created in 1996 to support the IGAD regional organisation. The earlier 'Friends of IGAD' (established in 1995 to support IGAD's Sudan peace initiative) was made a sub-committee and renamed "IGAD Partners Committee for Support to Peace in the Sudan." It was initially co-chaired by The Netherlands and Italy. By 1998, Norway had replaced The Netherlands and the IPF had twenty-odd members. Its core members were The Netherlands, Italy, Norway, UK, France, Germany, Canada and the US.

contours IGAD's peacemaking. This in turn influenced competing peace initiatives and northern opposition resentment towards IGAD peacemaking between 2001 and 2004. Policy differences and changes among the IPF were dependent on ideas of peace and constructions of Sudan's politics.

In the late 1990s, the United States supported the NDA as the rightful government of the Sudan, but only as the corollary of its strident opposition to the regime in Khartoum. Washington identified Khartoum as a 'state sponsor of terrorism' in 1993, withdrew its Ambassador in early 1996, and in 1997 imposed comprehensive economic sanctions and supported Sudan's 'Frontline State' enemies – Uganda, Eritrea and Ethiopia – with US\$20 million of so-called 'non-lethal' military aid. In July 1998, then Assistant Secretary of State Susan Rice described Sudan to the US Congress as "the only state in sub-Saharan Africa that poses a direct threat to US national security interests" (Rice 1998). A month later, the US bombed the Al-Shifa pharmaceutical factory in Khartoum, erroneously identifying it as a 'terrorist' target following the US embassy bombings in Kenya and Tanzania. The last US ambassador to Sudan later reflected in the *Los Angeles Times* that Washington's agenda during this period was to bring on the regime's collapse (Silverstein 2005).

In mid-1997 the US State Department promised organisational support to the NDA. In December 1997, Secretary of State Madeleine Albright directly engaged NDA and SPLM/A leaders in Kampala, Uganda. After noting Washington was "consulting closely with leaders in the region to isolate the Sudanese regime and contain its ability to support terrorism and destabilise its neighbours," she described the NDA as "trying to lay a groundwork for a new Sudan, in which people of all faiths and cultures could focus on building their country" (Myers 1999). A US official speaking anonymously told the

Washington Post that the meeting was a “demonstration of support for a [future] regime” that would not support terrorism (de Waal 2004a: 220).

In December 1998, in response to a senior US delegation’s enquiry regarding what assistance they expected from Washington, the NDA requested further sanctions, “urgent financial and other material support to strengthen its war against the terrorist regime in the Sudan” and aid to “liberated” areas (National Democratic Alliance 1998a). Humanitarian aid to NDA-controlled areas in eastern Sudan (via Eritrea and without Khartoum’s approval) was promised with the aim of bolstering the NDA’s legitimacy and viability (US Department of State 1999). NDA interviewees denied any military assistance from the US but emphasised that Washington provided moral and financial support for the NDA to represent itself internationally.³⁷

In contrast, by 1998 European countries increasingly considered Khartoum’s reformist turn and its acceptance of the IGAD negotiating principles as a basis for ‘constructive engagement’ and rebuilding diplomatic relations. European engagement with Khartoum was consistent with a principled belief in a less interventionist approach, but also reflected a more sober assessment of prospects for ending the war. Growing European commercial interests in Sudan’s nascent oil industry also encouraged reconciling with Khartoum. A leading American figure on Sudan, Roger Winter, later admonished European lack of “political will” on Sudan exacerbated by the “craven dash” of their oil companies (Winter 2001). European countries were in turn critical of the US approach. In October 1996 the Dutch Development Minister and IPF founder and co-chair, Jan Pronk, expressed his disapproval to the Clinton Administration for its “preference for opening a second rebel

³⁷ Shafie Khidder, Khartoum, June 2007; Ali Mahmoud Hassanein, Khartoum, June 2007; Farooq Abu Eisa, Khartoum, September 2008.

front in eastern Sudan” and in April 1997 he again reportedly pressed the US to “alter its attitude *vis-à-vis* the warring parties” (van Baarsen 2000:58).

Changes in European ‘attitudes’ may have had commercial and pragmatic motivations, but the policy shift entailed changes in constructions of Sudan’s politics and ideas of peace. These constructions influenced the course of IGAD peacemaking, to the detriment of the northern opposition. In 1995, the IGAD Partners Forum had emphasised neutrality and “comprehensive peace in Sudan” as a peacemaking objective (in line with the Declaration of Principles) and was not in favour of Southern secession. In an archival study of Dutch government documents on Sudan when it co-chaired the IPF, van Baarsen assessed that by 1998 it had abandoned this position and accepted southern secession as a possibility “if this would end civil war” (van Baarsen 2000:59).

This policy shift required framing the conflict differently. In June 1998 – just before Khartoum’s strongly opposed new constitution came into force – the IGAD Partners Forum’s Sudan Committee proposed a plan for peace that prioritised “settlement of the *Southern problem* under IGAD auspices” by allowing for Southern secession.³⁸ The US, whose antagonism toward Khartoum peaked with the *Al-Shifa* bombings months later, dissented.³⁹ This IPF plan adjusted to developments during the July 1997 and May 1998 rounds of negotiations in Nairobi, when Khartoum reaffirmed the Declaration of Principles and then accepted southern self-determination. The IPF approach, however, looked past the many differences between the parties, and proposed an immediate ceasefire, an unspecified

³⁸ See Africa Confidential (1998) and van Baarsen (2000).

³⁹ The UK straddled a characteristic middle ground. London supported the new IPF approach yet had withdrawn its diplomatic staff and then aided the US missile attacks. In 1999, Prime Minister Blair defended the attacks as the “right... clear signal” of a willingness to retaliate to “those who engage in international terrorism”: United Kingdom House of Commons (1999). Van Baarsen (2000:58) places the UK and the US in one camp during this period.

interim period and a referendum in the south defined by Colonial boundaries at independence on 1 January 1956 (the '1.1.56' borders).

Adopting this north-south construction and anxious for a peace deal, European countries were far less supportive than the US of the NDA's desired involvement in the IGAD process. The IPF plan deferred the issue of political pluralism in the north and recommended IGAD should not open "formal relations" with the NDA (Africa Confidential 1998). This was angrily contested by northern opposition groups but was, unsurprisingly, welcomed by Khartoum.

The delineation of Sudan's "Southern problem" as separate from northern or national issues was a key construction, and hence justification, for the IGAD Partners Forum's shift from pursuing "comprehensive peace". The southern emphasis was reflected in European support for Khartoum in international circles. In April 1999, and subsequently in 2000, European-drafted resolutions on Sudan at the UN Commission on Human Rights (1999; 2000; cf1998) watered down previous criticisms, welcomed Khartoum's "expressed commitment to a process of democratization" and, importantly, now promoted IGAD's role in seeking "peaceful settlement of the conflict in *southern* Sudan" (emphasis added). In November 1999, the EU commenced a 'Critical Dialogue' with the National Congress, a formal diplomatic engagement on issues such as human rights, peace and counter-terrorism, with the aim of normalising relations.⁴⁰ European rapprochement strengthened Khartoum at the critical juncture of its internal split, just as did Saddiq al-Mahdi's pact with Bashir.

In the last years of the Clinton Administration, US antagonism towards Khartoum also ebbed, and Washington increased emphasis upon a negotiated settlement of the war.

⁴⁰ See Rone (2003: 674-79).

Having threatened to abort the IGAD process in March 1999 due to lack of progress (van Baarsen 2000:60), later that year Secretary of State Albright now stressed the US priority was to revitalise IGAD and President Clinton appointed a special envoy, Senator Harry Johnston, albeit Washington still sought to isolate Khartoum and press for “fundamental change” (US Department of State 1999).

The gradual shift in Washington’s position was motivated by changes in the situation on the ground, a recalculation of interests, as well as policy debates in Washington. One driving factor was Washington’s sober assessment of NDA prospects to achieve ‘fundamental change’ in Sudan. The SPLM/A and NDA proved unable to deliver decisive pressure on Khartoum, including during the National Congress’s internal crisis. The NDA continued to achieve some military successes, such as capturing Hamesh Koreib in Kassala state in mid-2000 and attacks elsewhere in eastern Sudan well into 2002, and it held its second major congress in the Eritrean port city of Massawa in October 2000. Yet the NDA’s vague “Massawa Declaration on the New Sudan” (National Democratic Alliance 2000c) showed limited progress in political organisation in the five years after the 1995 Asmara conference. Moreover, the government’s increasing military capacity on the back of new oil revenues was tilting the ‘balance of forces’ its way, which the defection of the Umma party from the NDA in 2000 only emphasised.

Another motivation came from belated US engagement on counter-terrorism which reduced the cogency of Washington’s isolationist stance. Despite Khartoum’s repeated failures since 1996 to entreat better US relations through offers of intelligence cooperation, including handing over Osama bin Laden to Saudi Arabia,⁴¹ renewed efforts in the wake of

⁴¹ See especially: Carney and Ijaz (2002); Rose (2002); Silverstein (2005). See also de Waal (2004a: 222-24).

the Turabi-Bashir split were met with the despatch of a CIA-FBI counter-terrorism team to Sudan in mid-2000.⁴²

These developments did not, however, immediately translate into altered peacemaking strategies, as this required a departure from established US constructions of the problem/solution nexus in Sudan. Washington was still 'seeing' Sudan differently to European states. A United States Institute of Peace (USIP) consultation in early 1999 advocated reinforcing the IGAD initiative and suggested, similarly to the IGAD Partners Forum that by "giving particular attention to the principle of self-determination for the South, the process might make more significant progress" (USIP 1999:1). However, contrary to the IPF plan, the USIP report concurred with the eminent Sudanese statesman Francis Deng's recommendation that the "NDA needs to be involved in the negotiations along with SPLA/SPLM, and the negotiations must address the most pressing needs for reform in the North" (USIP 1999:3).

John Prendergast, President Clinton's Africa director in his National Security Council, also advocated a "realistic", "humble" and "wary" rethink of US policy in the USIP consultation (USIP 1999:3). He prefigured key elements of, and contradictions in, the causal constructions underlying US policy thereafter. First, he urged an "immediate focus on [Southern] self-determination" to end the war and to force reforms in Khartoum to "make the option of unity more attractive". Yet, he warned that Southern self-determination "would be unlikely to end the war in the North and may well leave the current National Islamic Front (NIF) government in power and strengthened in Khartoum." He urged

⁴² See discussion in Morrison (2002).

Washington to engage with and politically assist the NDA “to develop a more credible alternative vision for the future of Sudan” (USIP 1999:3-4).

Analysts such as Woodward also considered the administration’s policy was still “pushing for NDA inclusion in the IGAD talks to ensure a comprehensive peace agreement and not simply a sharing of power between the government and the SPLA” (Woodward 2006b:108). In 2000, the US sought to rejuvenate the IGAD process by hosting a round of talks that would include the NDA. Even before Khartoum could reject the idea, Kenya as the lead IGAD state on the peace initiative blocked it (International Crisis Group 2002a:158).

Tension began to emerge between the US isolationist approach and the reform/change objectives and the modalities of peacemaking, which needed to legitimate and engage the National Congress. A ‘sticks and carrots’ engagement grew, which subsequently epitomised US policy under President Bush. With time, the NDA ‘stick’ was less central. A senior NDA figure, considered that US assistance to the Alliance thereafter was really “preparation for the negotiations. They knew the NDA military operations were never going to overthrow the regime”.⁴³ Even so, these negotiations would exclude the NDA. Sadiq al-Mahdi insisted the real beneficiary was the SPLM/A. Through US support to the NDA, Garang was “able to cut a figure in Europe and America that was [less] a rebel leader than a statesman-in-waiting”.⁴⁴

The foregoing analysis demonstrated that shifts in policies of IGAD’s western backers were motivated by assessments of interests and pragmatic options, but these policy shifts were enabled and constituted by ideas and constructions. These ideational factors designated

⁴³ Interview, Shafie Khidder, Khartoum, June 2007.

⁴⁴ Interview, Khartoum, June 2007.

Sudan's 'problem' and scope and content of 'peace'. In turn, due to the relative power of IGAD's western backers, they helped shape the peacemaking institution's constitutive ideas. For European states, the shift from "comprehensive peace in Sudan" to solving the "southern problem" was part of a constructive engagement strategy with Khartoum that blocked the relevance of northern opposition parties within IGAD's institutional scope. For the US, 'peace' required "fundamental change" in Khartoum: the northern and national alternative presented by the NDA was integral to such an idea in the same way as 'negotiated compromise' contradicted it. Interests, including counter-terrorism, and a realistic assessment of prospects, then shifted this strategy towards a 'south' focus, but changes in policy struggled with existing constructions and ideas, embodied in continuing relations with and support to the NDA.

2.b IGAD Member States – The Frontline 'Peacemakers' and Moi

The four IGAD mediating states – Ethiopia, Eritrea, Kenya and Uganda – each had their own interests in their neighbour's domestic politics and they pursued ideas of peace in Sudan suited to their foreign policy. The Declaration of Principles for negotiations that they prepared in 1993 reflected their preferences with its tilt towards the SPLM/A's "New Sudan" aspiration of a secular democratic country. After the talks broke down in 1994, Uganda, Ethiopia and Eritrea increased military support to the SPLM/A and urged all opposition forces to unite under the NDA banner. Ethiopia took a particularly hard line against Khartoum after the attempted assassination on Egyptian President Mubarak in Addis Ababa in 1995. Eritrea became an earnest champion of the NDA. With Ethiopia, Asmara suspected the NIF, their erstwhile backer, of supporting militant Islamists in their

territory.⁴⁵ The NDA grew in strength from the mid-1990s, but partly *because* the IGAD process was moribund and as a substitute for peacemaking to contain Khartoum. Later, the corollary of this, that a rejuvenated peace initiative would weaken the NDA, also proved true.

Soon after talks restarted in 1997, the 1998-2000 Ethio-Eritrean war limited these two countries' involvement in IGAD to the detriment of the NDA. By 2000, rapprochement between Khartoum and Addis Ababa had grown, partly because the Islamist threat dissipated and partly because Asmara was a common concern. Uganda, a strong supporter of the SPLM/A since Yoweri Museveni came to power, was overwhelmingly concerned with the south and countering Khartoum's support for the rebel Lord's Resistance Army, active in northern Uganda. Kenya, the most 'neutral' of Sudan's IGAD neighbours, led the IGAD initiative. Yet Kenya's geo-political perspective and interests also lay with southern Sudan and Nairobi discouraged the NDA's inclusion in the talks. The Declaration of Principles referred to resolving "the conflict in the Sudan" between the SPLM/A and the government; it did not mention geographies (IGAD 1994). Beyond the south, the SPLM/A fought the government in central and eastern Sudan, and even briefly in Darfur. However, Kenyan and Sudanese officials interviewed confirmed that in 1998, President Moi as Chairman of IGAD urged that the IGAD mandate only concerned the war in "southern Sudan."⁴⁶ This benefited Khartoum's efforts to block northern issues or groups from being included within the talks.

⁴⁵ Examined in detail in de Waal (2004a).

⁴⁶ Elijah Matipo, Kenya's Ambassador to Sudan: Interview, Khartoum, June 2007. Confirmed by Qutbi al-Mahdi, Khartoum's then chief negotiator: Interview, Khartoum, May 2007.

In August 2000, the Kenyan IGAD mediator Ambassador Daniel Mboya acquiesced to NDA demands for a meeting but before this occurred, Khartoum dispatched its lead negotiator to Nairobi who reportedly declared such a meeting would constitute an “act of war”⁴⁷ and they would abandon the talks and suspend humanitarian cooperation between the government, United Nations and the SPLM/A under ‘Operation Lifeline Sudan’. Mboya, instructed by Kenya’s Foreign Ministry, cancelled the NDA meeting.⁴⁸ Later, when Moi persuaded Bashir to revive talks in March 2001, their joint communiqué referred to “the IGAD initiative for peace in Southern Sudan” (el Hassan 2001b).

2.c Northern opposition attempts at influencing the IGAD peacemakers

Throughout this period, the northern opposition lobbied IGAD member states and IPF members, demanding that if IGAD was to remain the chosen forum it needed to reflect the wider crisis in Sudan and include the NDA in its strategy for solution. The situation, they urged, required IGAD to take a very different approach than envisaged by its Declaration of Principles (DOP) for negotiations in 1994. To understand how these efforts were made, I examine hitherto unanalysed primary sources (especially letters and press releases), to identify a range of ideas that the northern opposition employed in attempting to influence IGAD peacemakers and the design of the negotiations institution. These reflected the inherent contested nature of peace conceptually, but importantly also show how northern opposition sought to justify and characterise their demands to best suit the particular ideas of peace that they interpreted IGAD peacemakers held.

⁴⁷ Interview, John Young, Khartoum, May 2007. Young worked in IGAD’s Sudan Peace Secretariat during Ambassador Mboya’s tenure.

⁴⁸ See also: al-Mirghani (2000); Saeed (2000).

The northern opposition primarily argued that *if* peacemakers only entertained admitting armed actors because their dominant idea of ‘peace’ was to settle an ‘end-to-war’, then the NDA was militarily significant and a party to the conflict. Secondly, legitimacy and political rights were at stake in the ‘making’ of peace. The NDA was the legitimate representative of the Sudanese people and affected by the subject matter of peace negotiations. A third cause-effect argument rested on a type of truth claim that Sudan’s problems were national, indivisible and interrelated and required a comprehensive solution lest partial peace negotiations beget more conflict. A partial approach would strengthen the National Congress in the north (just as it was already dividing the NDA), contradicting the rationale for focusing only on the south as well as the prospects for southern self-determination.

The NDA urged that the IGAD initiative be “improved” in three ways: that Sudan’s Arab and Muslim “geographical and cultural neighbours,” be involved as peacemakers; that its agenda be extended to include national constitutional matters; and that it be inclusive of “all the parties to the conflict” (National Democratic Alliance 1998c; 1998a). These three demands represented three core constitutive ideas of the negotiations institution: the forum for negotiations and its mandate; the substantive elements of ‘peace’ and Sudan’s ‘problem’ at which a peacemaking ‘solution’ was aimed; and the Sudanese parties to be included in negotiations.

At the October-November 1997 round of IGAD talks in Nairobi, which followed closely the July meeting when Khartoum agreed to the DOP, the NDA sent a delegation to lobby for their inclusion (Lesch 1998:208). In a February 1998 letter to IPF ambassadors in Khartoum, northern opposition representatives of the NDA noted that they were “forced into armed struggle” not only by Khartoum’s policies but also “the IGAD group” which

“ignored all other forms of opposition as the talks were limited to combatants only” (National Democratic Alliance 1998b). At the March 1998 Leadership Council meeting in Asmara (National Democratic Alliance 1998d), and in the NDA’s Cairo Declaration of August 1998 (National Democratic Alliance 1998c), the NDA reaffirmed its support for IGAD but demanded that IGAD “address the Sudanese problem in a comprehensive manner.” The May 1998 round of IGAD talks failed to address NDA demands. A December 1998 NDA memorandum to the US envoy in Cairo criticised the IGAD initiative for leaving the fate of the South, and with this the country, “solely in the hands of two Sudanese parties, the NIF regime and the SPLM/A” (National Democratic Alliance 1998a). The SPLM/A, it added, “is a trusted member of the NDA. The underlying assumption that the NIF regime speaks for the rest of the country is illegitimate.”

The cogency of many of the northern opposition’s arguments was undermined by the subsequent contradictory positions of its members. The representations of Saddiq al-Mahdi’s Umma Party during the time of its pact with the National Congress and withdrawal from the NDA are particularly important in this regard. Although Saddiq al-Mahdi’s manoeuvres can be mostly understood as self-interested opportunism, his rhetoric before and after his defection suggest that changes in his self-interest were also due to the failure of his ideas for ‘peace’ to resonate with IGAD peacemakers, with the SPLM/A and with others in the NDA.

In a March 1999 letter to the Norwegian and Italian co-Chairs ahead of their IGAD Partners Forum meetings in Rome and Oslo, al-Mahdi urged that IGAD should be updated, arguing, “the current IGAD framework makes the destiny of the Sudan contingent upon the opinion of only two parties to the conflict,” and gives the National Congress in particular a “veto on [Sudan’s] destiny” (al-Mahdi 1999c). He concluded, “The crises in Sudan are so complex

and interrelated that any bilateral and/or partial agreements will not realize peace and stability.”

After the June 1999 IGAD peace talks failed to make progress, the Umma Party again called on IGAD member states and the IGAD Partners to arrange for an “all-party national constitutional conference” to secure peace (Umma Party 1999). As the National Congress could not fulfil the Declaration of Principles’ requirements for a united Sudan, Umma contended, it only backed self-determination to “consolidate its hold on the northern Sudan and enable it [sic] to the tribal differences within the southern Sudan for a future day of [reckoning].” Alternatively, the IGAD process, it feared, could end up dividing Sudan into “at least two hostile states led by two bitter enemies who will resume hostilities simply changing the legal character of the war.”

Later that year, while courting and being courted by Turabi and then Bashir, al-Mahdi prepared a “Road Map” for peace that reflected the NDA’s three demands and which was sent to all concerned in August, including IGAD, the IPF, Egypt and Libya (al-Mahdi 1999d). In October 1999, the Umma Party presented its NDA partners with a 14-page “Working Paper for a Comprehensive Political Agreement in Sudan” (al-Mahdi 1999f) and sent a letter containing key arguments therein to the IPF, who were meeting in Rome (al-Mahdi 1999e). Al-Mahdi also wrote to the recently appointed US special envoy Harry Johnston repeating previous demands:

“IGAD characterizes the civil war as a regional war. It seeks to solve ‘The Southern Problem’. It recognizes the National Islamic Front as sole spokesman for the North. It empowers Khartoum to dictate its terms for a United Sudan, when they are rejected, as expected, it concedes self-determination for the South ... This is a recipe for disaster, and even if it ends one war, it will saw [sic] the seeds of numerous wars in the near future.” (al-Mahdi 1999g)

He repeated the refrain that the “Sudan problem is national in nature and indivisible,” yet added that the NDA’s “continuous efforts for the last two years and a half to sound the

IGAD States, the IGAD Partners including the USA have produced no results” (al-Mahdi 1999g). Instead, he applauded the new and more inclusive Egyptian-Libyan peace initiative (discussed below), and urged the US to back it as part of a comprehensive approach.

Following his November 1999 pact with Bashir, al-Mahdi’s about-face from his previous trenchant derision towards the National Congress is striking. It indicates an unashamed instrumentalism in al-Mahdi’s construction of the political situation suited to his interests. In June 2000, al-Mahdi addressed Johnston’s visiting delegation and while cautious of Khartoum’s commitment to change, now declared that “nothing could be more absurd” than the failure of other northern opposition parties to “appreciate the difference between June 2000 and June 1995 as far as the Khartoum Regime is concerned” (al-Mahdi 2000b). In his party’s March 2001 “Clarion Call” (al-Mahdi 2001c) to the new Bush administration, al-Mahdi castigated the Clinton regime for, what he described to the new US envoy in October 2001 as “a policy of destabilization and support for the Sudanese party of armed resistance” despite –“theoretically”– Khartoum’s “corrective line of policy ... since 1997” (al-Mahdi 2001b). Yet in 1998 and 1999 his party (and its armed wing) had been part of this struggle.

Al-Mahdi’s shifts also reflect the failure of the NDA’s ideas to resonate or influence those of the IGAD peacemakers and to find expression within this external political institution. On this view, his actions were shaped by the failure of his representations in contestations over IGAD’s peacemaking. Instead, he staked out a new role between domestic and external political institutions, and supported Egyptian and Libyan peacemaking. In his letter to President-elect Bush in December 2000 (al-Mahdi 2000a), and in a similar letter to the EU in October 2000 (al-Mahdi 2000c), al-Mahdi promoted himself as a peacemaker, bridging the divide between a ‘reforming’ National Congress and its opposition. His pact

with Khartoum already shaky, and having abandoned the NDA, he sought to retain political relevance via this intermediary role throughout the negotiations.

For the NDA, al-Mahdi's defection, and subsequent contradictory and critical comments to peacemakers, was a major blow. It gave merit to the European approach of constructive engagement with Khartoum and further jeopardised waning US confidence in the NDA. Losing Sudan's erstwhile dominant political party materially weakened the NDA and undermined their arguments on the nature of the problem and requirements of negotiated peace. In May 1999, the Communist Party had pleaded, "Let our will unite to dismantle the NIF regime instead of dismantling the NDA" (Communist Party of Sudan 1999). The NDA rebuked Umma after its Djibouti accord with the National Congress, but failed to acknowledge its own underlying crisis. In March 2000, the NDA Leadership Council declared, "What is regrettable was that the stand of the leadership of the Umma Party came at a time when the NDA, more than ever, is able to well define its vision of the peaceful solution supported by the ... SPLM which stressed the necessity of the NDA's active participation in the IGAD initiative" (National Democratic Alliance 2000b).

The NDA held out in attempting to influence IGAD. After failing to meet the IGAD mediator in August 2000, the NDA nevertheless forwarded a memorandum to him repeating the central reasons for its inclusion in any talks (National Democratic Alliance 2000a). The NDA remained optimistic after discussing these matters with the IPF's Italian co-Chair in Nairobi that month (National Democratic Alliance 2000d). But the EU's 'Critical Dialogue' with the National Congress indicated the trajectory of western engagement. In 2001, the EU belatedly expanded the dialogue to include the NDA but the NDA responded angrily, "the EU letter [of invitation] presents the problem in the Sudan in

a partial manner as a conflict between the north and the south, fought in and limited to southern Sudan”.⁴⁹ A year later, a rejuvenated IGAD initiative would do much the same.

3. CONTESTING PEACE INITIATIVES

As the Kenyan-led IGAD process and its western backers failed to include the northern opposition and then stalled in 1999 and 2000, the northern opposition parties looked toward ‘peacemakers’ elsewhere in the region. They held hopes that other states with an interest in promoting their role in resolving Sudan’s problems might prevail with different designs on peacemaking. Between mid-1999 and mid-2003, no less than five distinct peace initiatives jostled with each other and interacted with Sudanese politics. In addition to the IGAD initiative, Eritrea, Nigeria and Libya with Egypt all sought to make a peace in Sudan that suited them.⁵⁰

This section supports three arguments on negotiated peacemaking central to my thesis. First, the different ideas of peace and peacemaking of these initiatives is contrasted with those dominating IGAD. This reinforces the contingent nature of political developments during the IGAD talks between 2001 and 2004: if the institution had been different, ‘peace’ might have been constructed differently with different political effects. Secondly, these initiatives demonstrate the atypical and ‘doubly liminal’ nature of negotiations as political institutions. They were external sites for Sudan’s *domestic* political contestations while at the same time attempts by foreign powers to shape Sudan’s ‘peace.’ Finally, owing to such political contestations, even when these initiatives moved little beyond mooted policy, they had real political effects on the ground. This is seen especially with the primary alternative

⁴⁹ Letter to EU Heads of Missions in Asmara, 3 May 2001: quoted in International Crisis Group (2002a:66).

⁵⁰ A brief South African peacemaking foray in 2003 is discussed in Chapter Five.

to IGAD, the Egyptian-Libyan Joint Initiative (ELJI). The ELJI, though it remained largely just an idea, promoted the IGAD peacemakers into renewed action, raised hopes among the northern opposition, contributed to the Umma Party's defection, and most importantly, undermined the SPLM/A alliance with northern opposition parties in the NDA.

3.a Eritrea and the NDA

The position of Eritrea, which with Ethiopia had led the drafting of the IGAD Declaration of Principles in the early 1990s and later actively championed the NDA, had important implications for the course of Sudan's politics between 1998 and 2004 yet is poorly accounted for in the literature. Eritrea's concern for any peace agreement to address its political interests in north-east Africa endured in spite of its own failed peace effort and, significantly, in spite of the rejuvenated IGAD effort and the watershed Machakos Protocol in June 2002. Notwithstanding that it had an envoy at the IGAD talks, Asmara maintained political and military support for the NDA, and later extended support to armed opposition groups in Darfur.⁵¹

From 1994 onwards, Eritrea's suspicion that Islamist groups on its soil were backed by Khartoum prompted its leaders to promise the NDA that Asmara would "selflessly double its support" for a "New Sudan free from suppression ... providing stability ... to the Horn of Africa" (National Democratic Alliance 1996). The NDA and northern opposition parties entreated Asmara to address their concerns regarding IGAD.⁵² However, by late 1999, on account of its war with Ethiopia, Asmara sought briefly to make peace with Khartoum and

⁵¹ See Chapter Five.

⁵² For example, Saddiq al-Mahdi's written appeal to Eritrea's President Aferwerki in February 1998: Al-Mahdi (1998).

reduced armed support for the NDA. By 2000, Asmara considered the IGAD process untenable.

In the middle of 2000, Asmara instigated its own initiative, based on the IGAD Declaration of Principles but apportioning power, significantly, between the government and the NDA (not only the SPLM/A). After hosting the NDA's second congress in Massawa in September 2000, Eritrea succeeded in organising the first meeting between DUP leader and NDA chairman al-Mirghani and President Bashir in Asmara. Al-Mirghani insisted President Aferwerki be present, and brought with him other senior NDA leaders (Africa Confidential 2000; see also Sidahmed and Sidahmed 2005:61). This denied Bashir a bilateral deal such as the one with Saddiq al-Mahdi a year prior, and reinforced the relevance of the alliance.

Khartoum grew wary of the Eritrean effort and in mid-2001 a senior National Congress figure, Nafie Ali Nafie, reportedly told the Eritrean government that its peace initiative was an insult and would be the National Congress' "death warrant" (International Crisis Group 2002a:165-6). The initiative lay dormant but in late 2002, after a tense NDA Leadership Council meeting in the wake of the Machakos Protocol, Asmara once again sought to mediate between the NDA and Khartoum. The US railed against NDA representatives for jeopardising IGAD at this critical juncture.⁵³ Soon after Asmara supported an NDA military advance in Sudan's east.

3.b Nigeria and Saddiq al-Mahdi

A similarly short-lived initiative was led by Nigeria in 2001, when Abuja's new civilian government under President Obasanjo was, like South Africa, seeking to reinforce its

⁵³ Interview with Farooq Abu Eisa, NDA spokesman, Khartoum, September 2008.

continental power status through peacemaking. Nigeria had previously hosted the failed Abuja peace talks in 1992 and 1993 (Wondu and Lesch 2000; Lesch 1998). Important for present purposes are the timing of the 2001 initiative – one month after Moi urged Bashir to support the “southern Sudan” IGAD initiative in March – and the concerted involvement of Sadiq al-Mahdi to shape it. Following a meeting with Obasanjo in Abuja, al-Mahdi promoted the Nigerian initiative in Khartoum. Nigeria would seek to create an ‘African Friends’ of IGAD that included itself, South Africa, Egypt and Libya, and would seek to host northern and southern reconciliation meetings (el Hassan 2001a). Al-Mahdi again criticised IGAD for “concentrating on the issue of cease-fire and overlooking the issue of governance in Sudan, and for limiting the chances of the northern opposition to participate in the peace talks” (BBC Monitoring 2001c).

Al-Mahdi arranged to meet John Garang in Abuja in May 2001 to chart a way forward. There, Garang gave al-Mahdi an unambiguous rebuke, with a subsequent SPLM/A statement stating that while Garang “welcomed any call for peace talks with the government, he did not see a need for an opposition group to mediate” (IRIN 2001d). Some analysts nevertheless considered Abuja’s initiative “the most promising peace initiative for some years” (Justice Africa 2001), given it combined aspects of IGAD’s initiative and the Egyptian-Libyan Joint Initiative. However, these latter more concerted initiatives dominated and Abuja failed to host planned talks in late 2001.

3.c The Egyptian-Libyan Joint Initiative (ELJI)

The IGAD initiative’s biggest competition came from Sudan’s northern Arab neighbours, Libya and Egypt. Cairo in particular had longstanding strategic interests against southern secession, notably to preserve preferential access to Nile waters and promote moderate Sudanese governance to ward off Islamist influence in its backyard. When international

support for southern self-determination mounted, Cairo joined Tripoli's efforts to advocate a different 'peace' than that of IGAD. In 1999, in the wake of IGAD talks in which Khartoum accepted southern self-determination in principle, Tripoli and Cairo proposed a peace plan subsequently known as the Egyptian-Libyan Joint Initiative (ELJI), which emphasised Sudan's unity. By muddying the peacemaking waters and omitting southern self-determination, the initiative suited Khartoum. Fundamental to the ELJI approach was a reconciliation of all Sudan's political groups through an all-party constitutional conference and a transitional government.

In sharp contrast to IGAD's ideas, the northern opposition parties were central to the ELJI's problem-solution conception. Al-Mahdi attested to the IGAD Partners Forum that its failure to heed northern opposition demands "pav[ed] the way for [the ELJI]" (Umma Party 2001). The northern opposition were instrumental in the ELJI's evolution and its design reflected their interests and opportunities. Many senior NDA leaders, such as al-Mirghani, Farooq Abu Eisa, and al-Mahdi for a time, were based in Cairo. DUP leader al-Mirghani claimed it was at his instigation that Gaddafi and Hosni Mubarak met in mid-1999 to create the joint initiative (BBC Monitoring 2004). The Umma party was ELJI's "most enthusiastic supporter," wrote al-Mahdi to President-elect Bush in December 2000 (al-Mahdi 2000a).

The relative merit and legitimacy of competing peacemaking institutions was a matter of perspective. Western analysts saw the ELJI as a "peace spoiler" (Woodward 2004:475; Woodward:126) that intended to "checkmate" IGAD on southern self-determination (CSIS 2001:8). Conversely, the NDA accepted the ELJI, it wrote to the IGAD mediator in August 2000, "because of its inclusiveness" (National Democratic Alliance 2000a). Al-Mahdi, in a letter to John Garang, explained, "We encouraged the Joint Egyptian-Libyan initiative as a necessary means to rectify the IGAD drawbacks and to complement it" (al-Mahdi 1999b).

The ELJI “surpassed” IGAD, al-Mahdi advised President-elect Bush, yet his predecessors sought “to kill the [ELJI] without providing any alternative forum for Comprehensive negotiations between the parties to the conflict in Sudan” (al-Mahdi 2000a).

The ELJI exemplifies how ideas for making peace, even ideas only mooted, materially affect politic events. Johnson rightly argues that the ELJI “helped not only to halt the IGAD process, but to split the NDA’s temporary unity” (Johnson 2003:176). Yet it was reservations with IGAD that motivated northern opposition parties to promote the ELJI. The NDA’s Leadership Council in its Tripoli Declaration of early August 1999 (National Democratic Alliance 1999a), reaffirmed in October 1999 in Cairo (National Democratic Alliance 1999c), endorsed the ELJI and urged it be merged with IGAD. However, the ELJI ran contrary to SPLM/A demands on self-determination, and the SPLM/A had strong reservations concerning the momentum shifting from IGAD to the ELJI. Umma Party and DUP support for the ELJI, in turn, undermined these parties’ acceptance of the NDA’s Asmara Declaration and IGAD’s Declaration of Principles, given both advocated southern self-determination.

In November 1999, ahead of another NDA Leadership Council meeting in Kampala, the SPLM/A forewarned, “We think the IGAD initiative should be given a chance in its own right, with no parallel initiative, while our partners in the NDA think it should be merged with the Libya-Egypt initiative, so there will be some difficult negotiations” (IRIN 1999). The SPLM/A convinced the NDA that IGAD should take precedence promising that the SPLM/A would seek NDA representation in IGAD to give “practical expression” to the ELJI within it (National Democratic Alliance 1999b). The Umma Party was unconvinced. In late December 1999, Saddiq al-Mahdi wrote to John Garang and cited the SPLM/A’s rejection of the ELJI and failure to push for NDA inclusion within IGAD as reasons for the

Umma Party's abandoning the NDA (al-Mahdi 1999b). "You were in the NDA, but not of the NDA" he chastened Garang, while hastily walking away from the NDA himself.

Despite valuing their opportunity to shape 'peace' through the ELJI, the other northern opposition parties in the NDA wavered, reaffirmed their commitment to the 1995 Asmara resolutions and deferred to their all-important partner, the SPLM/A. In March 2000, the NDA's Leadership Council again noted the SPLM/A's support for IGAD being inclusive of the Alliance (National Democratic Alliance 2000b). Yet in due course, the SPLM/A effectively jettisoned the Asmara Declaration and the NDA.⁵⁴

The competition between the IGAD and ELJI peace initiatives heated up in 2001. In early March 2001, as Moi sought to reinvigorate IGAD, al-Mahdi and al-Mirghani's "Appeal from Sudan" advocated reinvigorating the ELJI (Johnson 2003:218). Then, in June 2001, Egypt and Libya revived the ELJI initiative with a "Nine-Point Plan" focused on a unified transitional government. The first point was preservation of Sudan's unity. The relationship between religion and state, a key SPLM/A concern, did not feature. The revived ELJI was a reaction to Moi's efforts but also to a further shift in US policy towards prioritising southern self-determination. It also capitalised on the failed IGAD Nairobi Summit earlier that month. With contestation between regional peacemakers simmering, Moi complained to his counterparts in Tripoli and Cairo for not consulting him, and Kenya's Foreign Minister was reportedly "increasingly agitated" by Cairo and Tripoli's attempts "to undermine IGAD" (International Crisis Group 2002a:159).

⁵⁴ The SPLM/A demonstrated reluctance to include the northern opposition within IGAD. In 2001, it stated it rejected the ELJI because, "Negotiations were needed between the warring sides, not a reconciliation conference" (IRIN 2001d).

The NDA remained divided on the ELJI, just when IGAD was faltering. The June 2001 plan was welcomed by the Umma Party and the DUP but in a written reply to Cairo and Tripoli the NDA again made its acceptance subject to changes insisted upon by the SPLM/A: the ELJI must endorse non-exploitation of religion in politics, the right to self-determination and a new transitional constitution, and it must unify with IGAD (National Democratic Alliance 2001).

The SPLM/A subsequently stated that it “would not participate in any negotiation that would not consider the observations contained in the memorandum of the NDA” (BBC Monitoring 2001b; also AFP 2001c). The government “unconditionally” accepted the June 2001 plan and argued that the SPLM/A’s conditions (not the NDA’s) amounted to “rejecting peace” (AFP 2001b). This allowed Khartoum, without sacrificing anything else, to strengthen relations with its northern neighbours, undermine the faltering IGAD talks, and to reinforce the rift within the NDA.

In interviews, NDA and Umma Party leaders acknowledged ELJI was as structurally flawed as IGAD, addressing its regional backers’ concerns and, moreover, was too weak to succeed. Al-Mahdi reflected, “Although the Egyptians and Libyans did attempt to rectify the mistaken assumptions of IGAD, they came to be bogged down by their own mistaken assumptions. It was wishful thinking.”⁵⁵ Yet the ELJI was a game of wishful thinking that Umma and the NDA also promoted and indulged, even if largely to put pressure on IGAD peacemakers and the SPLM/A. Farooq Abu Eisa, a key NDA contact with Cairo, said that Egypt put “minimal effort” into the ELJI.⁵⁶ It was “just a political game,” Shafie Khidder

⁵⁵ Interview, Khartoum, June 2007.

⁵⁶ Interview, Khartoum, September 2008.

from the Communist Party recalled, “we were all involved, but we all knew it would not work.”⁵⁷

However wishful or weak, the effects of the ELJI on the northern opposition and their alliance with the SPLM/A were significant, beginning with its contribution to the Umma Party’s defection. The DUP’s Vice-President Ali Mahmoud Hassanein emphasised that they fully supported the ELJI but it was unacceptable to the SPLM/A, which offered the NDA “no room in the middle.”⁵⁸ Shafie Khidder recalled that the SPLM/A was completely against the ELJI: “We put a hell of a lot of pressure on them to accept it. We said, ‘Sudan is not just for you ...the [ELJI] will help with an inclusive approach’. They accepted it, but with conditions. This allowed the government to accept the ELJI and reject [the NDA position].”⁵⁹ Khidder added that some western peacemakers “were not happy too, because it might complicate the issue having too many parties involved.” Meanwhile, he believed, the Umma and DUP were undermining NDA solidarity by pressing for the ELJI independently. Amidst this futility and discord, the NDA’s Leadership Council remained preoccupied with the ELJI well into 2002, to the detriment of its engagement with IGAD’s rejuvenation.

4. DESIGNATING IGAD IN 2002: PEACEMAKERS DECIDE UPON BILATERAL ‘NORTH-SOUTH’ TALKS

Between early 2001 and mid-2002 the endgame regarding the designation of key constitutive elements of the peacemaking institution – forum, mandate, problem and solution strategy, and the parties to be admitted – was played out. By the time of the

⁵⁷ Interview, Khartoum, June 2007.

⁵⁸ Interview, Khartoum, May 2007.

⁵⁹ Interview, Khartoum, June 2007.

rejuvenated talks in Machakos in June 2002, northern opposition parties had gone from important, or at least useful, to any political resolution in Sudan in the eyes of many ‘peacemakers’ (the Clinton administration, Egypt and Libya, Eritrea, Nigeria, even Khartoum’s strategy of accommodation) to being seen by those leading the designated process – the ‘Troika’ of the US, UK and Norway together with Kenya – as an unnecessary complication for solving the prioritised ‘Southern problem’.

The primary reason was the ‘pragmatic’ Sudan policy adopted by the new Bush administration, which allowed Washington to forge a united peacemaking effort within the Troika. If Khartoum would genuinely engage with humanitarian and peacemaking efforts concerning the South and cooperate effectively on counter-terrorism, other objectives for reform in Sudan could be sequenced and deferred. The US would later push for democratic provisions in the negotiations, but in sharp contrast to Washington’s previous championing of the NDA, northern opposition parties’ concerns were now paid little more than polite notice. The UK too was dismissive of the northern opposition’s relevance to a peace deal and Norway’s focus lay with the South. A second key factor was a change in leadership of the IGAD Sudan Peace Secretariat from October 2001. The new mediator, Kenyan Army Chief of Staff Lieutenant-General Lazaro Sumbeiywo, brought with him ideas about his mandate, the Sudan ‘problem’ and the objectives of negotiated settlement that left no room for consideration of the concerns of the northern opposition parties.

This section shows how the decisions of dominant peacemakers, and not only those of the warring parties, were important for the deal reached in Machakos in mid-2002 (examined further in Chapter Three). As seen already, powerful peacemakers influence whether, and if so in what form and by whom, ‘peace’ could be negotiated. A range of ideational constructs constituted this ‘pragmatic’ turn and IGAD’s rejuvenation. By the time of the Machakos

negotiations, IGAD's peacemakers represented 'peace' and the political situation in Sudan in certain ways, and not in others. The predominant conception of 'peace' that arose under IGAD was an 'end-to-war' between 'north' and 'south'. Sumbeiywo strictly insisted that this was his institutional mandate and the Troika prioritised such an outcome, justifying it as a condition precedent to, and separable from, addressing other problems. These ideas specified the problem-solution nexus in IGAD and allowed for logical coherence between the scope of peacemaking and the approach taken: an unamended IGAD as the forum; a solution for 'peace' focused on the South; and bilateral talks between only Khartoum and the SPLM/A.

4.a Bush and a 'pragmatic' US policy on Sudan

The new Bush administration focused squarely on ending the war and peacemaking became the focus of US policy on Sudan. Political leadership, domestic lobby groups and policy consultations coalesced around ending the war in Southern Sudan, although they differed on the required level and nature of engagement with Khartoum. Counter-terrorism cooperation between Washington and the National Congress before and after the terrorist attacks of 11 September 2001 tilted the argument in Khartoum's favour. The thinking driving this new policy pragmatism and ensuring its coherence consisted of marked shifts in normative ideas, narrative political constructs and cause-effect ideas pertaining to 'peace'.

A seminal policy debate far from Sudan once again influenced US policy-makers, especially through constructions of the war and Sudan's 'problem', and through cause-effect beliefs of how peacemaking should work. The Center for Strategic and International Studies (CSIS) Task Force on US-Sudan Policy, launched in July 2000 to generate "pragmatic recommendations for the new administration," pre-empted policy development

with its February 2001 report, *U.S. Policy to End Sudan's War* (CSIS 2001:1). The Task Force included US officials central to the subsequent IGAD negotiations, including Walter Kansteiner III (Assistant Secretary of State for African Affairs), Jeff Millington (US Chargé d'Affaires in Khartoum during the IGAD talks), and Brian D'Silva (USAID official and acquaintance of John Garang). Francis Deng co-chaired the CSIS Task Force with Stephen Morrison, a former State department official and advocate of US rapprochement with Khartoum in exchange for counter-terrorism cooperation.

The report criticised Clinton's half-hearted containment policy that "ultimately played to Khartoum's advantage" (CSIS 2001:6) and recommended Bush instead "concentrate US policy on the single overriding objective of ending Sudan's war," hitherto a "distant secondary goal" (CSIS 2001:1). This required a "hard-nosed strategy based on diplomacy, a mix of inducements and punitive measures, and multilateral initiatives" (CSIS 2001:6). To overcome the impasse on religion and state it advocated a "One Sudan, Two Systems" formula based on a proposal by Francis Deng, allowing for autonomous political systems in the north and south during an interim period before a Southern referendum on self-determination. The report insisted that this "feasible, pragmatic interpretation of the Declaration of Principles" could nevertheless "give priority to a unified Sudan composed of two self-governing regions" (CSIS 2001:13). It suggested that the US build upon but jettison IGAD, and instead form and lead a nucleus of the UK, Norway, and key IGAD members to direct peace talks between Khartoum and the "southern opposition" (CSIS 2001:6, 13 and 14). The report added:

"A singular focus [on ending the war] will not, of course, solve all of Sudan's problems. Nor does it imply indifference to critical related concerns, such as the need for democratic governance in the north, including accommodation of marginalized northern groups, like the Nuba and Ingassana, who now fight alongside the southern armed opposition groups. *Only when the war has ended will genuine progress in these areas become possible.*" (emphasis added) (CSIS 2001:8)

The CSIS Task Force thus advocated a sequenced approach to solving Sudan's "related concerns," not merely as expedient but as the *only* way forward. Sequencing was an idea; a group of experts' construction of causation. In 1999, while also urging a focus on Southern self-determination in the US Institute of Peace consultation, the CSIS Task Force's co-chair Francis Deng had argued the exact opposite, echoing the concerns of northern opposition groups and showing a striking prescience towards the future actions of Darfuri rebel groups:

"The implication is that a peace settlement between the Government and the South will not necessarily bring peace to the country. Not only will the northern opposition parties continue their struggle for power against the NIF regime, but the non-Arabs too will continue to fight either for their own self-determination or for a new Sudan in which Arabism and its association with Islam will not provide bases for their marginalization or discrimination." (Deng 1999:7)

The CSIS report also employed selective ethno-regional compartmentalisation of Sudan's politics that suited its understanding of causality. For example, the CSIS passage cited reveals a dismembering of the SPLM/A as a "southern opposition" with the Nuba (from Southern Kordofan) and Ingassana (from Blue Nile) fighting "alongside" them. The SPLM/A's New Sudan Brigade fighting with the NDA in the east (previously with Washington's support) gets no mention. Neither the NDA, which Deng in 1999 had urged should join the IGAD process, nor any northern opposition party, is even named.

The report supplied a political strategy that complemented calls from wide-ranging domestic lobby groups for the Bush administration to end civilian suffering in the South.⁶⁰ The administration, in turn, raised Sudan's war as a foreign policy priority, and especially in humanitarian terms. In March 2001 the new Secretary of State, Colin Powell, testified to

⁶⁰ See, for example: International Crisis Group (2002a); Woodward (2006b:114-17). In January 2002, a senior US official commented, "Americans know about and care about Sudan more than they do any other country in Africa, and we need to respond to that" (Harman 2002b:7).

Congress, “There is perhaps no greater tragedy on the face of the Earth today than the tragedy that is unfolding in the Sudan” (Jelinek 2001). Khartoum was no longer, as in 1998, a “direct threat to [US] national security” requiring “fundamental change.”

In May 2001, Powell on a visit to Africa listed Sudan as one of two priority countries there and stated the US was “going to work hard to bring a ceasefire into effect” and would appoint an envoy to “reinvigorate IGAD” (IRIN 2001g). It was not until 5 September 2001 that Bush formally appointed former Missouri Senator and ordained Episcopal priest John Danforth as his Special Envoy on Sudan. ‘Saint Jack’, as he had been known in Washington, was tasked with advancing US policy on three fronts, the first of which was “to end the killing by reaching a just and lasting peace” (IRIN 2001b). The other two concerned humanitarian needs and counter-terrorism (within a fateful week the last objective required a separate team).

Danforth’s Missourian “Show me” pragmatism (IRIN 2001f) chimed with the urgency of humanitarian priorities set by Bush and US lobby groups and his proposals and subsequent diplomatic efforts were to significantly shape US policy. During his initial November 2001 mission to the region, Danforth set Khartoum and the SPLM/A four verifiable tasks to test the “climate for peace”: a humanitarian ceasefire in the Nuba Mountains; days of “tranquillity” for humanitarian activities in southern Sudan; an end to civilian targeting; and an end to civilian abductions (IRIN 2001e). Danforth held a press briefing on returning to Washington, where he noted, “My interest is in results, not the Reverend Jack shows up and begins passing out the morality grades.” “The morality to me is very simple, and that is end the suffering. End the killing. End the bombing. End the slave taking. End the fighting” (US Department of State 2001). There was a particular normative tilt: clear steps towards ending violence constituted a ‘climate for peace.’

One significant success followed surprisingly quickly: after a shaky ceasefire in November, in January 2002 Khartoum and the SPLM/A agreed an internationally monitored humanitarian ceasefire in the Nuba Mountains, brokered by US and Swiss diplomats in Bürgenstock, Switzerland (Government of Sudan and SPLM/Nuba 2002).⁶¹ The ceasefire was a timely indication that northern concerns could indeed be separated from the southern priority, and addressed outside of IGAD.

Cautiously optimistic that his tests evidenced a favourable ‘climate’ for the US to intervene to end the war, Danforth’s April 2002 report to President Bush acknowledged four substantive issues as stumbling blocks in the way of peace between Khartoum and the SPLM/A: oil revenue-sharing; self-determination; the relationship between religion and state; and governance. The option of secession as an expression of self-determination, Danforth advised, “would be strongly resisted by the Government of Sudan, and would be exceedingly difficult to achieve” (Danforth 2002:26). Danforth instead advocated internal and external guarantees that the government would “respect southerners’ religion and culture.” With this, he summarily cast aside the IGAD Declaration of Principles, the Asmara Declaration and Khartoum’s own undertakings in the 1997 peace agreements and 1998 Constitution.

Religion dominated Danforth’s conception of the conflict – “no single issue is more divisive” (Danforth 2002:26) – and was given extensive treatment. He explained: “A number of people told me that their sense of being persecuted involves race, ethnicity and culture, but it clearly involves religion” (Danforth 2002:29). Before visiting Sudan he had already emphasised a “clear religious dimension to the conflict” in a letter to Saddiq al-

⁶¹ See also Chapter Four.

Mahdi (Danforth 2001). A reporter's contemporaneous account of travelling with Danforth suggests his corroboration was partially inevitable: "Mr. Danforth ... *repeatedly* asked people about their religious background and their freedom to pray without interference" (emphasis added) (Lacey 2001). Religion was at the heart of the problem, but dividing Sudan's oil wealth was central to the solution. In sharp contrast, governance, central to northern opposition groups' conceptions of Sudan's problem, received only cursory treatment. Like the CSIS Taskforce rendering the NDA invisible, Danforth merely noted in passing the existence of numerous other "groupings" (Danforth 2002:30) in southern and northern Sudan besides the government and the SPLM/A and suggested, without saying how, that they should be engaged in any peace process. Danforth's position on self-determination, welcomed by Cairo, was resisted heavily by the SPLM/A and became part of the battles over draft negotiating texts leading up to the Machakos Protocol (examined in Chapter Four).

The Danforth report thus reinforced binary conceptions of the substantive issues requiring breakthrough to end the war. The axes of conflict were pivoted between north and south, Christians and Muslims. His pragmatism supported a bargained solution between southerners and the National Congress in which the latter retained a share of oil wealth, domination of governance in the north and the freedom to impose *shari'a* law there, if it could offer southerners a degree of political and economic autonomy and respect their religious rights. Essentially, Danforth proposed a 'One Country, Two Systems' formula not merely for an interim period, but indefinitely.

An examination of contemporaneous 'Situation Reports' of the USAID Office of Foreign Disaster Assistance (OFDA) reveals shifts in informational constructs of Sudan's political context that match this higher-level policy change. Conflict in Sudan's north and the

concerns of northern opposition groups rapidly vanished from view. USAID OFDA is concerned with humanitarian relief, not political analysis, and errors with acronyms, discussed below, do not constitute policy positions. Yet my review of these situation reports between 1998 and 2004 revealed that the “background” sections are judiciously revised and updated; narrative choices *are* made. OFDA’s shifting narratives on Sudan’s conflict are significant as perceptions by one arm of the US government of correct, as well as appropriate, political characterisations. By mid-2002, these narratives chimed well with Washington’s new policy pragmatism.

In April 2001 (USAID 2001c), and again in August and late September 2001 (USAID 2001a; 2001d), OFDA describes Sudan’s conflict as between the Government of Sudan (GOS) and the “*Sudan People’s Liberation Army/Movement*”.⁶² OFDA adds that the conflict “persists on numerous fronts in both southern *and northern areas of the country*,” and that “opposition groups are also fighting the GOS in eastern Sudan”. The April 2001 report (only) also contains this specific reference to the NDA: “The National Democratic Alliance (NDA) started operating in eastern Sudan’s Kassala State in 1995, significantly intensifying their military efforts in 1999. In November 2000, an armed conflict between the NDA and the GOS over the town of Kassala had a negative impact on the humanitarian situation in eastern Sudan” (USAID 2001c).

However, by early December 2001, following Danforth’s Sudan visit, the conflict is depicted as between Khartoum and the “mostly southern Sudanese rebel groups, including the *Southern People’s Liberation Army/Movement*.” OFDA adds that it “persists on numerous fronts along the traditional North/South divide, transitional zones (i.e. the Nuba

⁶² Author’s emphasis in this and subsequent OFDA quotations.

Mountains, Southern Blue Nile), and eastern front, where GOS forces are engaged against the *Northern Democratic Alliance (NDA)*” (USAID 2001b). By May 2002, after Danforth’s report and the Nuba Mountains ceasefire agreement, OFDA describes the conflict again as between Khartoum and “mostly southern Sudanese rebel groups, including the *Southern People’s Liberation Army/Movement*,” but now there is no mention of where the conflict “persists”, only that it “has adversely affected Sudanese populations along the traditional North/South divide and transitional zones (i.e. the Nuba Mountains, Southern Blue Nile)” (USAID 2002). The eastern front, where USAID still has humanitarian programmes in NDA-controlled territory, and the “Northern” Democratic Alliance, are not mentioned.

The Bush administration’s ‘pragmatic’ shift on Sudan was multi-faceted, and indeed began with more earnest counter-terrorism cooperation with Khartoum that preceded September 11, 2001. Assistant Secretary of State Walter Kansteiner met with Sudanese senior intelligence officials in July 2001, and again in late September 2001 when a deal on cooperation was reportedly struck (Silverstein 2005). Days later, the US abstained on and did not veto a UN Security Council vote removing sanctions imposed on Khartoum in 1996, its ambassador commending Khartoum for being “now engaged in serious discussions about ways to fight terrorism” (UN Department of Public Information 2001). By early 2002, CIA and FBI officials were “settled comfortably into Khartoum” (Harman 2002a:6).

Washington’s embrace of pragmatism involved engagement and negotiation – and thus interdependence – with Khartoum on humanitarian concerns, on ending the war, and on counter-terrorism. In June 2001, a US official had criticised the EU’s ‘Critical Dialogue’: “They think we have to convince Khartoum that we are not a threat to their remaining in

power. When did it become our role to guarantee anyone's longevity anywhere in the world?" (2002a:67). Between 2001 and 2004, US policy on Sudan adopted the broad thrust of the CSIS report and made a substantial about-face that suited Khartoum. Speaking to a US journalist, Khartoum officials applauded Washington for its "new policy of engagement" that was "less ideological, more pragmatic" (Harman 2002b).

A range of motivations – normalising relations with Washington, but also ensuring its political survival and expanding lucrative oil production – ensured that Khartoum wanted a deal that would end the 'southern war' just as much as the US. On 30 September 2001, following the UN Security Council vote, the Sudanese Embassy in Washington reported that President Bashir lauded any initiative that would move forward "the quest for peace in *Southern Sudan*" (emphasis added) (Embassy of the Republic of the Sudan 2001). In October 2001, an emboldened Khartoum called IGAD's bluff; Chief Negotiator Ghazi Salahuddin Atabani declared he was "fed up" with the process and told President Moi that IGAD had "one last chance" (IRIN 2001a; also IRIN 2001c). Rather than aiming to stall, this reflected the government's impatient belief, expressed by Atabani a month later, that "conditions have changed in favour of a settlement" (International Crisis Group 2002a:24). The government promptly assented to Danforth's four-week 'period of tranquillity' for humanitarian access to the Nuba Mountains.⁶³

4.b IGAD rejuvenated, Egypt deferred

The US chose to back IGAD and with the support of the UK and Norway, they drove the initiative's rejuvenation. But Washington did not want to be seen to be undermining Cairo. Peacemakers managed their institutional decisions tactically and diplomatically. Below, I

⁶³ Khartoum's motivations are discussed further in Chapter Four.

examine exactly how those dominating the politics of peacemaking ensured IGAD's predominance and managed Cairo's exclusion.

IGAD emerged as the most pragmatic forum given the 'problem' US policy-makers aimed to solve, US insistence that it would not create a new initiative,⁶⁴ existing IGAD Partners Forum engagement, and strong SPLM/A support for IGAD. It had also facilitated the Declaration of Principles that included self-determination for the south, engaged the two primary warring parties, had a permanent secretariat, earnest leadership from President Moi, and had a history (albeit fraught) of negotiation to build upon. There was little appetite to involve Egypt in the revived IGAD effort, other than on terms that Cairo resisted. Woodward has noted that there were fears of ELJI becoming a "peace spoiler, but [sic] US and British influence was deployed to head it off" (Woodward 2004:475). A Norwegian diplomat later recalled Egypt and Libya were "waiting in the wings" but the Troika had "ringed Khartoum" and "stopped the Egyptian initiative" (Westgate 2006). Publicly, however, Cairo needed to be kept onboard, or at least strung along. Danforth offered Cairo hope given his reticence towards self-determination. Even if Cairo had 'legitimate' interests in Sudan's peace, they did not extend to its involvement being a condition precedent for the peace talks.

In 2001 and early 2002 the game of vacillating on the forum for peace talks continued, beginning with Egypt strongly resisting the move towards IGAD and reviving the ELJI in June 2001. Publicly, US officials showed consideration for the fears of their ally. In October 2001, Envoy Danforth's advance delegation sought to reassure Cairo that the US was not "going to pick among the initiatives. It's for the Africans to decide among

⁶⁴ See Danforth's report (2002:1-2).

themselves” (AFP 2001d). Danforth, *en route* to Sudan, told reporters he aspired for a peace initiative led by Nairobi and Cairo (Lake 2002). However, a senior NDA official recalled that during Danforth’s subsequent visit to Cairo, US officials took him aside and were clear about their preference for IGAD.⁶⁵ Another NDA official recollected being told at the time that the US position was that “Egypt and Libya are out.”⁶⁶

This is corroborated by strong US support for IGAD’s institutional rejuvenation at the time. In 2001, the US had urged that IGAD needed to be revamped and frustrated IGAD Partners had withheld financial support. In October, due directly to IPF and especially US pressure,⁶⁷ President Moi replaced ambassador Mboya with his army chief of staff (and former Kenyan Special Envoy to the peace talks in the late 1990s), General Sumbeiywo. In November, Danforth met Moi and they agreed to further reinvigorate IGAD. Clare Short, UK Secretary for International Development, and Hilde Johnson, Norway’s Development Minister and co-Chair of the IPF since late 1998, rallied around the January 2002 IGAD Summit in Khartoum that gave the initiative renewed momentum. Egypt’s foreign minister was invited to attend, but Cairo was quickly outpaced. Walter Kansteiner had written to Bashir, urging him to capitalise upon IGAD’s rejuvenation by meeting Garang (IRIN 2002c). Swiss and US diplomats prepared the Nuba Mountains ceasefire negotiations. In London, the UK hosted secret informal talks on wider security options between the SPLM/A and Khartoum. Norwegian diplomats were assisting Sumbeiywo to prepare position papers for the main negotiations (Kelleher 2006).

⁶⁵ Interview, Farooq Abu Eisa, Khartoum, September 2008.

⁶⁶ Interview, Shafie Khidder, Khartoum, June 2007.

⁶⁷ In Sumbeiywo’s view, “the international community had refused to support the peace process without a new mediator” (Simmons and Dixon 2006a:22). In a USIP interview, an anonymous US diplomat corroborates this: Nielsen (2006b).

The US, UK, and Norway had informally formed a “Troika” to support IGAD peacemaking as early as 2000, which was agreed at Ministerial level in 2001. They now enhanced their efforts. In mid-February 2002, the UK formally appointed the highly experienced British diplomat on Sudan, Alan Goulty, as its Special Representative. In late May, Washington deployed Jeff Millington as Chargé d’Affaires in Khartoum and set-up a task force to support the IGAD talks.

Ambassador Goulty already spearheaded the UK Foreign Office’s Sudan policy, and he favoured a focus on ending war in the south. Goulty recalled that in 1995, as British Ambassador to Sudan, he had come to a broadly similar conclusion as the CSIS report. “End the war first and other things will become possible ... [and at the time] most of Sudan’s problems were in the South or related to the conflict in the South.”⁶⁸ By the time of Machakos, the humanitarian tragedy and cost had taken its toll and Goulty recalled, “It was the war we wanted to end rather than solving other Sudanese issues [such as] political reform.”

Washington urged Cairo to leave Gaddafi behind and work with Kenya, and convinced Moi to seek a mandate from the January 2002 IGAD Summit to merge initiatives with Egypt. In March 2002, Cairo stated it would not countenance a merger, only coordination (Justice Africa 2002c). Danforth pressed again for a merger in his April 2002 report to President Bush, but he especially praised Moi’s peacemaking efforts (Danforth 2002:17). Much later, Danforth reflected that he had gotten assurances from presidents Mubarak and Moi that “everybody was part of the same process” (North 2006a). Indeed, President Mubarak assured Danforth that he wanted to work with President Moi, and General Sumbeiywo

⁶⁸ Written correspondence with the author, February 2009.

visited President Mubarak to assure him he would not do anything behind the Egyptians' backs. But this all amounted to very little as regards a merged peace initiative.

As late as the end of May 2002, after a faltering start to the rejuvenated IGAD talks in Karen, near Nairobi, the IGAD Secretariat again proposed a summit to merge its initiative with the ELJI (BBC Monitoring 2002d). Nothing came of this, and the merger 'game' drew to a close. When the Machakos Protocol was signed two months later, Egyptian Foreign Minister Ahmad Mahir reportedly said it had taken Cairo "by surprise" and that it "felt excluded" from the talks (IRIN 2002d). But he did not consider this the end of the matter: "I want to stress that Egypt's relationship with Sudan is vital ... If the south secedes from the north after six years, it would mean we have failed" (IRIN 2002d).

4.c The Mediator: General Sumbeiywo and a north-south deal that warring parties "can live with"

The new IGAD mediator, General Sumbeiywo, interpreted and observed his mandate strictly: to find a deal to end the conflict between (only) the SPLM/A and the Government concerning, as his president had emphasised, "southern Sudan". By examining the ideas he held regarding Sudan's problem and what IGAD was tasked to do, we can better understand the institution's stewardship during subsequent key episodes. The analysis below explains his steadfast refusal to include the northern opposition, but also points to wider risks that these over-simplified ideas entailed.

Sumbeiywo saw his task as securing a power-sharing deal between north and south. When asked about how he understood his role as mediator, Sumbeiywo spoke of being a "military man" and referred to President Moi and IGAD (and *not* Washington) as his "tasking

authority.”⁶⁹ He recalled insisting during the talks that any conflict in Sudan’s north “not part of my mandate. ... I was supposed to resolve conflict between the south-north.” On another occasion he explained, “I am interested in peace between north and south. That is my mandate, and I am sticking to it” (Martin 2006:141; see also Waihenya 2007:86). This “south-north” conflict was fundamentally about “who is in control” (McLaughlin 2005). For Sumbeiywo, it required an acceptable deal such that “both parties had a win-win situation. ... In my findings, [what was required] was addressing imbalances in the Sudan, the marginalisation of the south, the treatment of the south by the north.”⁷⁰

Sumbeiywo was widely praised for a ‘firm but fair’ approach to the mediation. US Envoy Danforth described him as a patient “honest broker” “who should win the Nobel Peace Prize” (McLaughlin 2005). Sudan government negotiators described Sumbeiywo’s style positively as “more proactive and military than his predecessor’s” (el-Muktar Hussein 2006). Complementing Danforth’s “Show me” motto, Sumbeiywo sought a pragmatic solution based on his own motto of “It’s not what you want, it’s what you can live with” (Martin 2006:137). The problem, as northern opposition leaders would bitterly claim, was that for Sumbeiywo this “you” did not extend beyond the SPLM/A and the Sudan government.

5. IGAD’S ‘PROBLEM-SOLUTION’ APPROACH AND NORTHERN OPPOSITION RESENTMENT

During IGAD’s rejuvenation, northern opposition parties again protested against IGAD peacemakers’ ideas and institutional choices concerning the conflict, the country’s

⁶⁹ Interview, Karen, July 2007.

⁷⁰ Interview, Karen, July 2007.

politics and the peace solution required. Northern opposition parties were symbolically consulted but their requests and objections fell on deaf ears. Considered less likely ‘spoilers’ than Cairo, even less effort was put into keeping them onboard. Usefully for IGAD’s peacemakers, the ELJI itself kept the northern opposition heavily occupied well into 2002. Insofar as the northern opposition may have had a legitimate interest in decisions on peace in Sudan, sequencing continued to justify their deferral. Documenting the failed political efforts of the northern opposition and analysing them against reflections in interviews sheds light on how this period produced lingering effects on northern opposition attitudes towards the talks and the peacemakers, and towards the final agreement.

5.a Northern opposition protests to peacemakers during IGAD’s rejuvenation

The NDA was immediately wary of the 2001 CSIS report. It urged Washington “not to simplify the conflict along a north-south divide” and to adopt an “all-round vision” (AFP 2001a). The NDA echoed the dissent of long-time NIF/National Congress detractors in the US such as Roger Winter (later USAID Assistant Administrator), that the CSIS proposals were an “appeasement” of Khartoum (Lobe 2001). Many northern opposition leaders interviewed derided the CSIS report for its role in shaping US policy. The Darfur rebel leader Abdul Wahid Mohamed al-Nur castigated the report too, and captured well northern suspicions of how Sudan’s peace was being decided: “There’s an American institute that [characterised] the Sudan problem [as] south-north, Muslim-Christian. Unfortunately, America is the Superpower, and whatever they say is the problem is the truth.”⁷¹

Danforth, encouraged by his aides to consult with the northern opposition parties, received similar messages. Al-Mahdi’s detailed reply to Danforth’s request for advice in October

⁷¹ Interview, Paris, July 2008.

2001, repeated previous critiques of the different peace initiatives and urged the US to widen the peace talks, invite all parties and “include both the peace process and the democratisation process” (al-Mahdi 2001b). Al-Mahdi again lauded the ELJI’s support for an “all-party roundtable conference.” In November 2001, al-Mahdi directly addressed these concerns to Danforth at his home (al-Mahdi 2001a).

The DUP’s deputy-leader Ali Mahmoud Hassanein was consulted by the US embassy in Khartoum on Danforth’s draft report. In his written reply of April 2002 (Hassanein 2002), he welcomed Danforth’s support for a merger between IGAD and the ELJI, but raised five “misgivings”, including that Danforth emphasised the south only; omitted democracy in favour of peace; and distorted the religious dimension, missing the plight of Muslims who also suffered at the hands of the National Congress’ brand of Islam. He too again called for an inclusive “constitutional conference.” As regards Danforth’s reaction, Hassanein recalled: “Danforth said to me directly, ‘First you have to walk and then you can run.’ But we said it is one problem, it needs to be resolved altogether.”⁷² “According to Danforth,” Bashir Adam Rahma of the Turabi-led Popular National Congress recalled, “we needed ‘Peace first, then later democracy.’ We said this was very naïve; that they had to be together. Now [in 2007], when they want democracy, they find it very difficult, because both parties are entrenched in their power bases.”⁷³ It was an argument that also failed with Sumbeiywo, not only for reasons of how he saw the conflict, but also how he defined IGAD’s institutional mandate and his role. “Sumbeiywo was a military man, with a mandate to solve a conflict in the south only,” reflected Hassanein.⁷⁴

⁷² Interview, Khartoum, May 2007.

⁷³ Interview, Khartoum, May 2007.

⁷⁴ Interview, Khartoum, May 2007.

The Communist Party was scathing in its July 2002 “Remarks on the Danforth Report” (Communist Party of Sudan 2002). Above all, it challenged the sequenced approach underlying US re-engagement. Danforth’s report and the Nuba Mountains ceasefire showed that the US was seeking to deploy “the method of partial treatment to a crisis that is integrated and comprehensive” (Communist Party of Sudan 2002:1). It questioned whether Washington, “holding the essential strings of all the [peace] initiatives,” was really playing the passive role it had ascribed to itself. Whereas the DUP’s Hassanein, a unionist, accepted by omission Danforth’s critique of self-determination, the Communist Party was angry that a principle enshrined in various commitments of all sides to the conflict could be summarily disregarded. It also rebuked Danforth for “disregard[ing] the close link between peace and democracy” (Communist Party of Sudan 2002:4). Yet the Communist Party was behind the pace, only distributing their Danforth critique to foreign embassies in July when the Machakos negotiations were well underway.

It was clear to the northern opposition parties that the ‘peace’ envisaged by the IGAD peacemaking institution had become synonymous with only ‘ending war’, and that too, only ‘war in the south’. They advocated another parallel process – an inclusive democratic constitutional review process – to attend to substantive elements of peace, including provisions for democratic government. In this they also failed. Shafie Khidder’s notes from a meeting with British Special Representative Alan Goulty in December 2002 are telling: “The mediators’ plan is based on what is possible to achieve. For example, if you were able to stop the war even without agreement on a democratic constitution in the country, this would be sufficient for the purpose of Machakos. Of course, the summit is to secure peace

and democratic transformation, but the latter is a battle of power and not one for the mediators.”⁷⁵

Yet the battle for the meaning of ‘peace’ that peacemaking aimed to address was clearly one of power, in which peacemakers played a powerful role. Moreover, stopping the war required constitutional changes. US policymakers had clear ideas for these and Sumbeiywo belatedly admitted there was no way to end the war without them. The major sectarian northern opposition parties appeared to the peacemakers as weak, divided and out of touch. But if some of their concerns were accepted as legitimate, peacemakers might have lent power to them.

Shafie Khidder from the Communist Party believed that the Troika considered “the DUP and the Umma Party are more or less having common platforms with the National Congress. They assumed that what is going to be achieved by the National Congress will not really annoy the DUP and the Umma, although they will be annoyed in being a minority.”⁷⁶ Rightly or wrongly, these estimations further disempowered them.

Alan Goulty, the International Crisis Group’s observer at the talks recalled, was “very dismissive of the NDA.”⁷⁷ This was not without reason, given the vacillations of its northern members and the progressive weakening of the NDA. In a telling episode, in the wake of the terrorist attacks of 11 September 2001, Garang visited the United States and convinced officials there to invite NDA Chairman al-Mirghani to Washington for strategic talks on Sudan’s future and peacemaking. Al-Mirghani, concerned with how this might be

⁷⁵ Khidder (2002), translated from the Arabic by Khidder: Interview, Khartoum, June 2007. See also Goulty’s problem/solution characterisation at note 68.

⁷⁶ Interview, Khartoum, June 2007.

⁷⁷ David Mozersky, Interview, Nairobi, August 2005.

perceived in the Arab world declined the invitation, which incensed Washington, as well as Garang.⁷⁸

5.b Northern opposition suspicions of the IGAD peacemaking approach

The suspicions that IGAD's sequenced approach raised for those excluded demonstrates the contemporaneous interactions between peace negotiations and wider politics, and how Sudan's "related concerns" (in the words of the CSIS report) did not wait for sequencing. Interviews with northern opposition leaders showed how exclusivity and sequencing came to be seen as linked to peacemakers' ulterior motives. The particular ulterior motive they suspected of peacemakers reflected their party or group's interests and fears regarding the outcomes of peacemaking. Abu Eisa, NDA assistant chairman and close to the Communist Party, was convinced that although the IGAD Declaration of Principles involved the contribution of many sides, the Machakos agreement was "one hundred percent" the work of the US with the British, and they only wanted to end the war in the south.⁷⁹ In July 2002, he had publicly objected that the talks "did not express the will of the Sudanese people" and were "imposing foreign recommendations on the people of Sudan which they rejected" (BBC Monitoring 2002b).

For Hassanein from the DUP, a staunch unionist, the Troika had "already decided to come to an agreement between the SPLM and 'the north.'"⁸⁰ Suspicious of secession, he added: "They knew they could get something for the south from this government, which they couldn't get from the people of Sudan." Al-Mahdi, by contrast, considered that the Troika did not want Sudan divided, but rather wanted it to "remain united but change its character:

⁷⁸ Interviews, Khartoum, September 2008: Farooq Abu Eisa (NDA); Yassir Arman (SPLM/A).

⁷⁹ Interview, Khartoum, September 2008.

⁸⁰ Interview, Khartoum, May 2007.

from Arab and Muslim to Secular and African.”⁸¹ “The effect of America’s attitude and mediation has been very large,” he added, “ultimately they twisted arms, used sticks and carrots. They wanted to stop the war, they thought it would help Sudan change its identity, be a firmer ally in the War on Terror and they would have greater access to resources.” As for Sumbeiywo, “His approach to his mandate was ‘I can deal with the hand, never mind about the rest of the body.’ He was interested in justice for the south, not in the global picture of Sudan.” He concluded that the approach of the peacemakers was “very suspect; short-sighted or irresponsible or bad-will, ‘it suits us enough, never mind the rest.’”⁸²

Bashir Adam Rahma, political secretary in Turabi’s Popular National Congress (which also has significant non-Arab support), focused on the religious agenda: “[During the talks] I asked a US official point-blank whether they were for unity or secession. She said we are adamantly against secession, but we are for a secular government in Sudan.”⁸³ As for the US strategy to achieve this, he relayed a well-circulated rumour within his party at the time: “We even heard when [the Troika] wanted to push Garang into the IGAD talks, he said ‘No, I want to take Khartoum.’ The Troika said, ‘We are going to strike a deal which gives you the south one hundred percent, and for the north, you are going to get it through elections with other political parties.’ Garang was pushed into this.” The northern opposition were agreed on one thing, that it was the Troika that was ‘making the peace’.

For others, without large support bases but eager that democracy be restored, sequencing was a realistic opportunity for change. A former Communist and journalist, Al-Haj Warrag, who was hiding from persecution before the Machakos agreement, recalled:

⁸¹ Interview, Khartoum, June 2007.

⁸² Interview, Khartoum, June 2007.

⁸³ Interview, Khartoum, June 2007.

“In the beginning I was so enthusiastic ... I defended IGAD against many diverse groups who were opposed ... the [northern opposition parties] opposed it from unrealistic considerations – they said the process was bilateral and doesn’t involve the majority of the national parties. But at that time, the problem was the monopolistic nature of the regime. By its very nature, one can only crack it and hope to unleash a dynamism that they cannot control.”⁸⁴

Shafie Khidder from the Communist Party, was equally pragmatic, arguing that the Troika strategy of sequencing reflected the ‘balance of forces’ at hand, as well as the fact that the IGAD process was more practicable:

“The Troika methodology was not to have a comprehensive approach, rather, start with the main players... although I think it was clear for everyone, including the Troika, that the SPLA is not the south and the National Congress is not the north. But they had the idea that although this may be true, the other political forces may accept what is to be agreed by these two parties. And, in a way, the National Congress represents the north, because it has power and army etc, and the SPLA is representing the south, for the same reasons. It has always been in the minds of the Troika that other political forces are weak, and they haven’t got a real leverage for their struggle.”⁸⁵

However out of touch the major northern opposition parties may have been, and however much their weakness seemed to diminish their risk of ‘spoiling’ the process, they raised longstanding and widely held concerns that the Sudan’s problem was far more ‘complex’, ‘interrelated’, ‘national’ and ‘indivisible’ than was accepted by IGAD’s peacemakers. It was equally evident that their concerns regarding a strengthened National Congress with a freer hand in the north were justified. The more established northern opposition parties voiced frustrations and suspicions that would later undermine their support for the peace agreement but, as subsequent chapters explore, even *during* the talks the problem-solution conception adopted influenced political action and violence involving these parties and other actors.

⁸⁴ Interview, Khartoum, June 2007.

⁸⁵ Interview, Khartoum, June 2007.

6. THE EXCLUSION OF NORTHERN OPPOSITION PARTIES FROM THE MACHAKOS TALKS

Northern opposition groups held on to the goal that even a flawed ‘sequenced’ approach led by IGAD alone could involve them in the peace negotiations. Even if they were excluded from the very first stages of ‘ending war’, they sought to be included in later negotiations on major issues that would make ‘peace’. The obligation or at least virtue of including more groups than just the two main belligerents in peace negotiations was raised in peacemaking debates leading to Machakos. Yet from 2002 onwards, the dominant peacemakers – the Troika, Kenya and General Sumbeiywo as IGAD mediator – prevailed with their southern focus, and the northern opposition parties were kept out. Their exclusion was diplomatically managed through a mixture of private engagement yet public sidelining that kept northern opposition parties on board but rendered them marginal.

Those with influence amongst the Troika who advocated the inclusion of northern opposition parties did so less because the northern opposition parties were important to, or legitimately concerned with, defining and negotiating the substance of peace (as the northern opposition parties insisted) than out of concern that their exclusion might undermine any future agreement’s implementation. In turn, this reasoning meant that if bilateral negotiations were needed to keep the two included parties committed to the process, admission of other groups was more readily deferred.

In March 2001, Roger Winter told the US Congress that any peace must not leave the northern opposition parties “in chains or in exile” (Winter 2001). John Prendergast’s January 2002 report *Sudan: God, Oil and Country* for the International Crisis Group called for a widened peace process to include other political parties, especially the NDA and the Umma Party, “a major drawback of the current IGAD effort and one of the few positive

elements of the [ELJI]" (2002a:183). Yet by June 2002 the International Crisis Group reduced its recommendations for inclusiveness, and argued for a lesser "circle of consultation" with other political parties and civil society. It did so out of concern for the future viability of any agreement, recalling the rejection of the 1972 Addis Ababa agreement by the Umma and DUP, who were excluded from that peace process (International Crisis Group 2002b).

Before the Machakos talks, Justice Africa's Director, Alex de Waal, argued that "the most powerful reason for including the NDA is that any free elections in Sudan are certain to return a government with strong, perhaps dominant, representation of the NDA parties, and for that reason it is essential that they are part of a peace settlement" (Justice Africa 2002d). Yet, similar to the International Crisis Group, the 'part' they especially needed to play was not to spoil the deal. After Machakos, Justice Africa criticised peacemakers concerning the NDA's "marginal and unclear" role but also recalled the Addis Ababa episode and concluded: "It is important that the sectarian parties become part of the peace process, so that when they do have a share in power, they are committed to supporting the agreement" (Justice Africa 2002b).

In July 2002, while the Machakos talks were underway, Prendergast's written testimony to the US Senate Foreign Relations Committee focused upon "leverage" over Khartoum, and one option for this was if IGAD included or "gain[ed] the acceptance" of the northern opposition parties to act "as a moderating influence" on Khartoum and the SPLM/A, and to "better position all actors to support the implementation of any agreement" (United States Senate 2002:43). After the Machakos Protocol, the International Crisis Group's analyst at the talks repeated this consequentialist reasoning: "Although the exclusion of a larger group of Sudanese actors helped facilitate the Machakos Protocol, it remains critical that the

process is made more inclusive at some point. ... [T]here exists a real danger that any agreement not incorporating the other major political parties will be unsustainable in the long run” (Mozersky 2002).

Experts, who had the ear of policy-makers, thus argued that the popularity of northern opposition parties meant they should be brought on board enough not to jeopardise, and ideally to support, the agreement, less because their popularity gave them some legitimate right to shape the meaning of peace being agreed upon. Their arguments reveal that the dominant ‘end-to-war’ (or ‘negative peace’) concept of peace rested on a logic of consequences. They sought to raise fears that a peace agreement might be ‘spoiled’ by those excluded. But for this concern, peace could still be made without these political groups.

Even the consequentialist reasoning of experts failed, in part because peacemakers had already diminished the significance of the northern opposition in order to sustain their ‘north-south’ construction of the problem. Northern opposition were being rendered invisible. When Washington announced long-promised financial support for the NDA in May 2001, the CSIS Task Force’s co-chair Stephen Morrison criticised the move, stating, “The NDA is a bit of a phantom. It is basically the SPLA and a few elements” (Boustany and Sipress 2001). As noted earlier, Danforth in his April 2002 report only briefly noted the existence of various other “groupings” in northern and southern Sudan who needed to be countenanced (Danforth 2002:30). The NDA or the Umma Party, which Prendergast, like Justice Africa, believed, “represent[ed] the bulk of the Sudanese electorate” (United States Senate 2002:43), were not even mentioned by name. Whereas only a few years prior Madeleine Albright had lauded the NDA for “laying the groundwork for a new Sudan,” Danforth left them out of the equation.

The consequential logic that prevailed held that greater inclusivity would prevent a deal, and a deal was peacemakers' objective. In an interview, a senior US diplomat recalled confronting the issue of inclusivity from the outset: "We, in concert with IGAD and everybody else, unanimously agreed that the other parties could not be brought to the table. It would *hopelessly complicate* the process and we took the position that only the warring parties should be at the table ... and in fact that proved the effective way ... we got an agreement between them ... the other political parties in Sudan didn't have enough power to block that agreement or cause problems for it or anything ... the other argument really is that the SPLM was in effect representing the NDA" (emphasis added) (Nielsen 2006a). In effect, the northern opposition were identified and managed as potential spoilers.

Shafie Khidder, in his notes from the NDA's meeting with Ambassador Gouly in December 2002 (in which he claimed that ending the war would be 'sufficient' for the IGAD talks, see note 75 above), records Gouly as concluding, "I do not think that there is room for the involvement of [the NDA] or any other forces in Machakos. It is better to prepare the NDA for after Machakos" (Khidder 2002).

Yet Troika leaders were often more vague, echoing the approach Washington took with Cairo and the ELJI. Northern opposition leaders recollected the issue with unbridled frustration. Khidder recalled:

"We spoke about inclusiveness and Gouly, Jeff Millington, the Norwegians; they said 'we will consider it later'. We pressed and pressed during Machakos and their final position was 'no other parties for negotiation. But we will consider the issue of inclusiveness later.' Then when the negotiations continued, we asked 'When will this 'later' come?' They said, 'We can't involve you, but when it comes to discussions on implementation, we can see how to make it more inclusive.'"⁸⁶

⁸⁶ Interview, Khartoum, June 2007.

Saddiq al-Mahdi recalled urging the Troika and Sumbeiywo to either ensure the northern opposition parties were represented or insist any “bilateral agreement reached should be ratified by a national forum.”⁸⁷ “Neither happened. The Troika responded to us that inclusivity would complicate matters, ‘first let us clinch the agreement and let’s see.’ There was no real response, rather an irresponsible type of deafness.” The DUP’s Hassanein reflected with similar resentment: “The truth is that neither Khartoum, the SPLM/A, nor foreign powers wanted the NDA to be present. I went to the US, I went to the UK, I talked to Alan Goulty, they didn’t want us there.”⁸⁸

As the talks from Machakos onwards exposed, starting with exclusivity laid the foundation for continued exclusion, partly because inclusion of other political actors would *inevitably* “complicate matters,” but also due to the dynamics of negotiations. Immediately after the Machakos Protocol was agreed, Walter Kansteiner explained in Washington:

“As far as the other opposition parties, including the NDA and some of the northern parties, their input is important. Right now it is a more bilateral discussion. There is going to be a time when they have to be brought into the process, and it’s important that they are included. That phase is going to be looked at, I believe, and I think General Sumbeiywo is looking at how that happens, at what stage that happens, and all that. But there is some good progress now between the SPLA and the government, and we want to encourage that.” (US Department of State 2002)

When progress dramatically reversed in the next month, above all when the SPLM/A overran the southern garrison town of Torit and Khartoum walked away from the negotiations, more than encouragement was needed and the talks remained bilateral. Later in 2003, the issues dividing the two parties necessitated narrowing the talks even further to just Garang and Vice-President Ali Osman Taha. Even though the International Crisis

⁸⁷ Interview, Khartoum, June 2007.

⁸⁸ Interview, Khartoum, May 2007.

Group had long urged inclusion, their Sudan analyst admitted such concerns “weren’t advocated heavily” during the talks for fear of jeopardising the whole process.⁸⁹

Yet the range of issues that the process attended to during and after Machakos were clearly of national consequence. As regards Sumbeiywo, for the reasons already cited, his view of his mandate and the problem-solution left little basis for broadening participation. Sumbeiywo’s biography misrepresents the facts when it asserts that it was only *after* the success of the Machakos agreement that “[a]ll of a sudden, many more people wanted to come on board” (emphasis added). “In the scramble for the cake of success, everyone wanted to be left at least holding a crumb.” “Letters began flying to the IGAD Secretariat. The Egyptians wanted to be on board, and ... the other Northern political parties too, which included the National Democratic Alliance ... They all wanted a seat at the negotiating table” (Waihenya 2007:92-93). The reflections of Sumbeiywo’s senior mediation advisor, South African lawyer and former advisor to Nelson Mandela, Nicholas ‘Fink’ Haysom, offer further insight. Haysom emphasised that mediation must distinguish between negotiating peace and subsequent constitutional reform, making a clear allusion to South Africa’s experience: “Peace agreements are always bilateral, whereas constitutional processes are always multi-lateral” (Martin 2006:155). Although the northern opposition parties had only “limited” involvement in negotiating peace, Haysom maintained the CPA provided for their involvement “when it comes to designing the new constitution.”

Haysom draws a neat distinction between peace talks that end war and constitutional reforms that secure peace, notwithstanding that ending war pivoted on the ‘warring parties’ deciding upon wide-ranging constitutional matters. The distinction, as Sumbeiywo

⁸⁹ Interview, David Mozersky, Nairobi, August 2005.

eventually admitted, is untenable, but even if considered necessary – whether out of regard for the ‘balance of forces’ or the complication of introducing additional groups and interests – it was resented and reacted to by those excluded from the talks long before their chance to be part of an inclusive constitutional reform process or post-agreement democratic politics. As an advisor to the UN Resident Coordinator in Khartoum, observed in mid-2003: “Sudan’s peace process ... has gradually become the most decisive driving force determining the political dynamics of the country” (Nolte 2003:17).

The suspicion of Shafie Khidder, that peacemakers considered the northern opposition parties had little leverage and would by-and-large agree with a deal struck by the two parties, appears well founded. After the agreement reached in Machakos in July 2002, Justice Africa noted the muted criticism of the deal by the NDA that it was bilateral and undermined democracy, but assessed “the northern parties in the NDA are very unlikely to oppose the deal, because that would split the NDA and render them completely marginal” (Justice Africa 2002b). Similarly, Saddiq al-Mahdi’s qualified support owed to his expectation that any deal must lead to a “return to multi-party democracy.”

“In this negotiation,” General Sumbeiywo unabashedly argued in the twilight of the talks in late 2004, “there is inclusivity. We have attempted to include other people in the south and the north so it is not a monopoly of the SPLM/A and the government.” He then offered a reassurance, “After three years, all the parties will get the chance to compete for power through the electoral process” (Martin 2006:154). Sumbeiywo was defending IGAD given the calamitous conflict in Darfur that had then overshadowed the negotiations. Between 2001 and 2004 some political actors, including those in Darfur but also the dominant “New Sudan” group in the SPLM/A leadership, clearly disagreed on future elections as a panacea

for their concerns. How they pursued their political objectives in spite of the ideas that the IGAD negotiations had in mind is examined in subsequent chapters.

CONCLUSION

This chapter has examined the contested politics involved in designing the rejuvenated IGAD peacemaking institution. It has explored how and why the institution took its particular form through these processes and has emphasised the explanatory value of different interconnected ideas that constituted actor conceptions of 'peace' in Sudan. I have argued ideas of different types were disputed because they would constitute the particular form of the peacemaking institution. Examining the interrelated types of ideas that together comprised the content of and strategy for 'peace' pursued by different political actors has revealed how the IGAD institution, when its constitutive rules were finalised, had already mapped much of the territory of 'peace' even before the rejuvenated negotiations had begun. In turn, the processes through which peace had been already partially determined shifted political positions and spawned wider political effects.

In the late 1990s Sudan's northern opposition parties, banned and persecuted under the NIF regime, turned to external peacemakers as providing a key opportunity to pursue their political ends. Many northern opposition parties were weakened, had themselves previously prosecuted war against the SPLM/A, had compromised with the SPLM/A only when they were out of power and had achieved limited success building an influential opposition alliance. Yet they made credible claims to external peacemakers, that they were part of Sudan's national and indivisible conflict and that 'peace' required a more comprehensive approach than merely an 'end-to-war' between Khartoum and the SPLM/A. When peacemakers considered Sudan's 'problem' concerned the NIF's totalitarianism or a

national crisis that flared in the east and centre of the country, not just the south, the northern opposition were more readily part of the 'peace' solution required. When 'peace' in Sudan required 'fundamental change' in Khartoum (Clinton's policy) or northern or national reconciliation (Egypt and Libya, Nigeria, Eritrea), they were indispensable, for they were understood to speak for a majority of northerners.

When Sudan's problem was a 'southern problem' and a 'north-south war', whether purposefully depicted that way (European states in the IGAD Partners Forum) or part of a rigid interpretation of institutional mandate (Sumbeiywo), the northern opposition mattered less. It is evident that peacemaking policies changed as the situation on the ground changed, and as interests and power relations were recalculated. But it is also true that peacemakers *constructed* the situation to suit policy preferences, which in turn reflected ideas of 'peace' that subtly shifted. The specifics of a 'peace' solution relied upon different constructions of the 'problem' and different ideas for how peace could be disaggregated and sequenced.

In this chapter I have added weight to my argument that negotiated peacemaking in intra-state conflict is a political institution that must, when analyzed, be located and understood within wider politics. Analysis of peacemaking must extend to detailed investigation of the institution's interactions with and effects upon the wider political reality, beginning with the contested process of the institution's creation. Employing my analytical schema usefully distinguished specific idea types that are deployed in the politics of designating the institution's constitutive rules. These ideas ranged from narrative constructs of Sudan's socio-political reality to the more normative, such as prioritising 'peace' as merely 'end-to-war' versus broad political reconciliation or more comprehensive 'liberal peace' conceptions. Bridging these two very different ends of the ideational spectrum was the policy prescription of a 'problem-solution' nexus, which in turn was given substance in the

rules and agenda of the peacemaking institution. These rules excluded the northern opposition, and peacemakers' argument that their exclusion was credible, necessary, expedient and legitimate relied upon the interconnected nature of the institution's constitutive ideas. However, what the institution and its backers could justify and defend on their own terms was liable to have much wider, and less certain or manageable, political consequences.

CHAPTER THREE

UNCOMPROMISING PEACE: THE SPLM/A, 'NEW SUDAN' AND THE MACHAKOS PROTOCOL

"Omer [al-Bashir] thinks that he is the Sudanese nationalist and we in the SPLA are his Southerners, and ... all that which is required is for him to sit down with Dr. John Garang, representing the South, and him representing the Sudan, and in his words talk soldier to soldier to solve his Southern Problem. Has Brig. Omer el Bashir bothered to ask the question as to what it is that makes him the Sudanese and makes Dr. John Garang his Southerner?"

John Garang, 10 August 1989, first public statement after the June 1989 coup⁹⁰

"Some individuals in their resolve to succeed ultimately are never discouraged but rather strengthened by failure. John Garang is one such person. He experienced a series of failures, but was not discouraged. He reserved his views waiting for an opportunity to revive them."

Abel Alier, Southern Statesman, 1990⁹¹

"Now, more than ever before, South Sudanese have become vocal about separation of South Sudan from the Sudan. They want what has been dubbed the New Sudan to be free and independent. This is better than pretending to be a unionist and causing the death of many people for no good reason."

Peter Adwok Nyaba, southern SPLM/A figure, 1997⁹²

INTRODUCTION

The IGAD institution included the SPLM/A, unlike the northern opposition, as a warring party needed to negotiate peace. The SPLM/A championed IGAD, but it also contested the rejuvenated IGAD institution's constitutive ideas. IGAD prioritised solving the 'southern war' prosecuted by the 'southern armed opposition' by mediating a 'north-south' deal: the south should secure autonomy (including freedom from *shari'a*) and fair shares of central power and oil wealth. Before the negotiations began, constitutive ideas

⁹⁰ Garang and Khalid (1992:241).

⁹¹ Alier (1992:281).

⁹² Nyaba (1997:31). Nyaba split from the SPLM/A in 1991, but rejoined in the late-1990s.

concerning the SPLM/A's political identity, ideology and goals were judged as southern and parochial, rather than national, in their focus and ambition.

This chapter argues that the parties' July 2002 Machakos Protocol agreement, though a breakthrough, remained fundamentally contested because the SPLM/A leadership remained intent on not compromising its self-identification as a national liberation movement pursuing its goal of a "New Sudan." SPLM/A Chairman John Garang pursued this Sudan-wide agenda in spite of IGAD's ideas for peace, and despite seemingly compromising on New Sudan in the Machakos accord. Peacemakers and the Sudanese government focused upon a deal for the south, whereas the SPLM/A sought to a deal that met the minimum requirements for its New Sudan goals. By interrogating contestations over what, and the extent to which, 'peace' was agreed, I reappraise the existing literature on what was settled at Machakos. The analysis here underpins subsequent chapters, on peacemaking for the Nuba Mountains and how the IGAD negotiations interacted with the conflict in Darfur, which examine important cases of the SPLM/A's political actions that further contested the Machakos Protocol.

I augment and apply my analytical schema for interrogating the politics of negotiated peace through the lens of contested ideas. I first examine how contestations over the institutions constitutive ideas are essential to analysing actual peace 'outcomes': the negotiated 'compromises' achieved through negotiations and recorded in written agreement. Chapter Two examined the politics of how three constitutive ideas of the negotiations institution took their particular form: designations of forum and mandate; constructions of the problem/solution nexus; and decisions on political groups to be included at the negotiating table. The specific forms of these constitutive ideas are embedded as rules within the negotiations institution and its practices.

Any peace ‘outcome’ is heavily influenced by these constitutive ideas of the institution, which map the ideational territory within which ‘coherent’ and ‘legitimate’ peace outcomes may arise. As a corollary, what any outcome means is interdependent with the ideas now embedded within the institution. If the parties who assent to a peace outcome sufficiently agree on the outcome’s meaning, it may be rightly labelled a ‘negotiated compromise.’ However, if substantially differentially interpreted, contested politics will likely continue, including contestation of the ideas constituting the institution with a view to reshaping it (and thus its ideational territory of peace possibilities). The reasons for, and nature of divergent understandings matter to explaining this contestation. They help to explain how latent conflict, “a contradiction between the interests of those exercising power and the real interests of those they exclude” (Lukes 1974:24-5) becomes real.

The extent to which a compromise remains contested requires analysing how actors differed in their interpretations of a peace outcome in what they said and how they behaved. There may be many reasons for contestation. Contestation may be merely tactical to secure incremental gains or simply related to the meaning of the explicit peace outcomes agreed. At the other extreme contestation may be more strategic, fundamentally challenging the institution and seeking to redefine the institution’s constitutive ideas in spite of acquiescing to negotiate within it. Indeed, contestation may involve both, as this chapter demonstrates.

This chapter contrasts SPLM/A interpretations of peace outcomes in the Machakos Protocol with those of the peacemakers and the Sudanese government, who shared broadly a ‘southern peace process’ approach. However, it also highlights differences between the latter over the purposes of such framing that the SPLM/A sought to exploit. The SPLM/A understood well that IGAD’s western backers desired an agreement that would undergird

Sudan's national democratic transformation and reform the National Congress or remove it from power.

The chapter also augments my analytical schema by attending to a less obvious aspect of contestation: depictions of the identities and political ideology of the parties, which are also constitutive ideas of the negotiation's institution. The basis upon which a political actor is included and granted standing as a party within the peacemaking institution – how its collective identity is depicted and its political purpose is interpreted – is shown to be a fundamental site of contest. Peacemaking, Kaldor argues, too often invokes “political compromises based on exclusivist assumptions” (Kaldor 2006:11) that reinforce neat and monolithic notions of the ‘A versus B’ kind. This judgement bears scrutiny in the Sudan case, however “assumptions” misses the politics involved. These assumptions have clear political motivations, including the efficacy needs of institutionalised peacemaking and the legitimacy and authority claims of domestic actors to their own identity, defined in relation to an adversary ‘Other’. As John Garang made clear to the newly installed President Bashir in 1989, quoted at the outset of this chapter, to be depicted as “his Southerner” enabled Bashir to claim to speak on behalf of Sudan.

Methodologically, this chapter uses primary evidence from texts and interviews with key actors to highlight and contrast contesting depictions and interpretations of negotiation outcomes and actors' identities, and their effects in constraining and enabling political behaviour. This evidentiary base provides a rich account of political contestation and the conflicting interpretive lenses of the government, the peacemakers and the SPLM/A. The chapter proceeds in four sections. Taken together, the first two sections present a new, historically grounded, analysis of the Machakos Protocol that examines closely what the parties did not mutually agree, and thus recasts the Protocol's political significance. The

final two sections examine how the significance of their discord relates to conflicting interpretations of the SPLM/A's identity and ideology, and how the peacemaking institution constituted the rebel movement. The SPLM/A's leader, John Garang, and his supporters, ostensibly pursued a national liberation struggle for a "New Sudan." Sudan's second civil war was partly a war fought by Khartoum and southern nationalists against the SPLM/A leadership to depict the war as a southern war alone. This battle over framing and naming the war was central the politics of negotiated peace during the IGAD talks.

1. THE MACHAKOS PROTOCOL: THE MISSING PEACE

On 20 July 2002, the Machakos Protocol was signed by Ghazi Salahuddin Atabani for the Government of Sudan and by Salva Kiir Mayardit for the SPLM/A. Days later, President al-Bashir and SPLM/A Chairman Garang met face-to-face for the first time during the 19-year war in Kampala, Uganda, and endorsed the deal. The Protocol was widely hailed as a watershed but its provisions were ambiguous and differently framed by the parties and the peacemakers. In this section, I first analyse the parties' negotiated compromises in the context of their previous negotiations. The Protocol's constitutional provisions on Sudan's government structures, long at the heart of the parties' dispute, demand closer attention. They were at the core of the SPLM/A's demands. Most analyses of the Machakos Protocol focus upon the compromises reached on southern self-determination, and on the relationship between state and religion. I argue that they reproduce the negotiations' dominant narrative rather than account for the underlying contestations.

The full implications of the Machakos Protocol for what followed within the negotiations and wider Sudanese politics are more discernible when the Machakos negotiations are understood historically. Sudan's government structures had long been the focus of disputes

over questions of state and religion, citizenship, inter-group equity, political participation and regional autonomy. The parties' rift had narrowed to one between an interim confederation of two states (the SPLM/A position) and a federation based on *shari'a* with degrees of exemptions for southern states (the Sudan government position). Machakos' achievement was in seeming to bridge this divide while committing both parties to a practical realisation of Southern self-determination after six-and-a-half years. It did so with the unwritten notion of 'asymmetric federalism,' a variant on the idea of 'One Country, Two Systems,' and by stressing the priority of Sudan's unity. A historical analysis shows that this idea was agreed only in vague terms. Given that the SPLM/A had demanded considerably more, namely confederation, the Protocol's indeterminacy left work to be done, as well as opportunity, for the SPLM/A to reassert its agenda at a later stage.

The Machakos Protocol has five sections: Table 2, overleaf, reproduces key details. Both parties had reached compromises on the long disputed issues of the application of *shari'a* in the south and southern self-determination. After the 1989 coup, the NIF and the SPLM/A held diametrically opposite views on a united Sudan. Khartoum proposed *shari'a* as the federal national law, with derogations for southern states only for certain punishments, and spoke of eventual assimilation. The SPLM/A had rejected negotiations on the "best possible outcome of second class citizenship" (El-Affendi 1990:388). Consistent with previous accords with northern leaders, it proposed repealing or freezing *shari'a* law prior to a constitutional conference to establish a democratic secular New Sudan. Confederation and southern self-determination only appeared as options for the SPLM/A in 1991-92, in the context of the chasm between it and Khartoum after the NIF's ascendancy to power. Furthermore, Garang only accommodated self-determination after southern factional rivals reasserted secessionist goals and split from the SPLM/A.

Table 2: Selected Text from the Machakos Protocol

PART A: AGREED PRINCIPLES

- 1.1 That the unity of the Sudan [...] shall be the priority of the Parties [...]
- 1.2 That the people of South Sudan have the right to control and govern affairs in their region and participate equitably in the National Government.
- 1.3 That the people of South Sudan have the right to self-determination, *inter alia*, through a referendum to determine their future status. [...]
- 1.5 That the people of the Sudan share a common heritage and aspirations and accordingly agree to work together to:
 - 1.5.1 Establish a democratic system of governance [...]
 - 1.5.5 Design and implement the Peace Agreement so as to make the unity of the Sudan an attractive option especially to the people of South Sudan.

PART B: THE TRANSITION PROCESS

- 2. There shall be a Pre-Interim Period [of six months] [...]
- 2.5 At the end of the six (6) year Interim Period there shall be an internationally monitored referendum ... for the people of South Sudan to: confirm the unity of the Sudan by voting to adopt the system of government established under the Peace Agreement; or to vote for secession.

STATE AND RELIGION

Recognizing that Sudan is a multi-cultural, multi-racial, multi-religious and multi-lingual country and confirming that religion shall not be used as a divisive factor, the Parties [agree to various principles, rights and protections which] shall be reflected in the Constitution.

STRUCTURES OF GOVERNMENT

To give effect to the agreements set out in Part A [...] the political framework of governance in the Sudan shall be structured as follows:

- 3.1 **Supreme Law** [...]
 - 3.1.1 The National Constitution of the Sudan shall be the Supreme Law [and] shall regulate the relations and allocate the power and functions between the different levels of government as well as prescribe the wealth sharing arrangements [and] shall guarantee freedom of belief, worship and religious practice in full to all Sudanese citizens [...]
 - 3.1.4 During the Interim Period an inclusive Constitutional Review Process shall be undertaken. [...]
- 3.2 **National Government**
[...]
 - 3.2.2 Nationally enacted legislation having effect only in respect of the states outside Southern Sudan shall have as its sources of legislation *shari'a* and the consensus of the people.
 - 3.2.3 Nationally enacted legislation applicable to the Southern States and/or the Southern Region shall have as its sources of legislation popular consensus, the values and the customs of the people of the Sudan (including their traditions and religious belief, having regards to Sudan's diversity).

THE RIGHT TO SELF-DETERMINATION FOR THE PEOPLE OF SOUTH SUDAN

[repeats Part A Clause 1.3 and Part B Clause 2.4 to 2.6]

A historical yardstick for comparison against the Machakos Protocol is the second failed peace talks hosted by Nigeria in April-May 1993 (“Abuja II”).⁹³ At Abuja II, Garang’s SPLM/A faction proposed an interim confederation of the North and the “marginalised South” (including the “Three Areas” of Abyei, Nuba Mountains and Southern Blue Nile) as a fall back to its preferred secular democratic ‘New Sudan,’ “as the best way to solve the problem of the relationship between state and religion, power and wealth sharing.”⁹⁴ Each confederal state would be “sovereign in its laws and security arrangements” and have full socio-economic authority and independent international relations. Secular laws would apply in the national capital. At the end of the interim period, the “marginalised South” would vote on confederation or independence in an internationally supervised referendum.

Confederation was rejected, in the view of one government negotiator, because “this pre-supposed two independent bodies coming together for mutual interest.”⁹⁵ The government tolerated only a federal solution, refused designating the Nuba Mountains and Southern Blue Nile within southern Sudan, and rejected the independence option. By contrast, in 1995, at the NDA’s landmark Asmara Conference, the SPLM/A succeeded in persuading northern opposition parties of the virtue of the confederation model (Lesch 1998:196).

At initial talks within the newly launched IGAD initiative in 1994, both sides largely adhered to their Abuja II positions. Between the first and second rounds of talks, the SPLM/A’s first National Convention declared an “emerging New Sudan” in the south and the Three Areas, and confirmed confederation as its minimum demand in any interim

⁹³ See Wondu and Lesch (2000), albeit with an SPLM/A bias (Stephen Wondu was an SPLM negotiator). See also distilled accounts in Lesch (1998) and Johnson (2003).

⁹⁴ See Lesch (1998:175), quoting SPLM/A submissions.

⁹⁵ Interview, Abdelrahman el-Khalifa, Khartoum, June 2007. See also Deng and Khalil (2004).

period.⁹⁶ IGAD mediators tabled the Declaration of Principles (DOP) at the second round of talks in May 1994. The DOP resurrected the SPLM/A's maximum demands by requiring that a secular and democratic state based on decentralisation, federation and autonomy be established, otherwise southerners were justified in having the choice of secession through exercising self-determination.⁹⁷ The NIF rejected the DOP outright. It was especially confident given the military weakness of a divided SPLM/A.

When the military initiative shifted and an embattled Khartoum returned to the IGAD process in 1997 and accepted the DOP as a basis for negotiations, it remained opposed to the DOP's secular vision and resisted the independence option. In 1998, the government entertained self-determination for the South based on the 1.1.56 borders only. To secure this, the SPLM/A made a qualified concession on the Three Areas (discussed further in Chapter Four). The vexed issue of religion and state remained, but in the context of what government structures should apply in the interim period and as the basis for a united Sudan.

SPLM/A policy documents from 2001 make clear that confederation, not merely legal derogations from *shari'a* for the south, remained the SPLM/A's minimum demand and central to its negotiating position up to Machakos. Both an SPLM/A position paper submitted to the June IGAD Summit (SPLM/A 2001a), and a written SPLM/A submission to US Envoy Danforth's delegation (SPLM/A 2001b), called for an interim confederation and an interim central government including the SPLM and the NDA as an "opportunity to work for rebuilding trust and confidence in the Sudan giving unity a chance". Khartoum once again proposed only to adjust the existing federal set-up such that the south could

⁹⁶ Discussed further, below.

⁹⁷ Parts of the DOP text are reproduced in Chapter Four.

adopt its own legal system. The SPLM/A countered that an exemption from *shari'a* was insufficient and called two legal systems in the country based on the existing Islamic constitution a “divisive arrangement” (el Hassan 2001b). Garang told *Newsweek* that the SPLM/A had “offered [a] way forward. Let us have two states, two separate constitutions. We are not going to accept *shari'a* as the supreme law of the land” (Gutman 2001).

The DOP’s formula thus proved unworkable by 2002. Both sides had indicated they would accept some compromise but failed to reach a mutually agreeable position on Sudan’s constitutional structures. The SPLM/A had countenanced a solution on *shari'a* embodied in confederal structures that would also address southern autonomy in areas of security, power and wealth-sharing. Khartoum too had been willing to make concessions on *shari'a*, but rejected confederation and resisted possible southern secession.

The Machakos Protocol was a breakthrough. But ‘through’ to what, was not agreed. The Bush administration lauded the Protocol as a “framework and over-arching blueprint for peace and change” (White House 2003). However, the Protocol with its non-continuous numbered sections, repetitions and disconnected pages of text, is striking for being neither coherent nor comprehensive. Following the mediator’s strategy, the Machakos Protocol recorded only the agreed pieces of an incomplete puzzle.⁹⁸ *Shari'a* is not mentioned in the agreed text on religion and state, rather the south’s exemption appears in the section on *structures of government* (Clauses 3.2.2 and 3.2.3). The solution was less radical than confederation, let alone the Declaration of Principles’ insistence on a secular state.

The IGAD mediation team drew upon the ‘One Country, Two Systems’ approach, which had come into favour with the Troika (see Chapter Two) to resolve the impasse on *shari'a*.

⁹⁸ Interview with General Sumbeiywo, Karen, July 2007. See also el-Muktar Hussein (2006) and Waihenya (2007).

However, 'One Country, Two Systems' could mean many different things, including the confederation option that Khartoum fiercely resisted, as well as a separate system for the south within a federal constitution enshrining *shari'a*, which the SPLM/A rejected as a "divisive arrangement". The ambiguity is evident when the Machakos Protocol is compared to the description of "One Country, Two Systems" invoked in the seminal CSIS report a year before, to "give priority to a unified Sudan composed of two self-governing regions" (CSIS 2001:13). The Protocol did indicate that the "Southern Region" was something different to the north, and, in Clause 1.2 that, "the people of South Sudan have the right to control and govern affairs in their region and participate equitably in the National Government." However, the equality implicit in "two self-governing regions" is nowhere to be found in the Machakos Protocol; no "Northern Region" is mentioned. Rather, the Protocol envisaged, without explicitly saying so, an asymmetric federal structure within which a Southern Region would be an administrative layer between the Southern States and the Central Government.

The nature of the Central Government and the Southern Region's powers and role within it were not specified. Nor was there clarity on the nature or extent of autonomous Southern self-government. For the SPLM/A, the question remained as to the scope of autonomy relative to that designated by the failed 1972 Addis Ababa agreement or the vagaries of the prevailing 1998 Constitution. Conversely, could asymmetric federalism be *made* to resemble confederation? This uncertainty lay at the heart of subsequent contestations.

Clause 2.5 of the Machakos Protocol stated that the southerners' referendum would give them the choice to either "confirm the unity of the Sudan by voting to *adopt the system of government established under the Peace Agreement*; or to vote for secession" (emphasis added). This mattered little for those Southerners seeking exemption from *shari'a* and

regional autonomy before quickly moving to independence. For the SPLM/A leadership – which repeatedly eschewed separatism and had called for confederation at minimum – the “system of government” so ill-defined at Machakos was the key – underspecified – compromise that left its victory on southern self-determination incomplete.

A vague compromise on structures of government thus lies at the heart of the Machakos Protocol. Placing the Protocol in the historical context of contested ideas reveals the significance of its ambiguousness. The SPLM/A had demanded confederation as a minimum baseline of equality that could still facilitate a united Sudan. Asymmetric federalism fashioned a deal for the south that seemingly, but not yet certainly, fell short of this. The Protocol retained Sudan’s federal structure while giving substantial but unspecified autonomy and participation in central government to a regional Southern Entity. This left it liable to conflicting interpretations.

Most available accounts of the Machakos Protocol may be criticised as problematic for two reasons. First, most overlook the fact that the agreement’s breakthrough on the issues of state and religion and southern self-determination pivots on the underspecified compromise on ‘structures of government’. Secondly, since government structures were at the heart of both parties’ compromises, it is noteworthy that they are underweighted and obscured in the literature. The simple ‘deal’ on *shari’a* and southern self-determination, lauded by the parties and the peacemakers at the time, dominates shorthand descriptions of the Protocol. These accounts thus reproduce the hidden discord between the parties over the core governance compromise. Moreover, this lack of analytical attention reflects, and uncritically reinforces, the dominant narrative engendered by the constitutive ideas of the rejuvenated IGAD institution: a deal between ‘north’ and ‘south’ to address the ‘southern war’.

Most accounts of the Machakos Protocol refer only to the two issues of *shari'a* and southern self-determination. For Iyob and Khadiagala (2006:121-2), Machakos was a “breakthrough in [these] two key areas.” Similarly, Sumbeiywo’s biography focuses on these “two contentious issues” (Waihenya 2007:87-8).⁹⁹ Some analyses gloss over any basic connection between these two issues. The 2007 US Institute of Peace report on the CPA, which casually substitutes “North” and “South” for the Government of Sudan and SPLM/A respectively, and argues the Protocol “met the all-important southern condition for a referendum on secession. The document also limited Islamic law to the North and only to Muslims” (Carney 2007:6).

More commonly, the two issues of *shari'a* and self-determination are interpreted as a trade-off. However, the governance compromise this trade-off entailed is considered only implicitly. Woodward argues that “the fact that agreement was reached that did not include the whole state becoming secular then triggered the south’s right of self-determination” (Woodward 2006a:175).¹⁰⁰ For Woodward, this follows from the Declaration of Principles, whereas for Young (2007), this was a grave departure. Young, a Canadian who worked with the previous IGAD mediator, Ambassador Mboya, between 2000 and 2001, was contracted by IGAD to evaluate the Machakos mediation but his heavily critical assessment was later suppressed by IGAD. He argued that “While the [Declaration of Principles] made the right of the south to self-determination subject to the failure of the national government to introduce democracy, secularism, and the fair distribution of resources, Machakos

⁹⁹ See also: Martin’s account of Sumbeiywo’s mediation (Martin 2006:144); summaries of the Protocol in Barltrop (2008) and Rolandsen (2005:173).

¹⁰⁰ See also Rogier (2005:65) “the historical compromise ... can be summarized as follows: *shari'a* for the north; self-determination for the south”; and Terlinden (2004).

granted the south the right to self-determination after a transitional period, irrespective of any changes within the central state” (Young 2007:16).

Young’s criticism that self-determination was now guaranteed “irrespective of any changes within the central state” fails to acknowledge that *some* important change was fundamentally but not fully agreed in Machakos. Young overlooks government structures because he considers the parties’ “principal concerns” were self-determination (for southerners) and *shari’a* (for the National Congress) (Young 2005b:101). The Machakos Protocol “made clear” that the peace process was “built upon [this] compromise” (Young 2005a:538), but Young fails to elaborate on what this compromise precisely entailed.

On the Protocol’s “major breakthrough”, Morrison and de Waal (2005:165) emphasise the “provision for Southern Sudan to administer itself for a six-year interim period leading up to a referendum on self-determination” and pay less attention to the structural relation of southern Sudan to the north and centre. They also run ahead of the actual negotiations, adding that the Protocol agreed that Garang would take the position of vice-president. This is not pedantry; in July 2002, the south’s participation in central government had the potential to take significantly different forms. Judging the Protocol with the hindsight of the final peace agreement overlooks the intervening politics.

Endre Stiansen, a Norwegian official at the Machakos talks, writing on ‘lessons’ from the negotiations, interrogates the nature of the compromise but over-states what was achieved:

“The core of the Machakos compromise was that the [Government of Sudan] kept Islamic legislation in the Northern States of the Sudan, and the SPLM secured the right of the people of the Southern Sudan, at the end of a six-year interim period, to vote for secession. Thus neither side got all it wanted, even over its key demands. The [Government of Sudan’s] Islamic vision stopped at the borders of the South, and it had to accept the possibility that the country would split in two. The SPLM also *gave up its vision* for a united Sudan based on secularism and the common heritage – the idea of the New Sudan as formulated by John Garang.” (emphasis added) (Stiansen 2006:38)

Stiansen concludes that a 'One Country, Two Systems' approach clinched the deal: "The Machakos Protocol formalized their giving up trying to enforce one or the other vision over the whole country. The advantage of ending the war of visions by having 'one state, two systems' was that each party retained its dominant position in its respective home territory" (Stiansen 2006:38).

What Young considered a failing, Stiansen considered Machakos' success: allowing each party to maintain their positions in their "home territory" enabled a settlement. To counter this centrifugal force, the parties' vague commitment to making "the option of unity attractive" to the South in the interim period was welcomed. Tangentially attending to government structures, Stiansen misses the crucial point that the question remained as to exactly *what* this structure would be. There were not "two systems", rather one system for the south, within another national system. As a peacemaker involved in the mediation, he lauded the "Machakos compromise" for "ending the war of visions" and emphasising what each side "gave up". We have seen that it was not in Machakos that the SPLM/A first entertained something less than a united secular 'New Sudan' in the interim, nor where the National Congress first abandoned an Islamic vision for the South. Of far greater importance for the SPLM/A was what it had gained in lieu at Machakos: the minimum arrangements required for retaining its New Sudan objectives.

Johnson (2003) and Deng and Khalil (2004) take more nuanced and historicised views, which come closer to my own. The Machakos Protocol is credited for resolving the issues of self-determination and state and religion. However, Johnson adds, "Its provisions were far more ambiguous. It was not a peace agreement, but an agreement on the framework for further discussions about peace. ... The type of unity offered was deferred to later discussions" (Johnson 2003:179). Johnson correctly recalls Garang's insistence that

Southern self-determination had to be based upon a “real choice” between independence and the best possible model for a unified Sudan. Deng and Khalil, writing in 2004, rightly link the issue of government structures to the options for self-determination, rather than state and religion. Referring to Article 2.5 of the Protocol on self-determination, they note: “Although this is an unambiguous provision, its implication may well be confounded by the SPLM/A’s insistence that confederation is a variety of association between the component parts of one sovereign state in international affairs” (Deng and Khalil 2004:11).

These more sober qualifications of the Protocol draw attention to the enduring dispute over a united Sudan’s constitutional structures. However, neither Deng and Khalil nor Johnson interrogate further how the Machakos Protocol partially but imprecisely defined the interim government structures of a unified Sudan, how this remained contested, and what the SPLM/A’s subsequent political actions during the negotiations were. Their analyses are instructive, but remain a point of departure for further interrogation.

Interim government arrangements were defined only vaguely in the Machakos Protocol and, importantly, this left open what the compromises made on state and religion and self-determination would amount to, especially for the SPLM/A. Sudan’s interim government structures underpinned the type of united Sudan on offer, and were the baseline for the parties’ own commitment of “making unity attractive” prior to the referendum. This takes on greater importance when a more significant question is answered, namely: Was the Machakos Protocol commonly interpreted by the parties and by the peacemakers? The next section of this chapter answers this question in the negative, and shows how the ideas of peacemakers and the Sudanese government dominated interpretations of the ‘negotiated compromise’ that was reached, and how the SPLM/A subsequently contested them.

2. THE MACHAKOS PROTOCOL: A CONTESTED COMPROMISE

The Machakos Protocol contained a fundamental – yet fundamentally vague – compromise on the constitutional structure of the Sudanese state. Interrogating the different interpretations of the Machakos Protocol held by the political actors who created it demonstrates how ideas of peace relating to government structures remained deeply contested. In this section, I first examine the priorities and constructions of peacemakers who shaped the mediation agenda and process at Machakos and their influence on the Protocol’s ambiguities. I then analyse the largely laudatory descriptions of the Machakos Protocol’s outcomes in interview evidence from senior government of Sudan officials. Finally, I juxtapose the common ground between peacemakers and Khartoum with perspectives of SPLM/A leaders on the Protocol. The type of unity offered by a negotiated settlement could only be “deferred to later discussions,” as Johnson put it, depending upon how the SPLM/A could *make this so*.

2.a Mediating the Machakos Protocol

At Machakos, the mediators set out to resolve the issues of self-determination and state and religion as issues *affecting Southern Sudan* in line with the institution’s constitutive ideas. This was notwithstanding that in the history of IGAD negotiations (including in the DOP) and the SPLM/A’s negotiating positions, these were matters linked to national concerns. The constructions chosen by peacemakers shaped the nature and extent of the negotiated peace that was possible within the IGAD institution. That Machakos’ outcome was obscure and remained contested owes considerably to the mediation.

As Chapter Two demonstrated, even before Machakos, the rejuvenated IGAD talks aimed to: solve the “southern problem,” “end the war in southern Sudan,” stop “the killing, the

bombing and the slave-taking,” “address imbalances between North and South,” facilitate a peace agreement between the “southern opposition” and Khartoum as a prerequisite to addressing other problems in Sudan, and deal with the “warring sides” only and not a “broader constitutional compact.” Previous negotiations and the parties’ positions made clear that the two thorny issues of *shari’a* and southern self-determination stood in the way of any resolution. The peacemakers’ common aspiration was for robust autonomy for the south and adequate representation in, and share of resources from, the central government, such that secession could hopefully be averted. ‘Asymmetric federalism’ proved a useful idea, without seemingly requiring far-reaching constitutional changes, and thus the SPLM/A’s confederation demands appeared unnecessary and insupportable.

For General Sumbeiywo, ending the southern war was IGAD’s sole mandate and peace demanded only a north-south bargain:

“In Karen [May 2002, preparatory talks for Machakos] it was apparent from the documents that the SPLM saw a window of opportunity to change the structures of government in line with their philosophy, to say they wanted a New Sudan ... My position was that I was not going to put in a new constitutional structure in Sudan. I wanted to address the war in a way such that both parties had a win-win situation. ... In my findings, it wasn’t new structures that were required, it was addressing imbalances in the Sudan, the marginalisation of the South, the treatment of the South by the North, for example by appointing people to represent them.”¹⁰¹

Sumbeiywo brought to Machakos an erroneous construction of Sudan’s prevailing governance arrangements and thus considered that the SPLM/A’s New Sudan required changing constitutional structures whereas a deal between ‘North and South’ did not. He already considered the ‘South’ as an existing political entity; the dispute concerned its fair share. Yet Sudan’s 1998 Constitution, which the IGAD settlement would either work within or change, established a federal Sudan. It provided only vaguely that, “the Southern

¹⁰¹ Interview, Karen, July 2007. See also Chapter Two.

Sudan has a transitional system for a term, during which the same is federal and co-ordinatory [sic] for the Southern States, and shall expire by the exercise of the right of self-determination [in 2001].”¹⁰² For Khartoum, Southern Sudan was a temporary coordinated collection of states. The Machakos Protocol implicitly redefined the South vis-à-vis the centre, which Sumbeiywo only belatedly realised during the IGAD talks: “Towards the end, it became apparent that you cannot do this [a north-south deal] without changing the constitution. Correcting the balance required changing [governance] structures.”¹⁰³

Sumbeiywo’s senior advisor, Nicholas Haysom, recognised that the Machakos Protocol envisioned new constitutional structures. Yet his recollection is striking for describing this as an emergent finding of the mediation: “It became clear that the state and religion issue could not be isolated from the more general question of what would be the state structure within which the South would have autonomy, or would be insulated at least, from some sort of constitutional prescription [on *shari’a*] in the Sudanese constitution” (North 2007).¹⁰⁴

Sumbeiywo’s legal advisor, a US State Department lawyer, recalled that confederation was discussed but rejected out of hand by the government, which argued: “In the North we have no problems, everything is fine, they all love *shari’a*, everybody is happy.”¹⁰⁵ The advisor added, “It wasn’t the SPLM’s role to say, ‘You must have it we force it upon you,’ because at the end of the day, what did they want? They wanted some form of autonomy for themselves.” The SPLM/A, once again, was equated with the “south”.

¹⁰² Article 139(g), Constitution of the Republic of the Sudan, 1998. The Sudanese president appointed all members of the Coordinating Council of Southern States.

¹⁰³ Interview, Karen, July 2007.

¹⁰⁴ This anonymous USIP interview is evidently with Nicholas Haysom. He introduces himself as Sumbeiywo’s senior advisor who previously served as President Mandela’s legal advisor.

¹⁰⁵ Anonymous (interviewee’s request), Khartoum, September 2005.

Within their perceived limitations of their mandate, Haysom explained how mediators drove the Machakos deal: “[The breakthrough came] once both parties had accepted a rather strange and asymmetrical federal structure which we proposed, on the one hand, and, on the other hand, the parties were able to agree to an exemption for the South from the application of the principle that *shari’a* or Islamic law would be the source of legislation” (North 2007). An exemption was precisely what the SPLM/A had resisted.

These interpretations and recollections guide further exploration of the central ideational divisions at Machakos. The SPLM/A failed to achieve confederation because this involved changing structures, or at least changing structures *in the north*. Confederation was beyond IGAD’s mandate, flatly rejected by Khartoum, and not a legitimate concern of a ‘southern opposition’ focused on a deal for the south. Given Khartoum’s unyielding stance and General Sumbeiywo’s resistance to “new structures” and interpretation of his mandate, the mediation team proposed a “strange and asymmetrical federal structure” as new, but not too different. Asymmetric federalism was seen to change government structures only in the south, or the south vis-à-vis the centre. Moreover, the problem it needed to solve was primarily the application of *shari’a*.

As regards self-determination, for the peacemakers the Machakos Protocol was as much a reluctant acceptance of possible southern secession as it was for Khartoum. Their vacillations on self-determination, including a clear process for a referendum for southerners on secession, were due to their own peace preferences. Self-determination and the referendum were understood as the SPLM/A’s major victory, however this focus reflects its troublesome nature for peacemakers. Prior to Machakos, all major Sudanese political forces, including the National Congress, had accepted the broad concept of self-determination, though they still disputed its practical details. Nevertheless, for peacemakers

possible southern secession was of regional and international significance and a potentially worrisome burden to usher in. Their peace preference was for robust southern autonomy within a democratic united Sudan.

Washington officially supported a united Sudan. Envoy Danforth advised President Bush against supporting secession (Danforth 2002), and he had support within the State Department. The US Assistant Secretary of State, Walter Kansteiner, promised Garang only “justice as well as autonomy for the South” to get him on board for the talks (Kennedy 2006:4),¹⁰⁶ and after Machakos he played down secession.¹⁰⁷ On the eve of the Machakos talks, Garang was furious when US officials presented the SPLM/A with a draft agreement that omitted self-determination.¹⁰⁸ Washington continued to waver on self-determination, notwithstanding policy advice that it would be a deal maker or breaker.¹⁰⁹ During the Machakos negotiations in July 2002, former Clinton official John Prendergast impressed upon US senators that supporting self-determination was Washington’s “single most important point of leverage” over both parties for extracting important concessions that could enhance the prospect of unity (United States Senate 2002).

Sumbeiywo advised President Moi that Danforth’s report “predetermined [self-determination] in contradictory terms from the parties” and the Declaration of Principles (Waihenya 2007:89), but he too first skirted around the independence option. In late 2001, Sumbeiywo prepared a paper which he recalled “was working on the principle in Tanzania

¹⁰⁶ This anonymous USIP interview is evidently with Walter Kansteiner III. He describes himself as US Secretary of State Colin Powell’s ‘battalion commander’ for Africa entrusted with leading on US State Department Sudan policy, and recalls leaving office before the CPA was signed. Kansteiner was US Assistant Secretary of State for African Affairs between mid-2001 and late 2003, when he led on Sudan policy.

¹⁰⁷ See Kansteiner (2002), also Johnson (2003:221).

¹⁰⁸ See Johnson (2003:221), also Prendergast (United States Senate 2002).

¹⁰⁹ Including the 1999 USIP consultation and the 2001 CSIS Task Force: see Chapter Two.

– Zanzibar and Tanganyika,” that got leaked to the parties.¹¹⁰ “John Garang scolded me and said, ‘You cannot append us like this ... to the existing structures in Sudan.’” Moreover, Sumbeiywo noted that when the Machakos talks commenced, the first negotiating text prepared by his team also omitted self-determination and secession (Waihenya 2007:85; Martin 2006:140). This again riled the SPLM/A, as well as the US envoy to the talks. Washington had now pledged to the SPLM/A that it would back self-determination.

Final agreement on the practical details of southern self-determination at Machakos came when only when, close to the end of the talks, Sumbeiywo unified the different mediation committees. For those lauding the subsequent bargain, this was a “stroke of genius” that allowed both sides to “get what they really needed” (Stiansen 2006:37-8). The bargain came down to the length of the interim period: the SPLM/A said two years, the government argued for ten years, and they settled upon six. Yet, the “stroke of genius” must be qualified, given that self determination could not be separated from the kind of unified state that was on offer to southerners during the interim period and beyond. Peacemakers’ vacillations on self-determination, and treatment of the issue independently of others, missed its inherent link to the wider issues. Machakos made southerners’ right to a referendum absolute, and specified when it would occur, but the choice of a united Sudan remained unspecified.

An analysis of peacemakers’ discourse reveals that the Machakos Protocol was interpreted as the best available deal, and a signal success in mediating the most difficult issues required for resolving the ‘southern war’: Khartoum retained *shari’a* and some provision supporting unity, and the south’s interests were addressed with freedom from *shari’a* and

¹¹⁰ Interview, Karen, July 2007.

self-determination, including the independence option. Equated with the south, the SPLM/A's wider New Sudan agenda was given limited attention. Insofar as Garang aspired to achieve national political transformation, he found allies in the Troika, especially the US government. Washington, with one eye on the Middle East on the eve of the Iraq invasion, retained hope of a united democratic Sudan and expected more from the mediation.

Norway's Development Minister, who was heavily engaged in the talks and a friend of Garang, explained in an interview after the CPA was signed that the Machakos compromise, although criticised by some, was the only option. The "critical thing" for Khartoum was ending the war and keeping *shari'a* in the north, and "for the South, for them it was critical with the referendum and self-determination" (Nielsen 2007:6).¹¹¹ The UK's Special Representative also characterised Machakos as a deal between the north and south to end the war, not to pursue "political reform", albeit London expected a commitment to democratic elections.¹¹² Self-determination was given "more practical expression" than in the Declaration of Principles with "some balancing commitment" to unity to "bring the [Sudan Government] on board."¹¹³ A similar "balancing commitment" to unity for the SPLM/A was deemed unnecessary, in light of the south securing the option to secede.

Walter Kansteiner, the US Assistant Secretary of State for Africa, emphasised the independence "escape clause" and *shari'a* as the main obstacles surmounted in Machakos. Self-determination was granted to southerners, but southern secession was not strategically preferred. Washington sought a democratic plural united Sudan not only for Sudan's sake,

¹¹¹ This anonymous USIP interview is evidently with Hilde Johnson. The interviewee is described as "Norwegian Minister for Human Rights and Development since 1998" (Nielsen 2007:1).

¹¹² Alan Goulty, written correspondence with the author, February 2009.

¹¹³ *ibid.*

but also for its exemplary value further afield, especially in the Middle East. It was Washington's "conviction that a united Sudan will be stronger economically, and more politically viable as a pluralistic, democratic state. A unified Sudan will help promote regional stability. It will send a strong example to the rest of Africa and to the Middle East that even the most intractable conflicts can be resolved" (Kansteiner 2002). According to the State Department's then Special Advisor on Sudan, in the Fall of 2002 he met with President Bush who he recalled said that his interest in Sudan's democratic transformation as a whole was because it could impact "the greater Middle East."¹¹⁴

The IGAD mediators (like the government, discussed below) thought the bulk of the work to secure peace was complete.¹¹⁵ Nicholas Haysom recalled believing that only "easy issues" remained after Machakos (Haysom 2005); "simply ... the further development of the principles set out in the Protocol" (Simmons and Dixon 2006c:29). Haysom interpreted the parties' Machakos' negotiated compromise on the three issues of state and religion, "a set of general principles to govern a federal Sudan," and southern self-determination, as follows: "The last two in essence constituted a trade-off between the parties, while the first contained an internal compromise on the part of both parties" (Simmons and Dixon 2006c:28-29). In Section Four, below, I show how subsequent to the Machakos Protocol none of these negotiated compromises was fully or finally reached. The not-so "easy issues" raised by the SPLM/A and fiercely resisted by the government, went to the heart of their different interpretations of the Protocol and the IGAD institution's constitutive ideas of peace.

¹¹⁴ See Nielsen (2006a:20). This anonymous USIP interview is evidently with Michael Ranneberger. The interviewee describes how he returned from Mali in 2002 to serve Danforth and lead the State Department's Sudan Programs Group. Ranneberger played this role and was US ambassador to Mali, 1999-2002.

¹¹⁵ See: Haysom (2005); Waihenya (2007); Martin (2006); Simmons (2006a).

2.b The Sudan Government and the Machakos Protocol

The government, like the peacemakers, interpreted the Machakos Protocol as delivering a north-south solution to the war in southern Sudan. By giving the south autonomy and self-determination, Khartoum considered the SPLM/A had been conceded enough, without the government relinquishing power or *shari'a* in the north. My evidence below draws upon interviews with the two senior government negotiators at Machakos, Ghazi Salahuddin Atabani and Sayed el-Khatib, as well as others. For both, the Protocol represented a major personal achievement, which they were interested to record.

Ghazi Salahuddin Atabani, lauding the mediators as well as the negotiators, held that “Machakos was a watershed development, and the achievement was to have that agreement at all.”¹¹⁶ He emphasised self-determination, which he was against but which had become “so entrenched in the doctrines of the political parties and the literature that nobody could get rid of it” and, “the question of *shari'a*, which had become a vexed question in Sudanese politics for some time.” The Protocol’s great success “was to find a way of reconciling these two principles, apparently irreconcilable, in one formula. ... [T]he creativity of the negotiators and the mediators made this possible which provided us with a new framework for a political settlement.” Ghazi did not elaborate on the “formula” or “political framework” which evidently included asymmetric federalism. Nevertheless, for Ghazi this framework was welcomed as the final answer on structures of government.

Although Ghazi Salahuddin Atabani signed the Protocol and was Khartoum’s chief negotiator, he was not in Machakos on the critical night of the breakthrough, and Sayed el-Khatib led their side. When interviewed, he described himself as the “chief negotiator” of

¹¹⁶ Interview, Khartoum, June 2007.

the Machakos Protocol: “It was I who decided to accept Machakos and sign it, not Ghazi.”¹¹⁷ He gave his account of the well-documented eve of the signature when Sumbeiywo required both sides to negotiate directly on one draft text which addressed, he explained, “the two central concerns of self-determination and relationship between state and religion.” He described the Protocol as “the central framework and key breakthrough that convinced both sides that a peace deal was possible,” but made no reference to government structures. When asked about the significance of the concept of ‘One Country, Two Systems,’ el-Khatib considered it applied, but was an “amorphous idea” which, in the Machakos Protocol, certainly did not mean confederation.

Other government negotiators interviewed also portrayed the Protocol as the definitive breakthrough, with little work remaining. The under-secretary for foreign affairs, Mutrif Siddiq, considered the Protocol “The landmark of the negotiations that indicated our seriousness on the part of the Government... For me personally, this is the end of the negotiations, the rest are only details.”¹¹⁸ He elaborated:

“Machakos addressed the essence of the agreement. It addressed the concerns of our side, at least, that we are going to have (without naming it) two legal systems for north and south, the north is going to preserve its Islamic identity, with maybe some special arrangements for non-Muslims in the north. This is the main trade-off, with the issue of self-determination, which was the fundamental issue for the SPLM/A. This is the major concession. This is followed also by the structures of government. The National level, the South Sudan level. ... These are [sic] the skeleton of the negotiated settlement.”

The un-named “two legal systems for north and south” translate only into the “National level” and the “South Sudan level,” as the government desired. And he deemed that self-determination mattered most for the SPLM/A. Another government negotiator, Abdelrahman el-Khalifa, gave his explanation of the SPLM/A’s interests at Machakos:

¹¹⁷ Interview, Khartoum, May 2007.

¹¹⁸ Interview, Khartoum, June 2007.

“We realised that John Garang wanted to concentrate on the south. ... At one point he was aiming for Khartoum, but then he gave up.”¹¹⁹ Similarly, Qutbi al-Mahdi, the former chief negotiator and presidential advisor, concluded: “New Sudan was lost in Machakos, it was now [just] the South.”¹²⁰ This was wishful thinking on the part of Khartoum, as the SPLM/A would seek to show.

The National Congress sought to portray the Machakos Protocol as a good deal between north and south that solved the southern war and put paid to ‘New Sudan’. Such depictions allowed the government to retain *shari’a* in the north, and to retain power and reassert its national authority for the interim period as the dominant peace partner. The South – which Khartoum maintained was the SPLM/A’s true interest – had been conceded enough, including its all-important demand of a referendum on secession. This was a long enough six-and-a-half years away. By agreeing a solution on structures of government in the interim period that maintained Sudan’s current federal structure and merely created an autonomous southern region, the Machakos Protocol was mostly consistent with Khartoum’s pre-Machakos position and was understood to close the chapter on the SPLM/A’s confederal demands. In mid-August 2002, following his meeting with Garang in Kampala, President Bashir gave his negotiators “clear orders” to bring home a “final peace” from the next round of negotiations at Machakos (AFP 2002e). However, an uncompromising SPLM/A would make this impossible.

¹¹⁹ Interview, Khartoum, June 2007.

¹²⁰ Interview, Khartoum, May 2007.

2.c The SPLM/A and the Machakos Protocol

For the SPLM/A, the Machakos Protocol was an agreement on some vital concerns and, for the time being, an agreement to disagree on others equally important. It was the beginning of the negotiations, and far from the end. The SPLM/A interpreted the ‘framework’ for peace differently to Khartoum and the peacemakers, sundering the mutuality that a negotiated compromise necessitates, and re-contesting the constitutive ideas of the negotiations institution. The central importance of government structures, yet the indeterminacy of the solution assented to in Machakos, lies at the heart of this dissonance.

I have established that the Machakos Protocol’s vague idea of ‘asymmetric federalism’ was different to the SPLM/A’s longstanding demand of confederation in the interim period. The significance of this difference for the SPLM/A is evident from examination of the movement’s interpretations of the Protocol. Below, I combine evidence from my interviews with SPLM/A leaders and SPLM/A statements contemporaneous with the Machakos Protocol to demonstrate the SPLM/A’s conflicting reading of the Protocol and to explain its significance. My interview evidence captures the view of only northerners in the SPLM/A. However, they were senior SPLM/A leaders close to John Garang (“New Sudanists,” as explained in the next section) and so warrant attention. Obtained between 2005 and 2008, such evidence clearly involves the dangers of hindsight. Yet statements contemporaneous with the Machakos negotiations are shown to substantiate these perspectives.

In official public statements, the SPLM/A leadership lauded the Machakos Protocol to its core southern constituency. As with the government and peacemakers, it emphasised the breakthroughs on state and religion, southern autonomy and self-determination. In its press release of 22 July 2002, the SPLM/A emphasised resolution of “the two contentious issues that have revolved around the conflict in the Sudan,” namely the right of self-determination

and religion and state (SPLM/A 2002b). It also noted agreement on a substantial devolution of powers for “Governance of the Southern entity”. However it added that the details, along with power and wealth sharing, security arrangements and a ceasefire, remained to be worked out in subsequent negotiations. Matters of less concern to most southerners, such as the Three Areas, the legal status of the national capital, or specific details of central power sharing such as the presidency, were not mentioned.

In addition to securing southerners’ popular approval, the SPLM/A was keen to not to be deemed spoilers of the atmosphere of peace in the making. Northern SPLM/A leaders (including from the Three Areas) recognised the limits of the Machakos negotiations. Walid Hamid, then advisor to the SPLM/A Nuba Mountains leader Abdelaziz al-Hilu, argued that the SPLM/A stooped to accept the National Congress’ main idea at Machakos, which was a north-south deal of “you keep yours and we keep ours.”¹²¹

Necessity demanded that the SPLM/A play along at Machakos with Khartoum and the peacemakers’ impatient aspiration of striking a peace deal for ending the southern war. A northerner and advisor to Garang, Elwathig Kameir, considered the SPLM/A had to recognise that at Machakos “the problem was looked at [by peacemakers] as a problem of resolving a war in the south, not as a problem of [national] democratic transformation and what was required. This was a success of the government position.”¹²² Yasir Arman, who was involved in the SPLM/A’s activities in Darfur, and who would later be the SPLM/A’s short-lived candidate for the national presidency in the 2010 elections, concurred that at Machakos peacemakers “saw Sudan’s problems as separate, divisible. And they saw the

¹²¹ Interview, Khartoum, June 2007.

¹²² Interview, Khartoum, September 2005.

answer as partial answers, separate in time. ... The mediators just wanted to get peace quickly.”¹²³

Those SPLM/A leaders interested in a more robust deal addressing national issues understood they had to contest dominant constructions and interests, though they were bound to participate in the negotiations institution. Malik Agar, the SPLM/A’s Blue Nile commander, when asked whether he was concerned during Machakos that the National Congress had successfully pushed for the problem to be seen as a southern one, replied: “Yes that would be tactically a win for them, to separate the issues and divide and rule and deal with the issues in a piecemeal way. But [at] the end of the day they could not succeed in splitting the movement in that way.”¹²⁴ The Machakos Protocol was far from the day’s end.

Ostensibly, with the Protocol, peacemakers had successfully followed the CSIS Task Force’s advice of “persuad[ing] the south that negotiating now versus at some point in the future can best advance core southern interests” (CSIS 2001:5). But the SPLM/A was more than the south, and its core southern demands extended to national concerns. As explained in Chapter Four, below, Malik Agar considered that rather than being persuaded to do so, the SPLM/A strategically allowed negotiations in Machakos to address core southern issues precisely so that they could be solved. The SPLM/A always had it in mind to then reassert its wider demands. Walid Hamid recalled the SPLM/A leadership’s need to address the growing tide of support for separation in the south and within the SPLM/A, adding, “We

¹²³ Interview, Khartoum, September 2008.

¹²⁴ Interview, Khartoum, June 2007.

knew the international attention was focused just on the southern Sudan but for the SPLM we have another agenda.”¹²⁵

Statements contemporaneous with the Machakos negotiations give weight to these perspectives. In August 2002, with the second round of Machakos negotiations faltering, Garang explained to International Crisis Group the importance of self-determination as a platform for pursuing – not a compromise for conceding – change in the centre:

“Just going for the independence of the South is simplistic. If that is all that we wanted we would have accepted the Machakos provision on self-determination as an end in itself and concluded negotiations there. The self-determination provision in the Protocol *was actually attained because of our objectives of a New Sudan*, which involves our allies in the North. The problems of the South are addressed by making changes in the centre, not by remaining on the periphery.” (emphasis added) (International Crisis Group 2002c:12)

In another interview in August 2002 published in the *Mideast Mirror*, Garang referred to the SPLM/A’s unfinished business on the state and religion issue, which “*although [it] was not settled completely*, is well on its way to a solution” (emphasis added) (Bakheet 2002). Garang was referring especially to the legal status of the national capital and the national constitution. When asked about the status of ‘New Sudan’ after Machakos, Garang replied: “I want to stress that there is no option that would preserve the unity of Sudan other than that of the New Sudan which we proposed some time ago. National unity cannot be established otherwise” (Bakheet 2002).

Garang pleaded with his NDA partners that he was forced to accept the terms of Machakos but that his wider agenda remained intact. He faced heated criticism from NDA members, especially NDA spokesman Farooq Abu Eisa, at an NDA Leadership Council meeting in early August 2002 in the wake of Machakos. Abu Eisa recalled, “When I finished, John

¹²⁵ Interview, Khartoum, June 2007.

Garang raised his hand and said ‘I fully agree with what Mr Abu Eisa has said one hundred percent. All the remarks he made are correct. But I would like to add,’ a statement he repeated many times, ‘look here gentlemen, at Machakos I was not a sole victor imposing my solutions on the Khartoum government. It was a compromise and naturally does not meet all my agenda. It was only part of my agenda. I agree with the shortcomings, but I was forced to do it that way.’¹²⁶ He then assured the NDA that their concerns would be raised at the next round. In other words, he had not compromised on his agenda, rather it remained a work in progress.

Whereas National Congress interviewees reflected upon the success of limiting the SPLM/A and Garang to a southern focus, Garang viewed the Protocol as a springboard. Southern self-determination as part of a national unity strategy for Garang at first appears counter-intuitive. The manner in which the Machakos Protocol served, albeit out of necessity, as a springboard for a wider SPLM/A agenda is the subject of discussion later in this and subsequent chapters. For now, it is noted that Garang’s call for “changes in the centre” went to the heart of the SPLM/A’s “New Sudan” objectives, and they implicated national governance issues that the government and the mediator were reluctant to address.

We can thus conclude that dominant, not unanimous, ideas of peace prevailed at Machakos in July 2002. Khartoum and the peacemakers shared an objective of finding a solution for the southern war, which largely dictated the institutional scope of the mediation. The malleable concept of asymmetric federalism allowed for the breakthrough at Machakos by making changes to government structures that were not, or not yet fully, spelt out. The promise of southern autonomy, while sufficient for addressing the question of *shari’a*, was

¹²⁶ Interview, Khartoum, September 2008. Shafie Khidder gave a similar account: Interview, Khartoum, June 2007.

insufficiently defined to meet the SPLM/A's other concerns. It was sufficiently ill-defined for the SPLM/A to accept, yet later contest, the compromise that the Machakos Protocol entailed.

3. NEW SUDAN: INTERPRETING THE SPLM/A'S IDENTITY AND POLITICS

The SPLM/A had long argued for an interim compromise on structures of government involving confederation. The Machakos Protocol did not deliver this, but 'asymmetric federalism' seemingly provided something close. To what extent did this matter? The SPLM/A's different reading of the Machakos Protocol indicates it was of substantial significance. To understand why, we must closely examine the SPLM/A's identity as an armed liberation movement since its formation in 1983, Garang's dominating leadership and his idea of 'New Sudan'.

This section employs the dimension of my analytical schema that concerns political identity as a core ideational component of negotiations institutions. The previous sections emphasised ideational contestation within the context of peace negotiations. By interrogating outcomes to understand the degree of mutual agreement and thus negotiated compromise, I made explicit aspects of IGAD's peace politics too often overlooked. However, the negotiation's ideational politics occurred within a yet wider context of contested ideas relating to the conflict. Constructions of actors' political identities – collective attributes ascribed to them and frames of what they stand for politically – are an important dimension of the "power to name" and its effects (Bourdieu 1991). Attending to this wider context of meaning sheds different light on the significance of contested peace outcomes, by further illuminating how they matter to political actors and power relations between them.

This section provides a distinctive historical and primary source-based analysis of interpretations of the SPLM/A's identity and political *raison d'être*. Much has been written on the SPLM/A's political programme, and is considered below, however the analysis here differs by placing a wide range of written primary sources in historical context; highlighting key continuities in the SPLM/A leadership's thinking on 'New Sudan'; and foregrounding rather than seeking to rationalise or judge conflicting interpretations of New Sudan. An interrogation of divergent interpretations of the SPLM/A's identity and political purpose helps to explain why and how different actors ascribed particular meanings to the SPLM/A's actions during the IGAD negotiations.

3.a Four interpretations of "New Sudan"

The account in this section of the SPLM/A's 'New Sudan' political programme is a textual analysis, supplemented by interview evidence, that contextualises and draws upon different explanations of and rationales for New Sudan given by the movement, in particular its leader John Garang, from 1983 onwards. By examining these interpretations over time, including through the eyes of dissenters within the SPLM/A, I suggest a typology of four interpretations. They are not mutually exclusive. I do not seek to judge what New Sudan 'really' meant, rather I aim to foreground conflicting interpretations. The typology is elucidated to inform our analysis of the SPLM/A and its political actions, and the responses of other actors towards the SPLM/A and its political actions during the IGAD negotiations. Section Five in this chapter begins this analysis, extended in subsequent chapters on the SPLM/A's political actions concerning the Nuba Mountains and Darfur.

I will introduce upfront the four interpretations, and adumbrate implications. The first interpretation is that New Sudan reflected the *personal ambition* of John Garang and was predominantly his vision, shared only by a small group of his New Sudan allies, many of

them from northern Sudan. New Sudan, however rational (and this too was contested), was in this view liable to fail under the weight of popular disapproval in the south. Southern critics of the SPLM/A held this view given it complicated their nationalist objectives. It is also emphasised by numerous writers who adopt a southern perspective on the war or who are critical of Garang. Young writes that “few in the SPLM/A leadership ever supported a united Sudan and most have been forthright in their espousal of independence. ‘New Sudan’ was officially accepted because it was favoured by Garang and everyone knew what the consequences would be to openly challenge the leader on this issue” (2005a:539). Similarly, Rolandsen considers the pro-unity policy might be explained by the SPLM/A’s “Need to placate foreign supporters and John Garang’s personal ambitions” and thus Southern Sudanese demands were “subordinated to what was acceptable” (2005:41). Collins argues that the SPLA rank and file “had little interest in Garang’s new united Sudan. They were men and boys determined to defend an independent homeland free from the historic depredations by the Arabs” (2007:1791).

The second interpretation concerns the *strategic imperative* of prosecuting a national struggle *for a Southern agenda*, whether separatist or not. Garang often explained New Sudan to his southern SPLA rank and file as necessary for any southern liberation goal. Johnson, who accounts in detail for what distinguished the SPLM/A from the separatist Anyanya movement before it, interprets New Sudan this way, as “a different appreciation of the South’s dilemma,” a strategy born of past southern experience and practical necessity that “the South’s most effective first line of defence” was in Khartoum and not Juba (2003:62-3). Similarly, Deng (1995:20) and Prunier (2005:72) portray New Sudan as a matter of strategic preference for Garang. Importantly, the SPLM/A remains a southern movement within this interpretation, albeit with a national strategy.

The third interpretation is New Sudan's *tactical usefulness* (but not strategic imperative) for pursuing a Southern agenda, so long as benefits outweighed costs.¹²⁷ Deng (1995:20, 234-35) and Johnson (2003:62) also see New Sudan in this light, especially the rhetorical benefit of not pursuing a separatist agenda within and outside Sudan. Johnson argues: "There were many in the movement who saw talk of unity as merely tactical and separation as the desired goal" (2003:65). As a matter of tactics, New Sudan's utility shifted depending on prevailing politics. Later, I show how the government latched on to this interpretation of New Sudan as Garang's tactics (as well as his personal ambition); it was something Garang employed to make gains for the South, with seizing Khartoum a side bonus if it occurred. The corollary was that if the South were granted sufficient gains, Garang was expected not to risk them.

The final interpretation gathers viewpoints that support a *genuine belief* or *ideological commitment* of Garang and his New Sudan supporters in the SPLM/A, that a united secular New Sudan must be the overriding objective of their *national* liberation movement. Rather than southern-focused strategy or tactics, or laying emphasis on personal ambition, these interpretations invoke Garang's Pan-Africanist and anti-Colonial inspirations and his conceptualisation of the liberation struggle. At the least, true Southern self-determination required a hard-earned choice between secession and the best possible model of a unified Sudan. Lesch (1998:88-92)¹²⁸ cites SPLM/A discourse from Garang's speeches and peace negotiations in adopting this interpretation. However, her analysis is now dated, and does not address counter-arguments in detail. The analysis below interrogates this interpretation

¹²⁷ See also Rolandsen (2005:40-41).

¹²⁸ Deng (1995:234-35) also addresses this interpretation.

of New Sudan more deeply, in part by maintaining attention to conflicting interpretations as well as by employing more recent primary sources and interview evidence.

This fourth interpretation has significant implications when the ideas of New Sudan clash with peace compromises being urged within the negotiations institution. The SPLM/A New Sudan leadership would view the promises of peacemakers as unreliable and prone to reproduce conditions of oppression. The SPLM/A's compromises made during negotiations are more liable to be tactical, and to not preclude other efforts to pursue their overriding goal. Using my interview evidence, I argue that this interpretation was of enduring significance for the SPLM/A leadership's self-identification and political programme. Its underweighting or misinterpretation by the Sudanese Government or the peacemakers within the IGAD negotiations helps to explain their reactions to the SPLM/A's political actions during and after Machakos.

3.b The evolution of the SPLM/A's 'New Sudan'

The evolution of the SPLM/A's 'New Sudan' political programme can be broadly charted across the movement's first and second decades. Until late in the first decade of the 'old' New Sudan when the movement split, the SPLM/A professed an uncompromising commitment to unity, insisted upon casting Sudan's problems in national terms and demanded that the SPLM/A be identified as a national liberation movement. Garang's construction of Sudan's problem and the SPLM/A's identity achieved qualified acceptance in the late 1980s, but events after the June 1989 coup thwarted this trajectory, and required the SPLM/A to revise its New Sudan idea. This it did, but without sacrificing its rhetorical commitment to a united Sudan.

The SPLM/A, in its 1983 Manifesto (SPLM/A 1983), declared itself to be a socialist movement that had by necessity started in the south but had national ambitions for socialist transformation. The 1983 Manifesto begins, “The so-called ‘Problem of Southern Sudan’ is really a general problem in the Sudan ... [with] origins in the spread of capitalism and colonialism” (SPLM/A 1983:1). It advocated a “United Socialist Sudan, not a separate Southern Sudan” (SPLM/A 1983:16; Garang and Khalid 1987:24). On Radio SPLA, broadcast from Ethiopia, Garang railed against southern separatists whom the SPLA were fighting (Garang and Khalid 1987:22-3, 54) and spoke of “North-South polarization” being “torn to pieces” with SPLM/A recruitment of northerners (Garang and Khalid 1987:29).¹²⁹ Garang drew substantial support from Mengistu’s Marxist Derg regime in Ethiopia, itself firmly anti-separatist given it fought Tigrean and Eritrean separatist movements.

Between Nimeri’s fall in 1985 and the 1989 NIF-backed coup, the SPLM/A steadily recorded significant political breakthroughs with northern leaders whilst also celebrating its strongest military achievements. Socialism receded in SPLM/A discourse during this period when Garang instead called for “a United New Sudan, a Democratic New Sudan” (Garang and Khalid 1987:49). When the sectarian and Islamist parties rose to power, the SPLM/A began to portray Sudan’s chief woe in identity terms as exclusionary Arabism and Islamism (SPLM/A 1989).

However, SPLM/A discourse remained unionist and Garang continued to refuse to negotiate as a southerner, explaining: “The truth is that *negotiations in the context of the so-called “southern problem” is against the national interest and a recipe for disaster*” (Garang and Khalid 1987:67, emphasis in original). With the Declaration of Koka Dam in

¹²⁹ Garang also poured scorn over the “bourgeoisified Southern Bureaucratic elite” who signed the 1972 Addis Ababa agreement (SPLM/A 1983: Section 12, p8; Garang and Khalid 1987:22-3, 53).

1986 (SPLM and National Alliance for National Salvation 1986), Garang convinced northern public leaders to call for a repeal of Nimeri's *shari'a* laws, and for a constitutional conference to build a "New Sudan" by solving the "Basic Problems of the Sudan" and "not the Southern Problem". Northern political parties, however, were not supportive. The DUP and the NIF rejected Koka Dam, and the Umma Party reneged on its support following its success in the 1986 elections.

In November 1988, with the SPLM/A advancing militarily, Garang and the DUP leader Mohamed Ahmed al-Mirghani signed the Sudan Peace Initiative in Addis Ababa. Its preamble began with: "Convinced that genuine peace in Sudan cannot be attained in the context of the so-called 'Southern Problem' but on the appreciation that the problem is national in nature ..." and called for freezing *shari'a* and a national constitutional conference (SPLM and DUP 1988). This accord belatedly gained support from al-Mahdi's government in March 1989.

Having argued with some success with the ruling sectarian parties for New Sudan's necessity, the SPLM/A failed to elaborate on what "New Sudan" entailed and pinned all hopes on the constitutional conference. It remained unclear how exactly "New Sudan" would help facilitate Sudan's diverse social and political groups "to coalesce into a Sudanese Nation (National Formation)" (SPLM/A 1989). This weakness became apparent after 1989.

The 'old' 'New Sudan' changed irreversibly after the 1989 coup, culminating in major changes in SPLM/A political strategy in 1992, ahead of the Abuja II talks. The June 1989 Islamist-backed coup served to abort a bill to freeze *shari'a* and to scupper al-Mahdi's belated plans for peace talks that July. The SPLM/A's goal of a united secular New Sudan delivered through a national constitutional conference slipped rapidly out of reach. Though

Garang's rhetoric remained steadfast on New Sudan and an "axiomatic" belief in unity (Garang and Khalid 1992:253), internal crisis within the SPLM/A ensued after battlefield defeats and the fall of Mengistu in Ethiopia. In 1991, renegade SPLM/A leaders, Riek Machar and Lam Akol, created a rival "SPLM-Nasir" faction that aimed its anger at Garang's autocratic style and his pursuit of New Sudan despite the desires of and cost to southerners.¹³⁰ SPLM-Nasir, though it soon faltered, successfully brought Southern self-determination to the fore, compelling Garang to take account of its increasing popular support.

Akol and Machar declared a leadership coup in August 1991 in a six-page critique entitled "Why Garang Must Go Now" (Akol and Machar Teny 1991).¹³¹ Inspired by the post-Cold War flux and separatist successes in Ethiopia, they advocated that the SPLM/A change its objective in a document titled: "Separate Existence: A Resolution of the Present North-South Conflict" (SPLM-Nasir 1991).¹³² Fighting for a united secular Sudan, they argued, "was like swimming against the current," for "separatism has ceased being a taboo" (SPLM-Nasir 1991:2).¹³³

Personal accounts of the SPLM/A up to the early 1990s by two Garang detractors and factional leaders after the 1991 split, Lam Akol (2001; 2003) and Peter Adwok Nyaba (1997), reinforce important critical interpretations of New Sudan.¹³⁴ Both censure New Sudan as rhetorical expediency, out of touch with Southern sentiment. Its survival as the

¹³⁰ See analysis in: Johnson (1998; 2003:91-99); Lesch (1998:156-59) and Deng (1995:229-37).

¹³¹ They begin quoting Wole Soyinka ("Man dies in all those who stand silent before a tyranny") and conclude that Garang "has been holding [the SPLM/A] at ransom dragging the whole nation into an abyss." See also Akol (2001), Garang and Khalid (1992:269-79) .

¹³² See also reference in Akol (2001:61).

¹³³ See also Lam Akol's account of the Nasir Declaration and events thereafter: Akol (2003).

¹³⁴ Nyaba rejoined SPLM/A in the late 1990s, as did Lam Akol in 2004. After a controversial period as Sudan's Foreign Minister, Akol was suspended from the SPLM/A in late 2007. In 2009 he defected once more and launched a rival party, 'SPLM-Democratic Change'.

SPLM/A's stated goal was owed to Garang's blind ambition, autocratic leadership, and his debts to allies such as the Nuba and Mengistu. Akol judged that Garang had no will to negotiate peace: "For Dr. John Garang, a peace settlement is a compromise which can only mean capitulation or surrender" (Akol 2001:229). New Sudan was all-or-nothing and Garang said nothing on what "peace would actually look like if negotiated and not from outright victory". "High on rhetoric and belligerent," Garang "became a prisoner of his own ambition" (Akol 2001:230). Nyaba, quoted at the outset of this chapter, concluded it was Southerners, clamouring for separation, who had become Garang's prisoners.

The SPLM/A's second decade began with the revision of its New Sudan strategy in 1992-93. Here, I provide a detailed analysis of how the SPLM/A incorporated self-determination within an augmented New Sudan idea, and emphasise continuities in the SPLM/A's strategy that are too often overlooked. The SPLM/A's Abuja II negotiating position in 1993 (discussed above), which demanded confederation in the interim period, embodied this departure.¹³⁵ Garang presented the new strategy in his opening address to the first national SPLM/A Convention in Chukudum, Southern Sudan, in 1994 (Garang 1994), and it remained SPLM/A strategy up to and beyond the rejuvenated IGAD talks at Machakos.

The Chukudum speech has hitherto not been analysed in detail.¹³⁶ In so doing, I shed light on two important aspects of 'New Sudan'. First, the content and significance of confederation within a New Sudan agenda is explained. This provides essential context for why the SPLM/A might have been unsatisfied with the Machakos Protocol's 'asymmetric federalism'. Secondly, continuities in Garang's and the SPLM/A's rhetoric are revealed and

¹³⁵ This position elaborated upon an internal SPLM/A document from 1992: see Deng and Khalil (2004:6).

¹³⁶ Only Rolandsen (2005) gives the speech some attention, discussed below.

analysed which lend support to interpretations that New Sudan represented either a strategic imperative or a genuine belief and ideological commitment.

Garang famously relied upon ‘circle diagrams’ to explain his strategy for a New Sudan. They formed part of the SPLM/A’s Abuja II position paper; were used to counter General Sumbeiywo’s initial proposals for southern autonomy; presented to foreign audiences such as at the Carter Center in March 2002; and Garang drew them for Vice-President Ali Osman Taha when they began face-to-face negotiations in September 2003.¹³⁷ Figure 2 and Figure 3, below, reproduce versions of these diagrams that date from 1993-4. The first appears in the record of Garang’s Chukudum speech (Garang 1994), where he explained that this was the SPLM/A’s negotiating position at Abuja II in 1993. The second dates from 1994 and endured as the diagram Garang relied upon up to 2002.¹³⁸

¹³⁷ Interview with Yasir Arman, Khartoum, September 2008.

¹³⁸ The author thanks Douglas Johnson for a copy of this document.

Figure 2: Solution Modalities for the Sudanese Conflict (1)

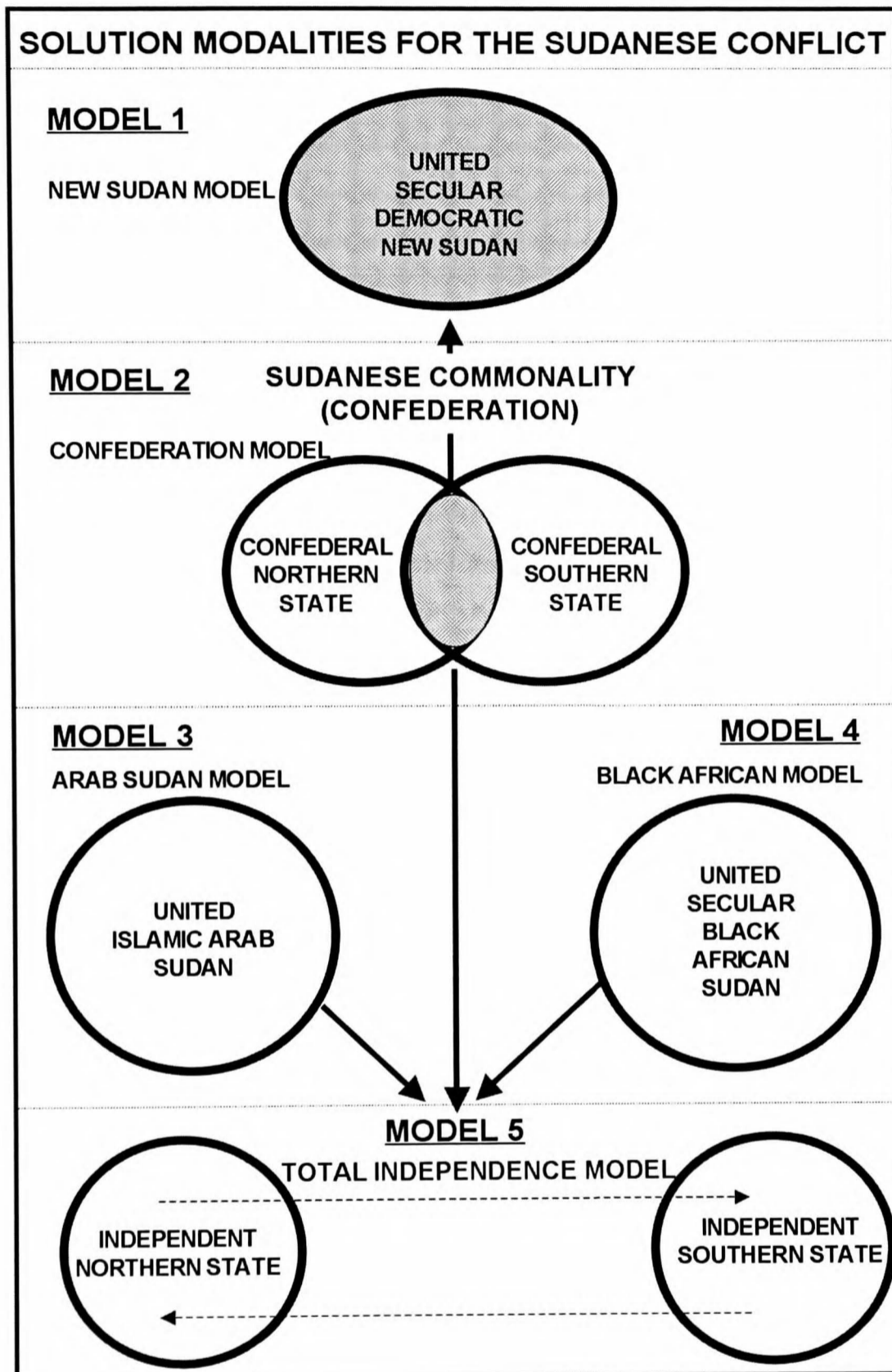
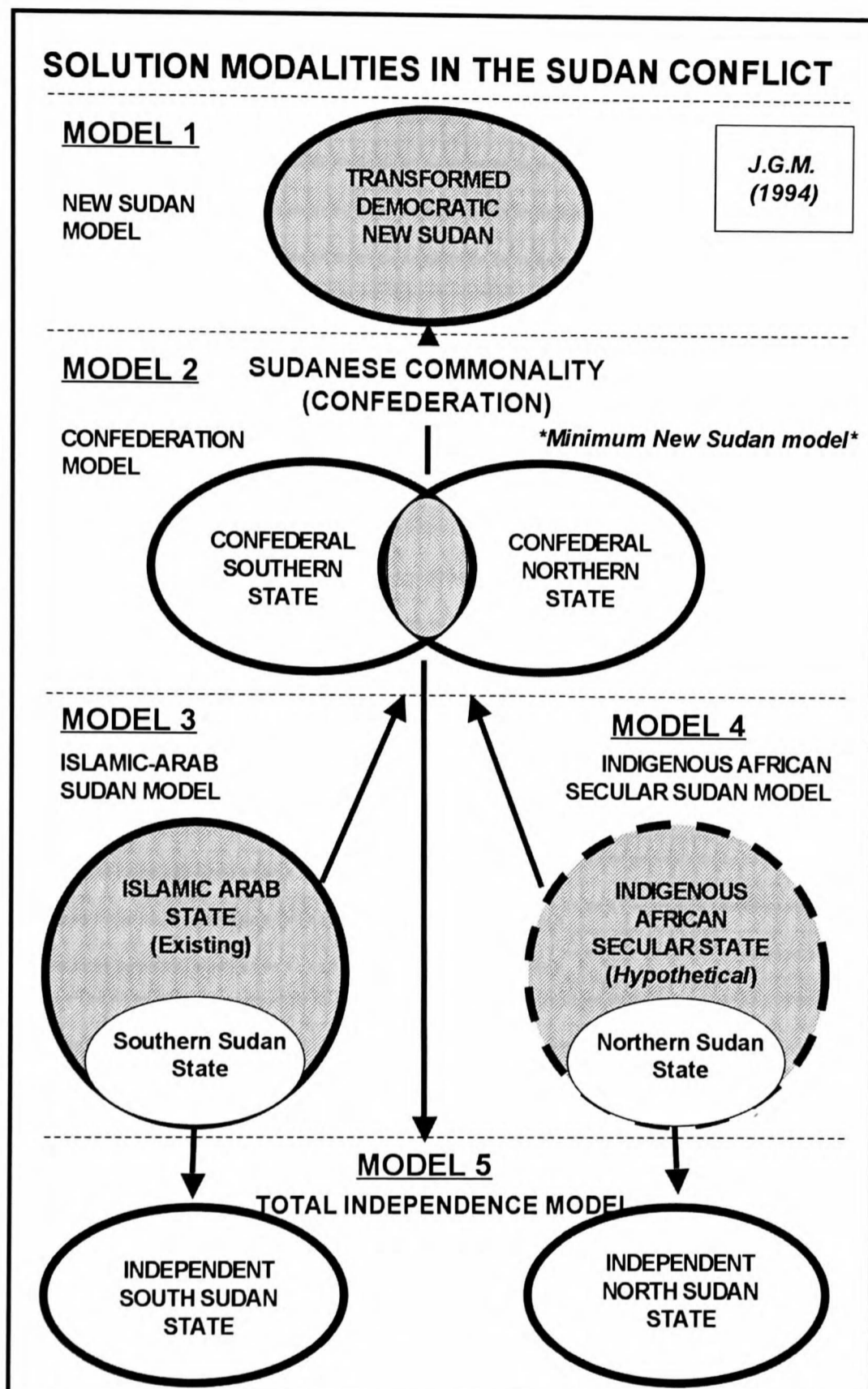


Figure 3: Solution Modalities for the Sudanese Conflict (2)



Common to both diagrams are the two arrows going both ways from the Confederation Model to either the New Sudan Model or Total Independence Model. Garang argued that for a political settlement of the conflict (as opposed to outright victory, which remained a

concurrent strategy), confederation was the “minimum New Sudan” for the interim period. It would allow for shared commonalities and “mutual benefits” between north and south upon which could be built a united New Sudan – “the expansion of the shaded area [in Model 2]” (Garang 1994:40) – or failing which both states would go their separate ways.

The second diagram differs subtly but significantly from the first, and sheds important light on why, for the SPLM/A, the Machakos Protocol’s ‘asymmetric federalism’ and the movement’s confederation demands were liable to diverge in critical ways. Here, Models 3 and 4 are further developed, first to show that they could lead either to total independence *or confederation*, and second to depict more clearly the prevailing situation. Model 3 – showing a “Southern Sudan state” within a dominant Islamic Arab state was the governance structure of the time. In Garang’s view confederation was the “minimum New Sudan” that could then foster unity. Anything short of this as an interim political settlement was not worth the trouble because it was the *de facto* situation. Garang’s rejection in 2001 of Khartoum’s two systems formula to resolve state and religion as a ‘divisive arrangement’ flows from this reasoning. At the time of the Machakos Protocol, ‘asymmetric federalism,’ sat ambiguously and awkwardly in between the *de facto* situation and confederation. Below, I explore this further when examining the SPLM/A’s post-Machakos politics.

Confederation and Garang’s circle diagrams may have been part of a southern-focused strategic imperative, but they also lend credence to interpretations of a genuine belief in and ideological commitment to New Sudan. At Chukudum in 1994, Garang lectured at length on his reasons for seeking liberation for a united New Sudan. I note some of his rhetoric here, to contrast with that of his detractors summarised above and to emphasise especially

those interpretations that remained consistent with the 1983 Manifesto and endured for the decade after the National Convention.

Garang's core arguments for a united New Sudan drew on Pan-African and anti-Colonial ideas. The Manifesto located the "historical roots of the problem of the Sudan" in the neo-colonialism that African states suffered following independence. At Chukudum, Garang pontificated at length on Sudan's "historicity," asking of his mostly Southern audience, "Since when did we not belong to the Sudan to run away from it or to not want it?" (Garang 1994:11). Quoting outsiders' descriptions of Sudan and Africa as far back as the Ancient Greeks, he concluded, "Bluntly put the Sudan simply means Africa. It was only during the recent colonial partition of Africa that the continent lost some of its more comprehensive names" (Garang 1994:11). The post-independence failure of Sudan's "Jellaba regime" (Garang 1994:14)¹³⁹ was to promote bigotry and to deny the inclusive democratic national building required to produce "our commonality as Sudanese" (Garang 1994:18).

Garang also advocated the strategic imperative for pursuing a national armed struggle that supports Akol's view that Garang little countenanced negotiated compromise: "Whether you are a Southern separatist or an advocate of the New Sudan, nothing changes the reality that for either objective to be achieved the Jellaba regime of oppression must be destroyed" (Garang 1994:19, also 42). Because Model 3 (see Figure 2) "is the one now in force, and it is in force by force" (Garang 1994:42) armed confrontation was necessary and "a bad peace is worse than war" (Garang 1994:36).

However, Garang's rhetoric also drew upon on a deeper conceptualisation of liberation, suggesting he accommodated self-determination and negotiated settlement only within his

¹³⁹ *Jellaba*, a type of male dress and a common name for Arab Sudanese traders who wear it, is also a derogatory collective noun used by non-Arabs to denote the ruling riverain Arab elites.

enduring goal of national liberation and with scepticism towards outside peacemakers. Southerners could not be “given separation,” this would be “surrender in a camouflaged form” (Garang 1994:20); it was “wishful thinking which is not in the vocabulary of freedom fighters” (Garang 1994:25). Garang’s distrust of concessions from Khartoum, and external peacemakers, is also apparent: “Whether it is the ‘New Sudan’ you want or an ‘Independent Southern Sudan’ or some interim Confederal Arrangement leading to a referendum on self-determination, this must be the result of our struggle, not a gift from anybody” (Garang 1994:20, also 25). For Garang, all options had to remain open even while peace is being negotiated, this was “at no cost to us as long as we maintain our independence of decision-making and the armed component of our Movement” (Garang 1994:32). Peace negotiations were war by one of many means.

The SPLM/A National Convention’s resolutions caused some confusion about the ‘new’ New Sudan. The most significant political outcome of the Convention in 1994 was the delegates’ proclamation of “the birth of the New Sudan, which for the time being, shall consist of Bahr el Ghazal, Equatoria, Southern Blue Nile, Southern Kordofan and Upper Nile Regions” (SPLM/A 1994:1). Thus the New Sudan “for the time being” included the three regions of the south *and* “Southern Blue Nile” and “Southern Kordofan”, regions in Sudan’s geo-political north. From this point onwards, “New Sudan” began to be interpreted in two ways: first, as the original aspiration for a united secular multi-religious and multi-racial Sudan; and secondly, as this new region representing areas partially or wholly under SPLM/A control.

Rolandsen (2005:53), while providing a rich source-based examination of the 1994 Convention, is hasty in his conclusions on this confusion over “New Sudan.” He shows clearly that Garang largely predetermined the Convention’s process and that the confusion

over the term 'New Sudan' sprang up during the final days. He then argues that the SPLM/A changed its "professed aim – from unity to self-determination" (Rolandsen 2005:53), and concludes that "through re-definition of the term 'New Sudan', [the National Convention] drew the SPLM/A closer to an official embrace of a secessionist agenda" (Rolandsen 2005:122). It came closer, but not so close as Rolandsen suggests. Self-determination remained a basis for *national* change up to and after the Machakos Protocol.

The SPLM/A's objectives for the "liberated areas" remained anti-separatist and expansionist. The SPLM/A's most significant internal policy document after 1994, its 1998 "Vision, Programme and Constitution" (SPLM/A 1998), makes this clear. Quoting the 1994 resolution (see above) and placing "for the time being" in bold and italics, it explains: "This conceptualization of the New Sudan as a trend and as an event is important to stress and appreciate in the building and consolidation of the SPLM in both the liberated New Sudan as well as in establishing the SPLM in other parts of the Old Sudan which are still under the rule and occupation of the NIF regime" (SPLM/A 1998:9). The SPLM/A position in negotiations with Khartoum and the NDA in subsequent years also sought a continued commitment to unity *and* a national New Sudan, whilst re-affirming self-determination for the expanded southern region, the "New Sudan for the time being". The ongoing process of liberating other parts of "Old Sudan" manifested practically in SPLM/A efforts to build support in other northern "marginalised areas," including eastern Sudan and Darfur.

The SPLM/A's discourse in 1998 again heavily emphasised unity, and New Sudan was defined as a "socio-political mutation ... [and] a necessary condition for the Sudan to survive as one country" (SPLM/A 1998:6). Notwithstanding growing Southern nationalism, the SPLM/A maintained that it "will not relegate itself to a regional movement as some Southerners and Northerners would wish. The SPLM shall continue to be a national

Movement and to champion national goals within the context of the New Sudan” (SPLM/A 1998:18). Likewise, any negotiated peace settlement “must be on the basis of confederation, self-determination and the New Sudan” (SPLM/A 1998:18). All three were considered inter-related: confederation in the interim, and self-determination and the secession option as the insurance policy in case of failure to agree terms for a united New Sudan during the interim period.

Up to the signing of the Machakos Protocol in 2002, the SPLM/A’s New Sudan strategy remained fundamentally the same. It also continued to be the subject of southern criticism: in 2000, for example, a prominent SPLM/A supporter in the Diaspora and former federal minister in the Nimeri regime, Bona Malwal, cited similar reasons as Akol and Machar for breaking with Garang in the *Sudan Democratic Gazette*, which he edited. However, New Sudan also claimed successes: in early 2002, Garang brought Riek Machar back to the SPLM/A from Khartoum on New Sudan terms, at least rhetorically.¹⁴⁰

The analysis above sheds light on the continuity of political ideas in the SPLM/A’s submissions to IGAD and US Envoy Danforth in mid-2001 cited previously, and the significance of SPLM/A demands for confederation and rejection of a separate legal system for the south within the 1998 constitution as ‘divisive.’ Below, interview evidence from New Sudan adherents in the SPLM/A reinforces the significance of this for understanding SPLM/A actions at Machakos.

¹⁴⁰ Machar told reporters: “We are now talking with one voice. We think if Khartoum wants to retain *shari’a*, then it must accept a confederal system. If it...[can discard] *shari’a*... a united secular democracy can be realised. In both solutions, we expect an exercise of self-determination” (IRIN 2002b).

3.c Interpretations of New Sudan by ‘New Sudanists’

The SPLM/A was predominantly a “southern armed opposition” in composition, which, by many accounts, John Garang led autocratically for twenty-two years. Garang imprisoned or purged powerful dissenters and gathered around him army commanders and political functionaries more committed to New Sudan.¹⁴¹ The National Congress often labelled his coterie of supporters as “Garang boys”,¹⁴² with a clear intention to exceptionalise this group within the SPLM/A. Here, I call them “New Sudanists”.

Key New Sudanist ideologues included the SPLM/A leaders in the Three Areas, such as Malik Agar from the Southern Blue Nile, the Nuba leader and organiser of the 1994 Convention Yusif Kuwa (who died in 2001), his replacement as leader of the Nuba Mountains and commander of the SPLM/A’s New Sudan Brigade in eastern Sudan, Abdelaziz al-Hilu, and senior Ngok Dinka figures from Abyei such as Deng Alor and Edward Lino. They also included some of Garang’s political advisors who were northerners, such as Elwathig Kameir (an academic and later Sudanese ambassador), Yasir Arman (subsequently the SPLM/A’s leader in the National Assembly and short-lived presidential candidate in 2010) and Mansour Khalid (a former foreign Minister in Nimeri’s government who joined the SPLM in 1985). Finally, there were those southerners senior in the movement who shared Garang’s pan-Africanist and socialist leanings, such as Pagan Amoum, who was the NDA’s Secretary-General and later SPLM/A Secretary-General, and Nhial Deng Nhial, the SPLM/A’s chief negotiator after Machakos.

¹⁴¹ For accounts of Garang’s leadership, see: Young (2005a); Prunier (2005:72); Deng (1995); Lesch (1998); Collins (2007).

¹⁴² See also International Crisis Group (2008b:3,f.8).

I interviewed numerous New Sudanists to understand how senior SPLM/A leaders interpreted Garang's political vision and how the SPLM/A leadership perceived and acted upon their situation in the wake of the Machakos Protocol. Three central themes emerged. First, 'Doctor John's' commitment to New Sudan was longstanding, steadfast and not liable to compromise. Secondly, it was a deep ideological commitment that saw liberation as something requiring personal and societal transformation. Finally, the strategic rationale for armed struggle and wariness towards negotiated settlement derived fundamentally from this commitment.

Yasir Arman's interpretations are especially important, for he played a key role in the SPLM/A's support to Darfur rebel groups after the Machakos Protocol was signed (examined in Chapter Five).¹⁴³ Arman maintained that Garang's vision of New Sudan went back to his formative thoughts in the late 1960s and the problem he diagnosed with the Anyanya separatist struggle: southern separatists were reproducing the conditions of neo-colonialism. "Doctor John", Arman held, "sought to change, to transform, the country. He was a true liberator, and he always said to all the SPLA recruits, you must not take orders to do something which you do not believe in, only you can liberate *yourself*." Given many analyses suggest Garang personally vetted every recruit and broached no dissent, Arman's account appears insupportable, yet conversely it also confirms the importance of this rhetoric within the New Sudanist group.

Arman emphasised Garang's suspicion of outsiders' usefulness, which echoed the SPLM/A leader's earliest anti-imperialist rhetoric. "Doctor John," Yasir Arman emphasised, "was a strong anti-Colonialist." Arman recalled that Chiekh Anta Diop's "Bible of the African

¹⁴³ Yasir Arman, Interview, Khartoum, September 2008. All subsequent quotes are from this interview.

History” heavily influenced Garang.¹⁴⁴ The New Sudan liberation struggle was one of transforming ideas of Sudan, of its problems, and of Sudanese identity:

“For the international community, the legacy of Colonialism is that they still tell Africans what the problem is: in Nigeria it is between the Muslims and the Christians, in Chad between the Arabs and Africans, in Egypt etc. And the news agencies only reinforced this, including in Sudan and outside. The international community suffered from colonial legacies in their misdiagnosis. They perpetuated Colonial distortions, whereas Doctor John sought to destroy that old discourse. ‘Dichotomies can’t build great nations,’ he said. New Sudan, he argued, would be realised when every citizen saw themselves as Sudanese first, as a collective new belonging that has primacy, and then only after this also ‘Arab’ or ‘Muslim’ or ‘Christian’ etcetera.”

The significance of this becomes apparent in Arman’s reflections on peacemaking. “Doctor John was suspicious of how much the international community could do,” Arman began.

Then he added:

“The danger with IGAD and Machakos was a partial solution. This was the danger to us. Doctor John used to say there are two main misunderstandings regarding Sudan. First, the national internal one is that there is an ethno-religious bias that Sudanese have with their identity, despite our reality and history. The biggest problem here is the Sudanese Establishment, not just the National Congress. The Establishment who are in power believe the problem is outside Khartoum. Secondly, the international community has its own misunderstanding because of the legacy of Colonialism, as I mentioned. They still see the ‘Southern Question.’ But Sudan’s peoples existed long before the ‘Southern Question’.”

Other New Sudanists echoed Arman’s emphasis on New Sudan as an idea of national proportions, but also stressed the strategic imperative for the South, with dire consequences for Sudan if not realised. Walid Hamid, a northerner closely involved in the Nuba Mountains, explained, “New Sudan is not northern Sudan or southern Sudan, it is a political idea based on the SPLM philosophy – so we are liberating those who stand behind New Sudan.”¹⁴⁵ But he later explained New Sudan as a southern-focused strategy: “Doctor John was telling the southern Sudanese, if you want to have your independence, you have to be

¹⁴⁴ Arman refers to the Senegalese historian’s 1967 work *Antériorité des civilisations nègres: mythe ou vérité historique?* (Diop 1967) that claims the Ancient Egyptians were of Negroid origin. The first English translation appeared in 1974, when Garang was in the US.

¹⁴⁵ Interview, Khartoum, June 2007.

there in the Centre. He was always saying, ‘A fish rots from the head, not from the tail.’ This was the experience of the Eritreans and the Tigrayans.” This strategic rationale was echoed by another senior Nuba figure in the SPLM/A, Neroun Philip: “For Doctor John, the problems of the south will not really be solved if the other problems of Sudan are not solved.”¹⁴⁶

These interpretations of New Sudan by ‘believers’ are precisely that; as SPLM/A dissenters and many analysts rightly conclude, rank and file SPLA and most southerners viewed New Sudan differently. But New Sudanists were a powerful group, especially in the wake of the Machakos Protocol. Later, upon Garang’s death in July 2005, many New Sudanists found themselves weakened within the SPLM/A. Some left Sudan for an extended period, such as Yasir Arman, Nhial Deng Nhial, Elwathig Kameir and Abdelaziz al-Hilu. But most later returned to senior SPLM/A positions in 2007 and 2008. Garang’s successor, Salva Kiir Mayardit, was the most senior military figure and the sole survivor amongst the original founders of the movement. Regarded as a southern nationalist at heart, his first focus was on southern priorities. It was Salva Kiir who signed the Machakos Protocol in July 2002. Later that year, Garang replaced him with Nhial Deng Nhial, who with other New Sudanists reasserted the New Sudan agenda.

This section has drawn upon primary sources and analysed political discourse to examine various interpretations of ‘New Sudan’ offered by the SPLM/A throughout the movement’s existence up the IGAD negotiations, focusing especially on statements by its leader John Garang, leading New Sudanists and contrasting interpretations of SPLM/A defectors. The fourfold typology of interpretations of the New Sudan agenda – personal ambition of John

¹⁴⁶ Interview, Nairobi, August 2005.

Garang; strategic imperative; tactical usefulness; and ideological commitment – highlighted the different readings of the Movement’s identity and political purpose, both within and outside the SPLM/A. Constructions of the SPLM/A’s identity differed depending upon which interpretations actors and analysts emphasised. These were of crucial significance for understanding how actors constituted the SPLM/A as a party within the IGAD negotiations institution and then ascribed various rationales to the SPLM/A’s actions after the Machakos Protocol.

4. NEW SUDAN AFTER THE MACHAKOS PROTOCOL

John Garang and New Sudanists in the SPLM/A’s leadership projected their movement’s identity and ideology as firmly national (not southern) and unionist (not separatist), and sought to accommodate southern nationalism within the New Sudan agenda. The SPLM/A demanded self-determination and confederation at minimum for a political settlement, as a step towards its wider national agenda. Khartoum (and IGAD’s peacemakers) instead sought peace for a north-south war, which required depicting the SPLM/A as only or largely a southern opposition prosecuting a war for southern interests. In turn, this required emphasising some interpretations of New Sudan and downplaying others in ways that constituted the SPLM/A’s identity as southern with New Sudan as an exceptional rather than essential attribute.

This section introduces the SPLM/A’s actions in pursuit of New Sudan after the Machakos Protocol, and how the National Congress understood and responded to these actions, based on their interpretations of New Sudan. As subsequent chapters will explore in detail, for two long years of faltering negotiations after the Machakos Protocol, the SPLM/A leadership reasserted its New Sudan agenda and its self-identification as a national

liberation force within and beyond the political sphere of peace negotiations. This began in the immediate wake of the Machakos Protocol, when the SPLM/A contested the constitutive ideas of the negotiations institution, including how the institution depicted the movement's identity and the 'problem' in Sudan it sought to fix. The National Congress reduced New Sudan to Garang's ambitious folly or tactics for a southern agenda, which had long been their way of constructing the war and constituting the SPLM/A in ways that reinforced their own northern and national political authority.

The response of peacemakers to the SPLM/A's actions after the Machakos Protocol is addressed in subsequent chapters. Here, some broad themes are briefly noted. Peacemakers' dominant construction of the SPLM/A was as a southern opposition, and they considered the IGAD process as properly focused on resolving the southern war. For western peacemakers, this was a necessary part of the coherence of pursuing IGAD's sequenced peacemaking strategy. Garang's wider ambitions were best saved for politics *after* peace: civil democratic politics, which they hoped would reform the National Congress or remove it from power. Though threatening peacemakers' efforts to end the war and secure a peace deal, the SPLM/A's reassertion of its New Sudan agenda after the Machakos Protocol was thus less noxious for western peacemakers than for Khartoum. Their 'sequential approach' to peace in Sudan allowed for tacit support for Garang's more expansive agenda after Machakos. The US in particular had historically viewed New Sudan as a worthwhile idea, sought fundamental democratic change in Sudan and championed the SPLM/A's role in central government, but they now considered Garang could best realise his ambition after a deal securing southern interests. General Sumbeiywo had rejected 'New Sudan' as beyond the scope of his mandate and what a 'north-south' deal could deliver, but because he sought

a better deal for ‘the South’ vis-à-vis ‘the North’ he implicitly tolerated the SPLM/A’s de facto confederation demands.

4.a The SPLM/A’s pursuit of New Sudan in the wake of the Machakos Protocol

When talks resumed in Machakos in mid-August 2002, the agenda included wealth and power sharing, and security arrangements. These were the “details” which Khartoum had expected would be addressed quickly or the “easy issues” flowing from the Protocol’s framework for a north-south deal that Sumbeiywo and his advisor had anticipated. The toughest issue was expected to be security arrangements, given the SPLM/A’s longstanding demand to retain its army. However, the SPLM/A had other ideas for peace, including using self-determination to make further demands for national change. The second round of talks had achieved very little when the SPLA overran the government’s garrison in the southern town of Torit on 2 September 2002 and Khartoum withdrew from the talks.¹⁴⁷

This was not a matter of mere setbacks during negotiations; it reflected the SPLM/A’s efforts to pursue its New Sudan programme in spite of the IGAD framework. The SPLM/A raised key issues that made it clear that the Protocol was not a north-south agreement of ‘you keep yours and we keep ours’. Having secured self-determination (and an internationally guaranteed process for its implementation) and a *shari’a* free autonomous government for its core southern constituency, it now reasserted the “minimum New Sudan” programme.

The SPLM/A arrived at the August 2002 round of negotiations with positions on all the key elements of its previous confederal solution for the interim period. Its demands during the period after the Machakos Protocol included: discussion of a national secular constitution

¹⁴⁷ Discussed in greater detail in Chapters Four and Five.

within which, for the time being, the existing 1998 constitution based on *shari'a* would govern a northern entity equivalent to the Protocol's Southern entity; redrawing the boundaries of the south to include the Three Areas (Nuba Mountains, Southern Blue Nile and Abyei); the status of the national capital, requiring it to be *shari'a* free; a confederal-style rotational approach to the presidency; and fifty percent share of the national assembly's upper house.¹⁴⁸ The SPLM/A also reaffirmed its longstanding position that its forces not be assimilated: they should instead constitute the southern entity's army for the interim period, while the government should withdraw its forces from the southern regions.

An SPLM/A negotiator put it succinctly only days after the Machakos Protocol was signed: "We want the practical powers of a confederal state, without a confederation" (International Crisis Group 2002c:22, fn 108). This was reflected in disagreements on political nomenclature. The SPLM/A sought to call the southern entity created in the Machakos Protocol the "southern government" not the "southern regional government," and the smaller entities within the south were "regions" not "states".¹⁴⁹

When the government withdrew from the second round at Machakos, it cited the SPLM/A's positions on confederal power-sharing, the Three Areas and the status of the national capital as reasons. The SPLM/A publicly noted the government's argument that the SPLM/A's position on confederal power-sharing, "is not in conformity to the Machakos Protocol," and answered, "This is of course not true" (SPLM/A 2002a), retorting instead that the government's position that *shari'a* must apply in the national capital – an outcome inimical to confederal equality - failed to conform with the Machakos Protocol.

¹⁴⁸ These demands were identified from the following: SPLM/A (2002a); Waihenya (2007); Ashworth (2003); Nantulya (2003).

¹⁴⁹ Noted by International Crisis Group (2002c:22, fn 107).

Subsequent chapters demonstrate how during the course of the two years after Machakos, the SPLM/A achieved substantial aspects of the *de facto* confederation agenda in furtherance of its minimum New Sudan. Every effort was made to translate the vagaries of ‘asymmetric federalism,’ a weak and unequal version of ‘One Country, Two Systems’, into confederal style north-south equality. Speaking in 2006, the SPLM/A New Sudanist and Garang-confident Elwathig Kameir gave an optimistically revisionist account of how Garang’s circle diagrams prevailed. Peacemakers did not impose the ‘One Country, Two Systems’ model in the CPA, rather it was “premised on the confederal arrangements (“Solution Modalities for the Sudan Conflict”) presented by [Garang]. Therefore, the late leader was under no illusion that the ‘One Country, Two Systems’ model ... represents New Sudan ... This is why he refers to it as ‘Minimum New Sudan’” (Kameir 2006).

4.b National Congress interpretations of the SPLM/A’s ‘New Sudan’ and its actions after the Machakos Protocol

With the signing of the Machakos Protocol, senior government officials considered that Garang was focusing more transparently on the south and had conceded his wider New Sudan agenda. Yet the SPLM/A’s demands at the negotiations in August indicated the opposite was true. This section answers two questions: How did senior government officials interpret New Sudan and John Garang’s vision? And how did this guide their interpretations of the SPLM/A’s political actions after signing the Machakos Protocol?

I interviewed four senior government figures involved in the peace talks to answer these questions: Ghazi Salahuddin Atabani, chief negotiator, June 2002 to August 2003; Mutrif Siddiq, negotiator on security arrangements and the Nuba Mountains ceasefire; Qutbi al-Mahdi, former lead negotiator 1997-2000; and Abdelrahman el-Khalifa, negotiator on the Three Areas. These individuals interpreted New Sudan in two interconnected ways that

sought to delegitimise it or render it less credible: first, as Garang's personal ambition for power and to build an "African Alliance" in order to wrest national control from 'Arabs'; and secondly, and more fundamentally, as mere tactics to achieve southern, not national, goals. To the extent New Sudan was a genuine belief, they held, it was this southerner's arrogant militant folly, his selfish ambition and refusal to negotiate peace. These interpretations constrained the identity and purpose of the SPLM/A to the south, in keeping with the government's desire to manage the conflict as the southern problem.

I begin by considering government interpretations of New Sudan immediately prior to Machakos, to help corroborate and contextualise my interview evidence. Khartoum's diplomatic offensives provide insight into the government's choice of interpretation of New Sudan before the negotiations. When presidential peace advisor Ghazi Salahuddin demanded IGAD revamp its efforts in October 2001, he accused Garang of falsely claiming to be a unionist and having only two strategic goals: self-determination and secession (BBC Monitoring 2001a). Sudan's chargé d'affaires in Nairobi, Dirdeiry Ahmed demanded IGAD envoys "convince the rebel SPLM/A to change its agenda of using the IGAD negotiations to dismantle the government, to an agenda of negotiating in good faith" (IRIN 2001c).

"Good faith" meant the SPLM/A limiting its claims to the south. In March 2002, after Garang visited the United States to galvanise US support against Khartoum in the wake of the September-11 terrorist attacks, then foreign minister Mustafa Osman Ismail, noted "with sadness that while others speak of peace, Garang speaks only of continuing the war to create at the point of a gun his personal version of a 'New Sudan'" (Embassy of the Republic of the Sudan 2002a). The Sudanese embassy in Washington also derided Garang's rhetoric as cheap tactics based, on "the chameleon stages of [his] life ... the

Marxist-Leninist revolutionary, Maoist guerrilla leader, and now putative, born-again Christian soldier on a religious crusade” (Embassy of the Republic of the Sudan 2002b).

In interviews, government officials stressed the suspicion that southerners had towards Garang and his over-ambitious vision, characterising Garang as a southerner with unfeasible ambitions. Their evidence reinforces how Garang’s claim, since 1983, to speak as a Sudanese (not just a southerner) for a national liberation movement, was rejected using multiple counter-interpretations of his identity and politics. Qutbi al-Mahdi explained: “Garang’s rivals in the south, they think this whole idea about the New Sudan is Garang’s ambition. He’s very ambitious and wants to rule the whole of Sudan. ... This was the dilemma of Garang. He started a southern movement but his political ideas were different.”¹⁵⁰ Mutrif Siddiq respected Garang as a “national figure” with a “real chance,” “but [New Sudan] was the vision of Doctor John, not the vision of the majority of southerners.”¹⁵¹ Ghazi Atabani also struck a tone of respect for Garang’s abilities but pitied the folly of his ambition:

“[Garang] was a tough negotiator and a tough fighter. He conducted himself in a very intelligent way. ... But he was pulled to the ground by the reality of his people, of the region he comes from, the fact that he is a Christian, a southerner, etcetera in a country which was for the past few centuries, thousands of years, is different. You cannot object to geography, the Nile came through here, the British made the capital in Wad Medani and then Khartoum.”¹⁵²

Garang’s national aspirations were thus judged as incidental to his southern identity and constituency and at most an expression of his African nationalism. Qutbi al-Mahdi and Mutrif Siddiq both independently referred to a tape recording they allegedly held of Garang speaking to SPLA cadres using the example of the Tigrayan People’s Liberation Front

¹⁵⁰ Interview, Khartoum, May 2007.

¹⁵¹ Interview, Khartoum, June 2007.

¹⁵² Interview, Khartoum, June 2007.

(TPLF). Qutbi recalled, “He says, ‘Yes we want to liberate the south, but like the TPLF, if the government is so weak as to collapse and the whole country falls into our hands, that would be great.’ Thus his involvement in Nuba Mountains, Blue Nile, even in Darfur. He thought he could create a black majority to take the whole of Sudan.”¹⁵³ For Abdelrahman al-Khalifa, this “African Alliance” was what Garang called the New Sudan, and the West wholeheartedly supported it.¹⁵⁴

For all of these National Congress interviewees, New Sudan was essentially all about tactics to further a southern agenda and by the time of the Machakos negotiations Garang realised its limits. With ‘New Sudan’ Garang had some success in changing southerners’ perception of the “southern problem” but, Ghazi Atabani added, “Every one of us knew and could swear that his intentions were relating for [sic] the south.”¹⁵⁵ The SPLM/A “used their political cards” to put pressure on the government, such as “the Nuba Mountains card.”¹⁵⁶ Garang realised, reflected Mutrif Siddiq, that “if they want to free the south, they have to hit the head.”¹⁵⁷ His designs on reaching the presidency through a national alliance were only “to consolidate his position in southern Sudan.”

At Machakos and during the IGAD talks well into 2002, the government’s chief negotiator and presidential peace advisor sought to understand the SPLM/A leader’s position and anticipate his actions. I asked Ghazi Atabani whether he considered Garang had a genuine interest in a united New Sudan. His reply was rich with insights:

“It was an idea he was toying with. He was intelligent enough to realise that his vision was not comprehensible to the majority of the northern Sudanese ... He posed as a

¹⁵³ Interview, Khartoum, May 2007.

¹⁵⁴ Interview, Khartoum, June 2007.

¹⁵⁵ Interview, Khartoum, June 2007.

¹⁵⁶ Interview, Khartoum, May 2007.

¹⁵⁷ Interview, Khartoum, June 2007.

unionist on a secular basis, which he knew would appeal to some Sudanese in the north, a small minority, but it gave him political capital and legitimacy as it were. And it certainly distracted his enemy to fighting within the north itself. And that's why he advanced on different [northern] fronts.

He was in such a strange position: his outlook, claims and manoeuvring were national, using various allies, but in the end, his constituency was southern. And he couldn't do away with them, this would have relegated him to another opposition politician roaming the capitals of Africa and Europe. In the end he answered to the demands of the south, of the southerners.

So to me, [New Sudan] was tactics. Maybe in the deepest recesses of his thinking he wanted to be a national hero, an African leader etcetera, like Mandela, it is fair to give him that chance. But as a politician, as a calculating politician, he knew that in the end, he wanted to appeal ... the vast majority of the people did not have the same agenda as him."¹⁵⁸

Whether this is how the government saw, or wished to see, New Sudan and Garang's intentions, these depictions fit wholly with a longstanding insistence upon framing the conflict in north-south terms and the SPLM/A as a southern movement fighting a southern war. Such framing buttressed Khartoum's own authority in the north and nationally. This remained the dominant background constructions deployed by government officials when characterising the SPLM/A and its actions during the negotiations.

With the Machakos Protocol, the government considered it had successfully contained Garang to the south just as it had contained peacemakers with IGAD's narrow institutional mandate. The SPLM/A had secured southerners' core concerns. Garang, they considered, astutely calculating his position, would shift his tactics accordingly. There was now a coherent southern focus to the ideational constituents of negotiated peace – forum/mandate, problem solution/nexus, included political actors and their political identity/purpose – reflected in the Machakos peace outcome.

When the SPLM/A reasserted its wider agenda at the August 2002 round of IGAD talks and then captured Torit on 2 September 2002, this quickly appeared premature. The

¹⁵⁸ Interview, Khartoum, June 2007.

government promptly withdrew from the IGAD negotiations. Khartoum complained to the mediators that the SPLM/A introduced new issues – confederation, a *shari'a* free national capital, changing the borders of the south to include the Three Areas – which were “completely incompatible” with the Machakos Protocol (IRIN 2002e).¹⁵⁹ The SPLM/A’s positions represented a “clear departure from the agenda” and a “flagrant defiance of the Machakos Protocol” (IRIN 2002a).

The SPLM/A countered that these were mere negotiating positions, but for Khartoum, at stake once again was the scope of peace under negotiation and IGAD’s institutional parameters. In October 2002, after both sides agreed to a cessation of hostilities,¹⁶⁰ President al-Bashir reportedly lambasted IGAD on national radio, “We reject any interference by IGAD in any issue other than the southern question even if this leads us to quitting the IGAD peace initiative,” because IGAD “is concerned only with southern Sudan” (AFP 2002h; AP 2002). As examined further in Chapter Four, Garang’s visit to the Nuba Mountains in December 2002 to assert that the conflict there was “part and parcel of the conflict in Southern Sudan” was considered another ‘flagrant defiance’ of the Protocol.¹⁶¹

In interviews, both Mutrif Siddiq and Ghazi Atabani interpreted New Sudan as Garang’s ambitious and tactical approach to a southern agenda, but viewed post-Machakos Protocol events differently. Mutrif Siddiq recalled, “We engaged with the [Machakos] negotiations wholeheartedly [and] were shocked ... when the movement took us back to the circle of war. We thought we had done the major work on Machakos, so there is no excuse. The

¹⁵⁹ See also: International Crisis Group (2002c:2); Waihenya (2007:95-96).

¹⁶⁰ Examined further in Chapter Five.

¹⁶¹ See Waihenya (2007:99).

government had got what it wanted ... we endorsed the *existing formula of a federal set-up*, the preservation of Shari'a in the north" (emphasis added).¹⁶² The SPLM/A, in turn, had secured southern self-determination. How then did Mutrif Siddiq explain the Torit attack? Perhaps it was "lack of trust," but certainly it was a "miscalculation" that they could "impose a de facto situation of occupying the south and negotiate from there." Mutrif Siddiq, like Qutbi al-Mahdi and Abdelrahman el-Khalifa (see notes 119 and 120 above), considered that with the Machakos Protocol, "It is quite evident that maybe the slogan of New Sudan was conceded and the [SPLM/A's] focus was on the geographical south."¹⁶³ The "existing federal set-up" endorsed in the Machakos Protocol was not sufficiently different from the SPLM/A's past demands to warrant the Torit attack.

Ghazi Salahuddin reached a different conclusion, though he also emphasised Garang's strategy and tactics focused on a southern agenda. Contrary to Mutrif Siddiq, he had "no doubt about it that the SPLM/A used [its attack on] Torit to put military pressure at the same time as it was trying to introduce new issues."¹⁶⁴ The government's chief negotiator recognised that peace negotiations and war are interdependent and parallel means of political struggle: "[peace] talks never take place in isolation of the political facts and the political realities which keep changing everyday." Based on an analysis of his enemy, Ghazi viewed the "new issues" raised by the SPLM/A as mere tactics:

"In order to understand [the SPLM/A's introducing new issues] you have to study the character and personal style of John Garang. He was an astute leader and he knew how to play his cards right. And he definitely was a very tough negotiator to deal with. And I think he simply abided by the time old principle that the best way to raze down the defences of your enemy is to attack him from the inside. The Trojan Horse principle. So instead of focusing on a kind of pitch battle between the two armies, you infiltrate from within and weaken their defences from within."

¹⁶² Interview, Khartoum, June 2007.

¹⁶³ Interview, Khartoum, June 2007.

¹⁶⁴ Interview, Khartoum, June 2007.

The issues of a secular national capital, the Three Areas, confederal arrangements for northern Sudan and the presidency; these were depicted as only tactically vital to the SPLM/A – the “Trojan Horse principle” – to secure its southern agenda, in keeping with Garang’s indomitable “style.”

Garang and the SPLM/A were no doubt engaging in “tactics” by raising New Sudan issues *after* the Machakos Protocol, which did help consolidate gains for southern Sudan. Yet this was the extent of the government’s assessment, owing to their interpretation of New Sudan as mostly tactics furthering a southern agenda, and perhaps partly Garang’s ambitious folly beyond this. Whereas Garang argued for confederation and all it entailed as a necessary minimum for unity and establishing a united New Sudan, Khartoum viewed these as only advancing a southern nationalist position. Despite the Machakos Protocol, the war over interpretations and understandings of Sudan’s problems, the causes and meaning of violence, the identity and political ideology of the SPLM/A rebellion and the requirements of peace remained far from settled.

CONCLUSION

This chapter has examined the politics of how foundational negotiated compromises that anchored the IGAD mediated settlement of Sudan’s second civil war were contested. The politics of contested peace ‘outcomes’ might not be mere disagreements or misunderstandings, but rather may involve efforts to contain or reshape the fundamental institutional parameters of peacemaking. Understanding such politics requires closer examination of ambiguities and conflicting interpretations, drawing upon their historical antecedents, rather than a focus on moments of ostensible ‘accord’ and rational bargain. This chapter undertook such an examination through an expanded analysis of the

constitutive ideas of peace negotiations institutions that included how the identity and political ideology of parties were interpreted, and how the intentions of political actions were then depicted.

I have argued that what was not settled in the Machakos Protocol owed to enduring deeper contestations over the SPLM/A's identity and what it was fighting for. Examining the discursive and behavioural actions of the SPLM/A, the Sudan government and the peacemakers has revealed how in mid-2002 the IGAD institution, despite its constitutive ideas for what 'peace' in Sudan required, remained in a dynamic process of formulation and reformulation influenced by political actions at, but also beyond, the negotiating table.

If Sudan's long second civil war is reduced to a conflict between 'Christian and animist southern rebels' and the government in the 'Arab and Islamic north', then the much heralded achievements of the Machakos Protocol – southern regional autonomy and freedom from *shari'a* for six-and-a-half years followed by a self-determination referendum including the option of secession – are indeed the 'watershed' that most writers have held it to be. What remained was to bargain away interim shares of wealth, central power and security arrangements with a vague commitment to 'make unity attractive'. This was the dominant reading of the Machakos Protocol by the actors involved, for it suited the objectives of peacemakers and the political strategy of the Sudan government. It remains the preponderant account given it accords well with dominant historiographic frames of a 'southern peace process' to end a 'north-south war'.

But this was not the war, or not the only war, fought by Garang's SPLM/A. For the SPLM/A's New Sudanist leadership, Sudan's 'problem' and their cause for war centred upon the historical relationship between Sudan's 'peripheries' (especially but not only the south) and the 'centre' in Khartoum, which propagated an exclusivist idea of Sudanese

identity. Southerners were at least owed a 'real choice' for whether to remain in a unified Sudan, and the price of maintaining cultural exclusivity (including *shari'a* as a source of law) had to be confederal equality between north and south. Moreover, a united Sudan required an entirely different basis for how the country should be governed. From this perspective, Machakos left much still to be decided. Whereas peacemakers and Khartoum considered 'asymmetric federalism' had settled these issues, the SPLM/A accepted Machakos only tactically, and then sought more fundamental changes. Garang had not unequivocally given up on New Sudan and focused on the south as government negotiators and some analysts argued, because the Protocol was not the last word.

For different reasons, peacemakers and the Sudan government sought to end the 'southern war' and the IGAD institution reflected this shared interest. Before negotiations had even begun, the institution constituted the SPLM/A's identity with specific attributes concerning its legitimate and credible cause. It incorporated 'New Sudan' as Garang's ambition or strategy and tactics focused on southern objectives. The Machakos Protocol enacted these ideas, but it contained ambiguities that reflected the difficulty of simplifying a complex political reality for the purposes of fashioning a neat bargain. Through its subsequent actions, the SPLM/A seized upon these ambiguities to contest again the institution's constitutive ideas.

Insofar as some peacemakers sought fundamental national change including in Khartoum, they had much in common with the SPLM/A leader and his post-Machakos politics. However, they differed markedly on the extent of change required, and the means to achieve it. Peacemakers constructed the peacemaking institution according to their perception of the situation's exigencies for policymaking. Expeditiously, a mediated bargain between armed elites to end a 'north-south' war was considered optimal, especially

because it brought the Sudan government to the negotiating table. The war between the SPLM/A and successive Khartoum regimes was in part a war about what the war was, and who it was that fought it. The National Congress was at war with the SPLM/A's words and deeds that sought to project a national liberation struggle. To the extent the SPLM/A was greater than a southern opposition, peacemakers expected Garang to make compromises now and save prosecuting his wider agenda for later, through post-peace civil politics. After securing the demands of its core southern constituency in the Machakos Protocol, the SPLM/A's political actions challenged this sequential problem/solution construction, contested depictions of its identity, and reasserted its longstanding claim to be a national liberation movement.

CHAPTER FOUR

NEGOTIATING WITHIN THE MARGINS OF PEACE: THE NUBA MOUNTAINS

“Many Nuba suspect that they are being sacrificed as the acceptable price of an internationally-brokered peace agreement between the government and the SPLA-an agreement that may involve “self-determination” for the south, but will deliver the Nuba to the North without any safeguards.”

African Rights, *Facing Genocide* (1995:v)

“We are at the very centre to this conflict and we hold the vital key to the solution. We’ll be pivotal to any peace settlement ... the Nuba must be among the key players, rather than sitting at the peripheral of the peace talks ... mandating others to speak on our behalf.”

Suleiman Musa Rahhal, Nuba Diaspora leader, January 2003¹⁶⁵

INTRODUCTION

The ‘Three Areas’ of Abyei, the Nuba Mountains and Southern Blue Nile represent a key fault line in Sudan’s political geography across which ideas of state and nation – and of peace – were historically contested. Each lies politically in Sudan’s geographic north, but in different ways have had cultural and political ties to southern Sudan. The Nuba Mountains region, in Southern Kordofan state, was a major frontline and area of violence during the 1983-2005 war, with large numbers of indigenous Nuba taking up arms with the SPLM/A. With the Swiss and US brokered Nuba Mountains humanitarian ceasefire in January 2002, peacemakers and Nuba political leaders at that time described the area as being at the centre of the wider peacemaking effort. Yet the IGAD talks from May 2002 onwards suggested the exact opposite: the ceasefire was treated as peace enough for this area, or at least enough for a local peace process outside of IGAD. The Nuba issue later re-entered the scope of IGAD peacemaking, but only because of how political efforts away

¹⁶⁵ Editorial in Diaspora Magazine, *Nuba Vision*: Rahhal (2003b).

from the IGAD talks impacted upon the peacemaking institution, and only with middling success from the perspective of different Nuba political groups.

This chapter provides an original detailed account of how peacemaking impacted upon Nuba politics, and vice-versa, from the late 1990s up to May 2004, when the Government of Sudan and the SPLM/A agreed the 'Protocol on the Resolution of Conflict in Southern Kordofan/Nuba Mountains and Blue Nile States' within the parties' Comprehensive Peace Agreement, and which set up semi-autonomous regional governments in both areas. The Nuba case of peacemaking reflects deeply the political repercussions of straddling the binary conception of north-south peace adopted by IGAD peacemakers, urged by Khartoum and resisted by the SPLM/A's New Sudanists. If one erroneously starts with the premise of analysing peacemaking to end Sudan's 'north-south war', the Nuba issue is addressed as a complicating factor. Yet when the politics of competing ideas of peace is our focus, the liminality of the Nuba case provides a valuable lens through which we can analyse how the boundaries of the IGAD institution's dominant ideas were constructed and contested, and with what effects.

The 'negotiating table' heuristic and my analytical schema introduced the importance of analysing the political processes that decide what matters are 'on' the negotiating table for discussion, and which manage decisions as to what are 'off' the table. Contestations over whether the Nuba issue was on or off the IGAD negotiating table are analysed in this chapter for how they invoked related contestations over the very mandate of IGAD forum, the ideas of peace held by peacemakers, the political identity of the SPLM/A, the problem/solution construction of the war and the political meaning attached to tactical acts of violence. Bipolar ideational frames were central to the IGAD institution's approach, and

this chapter contributes an analysis of how peace politics in the margins is important for delineating the boundaries of the negotiation institution's constitutive ideas.

Unlike the rich historical, cultural and political economy studies of the Nuba Mountains region and its peoples,¹⁶⁶ literature on the war in the Nuba Mountains and especially peacemaking efforts is more sparse and mostly covers the period until the late 1990s (African Rights 1995; 1997; Suliman 1999; 2000; de Waal 2001; Johnson 2003:131-35). These analyses are nevertheless valuable in explaining how vexed the Nuba issue had become, owing to its awkward relationship to dominant 'north-south' constructions and policy solutions. Johnson (2006), in his analysis that connects patterns of violence in Darfur with civil war elsewhere in Sudan, argues briefly that negotiations over the Three Areas stoked the government's fears over how making 'peace' might contagiously spread to other northern regions. Testing and extending this argument requires analysing closely the Nuba case for its wider significance to the politics of IGAD peacemaking.

The analysis here is not limited to the SPLM/A and its Nuba constituency, but addresses other Nuba political groups ignored by accounts of the IGAD negotiations. Prior to the war, the most important regional political group was the General Union of the Nuba Mountains (GUN), and a successor of GUN, the Sudan National Party (SNP) and its factions. It was to these groups that the SPLM/A turned in late 2002 to seek to legitimate its representation of the Nuba cause in the IGAD negotiations. The efforts of these groups to influence the SPLM/A and the peacemakers illuminate peace politicking outside of the formal negotiations institution. The outcomes of the peace negotiations as well as the impact on

¹⁶⁶ See especially: Nadel (1947); Stevenson (1984); Baumann (1987); Ewald (1990); Stiansen and Kevane (eds) (1998); Ibrahim (1985).

politics in the region cannot be understood without introducing this hitherto obscured perspective.

Methodologically, this chapter brings to the fore both the vital importance of interview-based research in unravelling the politics of contesting negotiated peace, but also the challenges faced therein. Interviews with political elites were essential for examining different constructions and interpretations of often hidden and obscured events, as well as to help establish, using written communications and publicly available documents to triangulate, the facts of these events. Though factual certainty is elusive, delving deeply through extended interviews illuminated the importance of giving voice to marginalised perspectives for better understanding the full political significance of peace negotiations.

The chapter proceeds as follows. Sections One and Two introduce the Nuba peoples troubled history within Sudan's north-south margins, and within the margins of peacemaking, and the ambivalence this has generated within Nuba politics. Sections Three through Eight then examine key episodes in the politics of peace negotiations addressing the Nuba Mountains, with close attention paid to how both the SPLM/A and other Nuba political parties sought to shape the course of IGAD peacemaking in their actions far beyond the IGAD institution, and how this was resisted and responded to by Khartoum and the peacemakers.

1. A HISTORY AT THE POLITICAL MARGINS

To analyse the ideational politics of the Nuba peoples' ambivalent experience at the margins of the IGAD peace negotiations – in particular their region's significance to how the boundaries of the 'problem/solution nexus' and the identity and ideology of the SPLM/A were constructed – we must interpret these issues through a historical lens. The

following introduction draws on secondary sources to highlight important historical currents in Nuba politics. Marginality has been a leitmotiv in the Nuba peoples' violent history at the frontier of contestations over the emerging Sudanese state. The Nuba peoples' citizenship at independence in 1956 was born on the disconnected margins of northern Sudan, and subsequently found partial solidarity with the marginalised south. The combination of disenfranchisement and upheaval led to vacillations in political identity and allegiances. The Nuba's position in the SPLM/A struck at the heart of the battle between the rationales for New Sudan and the North/Arab/Muslim versus South/African/Christian dichotomy, leaving the region a particularly brutal zone of violence during the civil war.

The Nuba Mountains region covers approximately 50,000 square kilometres in Southern Kordofan state in central Sudan (see shaded area in Figure 4: Map of Nuba Mountains region in central Sudan, below). The *jebel Nuba* are scattered agglomerations of rocky outcrops rising up from clay plains and home to highly heterogeneous autochthonous communities whom subsequent overlords – Egyptians, 'Arab' northern Sudanese and the British – labelled 'Nuba' (Stevenson 1984). Being 'Nuba' thus originates as an imposed collective identity and a consequence of state formation processes. Driven southwards to the sanctuary of the hills over many centuries, the diverse Nuba peoples practised cultivation and both sought to maintain their customs and languages and adapted to new influences. The Nuba peoples today number over 1.5 million, the vast majority of whom are Muslim.

Figure 4: Map of Nuba Mountains region in central Sudan¹⁶⁷



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Cartographic Section

¹⁶⁷ Shaded area is an approximation based on the 2002 Nuba Mountains Ceasefire Agreement and International Crisis Group (2008a:22).

The region was a frontier of Islam and ‘Arab’ influence long before British policy exceptionalised Nuba indigeneity in the early twentieth century. Prior to nineteenth century Turco-Egyptian rule, the Taqali Muslim Nuba Kingdom brought a swathe of the region’s hill communities under its control, (Ewald 1990; Holt and Daly 2000:5, 32-3). Although the *Turkiyah* expanded slave-raiding in the Nuba hills, already practised by the Taqali and Funj sultanates (Warburg 2003:3; Holt and Daly 2000:32-3, 46-7), its taxation policies drove waves of northern Arabic-speaking *jellaba* traders to the region (Holt and Daly 2000:5). Throughout, different Nuba communities converted to Islam under fear of enslavement but also through socio-economic interaction.

After the 1898 Anglo-Egyptian ‘Reconquest’ of the Sudan, the British emphasised the region’s ‘pagan tribes’ and consistent with its Southern Sudan policy sought to protect them from growing northern Arab-Islamic influence. The region was subject of a ‘Closed Districts’ policy, aimed at restricting northerners’ access to the region. The Nuba Mountains province was separated from northern Sudan in 1913 and the idea was mooted to link it, southern Sudan and southern Blue Nile with a central/east African administrative system.¹⁶⁸ The *sui generis* treatment of the Nuba Mountains failed and in 1929 the province was re-amalgamated into northern Sudan. Nevertheless, the 1930 ‘Nuba policy’ also closed off certain districts with the aim, in the words of the Colonial provincial governor, of a federation “significantly imbued with Nuba tradition to present a firm barrier to Arabization” in a “battle against the introduction of Mohammedanism among the pagans in the province before it is too late” (Salih 1990:423).¹⁶⁹

¹⁶⁸ Salih (1990:419) cites official correspondence between Viscount Allenby and Lord Curzon in 1920.

¹⁶⁹ Salih quotes ‘Some Aspects of Nuba Administration’ by Sir Angus Gillan, Kordofan governor (1928-1932), and later Civil Secretary. See also letters of Kordofan governor Newbold (1932-38) in Newbold and Henderson (1953).

Granting the Nuba freedom to “evolve or absorb the culture best suited to [them]” (Salih 1990:432, quoting Gillan) meant, in practice, preventing Nuba from socio-economic interactions with northerners while encouraging Christian Mission schools, and abolishing Arabic script and existing *shari’a* courts (Salih 1990; Ibrahim 1985). Yet, as the British-commissioned anthropologist S.F. Nadel explained, Nuba had long been ‘introduced’ to Islam, a single ‘authentic’ Nuba tradition contradicted Nuba peoples’ heterogeneity, and they had established relations with ‘Arabs’ (Nadel 1947). Only in 1936 was a complete shift to the northern policy introduced. At Sudan’s independence in 1956, British equivocation had left the Nuba less educated, under-developed and under-represented in the new state’s institutions, and ostracised from the dominant Sudanese national identity emanating from the riverain ‘Arab’ Muslim north.

The post-independence experience of marginalisation lent Nuba elites a national political perspective. By the mid-1960s, a growing Nuba political consciousness made itself heard. Nuba intellectuals formed GUN. GUN led the call for greater northern regional autonomy and participation in Sudan’s national politics. When Hassan al-Turabi’s Islamic Charter Front proposed an Islamic constitution in the mid-1960s, Nuba leaders, along with southerners and regional Muslim leaders from Darfur and Sudan’s east, opposed it for fear that it would be used by northern riverain elites to consolidate political power (Warburg 2003:148). In the 1968 national parliamentary elections, GUN won an impressive eight seats (Bechtold 1976). In the 1970s, Nuba leaders joined Fur and Beja leaders in opposing Nimeri’s regime’s attempts to dismantle local traditional administrative structures in favour of central state authority.

Fragmentation and vacillations within Nuba politics throughout the post-independence period stemmed in part from the Nuba peoples’ historical marginalisation and their liminal

identity. A short biographical sketch of the late Father Philip Abbas Gabboush (1922 to 2008), a preeminent post-independence Nuba political leader who during the IGAD negotiations chaired the United Sudan National Party that allied with the SPLM/A, provides a vivid example of how Nuba leaders hop-scotched and hedged to protect their options and ride prevailing winds.¹⁷⁰ Later, I examine how such prevarication by Father Philip's colleagues confounded IGAD peacemaking structured around a reductionist north-south binary.

In 1955, Father Philip supported the original Anyanya southern separatist struggle; he even claimed to be an instigator of the pre-Independence Torit mutiny that sparked the war (cf Johnson 2003:28-29). Yet he then led Nuba engagement in *northern* Sudan politics in the 1960s. He coined the term "New Sudan" for a united federal state and led GUN, the region's dominant local political organisation. GUN soon divided, with Father Philip favouring links with southerners and his opponents favouring links with Arab Baggara groups. Exiled after Nimeri's coup and sentenced to death *in absentia* for plotting a coup himself, Father Philip claimed that southerners denied him access to the Addis Ababa negotiations. Yet these talks focused on ending a war in which many Nuba had fought in the national army *against* southern separatists. In the mid-1970s, Father Philip joined Saddiq al-Mahdi and Hassan al-Turabi's Libyan-backed National Front in its attempted overthrow of Nimeri that destabilised the southerners' peace agreement (Lesch 1998:52).¹⁷¹

After Nimeri's rule ended in 1985, Father Philip formed the Sudan National Party (SNP). The SNP contested the 1986 national elections and, similar to GUN before it, successfully

¹⁷⁰ This section draws from my interview with Father Philip, Khartoum, June 2007, and other sources as indicated.

¹⁷¹ Another attempted coup and arrest followed in late 1984: see Lesch (1998:56-7), also Akol (2001:18).

took seven Kordofan seats and one in Omdurman. While participating in national politics Father Philip claimed to have also supported the 'Komolo' resistance movement. After June 1989, Father Philip was first detained by the NIF-backed regime and then fled Sudan. However, he returned in the mid-1990s, agreeing to register his Free Sudan National Party faction under the *Tawali* laws that demanded loyalty to the NIF programme (and were opposed by the NDA, see Chapter Two). As discussed below, between 2001 and 2004 Father Philip again switched allegiance to the SPLM/A, before severing ties in the aftermath of the SPLM/A's "rotten agreement".¹⁷²

The war that engulfed the region, and the involvement of large numbers of Nuba in the SPLM/A, had local dimensions connected to Nimeri's period of rule. In the early 1980s, growing unrest in the Nuba Mountains focused on the changing political economy of land resources (Saavedra 1998). Farmer-pastoral relations, already tense after traditional dispute resolution mechanisms were dismantled, became more fractious as mechanised farms pushed Baggara cattle herders into hillside Nuba farmlands while simultaneously expropriating Nuba lowland smallholdings. Nimeri was suspicious of the Nuba given their role in successive attempted coups, and his government increasingly took the side of Arab pastoralists.¹⁷³

After President Nimeri was deposed in 1985, his successors in the Transitional Military Council openly backed Arab Baggara militias in Southern Kordofan against the SPLM/A. When the SPLM/A attacked a Baggara militia camp on the border between Upper Nile and Southern Kordofan, the Nuba were on the front-line of the war. Starting with Yusif Kuwa Mekki in 1983, a secondary school teacher who first led a local underground resistance

¹⁷² Interview, Khartoum, June 2007.

¹⁷³ A story echoed in Darfur, see Chapter Five.

group called 'Komolo' and then the SPLM/A-Nuba until his death in 2001, growing numbers of Nuba men joined the SPLM/A. The SPLM/A's 'New Sudan' political agenda resonated with them. Their political struggle had not only had local dimensions (land rights, security, cultural autonomy) but also national ones (secularism, decentralised regional autonomy).

The SPLM/A New Sudanists greatly valued Nuba support. Non-Arab but predominantly Muslim, the Nuba SPLM/A members confounded the neat ethno-regional framing of the war. In his founding speech in March 1984, Garang proclaimed that the SPLM/A had "torn into pieces the north-south polarisation. ... It is why patriots from what used to be called 'the North' have joined the Movement ... like Brother Yusuf Kuo [Yusif Kuwa]" (Garang and Khalid 1987:29). SPLM/A-Nuba also played a central role in attracting other regional northern groups, including from Blue Nile and Darfur, to the SPLM/A's cause. As discussed in Chapter Three, in 1994 as Chairman of the first SPLM/A convention in Chukudum, Yusif Kuwa led the effort to 'civilianise' the SPLM/A. However, southern nationalists were sceptical about allying with the Nuba. One reason for the SPLM/A's 1991 split was opposition to Garang for not limiting the war to southern objectives.

Symbolically and materially vital in driving the New Sudan agenda within the SPLM/A, the Nuba members' stance struck at the heart of the NIF's Islamist programme and its quarantining of the conflict to a 'southern problem'. During the NIF's prosecution of the war, Nuba communities became direct targets. Nuba peoples were no longer 'racist' but 'apostates' for having sided with the southern infidels. In early 1992, the NIF declared a *jihad* targeting Nuba Muslims sympathising with the SPLM/A. Human rights organisations reporting on the Sudanese army's campaign in the Nuba Mountains in the early to mid-1990s as one of "genocide" (African Rights 1995; 1997).

2. THE NUBA ISSUE IN PEACE TALKS PRIOR TO 2001

An analysis of how peacemaking addressed the Nuba issue during the 1990s usefully foregrounds contestations over identity politics and constructions of the war, and how peacemaking institutions sought to incorporate reductionist and binary specifications of these ideas. This section locates battle lines for three main types of ideational contestation concerning peace in the Nuba Mountains when IGAD was rejuvenated in 2001. The first was the geo-political identity of the Nuba in Sudan and within the SPLM/A. The more that peacemaking reinforced a ‘north-south’ depiction of the war, the further pronounced became the liminality of Nuba and Blue Nile contingents within the SPLM/A’s identity and political objectives.

A related ideational contest concerned the characterisation of the problem/solution nexus for conflict in the Three Areas. Did resolution of the conflict in the Nuba Mountains region require different – local – solutions compared to the ‘southern peace process’? Or was the conflict there, as the SPLM/A mostly argued, indistinguishably part of one national conflict? Finally, these issues had an institutional dimension manifested in contestation over the appropriate forum and mandate for peacemaking. As noted in Chapter Two, President Moi had urged that the IGAD initiative concerned only ‘southern Sudan’, which the SPLM/A in effect accepted albeit IGAD’s Declaration of Principles was ambiguous on the matter.

The problematic position of the Nuba peoples within peace negotiations and also within the SPLM/A became pronounced after the movement’s split in 1991 and the success of Garang’s rivals in advocating southern self-determination. At the Abuja talks in 1992, Garang’s faction advocated southern self-determination but argued that the Nuba,

Ingassana and Abyei peoples were part of the south.¹⁷⁴ This worried Nuba leaders who sought autonomy within a united secular New Sudan: the SPLM/A's call to arms to which they had responded. At the Abuja II talks in 1993, Yusif Kuwa joined the SPLM/A's negotiating team, which presented a more nuanced political agenda. Its strong preference was for New Sudan: secession for the 'marginalised south', including the Three Areas, was sought only if the NIF continued its alleged 'Arabisation and Islamisation' agenda. If a one-state solution remained necessary, then it should be a confederation of the north and this 'marginalised south'.

Notwithstanding a substantial Nuba constituency, the SPLM/A struggled to reflect politically diverse Nuba aspirations within its own agenda as well as while negotiating a peace between 'south' and 'north'. Nuba leaders outside of the SPLM/A, including those who supported the 'New Sudan' ideology, remained suspicious. Suleiman Musa Rahhal recalled confronting the SPLM/A in 1997 on its confederal option that included the Nuba Mountains within the south asking, "Is this already decided?"¹⁷⁵ For Rahhal, Nuba self-determination included *whether* to be a part of the north *or* south, or even to 'stand alone'. For some Nuba political leaders, joining the south was impossible. Mekki Ali Balayel, a prominent Nuba politician who was a Muslim Brother, senior NIF minister and presidential peace advisor until breaking with the National Congress in 2002, reasoned: "I'm against self-determination. ... For the Nuba Mountains, to be an independent country is nonsense, to join the south, there will be many complications. And those who say they want to be part of the south, if they do, they will wish they didn't."¹⁷⁶ Balayel reasoned that the mostly

¹⁷⁴ See Wonda and Lesch (2000), and Lesch (1998).

¹⁷⁵ Interview, London, May 2007.

¹⁷⁶ Interview, Khartoum, June 2007.

Muslim and Arabic speaking Nuba would be more marginalised as a minority in the south than in the north.

The SPLM/A's identity problem as regards its Nuba constituents was also reflected in negotiations with the northern opposition. In its December 1994 'Chukudum Agreement' with the Umma Party, the SPLM/A acquiesced to exclude the Three Areas in relation to the right to self-determination, which the Umma Party tolerated only for southern Sudan (African Rights 1995:337). The NDA, in its 1994-5 Asmara resolutions, affirmed self-determination for all Sudan's peoples, but applied this differentially (National Democratic Alliance 1995). The Three Areas were given a two-stage referendum process, asking first whether they sought self-determination and only if yes, outlined options including joining the south. During a four-year interim period, the SPLM/A and the South Kordofan government would jointly administer Abyei and the Nuba Mountains. The Nuba were thus granted comparable political options as southerners, but unlike the SPLM/A's Abuja position were not considered part of the 'south'.

The NDA resolutions represented an improvement on what had transpired earlier at the new IGAD initiative's negotiations in 1993 and 1994. The SPLM/A first tried but failed to fully incorporate the Nuba Mountains within IGAD's agenda. At the second IGAD meeting in May 1994, the SPLM/A asked for self-determination for the south including the Three Areas and an interim period of two years with two confederal entities (with the Three Areas part of the southern entity). However, the subsequent Declaration of Principles produced by the IGAD mediators in July 1994 (IGAD 1994) was ambiguous, as the following provisions show (emphasis added):

“2. The right of self-determination of *the people of south Sudan* to determine their *future status through a referendum* must be affirmed.

3. Maintaining unity of the Sudan must be given priority by all parties provided that the following principles are established in the political, legal, economic and social framework of the country.

...

3.3. Extensive rights of self-determination on the basis of *federation, autonomy, etc*, to the *various peoples* of the Sudan must be affirmed.

...

4. In the absence of agreement on the above principles ... the *respective people* will have the option to determining their future including independence through a referendum.”

The DOP was ambiguous on whether the IGAD initiative pertained to the whole of Sudan, on whether *only* the “respective people” of “south Sudan” were granted secession as an option, on whether it accepted the SPLM/A’s claim to represent peoples from the Three Areas, and on what constituted “south Sudan.” The SPLM/A asked for the Three Areas to be included in the definition of the “south” (Lesch 1998:183-4). Over time, IGAD would be interpreted as pertaining to war in south Sudan as per the 1956 borders only. Daniel Kodi, a senior Nuba SPLM/A figure who led the negotiating delegation in 2003, reflected that the SPLM/A erred at this juncture: “In the DOP, self-determination was only for the south as demarcated in 1956. The issue of Nuba Mountains, Blue Nile and Abyei was not included. That was a mistake, even from our side ... we didn’t pay attention to the areas not included.”¹⁷⁷ The DOP was *not* so definitive on the boundaries and the SPLM/A had tried but failed to make its case. Insofar as the SPLM/A finally accepted the DOP unamended, Kodi was correct. Khartoum, nevertheless, rejected the DOP, threatened that southern secession would only come “through the barrel of a gun” (Lesch 1998:183), and made no mention of the Three Areas.

Together with the IGAD DOP, the parameters for Nuba peacemaking politics between 2001 and 2004 were significantly shaped by IGAD negotiations between 1997 and 2000.

¹⁷⁷ Interview, Khartoum, June 2007.

When an embattled Khartoum returned to the IGAD negotiating table in 1997 and accepted the DOP as a basis for negotiations, it again contended that IGAD's mandate was restricted to the south only (see Chapter Three). Khartoum's 1997 peace deal with a Nuba SPLM/A defector, Mohammed Haroun Kafi, also allowed it to argue that its separate 'peace from within' efforts were sufficient for the Nuba Mountains. Negotiations in Addis Ababa in August 1998 followed those in May 1998 in Nairobi at which the government accepted to discuss southern self-determination as a means of ending the war. They also came one month after the new Sudanese constitution enshrined southerners' right to self-determination, as agreed with Riek Machar and Lam Akol's forces. The New Sudanists and SPLM/A leaders from the Three Areas were thus under pressure from southern nationalists not to pursue national objectives at the expense of southern interests. Yet the talks also followed significant SPLA military successes in Blue Nile and eastern Sudan, which gave the SPLM/A leverage in pushing a national agenda.

In 1998, the SPLM/A in effect acquiesced to the position held by Khartoum and the IGAD Partners that IGAD concerned only the "south" as defined by the 1956 borders. Nuba and Blue Nile SPLM/A leaders qualified this acquiescence with a threat to continue their armed struggle. Deng Alor, a senior SPLM/A negotiator and later Sudan's Foreign Minister, recalled soon afterwards what transpired in Addis Ababa. The SPLM/A had argued on two bases for the inclusion of the Nuba Mountains and Southern Blue Nile within IGAD and a solution involving southern self-determination. First, they were "fighting as members of the SPLM/SPLA so it is only logical that a solution must be found to end the war in these areas" (Alor Kuol 1999). Secondly, "the [marginalised] people of these two areas live in one continuous territory with South Sudan ... [making] them a natural and geographical part and parcel of the Southern Sudan component of the New Sudan." Subsequently,

however, the Nuba and Southern Blue Nile leaders, Yusif Kuwa and Malik Agar, “informed the Government delegation and the IGAD mediators that they were indeed part of the South but should the Government of Sudan reject this argument then it could go ahead to finalise the self-determination process with South Sudan including Abyei. However, they would remain outside such a settlement and continue to fight for their rights” (Alor Kuol 1999).

This was interpreted and represented by Khartoum as a concession more than a potent threat, as recollections in interviews with senior government negotiators demonstrate. The 1998 episode was relied upon by Khartoum for depicting the SPLM/A as a southern opposition with separate Nuba allies. Qutbi al-Mahdi, Khartoum’s chief negotiator during these years, recalled that the SPLM/A tried earnestly to bring the Three Areas into the IGAD process. “They said: ‘We have committed ourselves to the people ... we have our forces there ... we cannot just leave them and say we don’t care about you’. We adamantly refused, we said ‘It is your problem.’”¹⁷⁸ Qutbi added, “Yusif Kuwa and Malik Agar made it very clear they are in the north not the south, their problems are different to the SPLA and they are just joining with them to fight for their own rights.” Qutbi thus sought to portray the SPLM/A as a southern movement either occupying a northern area or one to which northern leaders from the Nuba Mountains and Blue Nile had merely tactically allied themselves. Mutrif Siddiq, under-secretary for foreign affairs and also a senior government negotiator reflected on the consequences for IGAD: “Malik [Agar] and Yusif [Kuwa] were there and we both indicated our interest to discuss these areas. Despite IGAD’s mandate

¹⁷⁸ Interview, Khartoum, May 2007.

[excluding the Three Areas], we didn't reject addressing these areas, the question was what forum."¹⁷⁹

Importantly, IGAD's peacemakers concurred with Khartoum's interpretation because this would help resolve the 'southern war.' As Chapter Two explained, in July 1998 the IGAD Partners Forum had expressed a preference for southern self-determination based on the 1.1.56 borders to end the war. In justifying his reading of his mandate as excluding the Three Areas, General Sumbeiywo also recalled the episode: "I was not supposed to resolve conflict in the north ... We had fixed this on 6 August 1998 in Addis. I was in the meeting. Malik Agar claimed it was him who said... they didn't mind 1.1.56 but would go on with the fighting. After this, the Government of Sudan agreed that IGAD would deal with 1.1.56."¹⁸⁰ Qutbi al-Mahdi independently concurred: "The mandate ... was very clear. In Addis Ababa we defined the borders of the south as 1.1.56. The IGAD committee headed by President Moi decided the mandate was to resolve the problem of southern Sudan."¹⁸¹

Subsequent IGAD rounds reinforced the SPLM/A's 1998 concession and thus thwarted Three Areas' negotiations. Qutbi al-Mahdi recalled telling then IGAD mediator Ambassador Mboya that the SPLA's military presence in the Three Areas was "not our problem. He said, 'But you have problems in these regions?' I said, 'Yes, but we will sit with the people there and talk with them.' He said, 'Can we [IGAD] come and support these talks also?' I said, 'No. Your mandate is the southern problem. You have nothing to

¹⁷⁹ Interview, Khartoum, June 2007.

¹⁸⁰ Interview, Nairobi, July 2007.

¹⁸¹ Interview, Khartoum, May 2007.

do in the north.’ He said, ‘OK, we want to come as observers.’ I said, ‘No.’ We were very tough on that.’¹⁸²

Qutbi’s account tallies with that of John Young, a Canadian seconded to Mboya’s mediation team. Young notes IGAD’s concern towards the Three Areas’ fighters who had “raised arms *alongside* the SPLM/A” and the government’s refusal of IGAD mediation and questioning of the right of the SPLM/A to represent peoples “who are northerners and predominantly Muslims” (Young 2007:17, fn). The SPLM/A, meanwhile, insisted that the IGAD mediation involved “the sum total of [the government and SPLM/A’s] respective parts”.¹⁸³

In 2001, ahead of IGAD’s rejuvenation, the Nuba Mountains continued to confound peacemakers. As Chapter Two noted, the CSIS Task Force in Washington adopted a characterisation of the geo-political identity of the Nuba in Sudan and within the SPLM/A that the SPLM/A had resisted. It depicted “marginalized northern groups, like the Nuba” “fight[ing] alongside the southern armed opposition groups” (CSIS 2001:8). The CSIS Taskforce recommended they should not be the first focus of peacemaking. With the Nuba Mountains Ceasefire Agreement of January 2002 they in fact were the first focus, but this proved no great achievement for the Nuba peoples.

3. THE JANUARY 2002 NUBA MOUNTAINS CEASEFIRE: THE SUFFICIENCY OF PEACE

The US Special Envoy Danforth’s ceasefire ‘test’ in the Nuba Mountains in November 2001 and the January 2002 ‘Nuba Mountains Ceasefire Agreement’ reflected the

¹⁸² Interview, Khartoum, May 2007.

¹⁸³ A phrase repeated in the SPLM/A’s position paper to the June 2001 IGAD Summit: SPLM/A (2001a) .

sequenced and disaggregated approach adopted by IGAD peacemakers. This section examines the ‘double-edged sword’ politics of the ceasefire agreement. Prior and separate attention on the Nuba conflict stopped the violence and brought urgently needed humanitarian relief, but by so doing reduced the potency of arguments to include substantive political resolutions for this conflict within the wider IGAD process. It allowed peacemakers and the Sudan government to treat the Nuba issue as separate and as mostly resolved, much to the chagrin of Nuba leaders and the New Sudanists in the SPLM/A.

In late 2001, the Nuba Mountains was Danforth’s declared priority in his effort to test Sudan’s ‘climate for peace,’ it was, he explained, “really at the top of our agenda, the one we gave the most emphasis to” (US Department of State 2001). This prioritisation came subsequent to criticism of the February 2001 CSIS report in Washington for sidelining the Nuba issue. Years of advocacy by Suleiman Rahhal, Justice Africa and others meant the Nuba peoples had high profile supporters, such incoming USAID Assistant Administrator Roger Winter. The implications for the Nuba peoples of the CSIS recommendations for “One Country, Two Systems” negotiations was also of concern to UK Foreign Office officials.

Danforth’s ‘climate for peace’ tests focused on achieving tangible humanitarian commitments from the warring parties. In the ‘with us or against us’ wake of the September 11 terrorist attacks on the United States, the Sudanese government assented to Danforth’s request in November 2001 for a four week ‘period of tranquillity’ to facilitate relief efforts. Qutbi al-Mahdi met Danforth on his arrival and recalled, “The first thing he said is I want to talk about the Nuba Mountains, not the south ... We were so confident, we controlled 95 percent of the region, we thought we might negotiate [the SPLM/A] out of the war [there].

That was my advice as political advisor to the president. I said if you want Danforth to be happy, give him this.”¹⁸⁴

The SPLM/A made clear its support for “the provision of uninterrupted relief to the Nuba Mountains”, and emphasised the solely *humanitarian* nature of the agreement (IRIN 2001f). The Nuba Alliance political leaders, at this point unaligned to either the SPLM/A or Khartoum, emphasised humanitarian and security concerns but also lobbied Danforth for substantive political outcomes. Echoed by Diaspora leaders such as Suleiman Rahhal,¹⁸⁵ they demanded the Nuba region’s autonomy in a federal united secular Sudan, or otherwise self-determination with options of joining either the south, the north or establishing their own independent state (Abbas Ghaboush, Hamoda, and Jibril 2002; Sudan National Party, Hamoda, and Abdullah Tiya 2001). In the interim, the region needed to be under internationally trusteeship.

By January 2002, buoyed by the success of the four-week test, Swiss and US diplomats organised negotiations in Bürgenstock, Switzerland, for a more lasting ceasefire agreement. This significant push coincided with the IGAD Summit in Khartoum, which rejuvenated the IGAD Sudan peace initiative. With IGAD focused on the ‘southern problem’, Khartoum sought to ensure the Bürgenstock negotiations on the Nuba issue were kept at a local level of representation, blocking southerners from the SPLM/A from attending. Qutbi al-Mahdi recalled that Khartoum only accepted a delegation led by SPLM/A-Nuba leader Abdelaziz al-Hilu, leaving “the Dinkas in the backseat”.¹⁸⁶ Yet he also reflected that the internationally monitored ceasefire was a concession that made further talks on the Three

¹⁸⁴ Interview, Khartoum, May 2007.

¹⁸⁵ For example, his 2000 proposal on interim arrangements: Rahhal (2000).

¹⁸⁶ Interview, Khartoum, May 2007.

Areas inevitable, “because in principle we accepted the SPLA presence in Nuba Mountains.” The ceasefire agreement of 19 January 2002 was signed by Abdelaziz al-Hilu for “SPLM/Nuba” (Government of Sudan and SPLM/Nuba 2002), recognising this presence but also successfully compartmentalising the SPLM/A.

Nuba interviewees of different political persuasions recalled that Khartoum subsequently sought to portray the ceasefire as a political agreement sufficient for ‘peace’.¹⁸⁷ This bears scrutiny. In late January 2002, Khartoum’s Chargé d’Affaires in Nairobi lauded the ceasefire as perhaps “only the start and the beginning of a comprehensive ceasefire ... replicated elsewhere in any other part of the country” (Salmon 2002). The SPLM/A responded that the Nuba Mountains ceasefire responded only to a specific humanitarian crisis that was Khartoum’s own doing (ibid). Nevertheless, Khartoum surmised that the Nuba issue had been effectively quarantined. Dr Abdelrahman el-Khalifa, a government delegate in Bürgenstock, recalled, “It was not a temporary peace, [it] was a permanent ceasefire. ... We realised that John Garang wanted to concentrate on the south.”¹⁸⁸

The SPLM/A’s Daniel Kodi noted that on returning from Switzerland, Khartoum tried to make the ceasefire a “political solution ... and with free movement across the frontline, the people thought there was a peace agreement.”¹⁸⁹ Neroun Phillip recalled this “political manoeuvre.” “They said, ‘we have stopped the fighting’ and spread this amongst the common people, who would not differentiate between a ceasefire and a political settlement.”¹⁹⁰ Osman Abdallah Tiya, a Sudan National Party figure who later joined the

¹⁸⁷ Interviews in Khartoum and Kadugli, May and June 2007: Mekki Ali Balayel; Elamin Hamoda; Daniel Kodi; Osman Abdallah Tiya; Siddig Mansour.

¹⁸⁸ Interview, Khartoum, June 2007.

¹⁸⁹ Interview, Khartoum, June 2007.

¹⁹⁰ Interview, Kadugli, June 2007.

SPLM/A, concurred, “After the ceasefire there was no war. They tried to use the ceasefire to show there are no political issues.”¹⁹¹ Corroborating these views, researcher Thomas Jenatsch noted that in 2002 and 2003 government officials “preferably use[d] ‘peace’ when referring to the ‘cease-fire’” whereas SPLM/A officials were at pains to mark this distinction, one which civilians did not readily see (Jenatsch 2003:2).

Critically, Khartoum’s framing found support from peacemakers. Although the agreement located the renewable ceasefire “within broader objectives of promoting a just, peaceful and comprehensive settlement of the conflict” (Government of Sudan and SPLM/Nuba 2002: Article I), SPLM/A interviewees argued that peacemakers evinced no such intention. Daniel Kodi maintained, “the peacemakers also tried to use the ceasefire to make a separate agreement, it was a bad trick. The government was happy to hear that the Europeans were pushing this.”¹⁹² Neroun Philip, an SPLM/A delegate in Bürgenstock, elaborated that the Swiss government “wanted to use the ceasefire agreement to make a separate settlement for the SPLM-Nuba. They said it is a good ceasefire, well implemented, so it would be better to reach a political settlement separate to the south. [Swiss] Ambassador Joseph Bucher was the one. We rejected this, it was not a political settlement and just a humanitarian ceasefire. We would settle this as one issue in IGAD.”¹⁹³

The SPLM/A account is well corroborated. In a report from July 2002, upon the six-monthly ceasefire’s renewal, Bucher stated clearly the policy approach resisted by the SPLM/A: “The longer term view is that in a year or two, the whole problem of southern Sudan should find a political solution and then this limited ceasefire in the Nuba Mountains

¹⁹¹ Interview, Kadugli, June 2007.

¹⁹² Interview, Khartoum, June 2007.

¹⁹³ Interview, Kadugli, June 2007.

would be integrated into a more comprehensive solution for the Sudan” (Greber and Mules 2002). Norwegian Brigadier General Jan-Erik Wilhelmsen, who headed the ceasefire monitoring commission, was similarly minded (Jenatsch 2003:9).

The position taken by the peacemakers and Khartoum regarding the ceasefire found some support amongst pragmatically-minded non-aligned Nuba leaders. Father Philip’s deputy in the Free Sudan National Party, Abdallah Eltom al-Imam, considered the ceasefire was “the real peace deal”.¹⁹⁴ It gave the region political recognition, stopped the violence and increased civilian security. “We felt that Nuba were in the heart of Sudan and this was an example of how to solve problems peacefully. The ordinary people have no cause to fight with each other. The [government] and the SPLA caused their problems.”¹⁹⁵ Discussed below, for such pragmatism Abdallah Eltom was later seen by others as being pro-National Congress.

Despite much talk of the Nuba Mountains ceasefire agreement being at the ‘centre’ and ‘heart’ of a wider ‘comprehensive’ political settlement, the ceasefire indicated separate peacemaking for a separate peace. Envoy Danforth’s April 2002 report to the US president indicated the Nuba issue was enough of a success story. He justified its relevance to his peacemaking task by invoking the north-south binary frame to mischaracterise the Nuba Mountains as “[t]his area of African and Christian influence” (Danforth 2002:9), but then only emphasised his efforts to mediate the ceasefire. He argued that “this successful agreement has given the people of the Nuba Mountains a new life, and in other parts of Sudan it has provided a powerful argument for peace that is not lost upon the Government or the SPLM” (Danforth 2002:9). Not lost upon the SPLM/A was that the ceasefire was not

¹⁹⁴ Interviews, Kadugli, June 2007.

¹⁹⁵ Interviews, Kadugli, June 2007.

peace enough. International ceasefire monitoring and the recovery effort in the Nuba Mountains were gearing up when the rejuvenated IGAD talks commenced in Karen in May 2002. The IGAD process, which had struggled from the outset to address the Three Areas, was now even less compelled to do so.

4. THE MANY SURPRISES IN MACHAKOS

Despite the ominous signs following the ceasefire agreement, Nuba leaders of divergent political persuasions hoped the IGAD negotiations would include a political solution for the region. The negotiations leading to the Machakos Protocol in July 2002 and the aborted round of talks in August suggested this would not be the case. Using first hand accounts from interviews with political leaders and documentation from this period time, as well as drawing on my analysis in Chapter Three, this section examines the exclusion of the Nuba issue and its effects, within the SPLM/A, within the IGAD initiative and within wider Nuba politics. An understanding of the implications of this exclusion guides subsequent analysis of the terms upon which the Three Areas later re-entered the institutional scope of IGAD peacemaking.

4.a Reactions to the Machakos Protocol and the SPLM/A strategy

Efforts by the SPLM/A to raise the issue of the Three Areas during IGAD's preparatory talks in Karen in May 2002 were blocked by the government. The SPLM/A's Daniel Kodi recalled that the issue was firmly resisted by Khartoum, "[they] were saying ... it was not included in the DOP, it is just an administrative problem ... IGAD is south-north, full stop."¹⁹⁶ As Chapter Three evidenced, peacemakers also focused preparations for the

¹⁹⁶ Interview, Khartoum, June 2007.

Machakos negotiations on the key issues of southern self-determination and separation of religion and state, taking a 'One Country, Two Systems' approach. The Machakos Protocol was a north-south deal implying an SPLM/A compromise that the Three Areas were part of the northern 'system'.

For non-aligned Nuba leaders not privy to the negotiations in Kenya, the Machakos Protocol was unexpected and unequivocally a setback. Father Philip reflected, "I described Machakos at the time as the slaughter of the Nuba case."¹⁹⁷ "We were all surprised by Machakos," reflected Abdallah Eltom, Father Philip's then-deputy "It was a shock that it would go this way. The Nuba in the bush [with the SPLM/A] were bitter, they felt used."¹⁹⁸ Suleiman Rahhal recalled, "We welcomed Machakos, given its success in addressing certain issues, but the Nuba Mountains did not get anything."¹⁹⁹ The Protocol, "gave no room for Nuba," recalled pro-NDA SNP leader Elamin Hamoda: "Before Machakos, the SPLM/A was talking about New Sudan for all areas under their control. Then Machakos specified a 'north-south' solution based on the 1956 borders. This was a setback; the SPLM/A should stand for New Sudan. There were no discussions. We were taken by surprise."²⁰⁰

Regarding the SPLM/A, most analyses have documented anger and dissent among its cadres from the Three Areas, which then propelled the SPLM/A leadership to lobby hard on the Three Areas in August 2002.²⁰¹ Young argued that commanders Abdelaziz al-Hilu and Malik Agar faced "a near uprising from their followers furious at the apparent sell-out"

¹⁹⁷ Interview, Khartoum, June 2007.

¹⁹⁸ Interviews, Kadugli, June 2007.

¹⁹⁹ Interview, London, May 2007.

²⁰⁰ Interview, Khartoum, May 2007.

²⁰¹ For example: Waihenya (2007); Martin (2006); Johnson (2006); Justice Africa (2002b).

(2007:16). Interviews with key government officials charged with dealing with the Three Areas – legal advisor Abdelrahman el-Khalifa and foreign under-secretary Mutrif Siddiq²⁰² – indicate Khartoum read the situation similarly. Interview evidence from middle-ranking Nuba SPLM/A officials also supports this reading. Neroun Phillip reflected, “We told the southerners that we are fighting for the same thing but from [the Machakos Protocol] onwards there started the division within the SPLM.”²⁰³ Siddig Mansour also captured the marginal experience of Nuba SPLM/A: We were “partners [with southerners] in fighting the system. This is the problem of Machakos. [We] felt in a dilemma of being in another struggle.”²⁰⁴

However, drawing on interview evidence from the SPLM/A Blue Nile leader, Malik Agar, a different and compelling argument is that SPLM/A New Sudanists anticipated this angry revolt, which paved the way for subsequent reassertion of the Three Areas issue after securing the Machakos deal. Young argues that, “Garang insisted on pressing for the inclusion of these territories in the Protocol” but facing resistance from southerners that this would “unduly complicate the negotiations ... he had to relent” (2007:16). Malik Agar’s account disputed this:

“I felt it was the tactics of the negotiations. On the table you don’t get whatever you want, unlike war ... if the [SPLM] or IGAD would have pushed the issue of [Nuba Mountains and Southern Blue Nile] at that particular point in time, the Machakos Protocol may not have been achieved or things could have been more difficult. There was no discussion of [Nuba Mountains and Blue Nile] at the time of the Machakos Protocol, but there could have been no [final] agreement without the two areas.”²⁰⁵

Sumbeiywo’s account, discussed below, corroborates that that the Three Areas were not discussed at Machakos. The cogency of Malik’s reflection is supported by our historical

²⁰² Interviews, Khartoum, June 2007.

²⁰³ Interview, Kadugli, June 2007.

²⁰⁴ Interview, Kadugli, June 2007.

²⁰⁵ Interview, Khartoum, June 2007.

analysis of the SPLM/A's struggle to project a national identity and its Three Areas negotiation strategy. It echoes Malik's thinly veiled threat in Addis Ababa in 1998 to continue fighting in spite of a deal for the south. Recalling the analysis of John Garang's New Sudan strategy in Chapter Three, Malik's account reinforces that the SPLM/A leadership took their own 'sequential approach,' securing the core concerns of its southern constituency before pursuing other New Sudan objectives – including for the Three Areas – while holding hostage the finalisation of the IGAD talks. The Machakos Protocol was not a compromise by the SPLM/A to pursue only a southern focus. In this push, the SPLM/A anticipated that it would be usefully aided by anger from its ranks and from the populace in the region.

4.b The Three Areas after the Machakos Protocol

The question remained what agreement was achievable for the Three Areas after the Machakos Protocol. As a preliminary salvo, the SPLM/A argued that it retained its Three Areas position because it successfully resisted the mediator's proposal to explicitly articulate the 1.1.56 definition of the south's borders in the Protocol. "According to the Protocol, boundaries are not defined," Neroun Philip told reporters in late August 2002, "The issues are being pushed in this round" (IRIN 2002f).²⁰⁶ When interviewed in 2007, he was more objective: "Machakos affirmed the 1956 border, and this was a weak-point of the SPLM. This was a historical result of the 'southern problem' legacy."²⁰⁷

As a fall back, the SPLM/A continued to urge that their unified military presence in these areas meant they required attention within IGAD. Daniel Kodi recalled, "At the end of the day in Machakos, the Sudan government had a legal point, because these areas were not

²⁰⁶ See also Justice Africa (2002b).

²⁰⁷ Interview, Kadugli, June 2007.

belonging to the south and the IGAD negotiations were between north and south. But we insisted that we are one movement.”²⁰⁸ Kodi’s explanation is indicative of the equivocal position of SPLM/A senior leadership on the region’s political identity – south or north? – but also the movement’s identity. Long arguing they were a national movement with northern constituencies, the SPLM/A New Sudanists did not wish to overstate the argument that the Three Areas belonged to the south. They held on to national New Sudan objectives to ultimately liberate the Nuba peoples, whatever their administrative status (as explained by Garang at the All Nuba Conference in Kauda, discussed below). The strategic priority was the movement’s unity, which Khartoum had long challenged, most recently with the ceasefire agreed with ‘SPLM/Nuba’, and now with the ‘north-south’ deal at Machakos.

Buoyed by the Machakos Protocol and subsequent meeting between Garang and President Bashir in Kampala, IGAD peacemakers were impatiently optimistic when talks recommenced in August (see Chapter Three). When the SPLM/A immediately raised the issues of a *shari’a* free capital and the Three Areas, Sumbeiywo recalled being surprised: “[At the first Machakos round,] no one even mentioned it. In July: nothing. But then immediately they came back [in August] and said, you have to deal with the [Three Areas]. I didn’t expect it. The SPLM have now got the right of self-determination, separation of state and religion, a framework for mediation [in the Protocol].”²⁰⁹ Clearly this was true for *southerners*, SPLM/A from the Three Areas got none of these and for New Sudanists they were not enough. Sumbeiywo’s recollection evidences his reluctance to take on the Three Areas. He attested that the issue was “very difficult. The SPLM were scolded after Machakos in the Three Areas. This was not part of my mandate. It was part of the north. I

²⁰⁸ Interview, Khartoum, June 2007.

²⁰⁹ Interview, Karen, July 2007.

was not supposed to resolve conflict in the north, I was supposed to resolve conflict in the south-north.”²¹⁰

Sumbeiywo also wagered that the issue was a lowly priority for the SPLM/A and that they would bargain it away. His biography records that, “Although Sumbeiywo knew of the existence of the three areas ... he did not expect it to become such a big matter as to threaten to derail the negotiations” (Waihenya 2007:93). Yet the whole peacemaking effort became increasingly contingent on the Three Areas. Sumbeiywo’s chief advisor, Fink Haysom, recalled that the Three Areas, “had not, properly, been counted as part of the south and they had not been considered as within the terms of reference of the mediation. The SPLM however insisted that they would be unable to reach a deal without [addressing these areas]” (Simmons and Dixon 2006c:30). Elsewhere, Haysom recalled the SPLM/A’s “belated insistence” (Haysom 2005) upon adding the Three Areas to the agenda. Rather, I have argued, such insistence was tactically delayed because of the southern focus of the negotiation’s constitutive ideas, institutionally fixed by its ‘terms of reference’.

Khartoum steadfastly rejected discussing the Three Areas within IGAD or with the SPLM/A’s senior leadership. Sumbeiywo recalled, “The [Sudan government] hit the roof: ‘No, this is outside of the mandate.’ I tried and they said no. They said, ‘Do you want to resolve all the problems in the Sudan? We have some in the east, some in the west etc.’”²¹¹ “This was just a manoeuvre,” reflected Neroun Philip, “Of course they knew they had to discuss these areas. But their starting point was ‘No.’”²¹² Government negotiator Abdelrahman el-Khalifa substantiated this: “The government was going to address these

²¹⁰ Interview, Karen, July 2007. See also Waihenya (2007:93-4).

²¹¹ Interview, Karen, July 2007.

²¹² Interview, Kadugli, June 2007.

issues anyway ... we realised it was needed for comprehensive peace. But the people there went mad, they felt abandoned by the SPLM. ... We did think that IGAD was not the right place ... [it] was dealing with the north-south issues and this was an issue of the north.”²¹³ Mutrif Siddiq’s account was the same.²¹⁴ For Ghazi Salahuddin Atabani, not only was the Nuba Mountains part of the north and not an issue for IGAD, the SPLM/A was merely playing tactics (see also Chapter Four). Garang sought to “distract his enemy to fighting within the north itself.”²¹⁵ The Nuba Mountains issue was merely part of this: “The SPLM were very astute, they used their political cards. They used the Nuba Mountains card ... indeed to the detriment of the Nuba people. They used these cards to put pressure on the government.”

Yet Sumbeiywo felt the pressure was real, and it came from SPLM/A leaders from the Three Areas such as Malik Agar, who told the mediator, “General, if you do not include the Funj people of Southern Blue Nile, we shall finish you” (Waihenya 2007:93). As Malik Agar assessed the situation, the issue turned substantially upon the extent to which the Three Areas mattered enough to IGAD peacemakers and the peacemaking institution: “The government were testing the international community. At the end of the day everyone knew some decision on the Three Areas was required.”²¹⁶ Agar then offered a telling insight into the SPLM/A’s ideational battle to reframe the problem/solution nexus and interpretations of its identity: “The international community perception at that time [was] that the war ... is north-south. At the end of the day, we had to educate them on the issues elsewhere in the country.”

²¹³ Interview, Khartoum, June 2007.

²¹⁴ Interview, Khartoum, June 2007.

²¹⁵ Interview, Khartoum, June 2007.

²¹⁶ Interview, Khartoum, June 2007.

Peacemakers and the negotiations institution they presided over were not dispassionate problems-solvers, they were making choices among competing ideational claims that were central to the possible scope of peace. ‘Educative’ politicking by all political sides – the SPLM, the government and independent Nuba leaders – was central to how IGAD peacemaking and Nuba politics interacted in the wake of the Machakos agreement. What eventuated at IGAD’s negotiating table cannot be understood without attending to political efforts far beyond it to shape the institution and its constitutive ideas of peace.

Earnest efforts by different Nuba political voices to influence IGAD peacemakers by ‘educating’ them about Nuba political history to legitimate political demands began in the wake of the Machakos Protocol. When Sumbeiywo and his IGAD Sudan Peace Secretariat were inundated with letters, a fair share was from Nuba political actors. The Alliance of Nuba parties (GUN, Free SNP, SNP) wrote to Sumbeiywo on 5 August 2002 “extremely concerned about the Nuba Mountains future because the issue ... was not mentioned in the agreement” (Nuba Mountains Alliance Parties 2002). This agreement only spoke about “*North and South*” “as if Nuba Mountains is part and parcel of either South or North.” The crisis of identity was laid bare. The Alliance parties sought legitimacy by historicising their argument, informing Sumbeiywo that the “Nuba Mountains borders [sic] of 1925 Provinces Act, clearly indicate that the Nuba Mountains is a separate region which has its own entity” (Nuba Mountains Alliance Parties 2002). They went on to restate their political solution of three choices for self-determination, including independent Nuba statehood, and interim international supervision. Suleiman Rahhal wrote to Sumbeiywo on 9 August 2002, making the exact same arguments (Rahhal and Nuba Survival 2002). Conversely, pro-SPLM/A Nuba civil society lobbied IGAD peacemakers that the Nuba peoples should be part of the “People of South Sudan” identified in the Machakos Protocol, also invoking

various historical and cultural justifications going back to northern slave-raiding and their shared experience with the south of the ‘Closed Districts’ policy during British rule (Abdul Bagi Fadul et al. 2002).

4.c ‘Educating’ through the barrel of the gun

The Machakos talks were at an impasse when the SPLA launched a major offensive and captured the Equatorian town of Torit on 1 September 2002 (see Chapter Three). Khartoum viewed this partly as a flagrant attempt to muscle the Three Areas into the negotiations. Explaining Khartoum’s subsequent withdrawal from the negotiations, Foreign Minister Mustafa Ismail accused the SPLM/A of deliberately escalating military activities in the area in order to enlarge the area of Southern Sudan (Copson 2002).

In his letter to Sumbeiywo dated 2 September 2002, chief negotiator Ghazi Salahuddin Atabani lambasted the IGAD Secretariat: “A clear departure from the agenda is unmistakably present in the SPLM/A position, by introducing the complicated issue of the three areas, a departure that was not only met with the secretariat approval, but with active advocacy.”²¹⁷ Ghazi’s recollection of this period speaks loudly to how ideational contestations are interwoven with coercive power and wider political dynamics during negotiated peacemaking:

“The talks, like any talks, they never take place in isolation of the political facts and the political realities which keep changing everyday. And that’s exactly why John Garang wanted to disturb the balance of power by taking Torit after the Machakos Protocol ... I have no doubt about it that the SPLM used Torit to put military pressure at the same time as it was trying to introduce new issues.”²¹⁸

With echoes of Clausewitz, Malik Agar similarly argued: “There was no ceasefire, nothing preventing us to take any town if we have the capacity ... it was also part of the pressure: if

²¹⁷ Quoted in Sumbeiywo’s biography: Waihenya (2007:95-6).

²¹⁸ Interview, Khartoum, June 2007.

there was no war there could be no peace. The war was a means of protest, one method of political activity.”²¹⁹ It also promised to be the most persuasive method of political activity to reshape the peacemaking institution. The SPLM/A’s Daniel Kodi concurred that the Torit offensive was of importance to the SPLA beyond the south: “In fact [capturing Torit] helped the tactical position of the SPLA. It helped in tackling the issue of the Three Areas. There was a ceasefire in Nuba so it was helpful to put the pressure somewhere else ... we were showing one SPLM/SPLA. Negotiations must be between two warring parties on all the issues.”²²⁰

For General Sumbeiywo, with hindsight, it all made good sense: “Everything that happened after [Machakos], God gave us a good thing out of it ... Torit ... gave me a major breakthrough. The government realised the SPLM was still strong, then my plea for ceasing hostilities was answered [with the October agreement, discussed below]. Torit was a leverage issue, [the SPLM/A] wanted to show the government that even in the Three Areas they were not negotiating from a weak position.”²²¹

However, the SPLM/A realised civilian Troika diplomats might be less impressed. Garang told the British Representative, Alan Goulty, that Khartoum was to blame: “The [government] claimed that this was an unprovoked attack by the SPLA. Garang told me on the other hand that the SPLA had intercepted Army communications about a major push southeast from Torit and showed me what he claimed were the texts of them. I was not able to get to the bottom of the matter. ... Whatever the truth of the origin of this skirmish, I do

²¹⁹ Interview, Khartoum, June 2007.

²²⁰ Interview, Khartoum, June 2007.

²²¹ Interview, Karen, July 2007.

not believe it was related to the [introduction of new issues].”²²² Goulty’s insistence, given the weight of evidence to the contrary, may be explained by his desire to represent the north-south Machakos talks as a triumph of mediated dialogue that was not hostage to tactical violence.

The break in negotiations after the Torit attack led to IGAD peacemakers and policy advisors paying greater attention to the Three Areas, albeit without fundamentally challenging IGAD’s constitutive ideas. Troika officials reportedly met in London in mid-September 2002, while in Khartoum the Swiss ambassador invited Nuba leaders to discuss “how the Cease-fire can be translated into a lasting peace” (Anonymous 2002c). The same month, International Crisis Group recommended: “The mediators must use the break in negotiations to address the status of *the areas adjacent to the South that are in armed revolt*” (emphasis added) (International Crisis Group 2002c:ii). International Crisis Group adopted constructions that invoked IGAD’s frames in an effort to influence the mediators, and thereby ignoring the SPLM/A’s ‘one movement’ protestations.

When General Sumbeiywo visited Khartoum in early October 2002 to push forward the cessation of hostilities, he granted an audience to a group of Nuba leaders. The group included some against self-determination such as Mekki Ali Balayel. First, consensus issues were raised: interim self-rule; talks within IGAD; international guarantees; and fair power-sharing and wealth-sharing.²²³ Others, such as Father Philip and Elamin Hamoda, also demanded self-determination. In late October 2002 a diverse and representative group

²²² Alan Goulty, written correspondence with the author, February 2009.

²²³ Interviews: Mekki Ali Balayel, Khartoum, June 2007; Elamin Hamoda, Khartoum, May 2007.

of 15 Nuba political groups and individuals²²⁴ petitioned Sumbeiywo and, after explaining how the Nuba were “central to the conflict [and] thus ... hold the vital key for a solution,” they repeated demands for IGAD to include them, for international protection in the interim period and the three self-determination options (Rahhal et al. 2002).

The issue of the Nuba Mountains remained at the doorstep of the IGAD peacemaking institution challenging but not yet changing its constitutive ideas for a ‘southern peace process’. The Nuba issue’s particular fate depended on the interplay between different political actors’ insistence that it be addressed in accordance with their objectives, and the inevitability that it had to be addressed in *some* manner for the IGAD negotiations to progress. Further pressure to force open IGAD’s door then came from political processes distant from the IGAD talks.

5. THE KAMPALA AND KAUDA CONFERENCES: RESOLUTION WITHOUT IGAD, OR REPRESENTATION WITHIN?

In late 2002, with the IGAD institution’s mandate and scope contested anew, peace politics on the Nuba issue occurred far away from Kenya. A political process to bring Nuba leaders together that predated the Machakos talks was invigorated and culminated in two important, and competing, conferences: The “Nuba and Southern Blue Nile Civil Society Forum” in Kampala, Uganda in late November 2002 and the “All Nuba Conference” in Kauda, the major town in SPLM/A-controlled Nuba Mountains, days later.

This section examines the processes and outcomes of the Kampala and Kauda conferences as instances of peace politics beyond the IGAD negotiating table, but directed towards it.

²²⁴ Signatories included Rahhal’s Nuba Survival, the ‘Free SNP’ led by Father Philip, the ‘SNP-Collective Leadership’ led by Mohamed Hamad Kuwa and GUN led by Yusif Abdalla Jibril.

Both meetings sought to declare authoritatively the Nuba peoples view on the “appropriate mechanism” for reaching a peace deal for the Nuba Mountains: what peacemaking forum; which issues on the agenda; and who should participate in deciding these issues. In their efforts to shape peacemaking, the two meetings directly contested with each other. The Kauda conference proved the more influential because it was led by the SPLM/A, which had boycotted Kampala. At Kauda, John Garang successfully sought a representative mandate from ‘all’ the Nuba to negotiate on their behalf by persuading them of the SPLM/A’s ‘New Sudan’ identity. The SPLM/A also united the various Nuba political parties. Together these comprised a tactical approach to contesting ideas of peace within IGAD’s institutional confines: ‘all’ Nuba were united, and they were united behind the SPLM/A’s ideas for peace. The analysis of how both non-aligned and SPLM/A Nuba debated and interpreted these specific outcomes, emphasising the ambivalent nature of Kauda’s pronouncements, is critical to subsequent investigation of how confidence was lost in the SPLM/A mandate and how Nuba political unity unravelled.

5.a Kampala versus Kauda

About 30 civil society, community and political leaders from the Nuba Mountains and Blue Nile attended the Kampala Forum. Funded by the UK, it was organised by two civil society organisations, Justice Africa and the Kampala based Pan-African Movement. Aggrieved by the SPLM/A boycott, Suleiman Rahhal explained the Forum’s provenance.²²⁵ Rahhal first secured UK support for an ‘All Nuba Conference’ in 1999 that would bring Nuba leaders from all quarters together to “articulate a unified Nuba position for future negotiations.” The SPLM/A-Nuba commander Yusif Kuwa supported the idea, but insisted that it be a

²²⁵ Interview, London, May 2007.

large gathering held in SPLM/A controlled Nuba territory. Rahhal was wary, because the government had bombed a similar meeting in 1997 and because such a gathering might only split the Nuba.

In early 2001, British Foreign Office officials, concerned that the CSIS Task Force's 'One Country, Two Systems' report compromised the Nuba cause, contacted Rahhal to rekindle the idea. However, British officials and Justice Africa had a different idea than Rahhal's 'All Nuba' meeting for a "unified Nuba position." In Kampala, the Nuba peoples' Arab Baggara neighbours also attended, and the conference aimed at identifying options for local conflict resolution. Thus, although a unified Nuba position had still not yet been articulated by the time the SPLM/A was pushing the Three Areas issue in Machakos, the meeting in Kampala pursued a different objective of local conciliation.

The consensus view was that the SPLM/A rejected the Kampala initiative because it could not control the outcome. According to Rahhal, "Goultly pushed Doctor John for the SPLM-Nuba to go to Uganda but he wouldn't allow it."²²⁶ In Alan Goultly's view, "The SPLM opposed [Kampala] because we had not secured their agreement first and they feared it aimed to create alternative leaderships in the areas."²²⁷ Mekki Balayel had left the National Congress but remained opposed to the SPLM/A, and he considered they boycotted Kampala because "they were keen to show themselves as the sole representative of the Nuba people."²²⁸ Elamin Hamoda's recollection was that "The SPLM was not happy with the role played by Britain at that time."²²⁹ Abdullah El-Tom's assessment was that "In the

²²⁶ Interview, London, May 2007.

²²⁷ Written correspondence with the author, February 2009.

²²⁸ Interview, Khartoum, June 2007.

²²⁹ Interview, Khartoum, May 2007.

SPLM's view, [Justice Africa's] Alex de Waal and others had already decided the solution for Nuba Mountains need[ed] to be separate to IGAD.”²³⁰

These assessments bear scrutiny given interview evidence from the SPLM/A's Neroun Philip, who organised the Kauda meeting: “Kampala was resisted for the same reasons the Swiss efforts were resisted ... The SPLM did not attend because Alex de Waal and those who organised it, they already had the idea in the back of their mind to separate the issue of the Three Areas from the rest of IGAD. It was clear in the agenda.”²³¹ The SPLM/A's boycott and Kauda effort was thus partly political action – “education” as Malik Agar described it – directed at peacemakers.

The “Kampala Declaration” (Nuba Mountains and South Blue Nile Civil Society Forum 2002) aided and undermined the SPLM/A position. It expressed dissatisfaction with Khartoum's treatment of the region, and urged that the Nuba Mountains and Southern Blue Nile conflicts be addressed *within IGAD*, with wider political participation from these regions. For this, National Congress sympathisers and Arab Baggara leaders who participated were rebuked on returning to Khartoum.²³² Yet with divergent views on self-determination – the likes of Father Philip and Suleiman Rahhal favoured its full exercise, others did not – the Kampala Declaration only demanded autonomous self-rule. It also prioritised Sudan's unity, affirmed the 1.1.56 borders and resolved the two areas lay in Sudan's north.

²³⁰ Interview, Kadugli, June 2007.

²³¹ Interview, Kadugli, June 2007.

²³² Suleiman Musa Rahhal, Interview, London, May 2007. Also reported in *African Confidential* (2003).

5.b Kauda and the SPLM/A's New Sudan

The first All Nuba Conference in Kauda was organised by the Nairobi-based SPLM/A organisation, Nuba Mountains Relief, Rehabilitation and Development Organisation, led by Neroun Philip (a former SPLA officer and later an SPLM minister in the Southern Kordofan government). It was attended by Troika officials, and financially supported by USAID. Kauda needed to live up to its 'All Nuba' title, or at least be seen to be trying. Whereas Kampala had around 30 participants, over 380 Nuba delegates (and no Arab Baggara) attended the Kauda meeting. Professor Elamin Hamoda's SPLM-sympathetic SNP faction organised for 169 Nuba representatives from government-controlled areas to travel into SPLA-held territory, and there were 15 from the Diaspora. Hamoda's assessment was that "Kauda was very representative. Even [government] sympathetic people, like Mekki Ali Balayel, were invited, though they did not attend."²³³ Yet Mekki explained: "I didn't participate in Kauda because the people who organised the meeting, including Hamoda who is my friend, didn't want me to participate because according to them it would have an effect different [to] what they wanted."²³⁴ Balayel's account makes sense, for Hamoda knew the paramount objective of bringing 'All Nuba' together was to *present* a unified position to peacemakers *via* the SPLM/A.

The All Nuba Conference reached three important conclusions: First, it advocated inclusion of the Nuba issue at the IGAD talks and gave the SPLM/A the mandate to represent them; Secondly, it urged that the Nuba region should be 'under SPLM/A control' in the interim period and should thereafter have the right to self-determination including the option to join the south; Thirdly, it unified the four main independent Nuba parties into one United Sudan

²³³ Interview, Khartoum, May 2007.

²³⁴ Interview, Khartoum, June 2007.

National Party (USNP), and agreed that USNP representatives (Father Philip and Mohamed Hamad Kuwa) should be present in Kenya to advise the SPLM/A during the IGAD negotiations.

The most dramatic event at the Kauda Conference was John Garang's surprise visit, his first ever to the region. Siddig Mansour, the SPLM/A's information officer in Kauda, argued this achieved "the first comprehensive contact between the Nuba peoples and the SPLA."²³⁵ Rahhal reflected on the Kauda meeting with a tinge of bitterness: "The SPLM hijacked the idea [of an All Nuba Conference] over time. Garang flew to Kauda merely to get a 'mandate' to represent Nuba in IGAD."²³⁶ This produced an SPLM/A position, not an All Nuba position.

According to the conference report, Garang addressed the gathering with an impassioned pledge: "I want to reiterate the commitment of the SPLM/A to these areas ... Whatever agreement we reach in IGAD we'll include you" (Anonymous 2002b:6). He spoke of historical solidarity, "The Nuba did not let me down in the fighting and I will not let you down in the negotiations. ... There is no place in the South where Nuba have not shed blood fighting for the process of liberation – and equally there are Southerners who died fighting with the Nuba Mountains SPLA" (Anonymous 2002b:6). Abdelaziz al-Hilu echoed his leader's sentiment: "Without the united struggle between the Nuba and the South and other marginalized areas, we wouldn't have achieved what we achieved so far" (Anonymous 2002b:7).

At Kauda, Garang declared once again his commitment to the 'New Sudan' and rejected Khartoum and IGAD's limiting the negotiations to the "southern problem." Hussein el-

²³⁵ Interview, Kadugli, June 2007.

²³⁶ Interview, London, May 2007.

Amer Koko Kodi, who led the civil society Nuba Network, recalled: “Garang told everyone the problem is unique, and the problem is one. The SPLM nor anyone cannot isolate the Nuba issue, it is within the one problem.”²³⁷

The conference resolutions endorsed Garang’s request with an “unambiguous alignment of the Nuba people with the SPLM/A during the interim period” (Anonymous 2002b:9).²³⁸ Days later, Ghazi Salahuddin Atabani protested to Sumbeiywo that “[Garang] took part in a gathering [in Kauda] and made a statement that the case of the Nuba Mountains is part and parcel of the conflict in Southern Sudan.”²³⁹ However, this was not what Garang had said and it demands scrutiny. Garang argued that the Nuba Mountains was part of one Sudan-wide conflict, which the peacemakers (and Khartoum) were reluctant to see. His prescription was more nuanced: Although geographically and administratively part of northern Sudan *as things stood*, the Nuba Mountains was politically and organisationally part of the southern sector *for the SPLM/A*. He then asked the gathering to demand that during the interim period, the Nuba be part of the entity governed by the SPLM/A in order to safeguard Nuba self-determination. “Not ‘south’ or ‘north’ but under SPLM government,” Osman Abdallah Tiya explained, “That’s why [in subsequent negotiations] the SPLM was pushing to have seventy percent of the power.”²⁴⁰ Garang was also conceding the argument on the south’s borders with a wider aim of consolidating a Nuba – and for the time, northern – political constituency.

²³⁷ Interview, Kadugli, June 2007.

²³⁸ The Kauda resolutions were echoed two weeks later at a similar conference in Kurmuk, the SPLM/A stronghold in southern Blue Nile, see: “Funj Consultative Conference: Kurmuk Declaration. 16th–18th December 2002” (Anonymous 2002a). This time, Khartoum blocked delegations from government-controlled areas.

²³⁹ Letter dated 11 December, quoted in Waihenya (2007:99).

²⁴⁰ Interview, Kadugli, June 2007.

Only with such subtle manoeuvring did the SPLM/A obtain the conference's endorsement. The Free SNP leader, Father Philip, told the gathering, "The Nuba are not for the South Sudan but we are for the SPLM/A ... [now] we know how to differentiate between Southern Sudan and SPLM/A as concepts. That [sic] why they [the conference participants] mandate the SPLM/A to negotiate on their behalf" (Anonymous 2002b:4). The leaders of the SNP (Elamin Hamoda), SNP-Collective Leadership (Mohammed Hamad Kuwa), and GUN (Yusif Abdalla Jibril) expressed similar support (Anonymous 2002b).

This position proved too subtle to overcome the polarity of north-south divisions. Ghazi's summation, which echoed that of Suleiman Rahhal's in January 2003, that "Kauda strongly recommends that Nuba should be part of the South during the six years interim period" (Rahhal 2003b), was the common (mis)interpretation of Kauda's resolutions.²⁴¹ It conflated alignment with the SPLM/A with joining the "south." Statements by Nuba SPLM/A officials that the SPLM/A "wants the Nuba Mountains to be part of the south" (IRIN 2002f) had only reinforced this interpretation.

Kauda created the appearance of 'a unified Nuba position', even though it excluded the likes of Mekki Balayel. But this position was now beholden to an SPLM/A-driven agenda. Both the Kampala and Kauda meetings agreed that the Nuba issue must be addressed within the IGAD process. On the issue of representation at the IGAD talks, however, Kauda's endorsement of a mandate for the SPLM/A directly contradicted Kampala's recommendation of broader participation. Kauda's divergent position on self-determination was important here. Osman Abdullah Tiya, the more pro-SPLM/A of independent Nuba leaders, explained, "In Kauda we discussed the importance of self-determination as a means

²⁴¹ See, for example, *Africa Confidential* (2003:8).

to determine our future. Our tactic [was] that all Nuba have to unite with the strongest faction of the Nuba... those who have been fighting for 20 years with the southerners, the SPLA. If you say you are going to take a different position from the SPLA, then the SPLA will not support your position and you will be weak.”

SPLM/A representation was thus considered the only realistic option, given how the negotiations institution was limiting access and defining its agenda. Due to Khartoum’s protest, IGAD remained bilateral, shutting out any potential Nuba participation. Any other process for the Nuba Mountains was liable to be weakened by an SPLM/A boycott. For the time being, the different independent Nuba leaders at Kauda embraced positively this *fait accompli* because of Garang’s New Sudan promise. Hamoda elaborated, “The government never sat and talked with the Nuba Mountains people about their problems. We thought that if we delegate the SPLM, they will represent us well. This was the most important decision. At that time, we had confidence.”²⁴²

Strongly urged on by the SPLM, the leaders of the different independent Nuba parties dissolved their organisations and formed a new United Sudan National Party (USNP). Father Philip was appointed Chairman and the Vice-Chairmen were the leaders of the other three parties (Anonymous 2002b). This was more than an extension of previous efforts to form the Nuba Alliance. Above all, the *de facto* strategy of different eggs in different baskets – Father Philip’s Free SNP registered in Khartoum under the *Tawali* laws, Hamoda’s faction a member of the NDA, Mohamed Hamad Kuwa and Yusif Abdallah Jibril’s parties straddling the divide – was abandoned in favour of uniting behind the SPLM/A. For Father Philip, his trip to Kauda was yet another trip into exile.

²⁴² Interview, Khartoum, May 2007.

The SPLM/A thus succeeded to strengthen its claim to a Nuba mandate for the negotiations. Hamoda explained, “The SPLM said they wanted a strong party in the Nuba Mountains and, despite previous failed attempts, Kauda succeeded to unite the party ... We remained independent of the SPLM, though we had similar objectives.”²⁴³ Yet the United SNP would not stay united as the peace negotiations unfolded and Nuba expectations unravelled in 2003. The USNP’s short-lived unity was over-dependent on the SPLM/A’s role, as even the SPLM/A’s Daniel Kodi implicitly recognised: “In Kauda we joined them together but when they came back to Khartoum they split again.”²⁴⁴

Nevertheless, in late 2002 and early 2003, the result was that Kauda’s political machinations thrust Nuba politics in a new direction and brought it back from outside the margins of IGAD peacemaking. Mekki Ali Balayel, distrustful of Kauda’s declaration of SPLM/A allegiance, summarised the effect: “People were thinking of SPLM and USNP as together, SPLM as their representative.”²⁴⁵ The cost of raising the Nuba cause’s profile this way was wariness amongst non-aligned Nuba. As Suleiman Rahhal wrote in January 2003: “The Nuba are sceptical about joining the South, often because they are not sure that the SPLM/A leadership will respect their rights and aspirations. Nuba experience with SPLM/A has often proven to be problematic, as their leadership failed to secure their basic right to self-determination at [sic] Chukudum Agreement 1994, IGAD Declaration of Principles 1994, and the Asmara Declaration 1995. Is this not enough to make Nuba sceptical?” (Rahhal 2003b). The negotiations in 2003 and 2004 justified such scepticism, but they also proved that the vacillations and divergent opinions of Nuba leaders, primarily

²⁴³ Interview, Khartoum, May 2007.

²⁴⁴ Interview, Khartoum, June 2007.

²⁴⁵ Interview, Khartoum, June 2007.

over whether the SPLM/A equated with the 'South,' undermined the SPLM/A's ability to negotiate on their behalf.

6. KAREN (KENYA) AND MACHAKOS (IGAD) IN EARLY 2003: THE POLITICS OF PEACEMAKING FOR THE THREE AREAS

From August 2002 onwards, Khartoum had come under pressure from Troika diplomats to address the Three Areas. Khartoum remained adamant about IGAD's lack of mandate. Alternative mediators were proposed, including the Swiss and the UK, before both sides finally agreed in December 2002 that Kenya, *not* IGAD, but with General Sumbeiywo as Kenya's representative, would mediate. This section examines the negotiations on the Three Areas in Karen, near Nairobi, in the first half of 2003, upon which wider IGAD negotiations (still held in Machakos) hinged. These negotiations failed because the most fundamental ideas for peace remained disputed. Contestations over the identity and mandate of the peacemaking forum, who should negotiate, and the substantive agenda were of significance beyond the Three Areas because they represented ongoing battles to contain the scope of peace within IGAD.

The government failed to appear on the first designated day of the Karen negotiations on 15 January 2003. Sumbeiywo had sent two letters in December 2002, but on IGAD and not Kenyan letterhead, which Khartoum claimed did not amount to 'official notification'. Sudan's chargé d'Affaires in Kenya objected to the "very fact that the question of the Three Areas is now being projected as the main subject of negotiations" (Moszynski 2003), and Khartoum sought a return to the main IGAD talks on the south. A volatile backdrop also poisoned the atmosphere and threatened the October 2002 Cessation of Hostilities agreement. Government-backed militias were attacking SPLM/A positions in Western

Upper Nile and, unbeknownst to peacemakers but increasingly suspected by Khartoum, the SPLM/A was organising support for a nascent Darfuri rebel group (discussed in Chapter Five).

The parties finally met in late January 2003 for a watered-down “Symposium on Conflict Areas.” Sumbeiywo hoped they would begin to negotiate, but this proved unrealistic. Discussions instead focused on presentations by three academic ‘resource persons’: Dr Douglas Johnson, Professor Wendy James and Professor Leif Manger. After the January ‘Symposium’, talks on the Three Areas began in Karen in early March 2003, but not before Sumbeiywo again clashed with Khartoum’s chief negotiator, Ghazi Salahuddin Atabani, on the issue of forum and mandate. Sumbeiywo had wanted to hold a Three Areas meeting in Machakos (thus IGAD) and Ghazi refused to attend. Ghazi characterised Sumbeiywo’s threat to continue negotiations without him as “terror tactics.” “I was adamant ... he wanted to test my will and I stood my ground to the last moment and they had to cancel the meeting, accept our terms and go back to Karen.”²⁴⁶

Confrontations between the SPLM/A and the government over ‘legitimate’ representation at the negotiations reflected wider battles over characterisations of the SPLM/A’s identity as a ‘southern movement with Nuba allies’ and the related framing of the conflict as a ‘southern war’ with some spill-over at the margins. At the January 2003 Symposium, the SPLM/A sought to project the Three Areas as integrally important to the movement, sending an unwieldy top-heavy delegation of 24, led by the SPLM/A’s chief negotiator at IGAD. Khartoum sent only five low ranking officials. In March, Khartoum insisted that each region appoint a local representative for negotiations in separate and parallel forums.

²⁴⁶ Interview, Khartoum, June 2007.

It sought to disaggregate the Three Areas from each other and from the SPLM/A's core southern constituency to localise and contain the scope of peacemaking.

The substantive agenda for talks, encapsulating the problem/solution nexus and the identity of the parties, was also hotly contested in March 2003. Unlike the SPLM/A's proposed agenda, the government's proposed agenda did not include self-determination, the separation of religion and state, and Nuba self-government (Rahhal 2003a). Sumbeiywo later recalled his frustration with "the Nuba delegation" for insisting upon self-determination given that the "SPLM/A and the Government of Sudan" had long struggled to agree on the same (Waihenya 2007:110). Such shorthand indicated Sumbeiywo continued to equate the SPLM/A with the south (and to separate "the Nuba delegation" from the SPLM/A), again favouring Khartoum's strategy. The most Sumbeiywo could say of the Karen talks in March was that the parties had held an "earnest and frank discussion" (IRIN 2003a). Such open-ended discussions satisfied Khartoum, but were wholly insufficient for the SPLM/A. The SPLM/A thus prevaricated again in concurrent IGAD talks.

Portentous of things to come, the SPLM alliance with the United Sudan National Party wavered as the euphoria of the Kauda conference waned. The USNP representatives in Kenya, Father Philip and Mohamed Hamad Kuwa, struggled to engage with the SPLM/A and in their party's view were poorly treated.²⁴⁷ Abdallah Eltom recalled, "They were just used for SPLM purposes... They were rarely taken to the negotiations or even to have occasional meetings with the SPLM leadership."²⁴⁸ Discontent amongst non-aligned Nuba with the outcomes of Kauda was growing. In late February 2003, Suleiman Rahhal

²⁴⁷ Interviews: Father Philip, Khartoum, June 2007; Elamin Hamoda, Khartoum, May 2007.

²⁴⁸ Interview, Kadugli, June 2007.

advocated to senior US officials in Washington that the Nuba peoples feared their SPLM/A ally might sacrifice their interests to secure a peace deal with Khartoum (Wolpe and Talmadge 2003).²⁴⁹

Yet peacemakers were now giving attention to the Three Areas. This was due to the SPLM/A's actions since Machakos, but also reflected efforts of Nuba leaders such as Rahhal. Rather than a 'north-south' peace deal, US officials whom Rahhal lobbied in Washington in February 2003 now talked of a comprehensive approach to include the Nuba issue. The State Department's Special Advisor on Sudan, Michael Ranneberger, emphasised a "Sudan-wide formula" to take into account the Three Areas (Wolpe and Talmadge 2003). The Nuba peoples were "central" to peacemaking and "must and will be a part of any comprehensive negotiated settlement." Rahhal recalled that Mathew McClean, Director of African Affairs on the National Security Council, emphasised to him that President Bush was, "for unity, and [the Nuba] and the SPLA can vote this government out of office in three years time."²⁵⁰ Rahhal continued to lobby Sumbeiywo and the Troika up to May 2003 (Rahhal and Nuba Survival 2003).

Nearly one year after the IGAD talks began successfully in Machakos, and notwithstanding the much-lauded cessation of hostilities agreements in October 2002 and February 2003, the IGAD process had run aground. Negotiations on power- and wealth-sharing achieved little in the wake of failed Three Areas talks in March. The lightning attack on El Fasher airport by Darfur's new rebels in late April 2003 fuelled fears that peace in Sudan was in jeopardy.

²⁴⁹ See also Rahhal's January 2003 editorial in *Nuba Vision* (Rahhal 2003b).

²⁵⁰ Interview, London, May 2007.

The International Crisis Group, eyeing Darfur's escalating conflict, urged peacemakers to appreciate that Three Areas negotiations could be "an important peace template" for how the country as a whole country could be "governed from the centre" (International Crisis Group 2003c:3). The implication was that the 'north-south talks' focused on the 'southern war' could not delay addressing Sudan's wider centre-periphery woes, and the Three Areas provided peacemakers with that opportunity. In late May 2003, the IGAD mediator and Troika officials settled upon a new mediation strategy that aimed at a 'holistic' approach that included the Three Areas.

7. A DIVIDED UNITED SUDAN NATIONAL PARTY AND NAKURU

In this section I examine a key episode concerning the Nuba issue when the hitherto exclusive and closed IGAD peacemaking institution briefly entertained wider political contestations over peace. I argue that a prized direct encounter between United Sudan National Party leaders and General Sumbeiywo in Khartoum in early June 2003 encapsulates a critical moment when the Nuba agenda faltered. Albeit a clandestine audience with the mediator outside of the formal institution's practices, this came at the highpoint of peacemakers' focus on the Nuba Mountains since the January 2002 ceasefire agreement. Yet in June 2003, the Kauda All Nuba Conference resolutions unravelled and the USNP were divided. The longstanding dilemmas concerning identity and alliances played out in front of an increasingly exasperated mediator, compromising the Nuba cause. I show that the reason for this lay in the binary nature of political ideas for peace within IGAD's constitutive ideas. Having allied with the SPLM/A tactically in Kauda, USNP leaders now retreated, under pressure from other Nuba leaders. The Kauda resolutions

consisted of ideas concerning the Nuba peoples' identity and political future that worried non-aligned Nuba leaders, such as Rahhal, who mistrusted the SPLM/A.

In June 2003, General Sumbeiywo travelled to various places in Sudan, including the Nuba Mountains, while developing new draft negotiating frameworks for the parties. In early July, after gaining Troika support for his ideas, Sumbeiywo tabled the "Draft Framework for Resolution of Outstanding Issues Arising out of the Elaborations of the Machakos Protocol" (IGAD Sudan Peace Secretariat 2003) to guide the subsequent round of negotiations in Nakuru, Kenya (thus known as the "Nakuru Document").²⁵¹

A separate "Draft Framework for Resolution of the Three Conflict Areas" (Government of Kenya and Sumbeiywo 2003) also produced by the IGAD Secretariat but on Government of Kenya letterhead (as Khartoum had insisted upon) did not propose the right of self-determination for the Nuba Mountains or Southern Blue Nile. The "Nuba Mountains (Southern Kordofan)" would be a federal region in northern Sudan, with clear but unremarkable devolved state powers. As regards self-determination, the framework provided only that in elections, contesting parties could "seek a mandate regarding the state's constitutional status" (Government of Kenya and Sumbeiywo 2003:Clause 2.11). This left Nuba leaders underwhelmed. Many, including independent Nuba leaders, had long demanded self-determination and special interim status. Although Khartoum reacted bitterly to the main Nakuru Document (Government of Sudan 2003), it lodged no written complaint against the Three Areas draft framework.

Returning, then, to events in early June 2003 when Sumbeiywo travelled to Sudan and the Nuba issue had finally attracted sustained attention by peacemakers, the first hurdle that

²⁵¹ Discussed further in Chapter Five.

Nuba leaders faced was not of their making. When Sumbeiywo visited Khartoum, the government sought to obstruct his audience with USNP leaders (Rahhal 2003c). Instead Khartoum organised a meeting between pro-Government leaders from the Three Areas and Sumbeiywo on 6 June. Sudanese State Radio reported the head of the Nuba Mountains' delegation, Professor Kabashor Kuku, as insisting that "the region did not belong to the south and would hang on to Islamic law, stressing that the issue of the Nuba Mountains should not be mixed with the issue of self-determination" (BBC Monitoring 2003b).

USNP leaders nevertheless managed to meet clandestinely with Sumbeiywo the day before the government sanctioned meeting. A vital opportunity to counter Khartoum's tactics and to influence the mediator's draft framework, they struggled to present a coherent position. Below, I examine recollections by USNP leaders of a written memorandum presented to Sumbeiywo. I draw evidence from interviews with Abdallah Eltom al-Imam, secretary-general of the USNP and former deputy-leader in Father Philip's government-registered Free SNP party, and Osman Abdallah Tiya, a member of the USNP Political Bureau before he led a splinter group in late 2004 and joined the SPLM/A in 2006. Abdallah Eltom was a respected technocrat, with a pragmatic and analytical mind. He worked for the United Nations Development Programme and was later advisor to the National Congress Governor of Southern Kordofan. By contrast, 'Engineer' Osman Abdallah Tiya came across as a combative activist committed to the Nuba's political struggle.

Abdallah Eltom first stressed to me the importance of the memorandum dated 1 June 2003:

"The memo we gave to Sumbeiywo was one of the turning points... It was the peak of the negotiations when they were asking about the Nuba issue. In this memo we made clear we are for a united Sudan, with a special entity for the Nuba Mountains, but otherwise we wish to have a vote to be with the north, or with the south or to be

independent. What we raised was not responded to ... We met him, handed it to him and he was very happy to have it. But SPLM later did not support this.”²⁵²

Osman Abdallah Tiya gave a very different account:

“[The USNP] position was to support SPLM position in the negotiations. There was a memorandum to be presented to General Sumbeiywo, to be prepared by Elamin Hamoda, Abdallah Eltom, Yusuf Abdallah Jibril and Mohammed Hamad Kuwa. They delayed and didn’t prepare it in time for the USNP Politburo to review it. When we were waiting to meet Sumbeiywo, I glanced over the memorandum. I found that its position on self-determination and self-governance during the interim period was not what we were supposed to take. So I objected. The memo was unclear on self-determination options, they meant to [clearly omit saying] ‘we will join the South.’ When you say ‘we will join the North or we will stay independent,’ then you say you are not supporting the SPLM.”²⁵³

My review of the memorandum, obtained from Osman Abdallah and verified by Elamin Hamoda (a signatory), corroborated this account. The memorandum dated 1 June 2003 and signed by the three USNP Deputy Chairmen and Abdallah Eltom, called for the Nuba Mountains to be ruled directly by the central (federal) government during the interim period, after which: “Nuba people should have the right to opt for being in the North or stand by themselves in case of the Sudan is separated into two countries” (United Sudan National Party et al. 2003a). This must have confused Sumbeiywo’s team. Only weeks earlier, the USNP’s Declaration of Position had reaffirmed support for the Kauda resolutions and the SPLM/A’s mandate (United Sudan National Party 2003).

In a follow-up interview, Abdallah Eltom accepted that his initial representation of the memorandum’s contents was wrong. But as for why the memorandum didn’t mention the option of joining the south, he explained that it “was based on John Garang’s position: we are to be politically part of the SPLM/south, and then geographically and administratively part of the north... We have to be given self-determination, as part of a decentralised

²⁵² Interview, Kadugli June 2007.

²⁵³ Interview, Kadugli, June 2007.

northern Sudan.”²⁵⁴ Garang had only, if at all, conceded the Nuba Mountains was part of the north for the *interim* period, but this was now being used as justification for the USNP back down on the Kauda resolutions.

When I queried whether Kauda’s resolutions should be read this way, Abdallah Eltom shifted position, “Maybe it was a mistake. But when we delivered the memo [to Sumbeiywo] we made clear three options ... But neither a choice to be part of north or south was given to us, which means SPLM did not protect our case.”²⁵⁵ I asked why they also departed from demands by many non-aligned Nuba such as Suleiman Rahhal. Abdallah Eltom answered, “But we have people from all different parties and viewpoints. We are in the middle and we have to balance the different views.” The USNP had clearly come under pressure since allying with the SPLM/A: “At Kauda this memo was not there, but [then] Garang made his declaration on our political, geographical and administrative [identity]. Then the chaos began. Some Nuba said, ‘If you are going to join the south, we are going to join the government to fight you.’ We were trying to solve this problem. What do you do?”

Osman Abdallah Tiya considered Abdallah Eltom a treacherous National Congress stooge, yet Eltom and others faced heavy pressures from different quarters. Criticism of the All Nuba Conference resolutions and disenchantment with the USNP-SPLM/A alliance had prevailed upon USNP leaders such that they wavered. Garang’s tactics for incorporating the Nuba issue into the scope of IGAD’s peacemaking proved too complex and subtle. His call in Kauda for the Nuba to demand to be government by the ‘SPLM/A entity’ during the interim period was understood by detractors as a coercive insistence to join the south *before*

²⁵⁴ Interview, Kadugli, June 2007.

²⁵⁵ Interview, Kadugli, June 2007.

any exercise of self-determination. Father Philip's reassurances to the Kauda gathering that the Nuba peoples were willing to distinguish between the concepts of "Southern Sudan" and the "SPLM/A," were unconvincing six months later.

After the Sumbeiywo memorandum episode, the USNP's united stance unravelled, but not before letters and counter-letters were sent to the mediator. Abdallah Eltom argued that the June memorandum to Sumbeiywo was subsequently clarified. A signed letter of clarification on 6 July 2003 (United Sudan National Party et al. 2003b) made explicit the self-determination option of joining the south and demanded regional autonomy under the central federal government. Osman Abdallah Tiya was dismissive of this letter: "Why? They have already met with Sumbeiywo. And the clarification was not sent to Sumbeiywo, it was just written to deceive."²⁵⁶

Crucially, whether or not this letter was sent, a whole month had passed and Sumbeiywo's Draft Framework was already finalised and circulated to the parties. Osman Abdallah suspected the clarifications were a belated response to Sumbeiywo's draft framework. On 11 July 2003, Osman Abdallah Tiya and 26 other members of the USNP political bureau wrote to Sumbeiywo, stressing their "absolute rejection" of the 1 June and 6 July documents, which reflected "the views of only the signatories but neither the Party nor the Nuba people" (United Sudan National Party, Tiya, and 26 others 2003). They called for "Nuba self-rule within the Southern Sudan" in the interim period – precisely the interpretation of the Kauda resolutions that others feared – and the three options for self-determination.

²⁵⁶ Interview, Kadugli, June 2007.

Such letters left the mediator, who had never warmed to his mandate extending to the Three Areas, frustrated with the USNP. Sumbeiywo recalled, they “never had a clear position on what they wanted. In Khartoum and Kadugli when I visited [in June 2003], their position was not clear, some people wanted to be included in the resolution for the south. Others were saying they were quite happy with their prospects in the north. These Sudan National Party people, they were very confused.”²⁵⁷ He added wryly, “That’s Sudan, they live by the sword and they enjoy living in crisis.”

Osman Abdallah Tiya considered that USNP vacillations throughout 2003 also frustrated the SPLM/A.²⁵⁸ “The SPLM, with the consistent strong position of the Nuba peoples and the USNP, could have achieved [Nuba] self-determination. They were ready to support us. The international community was searching for a consistent position from Nuba Mountains leaders, so the situation could have been changed.”²⁵⁹ However, Elamin Hamoda, whose SNP faction was previously closest to the SPLM/A, blamed the SPLM/A for not prioritising the Nuba issue: “Garang made promises in Kauda that he did not keep.”²⁶⁰

In turn, Osman Abdallah Tiya argued that the USNP leaders lacked integrity: “What was announced in Kauda was false, they didn’t really mean it.”²⁶¹ He characterised his former allies as self-serving: ‘They were not strong enough to face the Khartoum regime ... You see, most of the Nuba elites ... they are reaping the benefits, looking after their own interests, rather than the interests of the people.’²⁶² Debates among Nuba political leaders regarding blame and motives cannot be explored further here. What should be emphasised

²⁵⁷ Interview, Karen, July 2007.

²⁵⁸ Interview, Kadugli, June 2007.

²⁵⁹ Interview, Kadugli, June 2007.

²⁶⁰ Interview, Khartoum, May 2007.

²⁶¹ Interview, Kadugli, June 2007.

²⁶² Interview, Kadugli, June 2007.

is that the already fragmented and weak Nuba political landscape was destabilised by the divisive dynamics of peacemaking.

In early September 2003, ahead of the critical face-to-face IGAD negotiations between the ‘principals’, John Garang and Vice-President Ali Osman Taha,²⁶³ SPLM/A senior officers met in Rumbek, southern Sudan. In a farcical testament to the failure of the USNP-SPLM/A alliance, Garang designated the octogenarian Father Philip as ‘SPLA Field Marshall’. Father Philip recalled this with amusement, as did SPLM/A interviewees. In late 2003, he left for the United States due to ill-health and did not return to the talks. The USNP no longer had direct contact with Nuba in the SPLM/A, and the latter no longer led the negotiations on the Nuba Mountains. Although the Nuba issue was now more central to IGAD peacemaking, Nuba political leaders were more marginal than before.

8. THE MAY 2004 PROTOCOL: THE BITTER PEACE AT LAST

The Nuba Mountains ceasefire, the first major breakthrough for rejuvenated peacemaking efforts after 2001, was vaunted as central to Sudan’s peace. However, the Nuba Mountains and Blue Nile disputes were the very last to be resolved during the IGAD negotiations and were left at the margins of the Comprehensive Peace Agreement. The Nuba issue became hostage to the north-south negotiations, to the dismay of all Nuba leaders. Rather than being at the centre of Sudan’s post-war political geography, the Nuba were left in Sudan’s north-south political wasteland. What remained was to assign blame, which laid the foundation for enduring divisions within Nuba politics. A war that had been

²⁶³ See Chapter Five.

particularly gruesome in its impact on the Nuba peoples continued to cast its shadows over an uncertain future.

Negotiations between the SPLM/A chairman and the Sudanese vice-president began in September 2003 and continued, with numerous interruptions, until late 2004. The last of the substantive agreements, the protocol on 'The Resolution of the Conflict in the Two States of Southern Kordofan and Blue Nile' was signed, along with protocols on Abyei and on national power-sharing on 26 May 2004. The north-south protocol on interim security arrangements was signed in September 2003, and the wealth-sharing protocol followed in early January 2004. Each had implications for the Nuba Mountains. The security arrangements protocol provided for 'Joint/Integrated Units' of equal SPLA and SAF (Sudan Armed Forces) troops in Southern Kordofan and required the SPLA to redeploy south of the 1.1.56 border, but made no redeployment demands of SAF from the Three Areas. SPLM/A-Nuba complained to Garang. Osman Abdallah Tiya's USNP faction protested to IGAD that SPLA forces should remain in the Three Areas (United Sudan National Party, Ajabna Toutou, and Tiya 2003).

After wealth-sharing was agreed, Khartoum considered that the SPLM/A, with its soldiers and oil bounty, had been conceded enough. President Bashir revisited his position that the Three Areas were beyond IGAD's authority: "We have no mandate to resolve this issue in the current talks in Naivasha. One issue in the peace talks in southern Sudan remains, that is participation in power" (Reuters 2004). It took direct intervention from Washington, which single-handedly drafted the Abyei accord, to move negotiations forward in February 2004.

In February 2004, non-aligned Nuba leaders again lobbied the IGAD peacemakers to ensure self-determination for the Three Areas. They were "extremely concerned" about leaked reports that the SPLM/A was accepting only partial autonomy and a "popular

consultation” on the peace agreement for Nuba Mountains and Southern Blue Nile (Kuwa et al. 2004a; 2004b). They were right to be. The Abyei agreement, which granted the Ngok Dinka from the area full rights of self-determination, traded away any similar prospects for the Nuba.

The Abyei agreement impacted directly on Nuba peoples’ identity and autonomy. With Lagawa province in Western Kordofan designated part of the Nuba Mountains region in the ceasefire agreement, Vice-President Taha argued that the agreement on Abyei (also part of Western Kordofan) required merging what was left of Western Kordofan into Southern Kordofan (not ‘Nuba Mountains’). The SPLM/A’s Daniel Kodi recalled, “We were not happy about this, because we just wanted Nuba Mountains. But you have to give and take.”²⁶⁴ Others, such as Neroun Philip, were more candidly disappointed. The Nuba were not only denied self-determination, they had lost their regional political autonomy granted by the 2002 ceasefire agreement.²⁶⁵

Those who blamed the SPLM/A (and Khartoum) for the disappointing outcome at IGAD adjudged the Nuba Mountains issue was of marginal importance to the SPLM/A. Father Philip spoke with Garang from the United States soon after the Three Areas protocol was signed in May 2004. “I said: ‘I cannot go with these dim and vague things. You were very clear with your ideas, now you have left the Three Areas behind. ... They fought with you bravely, they stood behind you, now you want to forget us ... I said, ‘That’s the end of it. I cannot accept this rotten agreement.’”²⁶⁶ For the USNP, the Protocol not only reinforced their internal split but also further weakened the party. Hamoda explained, “[The Protocol]

²⁶⁴ Interview, Khartoum, June 2007.

²⁶⁵ Interview, Kadugli, June 2007.

²⁶⁶ Interview, Khartoum, June 2007.

has squeezed the political position of the USNP. We have no positions in the South Kordofan state government.”²⁶⁷ Mekki Ali Balayel concluded: “At the decisive moment, Nuba was the last issue and it was a time for bargaining. The SPLM gave up on its principled position on the Nuba Mountains.”²⁶⁸ Suleiman Rahhal concurred bitterly, judging that the Nuba were dumped for nothing by the SPLM/A. Eisa Osman, a Nuba civil society leader, felt his region was a “negotiating paper used by both parties... just an entry point for the north-south peace.”²⁶⁹

The SPLM/A were not truly interested in local Nuba issues, they were either southern nationalists or expansionary communists. Mekki Balayel reflected, “Garang was keen to solve the issue of Abyei over Nuba Mountains because he is a Dinka and a southerner.”²⁷⁰

Father Philip concluded similarly that the “pressure came from the Dinka group to John [Garang], ‘Let us forget the Three Areas and go straight to the case of Southern Sudan.’”²⁷¹

Abdallah Eltom saw the SPLM/A as usurpers: “We came to realise that SPLM is dominated by communist party members ... They used people from Nuba Mountains and Darfur and Blue Nile to fight the Muslim Brotherhood. They wanted to push SNP out of Nuba Mountains so they can win Nuba Mountains for themselves.”²⁷²

Abdallah Eltom captured well the defeatist spirit among many interviewees engendered by the Nuba peoples’ experience at the margins of IGAD’s peacemaking but also in Sudan’s political history: “Sometimes you can criticise yourself as a Nuba, because we have been very active in politics since the beginning of the twentieth century. We fought against the

²⁶⁷ Interview, Khartoum, May 2007.

²⁶⁸ Interview, Khartoum, June 2007.

²⁶⁹ Interview, Kadugli, June 2007.

²⁷⁰ Interview, Khartoum, June 2007.

²⁷¹ Interview, Khartoum, June 2007.

²⁷² Interview, Kadugli, June 2007.

British. When they left we were organised politically. And we tried to alert others. So we were a danger to the northern forces. We were active and we got the wrath of others, but what did we achieve?"²⁷³ However, for the SPLM/A Governor of Blue Nile, Malik Agar, this was not the end of the matter. "Should the south secede, there will be no Sudan. Sudan is not a coherent country ... first there will be real bloodshed. The government will use force to discipline the remaining regions. And the south will be drawn in."²⁷⁴

CONCLUSION

This chapter has taken the case of the Nuba Mountains region in central Sudan to examine the politics of negotiating peace at the margins, understood both as the edge of the negotiating table and the dividing frontline of the war. It has explored how analysing this dimension of negotiated peace can illuminate important wider contestations. I have unravelled how peacemaking on the Nuba issue involved contestations over the identity and mandate of the peacemaking forum; peacemakers' ideas of, and strategies for, peace; the political identities of the parties and legitimate representation; the problem/solution construction of the war and the negotiations agenda; and the political meaning attached to acts of violence. I have argued that each was of significance beyond the Nuba Mountains issue because they represented ongoing battles to contain or reshape the scope of peace within IGAD. The definition of the negotiation institution's constitutive ideas involved delimiting these elements, thus such boundaries became especially important sites of struggle. The conflict in the Nuba Mountains was simultaneously at the centre of political

²⁷³ Interview, Kadugli, June 2007.

²⁷⁴ Interview, Khartoum, June 2007.

contestations over peace during the IGAD negotiations and finally an issue of marginal importance for the major protagonists.

Attention to the politics of peace at the margins also sheds light on local experiences of ambivalence and polarisation precipitated by reductionist elite peacemaking. It may appear efficacious to peacemakers stewarding negotiations aimed at striking elite bargains to deal with neat binaries of ethno-regional groups, but if this does not accord fully with reality the peacemaking institution must be purposefully constructed this way in the face of resistance. Political groups at the margins of such dualities are forced to respond to the stark dividing lines that more powerful actors might insist upon. Whether an issue, political group, or region is 'on' the negotiating table is at stake, and even then, how an issue, group or region is depicted and constituted within the parameters of peacemaking is subject to political contestations that sharpen differences between local political groups.

The Nuba peoples had long been marginalised at the socio-historical boundary of Sudan's northern and southern regions before they found themselves on a particularly brutal frontline of the war and as a vexed issue in attempts at peacemaking. From late 2001, with the rejuvenation of the IGAD negotiations, the region was for a time lauded as at the centre of peacemaking in Sudan, but the January 2002 Nuba Mountains ceasefire instead localised and depoliticised the conflict there to benefit the north-south approach to peacemaking. Influencing how peacemakers and the IGAD institution interpreted the requirements of peace in the Nuba Mountains in either maintaining or reshaping IGAD's constitutive ideas became central to the actions and representations of the SPLM/A, the Sudanese government and independent Nuba political groups.

After the Machakos Protocol, 'New Sudanists' in the SPLM/A sought to hold the IGAD process hostage to efforts to bring the Three Areas back into the scope of peacemaking. It

employed symbolic violence, tactics to legitimise their claims to representation, and manoeuvrings in the negotiations. Yet this also brought to the fore ambiguities within the SPLM/A's identity and its political objectives. Through its actions outside the negotiations institution, the SPLM/A succeeded in forcing the peacemakers and Khartoum to address the Nuba conflict within IGAD's scope, yet failed to substantially address local Nuba interests in the final peace deal. In part, this owed to enduring ambivalence of Nuba leaders over their political future in either north or south Sudan. Whilst sympathetic to the SPLM/A's New Sudan vision, many were suspicious of the SPLM/A given its southern priorities and they prevaricated on their strategy when granted an opportunity to influence the IGAD mediator. The Sudan government stoked these suspicions, depicting the Nuba issue as merely tactical for the SPLM/A to enhance its gains for the south. Contestations over 'peace' for the Nuba Mountains played out while a new conflict in Darfur, another peripheral region of northern Sudan, broke out in earnest.

CHAPTER FIVE

PEACE BY MEANS OF WAR: DARFUR, THE SPLM/A AND THE CPA

“John Garang, former chairman of the Sudanese People’s Liberation Army [sic], once argued that the National Islamic Front (NIF) regime in North Sudan ‘could not be reformed, that they were too deformed to be reformed and must therefore be removed not improved.’ Yet later he negotiated and signed the Comprehensive Peace Agreement with his [sic] same regime. What happened to enable such a dramatic shift from a strategy of war to a strategy of negotiation leading to a joint government with the former enemy? What was the role of mediation in ending a war that cost the lives of 2 million people?”

Simon Mason (2007), ‘Mediation and Facilitation of Peace Processes’

“The Panel has received multiple, credible reports that the Sudan People’s Liberation Movement/Army (SPLM/A) provided training and supplied arms and ammunition to SLM/A. It appears that shipments of arms facilitated by the Sudan People’s Liberation Army continued until at least August/September 2004, after Security Council resolution 1556 (2004) had been adopted. It also appears that SPLM/A stopped its official support when it appeared that the Niavasha [sic] peace negotiations would be finalized.”

UN Panel of Experts on the Sudan, report on Darfur arms embargo, January 2006²⁷⁵

INTRODUCTION

In early 2003, violence in Darfur deteriorated into major armed rebellion by two movements – the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) – against the Sudanese government. It influenced, and was influenced by, the concurrent politics of peace negotiations underway within the IGAD institution. Through political violence in Darfur these movements, and importantly also the SPLM/A’s New Sudanists, challenged the IGAD institution’s constitutive ideas of what peace in Sudan required and how best this should be achieved. How violence in Darfur was interpreted and represented by different actors became part of the contested politics of the meaning of peace in IGAD.

²⁷⁵ UN Security Council (2006).

This chapter examines in detail the politics that connected the IGAD negotiations and conflict in Darfur between 2001 and early 2004. It makes two distinct contributions to our understanding of this important period in contemporary Sudanese history. First, the chapter reappraises dominant accounts of war and peace in Sudan for the period by unravelling the multifaceted ways that political violence in Darfur interacted with the making of ‘peace’ within and outside of the IGAD institution. These interactions have either been neglected or under-examined, owing to how ‘war’ and ‘peacemaking’ are often studied. The examination here situates the research inquiry neither wholly within Darfur’s developing conflict nor within the IGAD negotiations, but in the political interactions in between. Interview questions addressed to key elite actors and analysis of written sources focused on these concerns, bringing to light new evidence of events and of actors’ interpretations of these events.

Second, the role of the SPLM/A in supporting rebellion in Darfur is brought to the fore and placed within the context of its political manoeuvring in the negotiations. The SPLM/A sought to advance its ‘Minimum New Sudan’ agenda of a de facto confederation of north and south Sudan within the IGAD institution while simultaneously pursuing its wholesale New Sudan agenda outside of it. There is only limited primary source based analysis of the SPLM/A’s role in Darfur’s conflict. Here, Flint and de Waal, in single and co-authored works, stand out. How this chapter differs from their work warrants explanation. These authors offer evidence of early support from the SPLM/A and Eritrea to the nascent Darfur Liberation Front (DLF, later Sudan Liberation Movement/Army (SLM/A)), which is drawn upon, challenged and enriched. More importantly, their explanation of why the SPLM/A willingly supported the SLM/A does not examine closely the context of its simultaneous negotiations with Khartoum (Flint 2007; also de Waal 2007c). They argue that Garang

pursued a three-pronged strategy throughout the IGAD talks: negotiations; a combination of military pressure and popular uprising; and outright military victory (Flint and de Waal 2008). The SPLM/A's interventions in Darfur are placed within the third prong: it was a *military* venture aimed at victory.

This chapter examines more closely how the military 'prong' and that of negotiations were intertwined. By focusing on the element of my analytical schema that posits a relationship between how political violence is named and given significance by different actors, and the relationship of this to contestations over other constitutive ideas of peace, this chapter argues that on close chronological examination the peace outcomes constructed within the IGAD institution and violence in Darfur were mutually constituting in specific and identifiable ways. The following chapter explores in greater detail how the IGAD institution shaped the response of the Sudan government and peacemakers to the violence in Darfur and the SPLM/A's role therein.

1. ACCOUNTS OF DARFUR AND IGAD: OBSCURING THE OTHER

The lack of detailed analysis of the interactions between the violence in Darfur and the IGAD negotiations, overviewed in the introduction to this thesis, can be explained on four bases: evidentiary obstacles; narrow focus of inquiry; analytical approach; and the political orientations of authors. The years 2001 to early 2004 pose the most difficulties for collecting evidence and building a detailed account of the interconnecting politics of Darfur and the peace negotiations. For example, Mamdani's lengthy book on the Darfur conflict devotes only a few pages to this period (Mamdani 2009). In contrast, sources, and therefore

scholarly works, on the historical context and ‘root causes’ of the violence are abundant.²⁷⁶ Similarly, after the conflict drew international attention in 2004, the violence and politics became better recorded and thus easier to subsequently analyse. The literature, especially grey literature, on the post-2004 period is vast, and is discussed further below.

Important conclusions concerning political events during the period in question are often based on weak evidence. Prunier, for example, attributes the instigation of Darfur’s rebellion to machinations by Garang and Turabi in 2001 and 2002 (Prunier 2005:86). But as de Waal argues (de Waal 2005c), Prunier’s evidence for this controversial claim, which downplays local histories and agency, is scant (he cites only one unnamed ‘high ranking SPLA cadre’). Thus, without alternative sources, Prunier pays far less attention to the emergence of the local Darfur Liberation Front in 2001 and 2002. Daly considers that SPLM/A ideology influenced Darfur’s rebels but the extent “cannot be measured” (Daly 2010:273). He concludes that despite Khartoum’s accusations that the rebels were SPLM/A adjuncts, Darfuri contacts “with the southern leadership, secretly within the country and more casually in friendly capitals abroad bore little fruit” (2007:274). Mamdani concludes, without citing any evidence, that the SPLM/A’s political support for the SLM/A in 2002 and 2003 demonstrated “a major shift in the southern movement, from a separatist to a nationalist orientation” (Mamdani 2009:269).²⁷⁷

The studies of Darfur’s conflict undertaken by Flint and de Waal (2005; 2008; also, Flint 2007) and to a lesser extent Roessler (2007), provide important exceptions. They furnish detailed accounts of the rebellion in its early stages between 2001 and 2003. Based on

²⁷⁶ These include: O’Fahey (2006); Burr and Collins (2006); Daly (2007; 2010); Flint and de Waal (2008; 2005); Mamdani (2009); Prunier (2005; 2008).

²⁷⁷ Contradictorily, elsewhere Mamdani (2009:203-5) recognises Garang’s longstanding national ideology.

interviews with primary actors, they specify links between the rebels in Darfur and the SPLM/A in 2002 and 2003. However, their subject of inquiry is the conflict in Darfur. Roessler is silent on the IGAD negotiations. Flint and de Waal consider in detail why the SLM/A was “looking for friends” (Flint and de Waal 2008:87), but as the introduction to this chapter argued, their analysis of why the SPLM/A, in turn, was looking for Darfur’s rebels oversimplifies how the political objectives of violence and the ideational battle of negotiating peace interacted. This weakness stems partly from the fact that their subject is Darfur’s war, exemplifying the second reason for deficiencies in the literature: either war in Darfur or peacemaking in IGAD is the unit of analysis, with one serving to obscure the other.

It is difficult for accounts of the IGAD negotiations to avoid mentioning Darfur, though some of them in effect do (Waihenya 2007). Most studies of the peace negotiations deal with Darfur separately as an addendum, making only basic links that derive from analyses of common root causes, notably ‘centre-periphery’ disparities and Sudan’s identity crisis (Iyob and Khadiagala 2006; Simmons and Dixon 2006b; Young 2007). Even where the evidence points to specific interactions between the negotiations and Darfur, the subject under study dominates authorial decisions. For example, a US Institute of Peace report (Carney 2007) on the negotiation of the CPA based on “ninety open-ended interviews with government officials, international and local NGOs, and private individuals from Sudan and other countries” makes no mention of whether or how Darfur’s conflict impacted upon the IGAD negotiations or vice-versa, in spite of the issue being raised by some interviewees.²⁷⁸

²⁷⁸ Including this author but also a senior US diplomat. See Chapter Six.

The third explanation for the literature's shortcomings is the narrow focus, when interactions between Darfur and the IGAD talks *are* considered, on causality. Many authors critique the exclusivity of the IGAD negotiations and postulate this wholly or significantly 'caused' Darfur's rebels to rise up (Verney 2004; Woodward 2004; Young 2005b; El-Battahani 2006; Cheadle and Prendergast 2007:107; Blaydes and De Maio 2010). More considered analyses of the Darfur conflict are wary of ahistorical simplifications and emphasise how political violence built up in the region and grew into armed rebellion. Roessler (2007) argues that the cause of Darfur's civil war lay in Khartoum's regime survival policies after the Bashir-Turabi split. The causation question dominates: Roessler is less interested in why and how the conflict escalated, and the influence of the wider context including the peace negotiations on dynamics in Darfur, leave alone the impact of Darfur's spiralling violence on the peace talks. The IGAD negotiations dominated the context within which rebellion in Darfur exploded in early 2003, but insufficient attention has been paid to the precise interactions that occurred.

The final explanation for why the literature fails to fully come to grips with events between 2001 and 2004 lies in the choice of many analysts to analyse the violence in Darfur as 'genocide.' A search of non-fiction and scholarly books published between 2005 and July 2009 in the Oxford University Library and British Library catalogues revealed that of 18 with "Darfur" in their title, 11 also included "genocide,"²⁷⁹ whereas only a handful mention "war."²⁸⁰ The naming of violence sometimes changes. For example, Daly's first edition of

²⁷⁹ They are: Apsel (2005); Kiernan (2007); Prunier (2008); Hagan (2009); Daly (2007); Steidle (2007); Ardenne-van der Hoeven (2006); Totten and Markusen (eds) (2006); Reeves (2007); Lane (2007) and Cheadle and Prendergast (2007).

²⁸⁰ They are: Flint and de Waal (2005; 2008); Mamdani (2009), albeit referring to the "War on Terror"; de Waal (ed) (2007c). Burr and Collins, in updating their 1999 book *Africa's Thirty Years War: Libya, Chad and the Sudan* (Burr and Collins 1999), renamed it *Darfur: the long road to disaster* (2006).

Darfur's Sorrow is subtitled "A History of Destruction and Genocide" (2007), whereas the second edition prefers "The Forgotten History of a Humanitarian Disaster" (2010). Without casting judgment on the question of 'genocide', the point here is that such depictions of Darfur's violence downplay the degree to which this civil war is a product of its specific context of local and national politics between 2001 and 2003.²⁸¹ The authors instead often focus upon a 'what Khartoum did when' narrative and on the international response (or failures thereof). In Totten and Markusen's edited book, *Genocide in Darfur* (2006), brief references to the IGAD negotiations concern only how they motivated the government's military hardliners to pursue counter-insurgency in Darfur so as to thwart claims by other political groups, and meanwhile allowed Khartoum to hold IGAD hostage (Collins 2006; Natsios 2006). Darfur's conflict may unavoidably be part of the *World history of genocide and extermination from Sparta to Darfur* (Kiernan 2007), yet this makes investigation and analysis of the kind pursued here only more necessary.

2. BACKGROUND TO CONFLICT IN DARFUR

It is important to situate this chapter's analysis within the long history and multilayered nature of political violence in Darfur that was already building towards armed conflict by 2001; the enduring, albeit intermittent, history of SPLM/A involvement in Darfur; the apprehensions of the Bashir government regarding political opposition in Darfur prior to the IGAD negotiations; and how the government's subsequent actions exacerbated the potential for large-scale anti-government rebellion. Remaining mindful of

²⁸¹ Mamdani (2009) forcefully makes a similar point, yet, as already mentioned, pays short shrift to the politics and context of 2002 and 2003: see Verhoeven, Bosire and Srinivasan (2009).

these contextual threads guards against rash, monolithic conclusions on the cause and motivation of actors' behaviours in the period of 2001 to 2004.

Darfur is a remote region in western Sudan, covering half a million square kilometres, with roughly three zones inhabited by different ethnic groups: the north, towards the desert, populated by semi-nomadic groups; the central and western semi-fertile areas around the Jebel Marra mountains, populated by agro-pastoral and settled farming communities; and the southern semi-humid belt, where there are substantial farming and cattle-herding groups (see Figure 5: Map of Darfur, below). Darfur's (overwhelmingly Muslim) population – approximately 6.6 million in mid-2004²⁸² – is about one-fifth of Sudan's total population and defies neat delineation. Ethnic identities, problematically categorized as 'tribes',²⁸³ have historically been fluid; for example, sub-sections of groups have in the past 'become' Baggara or 'become' Fur.

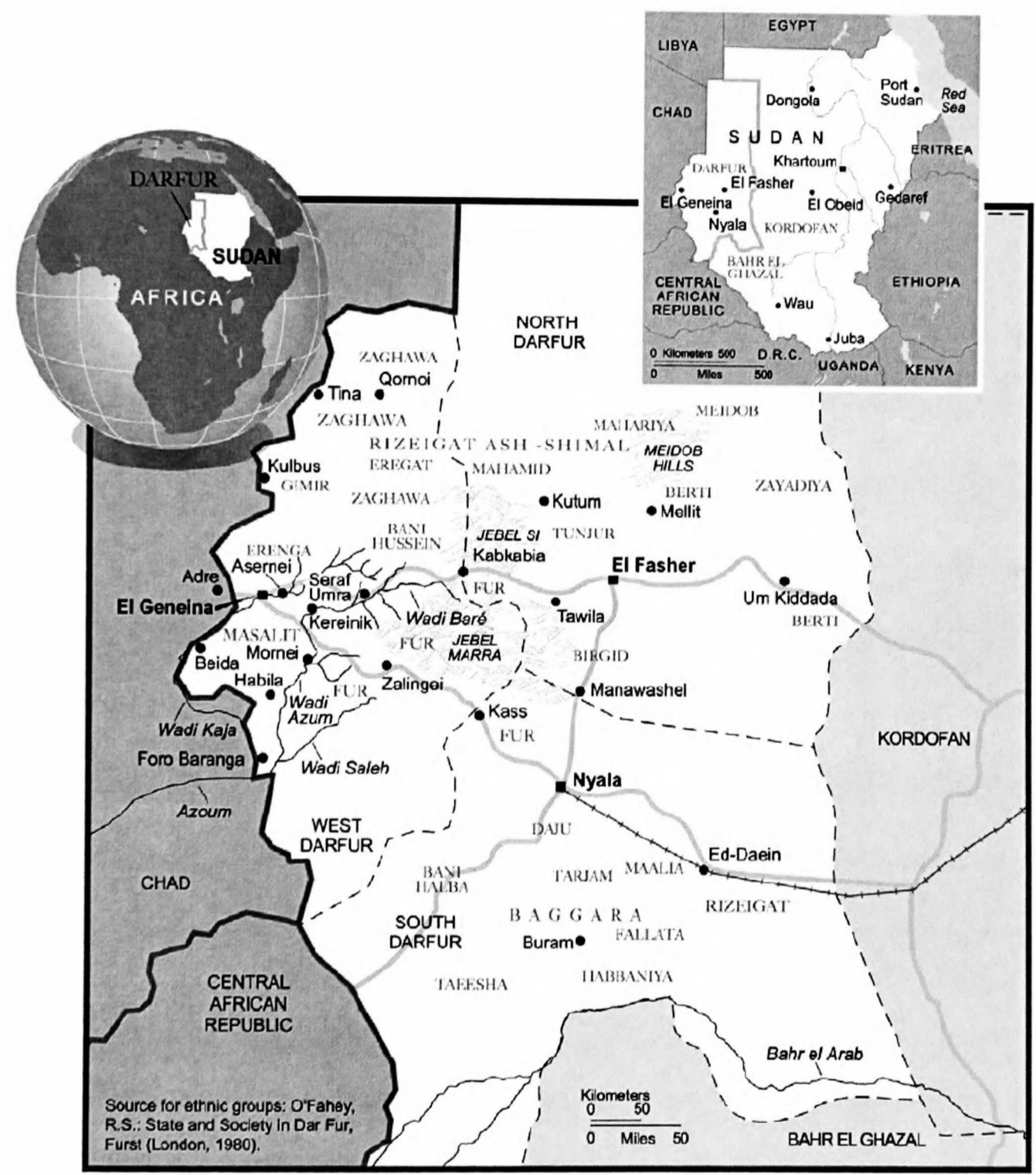
Distinctions between 'Arab' and 'non-Arab' groups are an important but often misunderstood element in the recent conflict (de Waal 2005b; O'Fahey 1980). Darfur's 'Arab' ethnic groups are mostly either semi-nomadic 'Abbala' Rizeigat (camel herders) from North and West Darfur or the sedentarised 'Baggara' (cattle herders) from South Darfur. 'Non-Arab' groups in Darfur are those that do not identify as 'Arab', emphasising instead their indigenous cultural identity. Besides the Fur (Darfur's largest ethnic group), there are dozens of other 'non-Arab' groups; including the Zaghawa, Masalit, Tunjur, Meidob and Berti. That some 'non-Arab' groups have recently identified as 'African' is

²⁸² Based on UN Population Fund estimates, see Young et al (2005:6). Sudan's disputed fifth national census in 2008 estimated Darfur's population at 7.5 million: see Sudan Central Bureau of Statistics (2008).

²⁸³ 'Tribe' is accepted and used in Sudan, however I use 'ethnic group' to avoid misleading and pejorative connotations.

evidence of a wider politicisation of identity with a racial inflection influenced by the SPLM/A's war with the central government (de Waal 2005b).

Figure 5: Map of Darfur²⁸⁴



Source for ethnic groups: O'Fahey, R.S.: State and Society in Dar Fur, Furst (London, 1980).

²⁸⁴ Used with permission from Tanner (2005). "Rizeigat Ash-Shimal" are the Aballa Rizeigat; phonetic spelling of ethnic group names may differ in this thesis.

Since its annexation to Sudan under the Anglo-Egyptian Condominium in 1916, Darfur has been under-developed and neglected by successive central governments. From the 1970s onwards, this neglect combined with ethnic polarisation, militarisation, desertification and socio-economic crisis to create growing political instability. Resource-based conflicts in Darfur increased with ecological crisis and the breakdown of reciprocal land relations between semi-nomadic and sedentary groups. The situation of the Arab Aballa was especially perilous, as they had no territorial homeland (*dar*) on account of their nomadic lifestyle, although others were similarly affected.

Early resource-based conflicts occurred without particular reference to 'Arab' versus 'non-Arab' or 'African' distinctions. However, racial and ethnic polarisation and militarisation increased, especially as the Sudan government drew Darfur into the thirty-year Libya–Chad conflicts that lasted until the early 1990s (Burr and Collins 1999; Prunier 2005). Depending on the government of the day, Khartoum's position shifted between kow-towing to Washington's anti-Libyan policy and tacit support for Gaddafi's Arab supremacist Islamic Legion during the Cold War's Saharan 'great game', and paid little concern to Darfur's interests. The region became a combat zone and by the mid-1980s was subject to an influx of pastoral Arab groups from Chad opposed to the government in N'Djamena, often armed and in search of land.

By the 1980s, Darfur's governance institutions were weak and fractured. The Nimeri government's partial dismantling of traditional dispute mechanisms in the 1970s had shifted these functions onto an enfeebled regional government. Divisions between groups in Darfur were increasingly politicised and an 'Arab Alliance' emerged, which unified Arab groups against the Fur-led government. Socio-economic vulnerability was exacerbated by neglect from Khartoum and a drought led to a deadly famine in 1984-5 (de Waal 2005a). A

particularly violent conflict between the Fur and an alliance of Darfur's Arab ethnic groups erupted in 1987 and continued through to mid-1989, notwithstanding a weak tribal reconciliation agreement (Harir 1994). Over 3,000 people perished, and over 400 villages were burned. Sadiq al-Mahdi's government was accused of partisan support to the Arab groups.

Many Darfuris held higher hopes for the National Islamic Front (NIF) government installed in July 1989 (Roessler 2007). However, the NIF supported Arab groups in rekindled Fur-Arab conflicts during the 1990s, and failed to impartially enforce disarmament and compensation agreements. The Zaghawa protested during land conflicts with Arab groups that the government was creating an "apartheid region" (Flint and de Waal 2005:74), while Arab groups accused the Zaghawa of irredentist designs.

Darfuris were a target of SPLM/A mobilisation from the movement's earliest days, with the Fur courted specifically by Garang in his Radio SPLA speeches (Garang and Khalid 1987). A failed foray by the SPLM/A into Darfur in late 1991 led by a former prominent NIF leader of Fur background, Daoud Bolad, heightened Khartoum's distrust of the Fur and led to it arming a proxy ethnic militia from the Arab Beni Halba to pursue its counter-insurgency. Khartoum institutionalised Popular Defence Force (PDF) militias that drew heavily on Baggara Arab groups from Darfur and Kordofan to fight its war against the SPLM/A. A law on apostasy was passed in 1991, allowing for Muslims aligned against the government to be targeted (Johnson 2003:128-41). During its counter-insurgency against Bolad, Khartoum declared a *jihad* in areas where SPLA fighters were 'non-Arab' Muslims.

In early 1992, Hassan al-Turabi also reportedly spoke out against the Fur and Zaghawa, calling for their disarmament, containment and isolation (Suliman 2000:382).²⁸⁵

In 1994, the NIF government's federation of Sudan divided Darfur into three states, splitting constituencies of the majority Fur population. A concurrent decentralisation policy allowed state authorities to reward allies with local territorial administrative control, arguably "a charter for local-level ethnic cleansing" (de Waal 2004b). In West Darfur, new principalities in historically Masalit areas were allocated to Arab groups in 1995, sparking conflict between the Masalit, Arab groups and the government, which lasted until 2000.

Darfuri opposition figures equivocated between the SPLM/A and the NDA, such that they were not strongly represented in either, and remained weak. The exiled former Governor of Darfur, Ahmed Diraige, balked at Garang's entreaties in 1985. When interviewed, he recalled stating his displeasure with "the SPLM ideology of 'Socialist Sudan.' I said, 'I can't attack Arabs and attack Islam the way you do. My agenda in Darfur is different.'"²⁸⁶

Yet during the 1987-89 Fur-Arab war, Fur leaders including Diraige and Daoud Bolad belatedly sought SPLM/A support (Africa Intelligence 1989; Harir 1994:166; Roessler 2007). Diraige rejected the NIF's brand of federation as one of divide-and-rule, not robust regional autonomy (Diraige 1989). He formed the Sudan Federal Democratic Alliance (SFDA) in 1994 and joined the NDA in 1995 when the latter endorsed decentralised federalism.

Daoud Bolad's disaffection with the NIF motivated his switch of allegiance to the SPLM/A in 1990 and his ill-fated expedition to Darfur with the half-Nuba and half-Masalit SPLA Commander Abdelaziz al-Hilu and 1,000 SPLA soldiers in 1991. This series of events

²⁸⁵ Arabic, translated for the author by Suliman in written correspondence.

²⁸⁶ Interview, London, June 2009.

prefigured much of what occurred a decade later: the defection of non-Arab westerners after the NIF's crisis in 2000; SPLM/A support and training for Darfuri fighters in the Nuba Mountains led by Abdelaziz al-Hilu; and the government's mobilisation of 'Arab' militias for counter-insurgency operations. One key difference is that in 2002 the Darfur rebellion had stronger local roots and popularity, and its leaders chose not to fight under the SPLM/A banner. Abdelaziz al-Hilu's Masalit parentage also helps explain another SPLM/A foray into Darfur in the late 1990s. In January 1999, in advance of a major military counter-offensive during the Dar Masalit conflict, Sudan's interior minister declared the Masalit to be a 'fifth column' in league with the SPLM/A (Flint and de Waal 2005:72-3).

Insecurity and violence grew rapidly in the region between 2000 and 2002, in the context of inter-tribal conflicts over land during severe drought and the political fallout of the Islamist split within the central government, which had regional and ethnic reverberations in Darfur (Flint and de Waal 2008; Roessler 2007; Prunier 2008). Most of the Islamists from western Sudan, and especially those of non-Arab ethnicity, aligned with Turabi. President Bashir's apprehensions that Turabi's western supporters were fomenting anti-government sentiment in Darfur led to a purging of non-Arabs from state institutions and security organisations. In May 2000, the anonymously authored and widely distributed *Black Book: Imbalance of Power and Wealth in Sudan* (Anonymous 2000) created uproar in northern Sudan with detailed allegations of injustice and marginalisation of Sudan's regions (especially Darfur and Kordofan) by riverain Arab elites since independence.

Turabi was arrested soon after his Popular National Congress party signed an accord with the SPLM/A in Geneva in February 2001 (SPLM and PNC 2001). Then, in June 2001, the SPLM/A tried but failed to advance into South Darfur. Khartoum redoubled its draconian and heavy-handed responses to rising insecurity (such as emergency courts and *hudud*

punishments for ‘anti-Islamic’ crimes). President Bashir visited El Fasher and announced that “armed robbers” faced double amputations and hanging. “Guns have to disappear from Darfur,” he reportedly declared, “and security has to prevail so that we will concentrate on our real enemy, which is the rebel [SPLM/A] movement” (AP 2001). State authorities were partisan when reasserting law and order, exacerbating local tribal tensions and counter-productively motivating anti-government resistance.

The alliance between small numbers of Fur, Zaghawa and later Masalit that grew into the “Darfur Liberation Front” (DLF) began in 2001. The more politically minded Fur, led by a lawyer, Abdul Wahid Mohamed al-Nur, sought out the Zaghawa’s military abilities.²⁸⁷ The 40 or so original group mobilised on the pretext of self-defence, and established a training camp in Butke in the Jebel Marra mountains with a view to building an anti-government rebellion. The group grew steadily but only in March 2002 did they decide upon the name ‘Darfur Liberation Front’. In April 2002, Arab militia attacks on the Fur village of Shoba became the rallying cry for widespread Fur anger (Darfur Monitoring Group 2002). In July 2002, after successfully routing a government garrison in Jebel Marra, the DLF declared itself in a note left behind for government authorities. Nevertheless, when the Machakos Protocol was signed in July 2002, the DLF was a nascent fighting force with only a rudimentary political agenda.

Notwithstanding an appreciation of the historical trajectories within which conflict in Darfur occurred, an understanding of the reasons why Darfur’s recent war unfolded in the particularly destructive ways that it did requires paying close attention to the early period of the violence between 2001 and 2004, and to interactions with political developments

²⁸⁷ Interview, Abdul Wahid Mohammed al-Nur, Paris, July 2008. See also: Flint (2007); Flint and de Waal (2008); Roessler (2007).

occurring in the IGAD negotiations. Similarly, no account of the negotiations of the 2005 Comprehensive Peace Agreement is complete without understanding in what ways they were affected by the spiralling violence in Darfur. Drawing upon interview evidence with key actors from the Darfur rebel groups, the Sudan government and the SPLM/A, as well as analysis of contemporaneous written sources from that period, subsequent sections in this chapter directly address the lacuna in scholarship on this period. Each section contributes to an analytical chronology of interactions between these two important spheres of Sudanese politics arranged around periods of key developments at the IGAD talks (see Table 3, overleaf). I identify and explain how developments in Darfur were shaped by, or in turn shaped IGAD's peace politics. I argue that how these interactions occurred was dependent upon specific factors shaping possible political action, determined themselves by how peace was being constructed and contested within the IGAD negotiations institution.

Table 3: Episodic chronology of IGAD peace negotiations and conflict in Darfur

Time period	IGAD negotiations	Darfur
2001 to September 2002	IGAD and western peacemakers adopt north-south approach; attracts criticism from northern opposition Machakos Protocol strikes deal for southern autonomy and self-determination	DLF mobilisation in Jebel Marra; SFDA take interest in DLF SPLM/A preparing Darfur offensive DLF declares itself in attack on Golo, North Darfur DLF seeks support from SPLM/A
September to December 2002	SPLM/A contests IGAD talks agenda (including Three Areas, national capital); attacks in Torit and East (with NDA) Cessation of Hostilities agreed; Government insists applies only to 'south'	Khartoum's 'tribal' conciliation talks fail Garang contacts DLF leader, Abdul Wahid SPLM/A exhorts support for Darfur at All Nuba Conference Vice-President Taha in Darfur warns against 'conspiracy' to extend 'southern war'
January to April 2003	Fraught Three Areas negotiations; IGAD makes no headway, save Addendum to Cessation of Hostilities, including international peace monitors in South	SPLM/A suggests SLM/A name change, helps draft SLM/A Political Declaration; provides military advice/support SLM/A increases attacks; conciliation talks fail, Sudan/Chad announce offensive SLM/A attacks El Fasher airport
April to August 2003	IGAD mediator adopts 'holistic approach', consults widely in Sudan SPLM/A reasserts alliances with northern opposition Khartoum rejects IGAD's draft framework ('Nakuru Document'), asks South Africa to replace Kenya	Khartoum unleashes counter-insurgency operations, including arming local 'Arab' <i>janjawid</i> militias and aerial bombing SLM/A seeks inclusion in IGAD Khartoum accuses Garang of 'war by proxy' in Darfur
August to December 2003	Vice-President Taha replaces Ghazi Salahuddin Atabani, talks with Garang begin in September Security arrangements (<i>Sept</i>) and oil-revenue sharing (<i>Dec</i>) agreed in line with SPLM/A Minimum New Sudan demands	Despite upper hand, Khartoum opts for ceasefire with SLM/A in Abéché SPLM/A continues military support for SLM/A Abéché ceasefire collapses, Darfur rebel leaders warn against north-south peace deal
January to June 2004	Taha abandons negotiations in Kenya, citing SPLM/A involvement in Darfur Substantive protocols in the CPA agreed, substantially achieving <i>de facto</i> north-south confederation	Major offensive launched by Khartoum, conflict expands to South Darfur SLM/A splinters, JEM ascends SLM/A joins NDA International focus shifts to Darfur

3. 2001 TO SEPTEMBER 2002, THE ROADS TO MACHAKOS (PEACE) AND DARFUR (WAR)

This section addresses political interconnections between Darfur and the IGAD negotiations leading up to the July 2002 Machakos Protocol and its immediate aftermath. It draws on existing accounts to corroborate and elaborate upon evidence concerning specific events, but it combines this with more close analysis of the wider context of the peace negotiations. In mid-2002, growing insecurity and political instability in Darfur was not so distant from the negotiations in Machakos as one might at first assume. In the two years prior to the Machakos Protocol, the attention of opposition forces, the SPLM/A as well as others, had increasingly turned towards Darfur. While IGAD prevailed over other initiatives and peacemaking adopted a north-south approach, the SPLM/A was redoubling efforts to open a front in Darfur. In the wake of the NIF split, Garang sensed new opportunities that his NDA partners seemed hopeless at capitalising upon. Tactically allying with Turabi's party was one manifestation of the SPLM/A's efforts to attack Bashir's government in new ways. Growing political dissent in Darfur provided another opportunity.

In early 2001, the SPLM/A's New Sudan Brigade Commander in Eastern Sudan, Abdelaziz al-Hilu, who was Daoud Bolad's deputy in 1991, returned to the Nuba Mountains, assuming command from the terminally ill SPLM/A Nuba leader Yusif Kuwa Mekki. Having led NDA campaigns to capture Hamish Koreib and, briefly in late 2000, the state capital of Kassala in eastern Sudan, Abdelaziz returned with scores of trained Darfuri

fighters, mainly Masalit.²⁸⁸ They were involved in the SPLM/A's capture of the government garrison town of Raga in Northern Bahr-el-Ghazal, close to South Darfur, in June 2001. This attack coincided with the IGAD Summit on Sudan that month in Nairobi.

The capture of Raga in June 2001 was part of a bigger SPLM/A effort to open a new front in Darfur. An SPLA major, Adam Musa 'Bazooka', a Chadian Masalit who was recruited by Abdelaziz al-Hilu and fought in the east in the late 1990s and in the Raga offensive in 2001, set about recruiting for a Darfur front.²⁸⁹ Without naming its sources, International Crisis Group (2004) reported that the SPLM/A trained as many as 1,500 Darfuris near Raga in March 2002. When questioned about this period, the senior northern SPLM/A figure Yasir Arman maintained that the SPLM/A also had a "contingency force" of Masalit fighters stationed near Geneina, capital of West Darfur during this time.²⁹⁰ Other Darfuri SPLM/A figures who were involved were the Arab Rizeigat businessman Ahmed Kuber Jibril and Omar Abdel Rahman (Omar 'Fur'), who led the SPLM/A Tripoli office and mobilised Darfuris there and in Cairo.²⁹¹ In 2003, Ahmed Kuber became a field commander in South Darfur with the SPLM/A. Later that year, Bazooka led a group of SPLA-trained fighters who were airlifted into Darfur to join the SPLM/A (Flint and de Waal 2008:88). Omar Fur continued political work on Darfur with Yasir Arman and others, and became an SPLM/A minister in South Darfur after the CPA.

Exiled Darfuri opposition figures also attempted to seize upon the opportunity in Darfur at a time when the NDA was increasingly directionless. The larger northern parties had

²⁸⁸ Interviews with SPLM/A figures: Yasir Arman, Khartoum, September 2008; Ahmed Saeed, Nairobi, September 2005. See also Flint and de Waal (2008:88).

²⁸⁹ Ibid.

²⁹⁰ Interview, Khartoum, September 2008.

²⁹¹ Interviews: Yasir Arman, Khartoum, September 2008; Ahmed Saeed, Nairobi, September 2005.

protested against IGAD's southern orientation and sought assurances from the SPLM/A.²⁹² Smaller, regionally-focused parties pursued different options. The Nuba parties grouped together and sought a political settlement within IGAD. After Machakos, they allied politically with the SPLM/A.²⁹³ However, the Sudan Federal Democratic Alliance (SFDA) wavered and was being superseded by those carrying arms in Darfur. According to its exiled leader, Diraige, the likes of Omar Fur and Ahmed Kuber had defected to the SPLM/A from the SFDA in the 1990s.²⁹⁴

By early 2002, SFDA leaders were aware of Fur and Zaghawa mobilisation in Jebel Marra. Unbeknownst to the London-based Diraige, the SFDA's deputy-leader responsible for its military wing and based in Asmara, the Zaghawa academic Sharif Harir, sensed the opportunity and sent SFDA fighters from Eritrea to Jebel Marra in early 2002. Harir was responding to Darfur's local developments, but also national political dynamics. He shared NDA concerns that a growing focus on southern self-determination by peacemakers worsened prospects for regional northern interests. Flint and de Waal argue that Harir sought but failed to access the IGAD talks in 2001 and that Garang was unhelpful, suggesting he instead join the SPLM/A (Flint and de Waal 2008:92-3). In March 2002, those camped in Jebel Marra were joined by Harir's emissaries and debated taking the name SFDA. The original group of DLF fighters were reluctant, and this weakened links with the SFDA.

Diraige shared Harir's concerns, though not his methods. He considered that the CSIS Task Force report with its north-south approach "allowed this Islamic government to do with the

²⁹² See Chapter Two.

²⁹³ See Chapter Four.

²⁹⁴ Interview, London, June 2009.

north what it wants. The Government saw [sic] ‘let me rule the north and if the south goes, let it go.’”²⁹⁵ Diraiige also blamed Garang for backing southern self-determination and confederation as a negotiated settlement that would leave the north under *shari’a* and the National Congress’ control. Later, in April 2003, Diraiige confronted Garang at an NDA Leadership Council meeting in Asmara. “What brought us together was the IGAD Declaration of Principles provisions for a secular federal Sudan,” Diraiige recalled telling Garang, “but you accepted the Machakos Protocol which is ‘One State, Two Systems.’”²⁹⁶

The SLM/A’s original Chairman and subsequent leader of one of its major factions, Abdul Wahid Mohammed al-Nur, interpreted similarly the Machakos Protocol and the SPLM/A’s New Sudan agenda. Washington “the Superpower” decided the “truth” of Sudan’s problem, and had characterised it as “south-north, Muslim-Christian.”²⁹⁷ Despite considering John Garang to be genuinely unionist, he judged the SPLM/A had reinforced this misconception with its focus on southern self-determination and confederation. New Sudan, for Abdul Wahid, was not or no longer aimed at national transformation of governance; it was “one state with two systems,” where the southern entity had an African identity. As the SPLM/A and IGAD peacemaking tilted towards a ‘One Country, Two Systems’ solution, he tilted further towards preparing for war.

As soon as it knew of the Darfur Liberation Front, the government had reason to suspect national opposition figures, especially SFDA, were involved. In Abdul Wahid’s recollection, the first attack claimed by the DLF was on Golo in West Darfur, on 7 July

²⁹⁵ Interview, London, June 2009. Diraiige similarly critiqued the Machakos Protocol’s ‘One Country, Two Systems’ prescription in late 2002: see Russell (2003).

²⁹⁶ Interview, London, June 2009.

²⁹⁷ Interview, Paris, July 2008.

2002.²⁹⁸ The DLF left a note for the government, announcing its existence and raising the alarm in Khartoum. Days later, Abdul Wahid was jailed following a security crackdown. He was surprised that the authorities' questions were about the SFDA leaders.²⁹⁹ Then, after a larger DLF attack on Toura in August, the SFDA's "General Command" in Asmara claimed the DLF as their own (BBC Monitoring 2002a).³⁰⁰ Diraije insisted this was Harir's independent action, he knew nothing of it: "Sharif wanted to say this was all him."³⁰¹ In any case, Harir's claims were false. Diraije and Harir soon parted ways. Harir was later an advisor to the SLM/A and in 2006 he helped form the splinter SLM-Unity faction.

The government also had reason to suspect the SPLM/A's continuing intentions towards Darfur at the time it agreed the Machakos Protocol. The SPLM/A spokesperson Yasir Arman recalled the government's negotiator, Ghazi Atabani, telling him prior to the Machakos negotiations that the SPLM/A were negotiating "from a very weak position." Arman begged to differ, "I said, 'You are going to fall into lots of problems, especially in Darfur'."³⁰²

The Machakos negotiations did not cause rebellion in Darfur, nor was the timing of the initial attacks in Darfur simply aimed at coinciding with the talks. The early DLF attacks were small-scale, had a local focus and predated the rejuvenated Machakos talks. However, fear of a north-south peace deal that would consolidate National Congress control in the north was a clear motivating factor for the DLF leadership. When the Machakos Protocol

²⁹⁸ Interview, Paris, July 2008. Flint and de Waal (2008:81) date this attack to June 2002, however 7 July seems more accurate. Amin Mahmoud, an Islamist Fur closely following the SLM/A struggle, independently corroborated this date: Interview, Khartoum, August 2005. According to a British Embassy translation (Ali 2003), 9 July 2002 appeared in a detailed chronology in a Khartoum newspaper, *Al Sahfi Al Dawli*, on 1 March 2003.

²⁹⁹ Interview, Paris, July 2008.

³⁰⁰ See also Justice Africa (2002a).

³⁰¹ Interview, London, June 2009.

³⁰² Interview, Khartoum, September 2008.

was signed, the DLF leader Abdul Wahid languished in jail. He recalled hearing that in Kenya a “deal for southern self-determination” had been signed.³⁰³ When asked about how he reacted to the Protocol at the time, Abdul Wahid retorted, “Machakos was nothing for me.”³⁰⁴ He elaborated, revealing how it was “nothing” only because it worsened the plight of Darfuris: “It was not a solution. It put the country into a corner that the National Congress wanted. The SPLM was strong and they cornered the SPLM into the south ... For me, Machakos just divided the country, put our country in blocks, south and north, and just made things worse.”

Trayo Ahmed Ali, an SLM/A spokesman in 2004 and later advisor to the SLM/A factional leader Minni Minawi, considered that the lead-up to Machakos “rather triggered” the rebellion, but he explained this in terms of how it dramatically raised the stakes, rather than was the sole ‘cause’.³⁰⁵ “The people of Darfur, who constituted most of the foot soldiers that fought for years in the south, they felt that at the end of the day they were being sold out.” The mobilisation of rebellion “was already underway, but Machakos [was] an incentive: if you fight you will get something. I think Abdul Wahid and Minni [Minawi] were motivated by Machakos.” The Protocol “was seen as a local ‘south’ solution but this was both positive and negative for the government. It contained the SPLA issue and strengthened [the National Congress’] claim to the north, but it exposed them as betrayers in places like [Darfur] and raised the aspirations of the [northern] political class, who saw Machakos as a partial solution.”

³⁰³ Interview, Paris, July 2008.

³⁰⁴ Interview, Paris, July 2008.

³⁰⁵ Interview, Khartoum, May 2007.

Released from jail in September 2002, Abdul Wahid decided that two longstanding Fur collaborators, Babiker Abdallah and Ahmed Abdelshafi, should seek the SPLM/A's support. He reasoned that the DLF needed help for the "military struggle" they had started, but also "we needed emotionally to have SPLM with us, because when we [rise up] in Darfur it will put pressure on the regime that the SPLM has a new alliance."³⁰⁶ The DLF needed the government to engage politically with its demands, and an SPLM/A alliance could force this to occur. Ahmed Abdelshafi contacted the SPLM/A's Yasir Arman through common acquaintances and Arman helped them to travel to Kenya.³⁰⁷ After meeting briefly in November 2002, on New Year's Day 2003 Garang met with Babiker Abdallah and Ahmed Abdelshafi in Nairobi, and sought to persuade them to join the SPLM/A.³⁰⁸

4. SEPTEMBER TO DECEMBER 2002: THE SPLM/A'S SCOPE FOR HOSTILITIES IN DARFUR

At the same time as Abdul Wahid's emissaries travelled to Kenya, John Garang sought out the Darfur Liberation Front's leader. Garang looked again to Darfur during the breakdown in IGAD negotiations after the Machakos Protocol, when the SPLM/A reasserted its New Sudan agenda. This section offers the first in depth chronological analysis of how this key juncture in the faltering IGAD negotiations was bound up in interactions tying the SPLM/A to Darfur. By closely examining events during this period, drawing especially on contemporaneous news accounts and primary written sources, I argue that the opportunity that Darfur presented featured in the SPLM/A's calculus in

³⁰⁶ Interview, Paris, July 2008.

³⁰⁷ Interviews: Abdul Wahid, Paris, July 2008; Yasir Arman, Khartoum, September 2008.

³⁰⁸ Interview with Abdul Wahid, Paris, July 2008. Corroborated by Flint and de Waal's interviews with Abdelshafi and Abdallah (Flint and de Waal 2008:89).

acquiescing to the October 2002 cessation of hostilities agreement with Khartoum because of how the scope of IGAD's idea of peace was being contested. The episode is rich with insights on the significance of 'naming' violence for justifying a policy response, for reaffirming the constitutive ideas of the negotiations institution and for legitimising or delegitimising others' political framing of violence.

Much to Khartoum's anger, after the Machakos Protocol the SPLM/A reasserted its New Sudan agenda and rejected the government and peacemakers' attempts to enframe peace as merely aimed at a 'southern deal'.³⁰⁹ Immediately following the Protocol, the government sought to secure the agreement and urged a "cessation of hostilities as a step towards a comprehensive ceasefire" (AFP 2002j). The very same day, the SPLM/A insisted, "A ceasefire will be the last item to cement the political agreement that we are working on now" (AFP 2002i). The SPLM/A's attack on Torit in early September 2002 confirmed Khartoum's fears that the SPLM/A was not done with war. The government withdrew from the negotiations, citing the SPLM/A's "clear departure from the agenda" and "flagrant defiance of the Machakos Protocol" (IRIN 2002a). Intense diplomatic activity followed, with the objective of persuading both parties to re-engage. Kenya's President Moi summoned Garang in mid-September and urged him to stop fighting (Waihenya 2007:97). In late September, while it still held Torit, the SPLM/A offered a "period of tranquillity" in which it would "maintain defensive posture and not go into offensive military operations" during negotiations (SPLM/A 2002c). Yasir Arman reportedly urged Khartoum to return to the negotiations and not counter-attack militarily "since the movement possesses many surprises which could not be good to the government" (BBC Monitoring 2002e). By this

³⁰⁹ See Chapter Three.

time, Arman was in contact with Abdelshafi from the DLF, and the SPLM/A was preparing an NDA attack in the east.

On 3 October 2002, General Sumbeiywo sought a meeting with President Bashir in Khartoum to secure a cessation of hostilities deal, as demanded by the Sudanese president (Waihenya 2007:98). The IGAD Secretariat announced that negotiations would resume in mid-October, both sides having agreed a cessation of hostilities (BBC 2002). However, the very day Sumbeiywo met Bashir, Garang announced that the NDA had captured Hamish Koreib in eastern Sudan on the border with Eritrea and were advancing towards the state capital, Kassala (AFP 2002b).

The NDA offensive followed its tense Leadership Council meeting in Asmara in early August 2002, when Garang defended SPLM/A decisions at Machakos and promised he would raise NDA concerns at the forthcoming IGAD round.³¹⁰ The SPLM/A had also urged its armed NDA allies that this was the time to pressure the government in order to stake their claim. The SPLM/A led the NDA forces in early October. On 8 October, while the Sudan army was retaking Torit from the SPLM/A (the SPLM/A claimed it withdrew), the NDA announced it was blocking the strategically vital road connecting Kassala with Port Sudan.

Seeking to defuse the NDA's demands to be included in the negotiations the day after Hamish Koreib was captured, Sudan's Foreign Minister encouraged the northern opposition to join the IGAD talks insisting, "We do not want a partial peace, we want a comprehensive peace that would not leave out any political force, not in the north, nor in the south" (AFP 2002c). However, Khartoum was well aware that peacemakers, and even the SPLM/A,

³¹⁰ Interviews: NDA spokesman Farooq Abu Eisa, Khartoum, September 2008; NDA-SPLM coordination committee secretary Shafie Khidder, Khartoum, June 2007.

were reluctant to expand the negotiations. After the cessation of hostilities was agreed, all Khartoum offered was that the SPLM/A should represent the NDA, leaning upon institutional reasons by arguing that to include the northern opposition required a “re-write” of the IGAD initiative, “and that is a responsibility of [IGAD]” (Panafrican News Agency 2002).

Despite Garang’s claim of the Hamish Koreib attack on behalf of the NDA, Khartoum chose *not* to blame the SPLM/A and retreat from the cessation of hostilities, or even to blame the NDA, and instead charged Eritrea with aggression and threatened to file a complaint with the UN Security Council (AFP 2002b). When the SPLM/A and the government returned to the IGAD negotiations and signed a “Memorandum of Understanding on Cessation of Hostilities” (the “Memorandum”) on 15 October 2002, Khartoum maintained blame only on Asmara.

Why did Khartoum insist upon blaming Asmara only, when it had a clear opportunity to accuse the SPLM/A of undermining their new *détente*? Answering this requires a close reading of the Memorandum and concurrent political statements. In the agreement, both parties agreed to “maintain a period of tranquillity during negotiations by ceasing hostilities *in all areas of the Sudan* and ensuring a military stand down *for their own forces, including allied forces and affiliated militia*” (emphasis added) (Government of Sudan and SPLM/A 2002). Khartoum insisted that the agreement include that each party retain their right “to take any legitimate measures in self-defense against any hostile act from a party of force other than those referred to above.” Thus the SPLM/A was clearly in violation of the Memorandum and Khartoum had a right to respond.

Yet the scope of the cessation of hostilities mattered greatly. With the eastern offensive, the SPLM/A and its NDA allies were demonstrating to Khartoum and the peacemakers that this

was a national war. Khartoum wanted a ceasefire with the SPLM/A, but it did not want IGAD to look beyond the south. Two days after the Memorandum was signed, Ghazi Salahuddin Atabani insisted the truce covered “all parts of Sudan,” including the NDA’s armed forces in the east (AFP 2002g). However, the SPLM/A then accused the government of violating the Memorandum by attacking its forces in the east. By so doing, it sought to bring northern Sudan within the purview of IGAD peacemaking.

Khartoum reverted to insisting that it was dealing only with “Eritrean aggression” *not* an “internal rebellion” (AFP 2002g). “The government,” the foreign minister subsequently declared on state radio, “is dealing with it as such” (AP 2002). The cessation of hostilities, he now insisted, did *not* apply to eastern Sudan. President Bashir waded in and declared, “IGAD’s mandate is to handle the southern Sudan question only, and we are not accepting any attempt (to include other areas) even if IGAD were to be dismantled altogether” (AP 2002: quoting Sudanese state news). In early November 2002, the Sudanese army launched an offensive to recapture rebel-held territory in the east (AFP 2002d).

During this period, in September 2002, a meeting was allegedly held at Garang’s house in Nairobi to organise SPLM/A activity in Darfur.³¹¹ Garang then asked Abdelaziz al-Hilu in the Nuba Mountains to get him in contact with Abdul Wahid. Having sent Babiker Abdallah and Ahmed Abdelshafi to contact the SPLM/A, Abdul Wahid was now hiding near Butke in the Jebel Marra mountains. In November, two SPLM/A emissaries made their way from the Nuba Mountains to Jebel Marra with a Thuraya satellite phone hidden in

³¹¹ Interview with an emigrant Sudanese political analyst (non-SPLM/A) who attended that meeting: name withheld, Khartoum, September 2005.

a jerry can.³¹² Abdul Wahid recalled, “It was very simple, their strategy was very clear. It was to help us, and to find an airstrip, to give them a GPS.”³¹³ He reconstructed his first conversation with John Garang as follows:

“I am Doctor John, comrade how are you? I am very happy at last that I talk to you. My belief is that, all of us together, we will create this New Sudan. I will pass my message to you through my people, they will discuss with you and you can feed us back.’

I told him it was a dream for me too to talk together. ‘Our first goal is to create a country based on equal citizenship rights and separation of religion and state. I am very happy to talk to you. You are a historical leader. I am very honoured you will talk to me.’”³¹⁴

Abdul Wahid’s recollection of this conversation is at odds with the rudimentary security and development demands – rather than ‘citizenship rights’ etcetera – of the DLF in August 2002, suggesting considerable revisionism. In his defence, Abdul Wahid claimed he was in jail in August when Fur tribal leaders attempted negotiations, and that “he had read lots of books on revolutionary struggle” and believed it was unwise to publicly declare lofty political goals too early.

Abdul Wahid continued, “Then, every three, four, five days [Garang] was calling me. He immediately wanted me to go to the south. My problem was that I wanted to keep things balanced. I had already sent Babiker and Ahmed Abdelshafi [who are Fur]. So I sent [the Zaghawa leaders] Minni Minawi and Abdallah Abakir to give our movement confidence. Abakir was the only one who knew weapons. Dr John insisted and insisted that I go to the

³¹² Flint and de Waal are confusing on when Garang sought out Abdul Wahid: Flint first dates this to “late 2002” (Flint 2007:148) but the authors subsequently state “early 2002” (Flint and de Waal 2008:89). When interviewed, Abdul Wahid insisted contact was made in November 2002, recalling that his arm was broken when he spoke to Garang. The date is materially important: did Garang contact Abdul Wahid before the Machakos negotiations began or after, right at the time of the cessation of hostilities?

³¹³ Interview, Paris, July 2008.

³¹⁴ Interview, Paris, July 2008.

south.”³¹⁵ It is not clear that Abdul Wahid had such authority to single-handedly decide the DLF’s tactics, even at this early stage. The SPLM/A recognised this, and at the very same time it sent Abdul Wahid a satellite phone, Yasir Arman contended he sent another to the Zaghawa leaders who were now camped in North Darfur.³¹⁶

Flint and de Waal offered valuable empirical evidence of the SPLM/A’s contacts with the DLF, which this analysis has tested and extended. More importantly, the precise context within which this occurred can now be better understood. Both the SPLM/A and Khartoum were still resorting to arms to add force to their positions in the IGAD negotiations. The SPLM/A sought out the DLF, notably via its Nuba Mountains base, while Khartoum was insisting that the cessation of hostilities memorandum, and more critically the IGAD initiative, covered only the south. It was not merely, as Flint and de Waal argue, a parallel track aimed at outright military victory, it was also important to the political contestations over IGAD’s constitutive ideas of peace.

By late 2002, supporting rebellion in Darfur was both feasible and militarily useful for the SPLM/A. The Nuba Mountains ceasefire aided SPLM/A logistics for Darfur; conversely, with Khartoum undermining negotiations on the Three Areas and peacemakers wary that those issues may jeopardise the IGAD talks, the internationally monitored Nuba Mountains ceasefire forced the SPLM/A to look outside of that region to exert military pressure. Offensives in the south, such as Torit, had been useful until the IGAD cessation of hostilities was agreed.

Yet the SPLM/A’s actions in Darfur went beyond mere tactics intended to pressure the peace negotiations and fitted closely with its efforts to reassert New Sudan objectives. At

³¹⁵ See also Flint and de Waal (2008:89).

³¹⁶ Interview, Khartoum, September 2008.

the All Nuba Conference in early December 2002, where the SPLM/A helped to create and then struck an alliance with the United Sudan National Party,³¹⁷ Abdelaziz al-Hilu exhorted Nuba support for their comrades in Darfur. “The Nuba have become the vanguard of the struggle in Western Sudan,” the conference report records him as telling the gathering, “We shouldn’t become spectators to the problems of the rest of the oppressed in the North, especially those in Darfur and Kordofan in order to effect the necessary change towards the New Sudan” (Anonymous 2002b). “Spectators”, Abdelaziz and the SPLM/A were certainly not.

Having secured the cessation of hostilities memorandum, but then insisted that it – and the IGAD negotiations – concerned only the ‘southern war’, Khartoum was increasingly anxious about developments in Darfur. At the beginning of November 2002, Vice-President Ali Osman Taha and Finance Minister Al-Zubeir Ahmed Al-Hassan travelled to El Fasher. Addressing a large rally where he made promises of development assistance, Taha reportedly warned against a “colonialist conspiracy” to extend the southern war to Darfur (AFP 2002a). As 2002 ended, the Sudanese armed forces encircled and began bombing rebel positions in Jebel Marra.

5. JANUARY TO APRIL 2003, NEGATIVE PEACE IN THE SOUTH, POSITIVELY WAR IN DARFUR

At the beginning of 2003, negotiations on the Three Areas remained fraught.³¹⁸ Government-allied militia attacked SPLM/A positions in western Upper Nile and both sides alleged violations of the cessation of hostilities. Yet in early February 2003, declaring the

³¹⁷ See Chapter Four.

³¹⁸ See Chapter Four.

third round of IGAD negotiations closed, General Sumbeiywo told journalists, “this was possibly the end of the war” (AFP 2003b). Pointing to the 4 February “Addendum to the Memorandum of Understanding on Cessation of Hostilities” (Government of Sudan and SPLM/A 2003) that agreed to the establishment of an internationally-staffed Verification and Monitoring Team, Sumbeiywo explained, “We now have the mechanisms to check the violation of the ceasefire, because we are now able to point fingers at who starts the firing” (AFP 2003b). In conflict management thinking, IGAD had seemingly secured the foundations of ‘negative peace’.

Not only did the mediator’s optimism belie the very limited progress within the IGAD talks and the stark failure of negotiations on the Three Areas, but also it was roundly contradicted by SPLM/A support to the Darfuri rebellion. In February 2003, the SPLM/A leadership met to discuss strategy for the Three Areas at its bush headquarters – ‘New Site’ – near Kapoeta in Southern Sudan.³¹⁹ At a camp nearby, the SPLM/A were providing political advice, military training and planning to the DLF. Ahmed Abdelshafi and Babiker Abdallah had come from Nairobi, reconnecting with Minni Minawi and Abdallah Abakir. SPLM/A New Sudanists and Darfuris, including Yasir Arman, Daniel Kodi, Malik Agar, Abdelaziz al-Hilu, Adam Bazooka and Omar Fur were present.

Having unified the Nuba opposition and struck an alliance with them, the New Sudanists failed to convince the Darfur group to join the SPLM/A.³²⁰ This would have been a prize achievement, sought since the SPLM/A’s earliest days and during its foray into Darfur in 1991. Garang could have asserted the New Sudan agenda and the movement’s national

³¹⁹ Interview with Yasir Arman, Khartoum, September 2008. Flint and de Waal (2008:90) write that the meeting was in Rumbek, not New Site. Roessler (2007), citing interview sources, names New Site.

³²⁰ Interviews: Daniel Kodi, Khartoum, June 2007; Yasir Arman, Khartoum, September 2008. See also Flint and de Waal (2008:89).

identity exactly when Khartoum and the peacemakers were boxing him into the south. Yet the DLF leaders were wary, fearing that 'being SPLM/A' would inhibit Arabs in Darfur from joining the rebellion.

There was still the art of the possible, however, and the SPLM/A persuaded the DLF to rename as the "Sudan Liberation Movement/Army". Through shaping the SLM/A's political manifesto, the SPLM/A employed 'proxy politics.' The SLM/A publicly announced its name change on 14 March 2003 when it recaptured Golo (DLF 2003) and released its "Political Declaration" in English, which Minni Minawi signed as "Secretary-General" (SLM/A 2003). The SLM/A highlighted Darfur's history as an independent state with international relations and "peaceful coexistence" between tribes. It lamented that successive Khartoum regimes systematically pursued "policies of marginalisation, racial discrimination, exclusion, exploitation and divisiveness." The SLM/A declaration considered that "hegemonic policies of riverain Sudan's dominating establishment" were entrenched "through the fuelling of ethnic and tribal wars, with ... Khartoum providing military assistance to some Arab tribes." Paramount blame lay with the "present Khartoum junta."

The SLM/A echoed the SPLM/A not only in name. It advocated an agenda resonant with the SPLM/A's New Sudan (and the NDA's Asmara declaration), beginning by declaring itself a "national movement" with the objective of creating "a united democratic Sudan on a new basis of equality, complete restructuring and devolution of power, even development, cultural and political pluralism and moral and material prosperity for all Sudanese" (SLM/A 2003). The SLM/A called for: separation of religion from politics; unity, but on preconditions of justice and equality; self-determination and the free will of the various

peoples of Sudan; and, decentralised governance and regional autonomy through a federal or confederal system.

Just six days after the SLM/A's Declaration, the SPLM/A produced a lengthy statement on the "benchmark historical development" of rebellion in Darfur (SPLM/A 2003a), which it addressed to journalists covering the peace talks (IRIN 2003b). In unabashed 'we told you so' language, the SPLM/A began by reminding its audience that since its foundation in 1983 it had maintained that the so-called "Southern Problem" "really is a general Sudanese Problem" of an exclusivist nation-building project based on Arabism and Islam. In Darfur, Khartoum had long "been instigating tribal and racial conflict in the region to fight ... so-called armed robbery. Well, the chickens have come home to roost." The SPLM/A emphasised its longstanding "dialogue [with] the people of Jebel Marra" and the 1991 efforts of the SPLM/A led by Daoud Bolad.

The timing of the SPLM/A statement in the context of negotiations in Kenya bears critically upon its significance. It came the day after the failed first round of Three Areas talks ended, and it linked Darfur directly with those negotiations:

"The current events in Darfur are unfolding at a time when the SPLM/A is negotiating peace with the Sudan government ... Moreover, the events in Darfur occur as we engage the government in discussing the issue of the three conflict areas of the Nuba Mountains, the Fung Region of Southern Blue Nile and the Abyei District of the Ngok Dinka. This again vindicates the correctness of our vision, which demands a comprehensive solution and the need to find a correct and genuine political formula for governing the Sudan. In resolving the issue of the three conflict areas a correct formula to address the issues of the other marginalized areas such as Darfur and Eastern Sudan in an effective and positive manner could be found ..." (SPLM/A 2003a)

The significance of both the SLM/A's political declaration and the SPLM/A's statement to the politics of the negotiations goes even deeper, owing to the provenance of the former. The SFDA leader, Ahmed Diraige, received a letter from his deputy Sharif Harir soon after

the SLM/A's Political Declaration.³²¹ Harir, Diraige recalled referring to this letter, saw Garang's hand all through the SLM/A document. His suspicions were correct. When probed on this question, Yasir Arman stated that he worked closely with Minawi to draft the SLM/A's Political Declaration. John Garang gave instructions and later "made some changes."³²²

Abdul Wahid had concluded as much, and reflected with unbridled anger upon Minawi's 'unauthorised' actions and the SPLM/A's role. From his viewpoint, they had usurped his fragile authority, helped split the SLM/A and left him playing catch up with Minawi for political authority and access to the spotlight:

"Yasir and Minni they went and wrote something called Mission Statement of SLM. A 'Political Declaration'. First, Minni was just Abdallah Abakir's secretary. Second, there was a movement that had a vision. Minni was a military recruit, he didn't know everything. Yasir only knows us through Ahmed Abdelshafi, Babiker [Abdallah] etcetera. None of these people know all of the details. ... Minni was bad-faced, he had a plan to take the movement. The mission statement came with his name and as "General-Secretary." This was a *movement*! I was the one who recruited him! He will go with Yasir Arman and write a statement? ... The [SLM/A] split started [then] in the beginning."³²³

The SPLM/A linked Darfur's violence to the scope of peace being negotiated in Kenya, but it insisted, and would continue to insist, "categorically ... that it has nothing to do with the *inception* of the war in Darfur for which the NIF Government is solely responsible and accountable" (emphasis added) (SPLM/A 2003a). Yet the SPLM/A did assist the SLM/A with military planning, advice, training and limited weapons, albeit *after* the DLF formed and carried out its first attacks in early 2002. The UN Security Council Panel of Experts investigating the Darfur arms embargo cited "multiple credible sources" that this occurred, including SLM/A leader Minni Minawi, unnamed SPLM/A figures and Sudan government

³²¹ Interview, London, June 2009.

³²² Interview, Khartoum, September 2008.

³²³ Interview, Paris, July 2008.

intelligence (UN Security Council 2006:28, paras 88-89). Flint and de Waal (2008:88-89), citing Babiker Abdallah and Ahmed Abdelshafi as their sources, allege arrangements were made in southern Sudan in February 2003 for a shipment of arms to the SLM/A, accompanied by 22 SPLA officers and an SPLM/A commander to provide military advice. They stayed for only a few months, but these were the critical months when the rebellion, and Khartoum's counter-insurgency plans, escalated the war.

Corroborating the nature and timing of SPLM/A military support is essential, however the issue was highly sensitive during interviews. Most SPLM/A interviewees reaffirmed the movement's political support for the SLM/A but were reluctant to confirm on the record that arms were sent to Darfur. Nevertheless, some responses to questions were revealing:

SPLM/A Blue Nile Commander and subsequent State Governor, Malik Agar: "Let me put it in a nutshell because it is too sensitive. SLM/A is an organic child of SPLA. Yes they had moral support, political support and maybe other support. But they also had their distinct identity as a Darfurian group. ... If SLM/A was to come earlier ... Their plane was taking off, ours was landing, so the communication was only from the tower."³²⁴

Senior SPLM/A Nuba leader and subsequent Federal Minister, Daniel Kodi: "In the early stages we tried to make [the DLF] SPLA." When I asked Kodi how important SPLA material support was for the SLM/A in the early stages, he stayed silent, but laughed.³²⁵

SPLM/A Northern Sector leader Yasir Arman: "We were always very clear on our principles regarding Darfur, our political support for any liberation struggle ... and in any case they were arming militias in the south against us too, like in Western Upper Nile in late 2002 and early 2003."³²⁶

Abdul-Aziz's then political advisor and subsequent SPLM/A Northern Sector Spokesperson, Walid Hamid: "I can't go into details because some of this is sensitive, but we really made use of [the Nuba Mountains] ceasefire to the benefit of the SPLM/A in the negotiations. There was a flow of people into the Nuba

³²⁴ Interview, Khartoum, June 2007.

³²⁵ Interview, Khartoum, June 2007.

³²⁶ Interview, Khartoum, September 2008.

Mountains, we made four or five training camps, and there was a political school.”³²⁷

According to Flint and De Waal (2008:90), Paul Malong Awan, SPLA Commander in Bahr-el-Ghazal, led the SPLM/A contingent accompanying the SLM/A leaders back to Darfur. They cite no sources on this controversial point. Yet Malong Awan, who had long fought bitter battles with armed Baggara Arab militias along his state’s border with South Darfur, makes a credible candidate.³²⁸ Malong Awan was in Northern Bahr-el-Ghazal when interviewed by a *Newsweek* journalist for an article published in August 2003 (Skinner 2003). The article discusses the threat to peacemaking posed by the “bellicose stance” of Christian Right charities and a private security firm supporting Malong Awan. With his patrons clearly in mind, Malong Awan told the journalist that he could not drop his objective of a “secular state for all of Sudan,” for which he would “fight for 100 years, with or without international support” (Skinner 2003). For this, Skinner describes Malong Awan as “at odds with the SPLM leadership negotiating a peace settlement.” However, it was the SPLM/A New Sudanists who were at odds with Khartoum and the peacemakers over the scope and meaning of negotiated peace. If Malong Awan led the contingent to Darfur, it was Garang who had dispatched him.

The SPLM/A worked hand-in-glove with Asmara, whose longstanding support for Sudanese opposition forces had recently included the NDA’s October 2002 attacks in eastern Sudan. Although an IGAD member state, Eritrea continued its proxy battles with Khartoum.³²⁹ The UN Panel of Experts judged Eritrea to be militarily supporting the SLM/A and JEM in 2003 and 2004, based on a range of unnamed sources including from

³²⁷ Interview, Khartoum, June 2007.

³²⁸ Government officials also independently singled out Malong Awan, discussed below.

³²⁹ See Chapter Three.

the Sudan government, JEM and the SPLM/A (UN Security Council 2006:28-29). According to the SFDA leader, Diraige, in April 2003 at an NDA Leadership Council meeting in Asmara, Garang admitted as much: “Doctor John said he had the arms from Eritrea. He told me, ‘The people of Darfur have taken arms, we helped them with the first consignment [of arms]. What they need now is charter planes. Can you help them?’ I said, ‘No.’”³³⁰

The DLF and then SLM/A attacks on government targets in February and March 2003, and finally on El Fasher, the capital of North Darfur, in late April 2003, occurred with SPLM/A and Eritrean support and came during the faltering peace negotiations in Kenya. So too did the government’s military response. Since 2001, the Governor of North Darfur, General Ibrahim Suleiman (a former federal defence minister), had been entrusted by Khartoum with restoring security. Between mid-2002 and early 2003, he made repeated, unsuccessful attempts involving tribal elders to reach a peaceful settlement with the DLF. As fears grew in Khartoum, the government split between moderates like Suleiman and hardliners from the region and Khartoum’s security elite, who considered conciliation was playing into the hands of the DLF and its backers.³³¹ Under the spectre of SPLM/A involvement, hardliners succeeded in directing Khartoum’s response; military confrontation won over political dialogue.

Khartoum’s anxiety was heightened when in early 2003 another rebel group, the Justice and Equality Movement (JEM), declared itself. JEM grew in prominence after the period under

³³⁰ Interview, London, June 2009.

³³¹ See especially Roessler (2007) on how conciliation efforts in 2002 only prompted the Zaghawa to disperse to less monitored territory in North Darfur.

analysis here, and is less central to the issues being examined.³³² However, Khartoum's counter-insurgency policy in Darfur clearly also had JEM in mind. Led by Khalil Ibrahim – a former senior NIF official whom the National Congress suspected was still close to Hassan al-Turabi and who had ties to Turabi's Germany-based deputy, Ali Al-Haj – JEM's origins were in the late-1990s. Its leadership was suspected by Khartoum of authoring the *Black Book* in 2000 (discussed above). JEM was a minor partner in the El Fasher attack, but from then onwards Khartoum's fears were increasingly inspired by JEM's increasing capability and Turabi's possible role. In April 2003, Khalil Ibrahim and Ali Al-Haj organised a meeting of the "Union of the Marginalised Majority" in Germany, also attended by representatives from the SPLM/A, SFDA and the Beja Congress.

General Suleiman's last conciliatory effort was the failed February 2003 tribal leadership conference in El Fasher, days before the DLF's first major attack on Golo. The DLF's demands betrayed their widening political agenda under SPLM/A tutelage. In 2002 and even early 2003 they espoused development and security objectives for their struggle.³³³ Now they told co-ethnic envoys they were fighting for all Sudan's marginalised people, and that they preferred unity but would call for self-determination if their demands were not met (Ali 2003). In mid-March they articulated more clearly their demands to a committee of six Fur elders: "Self-determination for Darfur should be conducted in a similar manner as be agreed in the case of South Sudan, Blue Nile and Abyei" (Seif al Din 2003).

The government steadfastly dismissed the rebels' political self-identification, while nevertheless preparing a major military response. When the DLF renamed itself the SLM/A

³³² For detailed discussion of JEM, see: Flint and de Waal (2008); Flint (2007); Roessler (2007); and Prunier (2008).

³³³ Recalled by a Fur leader, Amin Mahmoud, sent by Khartoum to negotiate with the rebels in August 2002: Interview, Khartoum, September 2005.

and captured numerous police stations and army garrisons in Dar Zaghawa, West Darfur, in March 2003, the National Congress leadership met in Khartoum and “decided ... to use force” to “confront the repercussions of the armed robbery” (AP 2003a). President Bashir reportedly “[denied] the political nature of rebellion, blaming unrest on armed criminal gangs” (AFP 2003o). On 13 April, at a public rally in El Fasher, President Deby of Chad pledged his support to President Bashir for his military strategy. The army and airforce were more heavily deployed to Darfur in preparation for a major counter-offensive.

On 25 April 2003, the rebels’ well-documented lightning dawn raid on El Fasher airport changed everything. Numerous military aircraft were destroyed, soldiers killed, weapons captured and the head of the Sudan Air Force taken hostage. That day, Minawi told the media it was the SLM/A’s “response to the latest statements by [President Bashir], who said negotiations with our movement will take place by marching over [our] bodies” (AFP 2003n). A succession of further rebel military successes in the following months left Khartoum reeling.

Suspicious or knowledge of SPLM/A involvement compounded Khartoum’s sense of alarm. Senior government officials interviewed claimed they suspected SPLM/A contact with and assistance to the DLF in late 2002 and were certain of this by early 2003. Former intelligence official and foreign affairs under-secretary, Mutrif Siddiq, acknowledged there were “hints but no solid information” when the cessation of hostilities memorandum was signed in October 2002.³³⁴ However, by the time of the vice-president’s November 2002 El Fasher visit, suspicions grew. General Ibrahim Suleiman, who as a former federal defence minister credibly had access to intelligence, insisted by early 2003 he had information on

³³⁴ Interview, Khartoum, June 2007.

Garang's contacts with Abdul Wahid and aircraft flying into Darfur from the south. "It was very clear. From Eritrea to Rumbek and to Darfur using charter planes. ... The intelligence was there, we know everything, they come with STOL aircraft: Short Take-Off and Landing."³³⁵ Government intelligence, Mutrif Siddiq recalled, indicated that, "Some of [the Darfur rebels] were there in Nairobi. And we know [about] the shipment of arms via the Nuba Mountains, before the El Fasher attack."³³⁶ Mutrif recalled his knowledge during the IGAD negotiations:

"At the time [April-May 2003] ... I was chairing my group on the security arrangements, and [the SPLM/A] were supporting and supplying [the SLM/A]. The [SPLM/A Director of Security] Bior Ajang was the main link. And Yasir Arman of course ... the main relay stations [were] Nuba Mountains through Abdelaziz [al-Hilu] and Malong Awan in Bahr-el-Ghazal. And even through Abyei sometimes. They didn't send troops, but they sent some instructors. They sent some landmine experts ... Some of the rebel leaders had been part of the SPLM, Adam Bazooka, I don't remember the names. [O]ne of them is Ahmed Abdelshafi, he was part and parcel of the SPLM."³³⁷

Qutbi al-Mahdi, presidential advisor and former chief negotiator, led Sudanese intelligence between 1996 and 2000. In the late 1990s, he recalled, he had reports of people from Darfur going to Eritrea through Uganda for training, and arms coming to Darfur. This accords with the recruitment of Masalit such as Bazooka to the New Sudan Brigade. "We realised that Garang is busy here ... but didn't believe it would amount to much. Garang was not coherent about it. The government thought it wouldn't be serious."³³⁸ Khartoum, Qutbi al-Mahdi insisted, never overestimated the SPLM/A's involvement. However, he considered that at the nascent rebellion's "most difficult stage" in 2003, "most of the arms were

³³⁵ Interview with General Suleiman, Khartoum, August 2005.

³³⁶ Interview, Khartoum, June 2007.

³³⁷ Interview, Khartoum, June 2007.

³³⁸ Interview, Khartoum, May 2007.

coming from SPLA in Bahr-el-Ghazal, most of the early training from SPLA, Uganda and Eritrea.”

Khartoum’s chief negotiator between 2002 and September 2003, Ghazi Salahuddin Atabani, recalled similarly the government’s knowledge: “Everyone knew that [John Garang] was involved in the creation of the armed groups, not the creation of the problem in Darfur, but what I am saying is based on very solid intelligence facts. I listened to the intercepted calls, daily calls, between him and Abdul Wahid, before and after [the] El Fasher [attack]. ... [Garang] actually was the one who proposed the name SLA. These guys had no name! They were so inexperienced! When they came to the negotiations, they didn’t know what to call themselves.”³³⁹

Despite this alleged knowledge, Khartoum resisted linking the SPLM/A to Darfur for reasons similar to why it blamed Asmara, and not the SPLM/A or the NDA, for the latter’s attacks in the East: to do so would draw international scrutiny and call into question once again IGAD’s southern focus, precisely what the SPLM/A sought to do.³⁴⁰ Although the government’s National Intelligence and Security Service provided the UN Panel of Experts with information on SPLM/A contacts with the Darfur rebels in 2005, after the CPA was signed, such knowledge was rarely publicly acknowledged at the time. Immediately following the El Fasher attack, the North Darfur Governor, General Suleiman, made public accusations against external meddlers: the SPLM/A, Turabi, the NDA, Chadian elements, Eritrea and even Israel.³⁴¹ However, in April and May officials in Khartoum denied

³³⁹ Interview, Khartoum, June 2007.

³⁴⁰ Analysed further in Chapter Six.

³⁴¹ See AFP (2003p) (2003g).

SPLM/A involvement publicly and in meetings with British embassy officials (Anonymous 2003; Patey 2003b).³⁴²

6. APRIL TO AUGUST 2003, IGAD VISITS SUDAN UNDER THE SPECTRE OF EL FASHER

In April and May 2003, when conflict in Darfur escalated and Khartoum suspected support from the SPLM/A, the IGAD negotiations, as with the Three Areas talks,³⁴³ made no headway. Rather, important peace negotiation politics unfolded outside of the IGAD institution, back in Sudan. The negotiations scheduled for March 2003 were delayed while the government leadership met to discuss their Darfur policy. Peacemakers feared that momentum was being lost. On 2 April, Kenya's new president, Mwai Kibaki, convened another meeting between President Bashir and Garang. In their joint communiqué, the two adversaries "reiterated their confidence in the mediators" (AFP 2003a) and Sumbeiywo noted that they were both "hopeful to get an agreement by the end of June [2003]" (IRIN 2003e).

Against this shaky backdrop of needing high-level reassurances, the mediation addressed security arrangements in mid-April and achieved nothing. The government sought in vain to convince the SPLM/A to integrate their forces into the national army during the interim period. One week later, the SLM/A and JEM attacked El Fasher. The May 2003 round of talks on wealth and power-sharing, including the status of the national capital, came in the wake of that attack. As Ghazi Salahuddin Atabani remarked publicly, they "made very little progress towards peace in the Sudan" (Panafrikan News Agency 2003d).

³⁴² Cables sent from British Embassy in Khartoum to London obtained pursuant to freedom of information request.

³⁴³ See Chapter Four.

Two developments occurred as a result of IGAD's deadlock. First, the SPLM/A looked to the northern opposition to more earnestly pressure Khartoum and the peacemakers from outside the IGAD institution. The SPLM/A sought out its old allies when they were increasingly vocal about their exclusion. Secondly, as outlined in Chapter Four, the IGAD mediation team responded to the negotiations crisis with a new strategy to "develop an all-inclusive negotiating framework on all the outstanding issues in power sharing, wealth sharing and security arrangements."³⁴⁴ For this, Sumbeiywo decided his team needed to consult widely in Sudan in June, including meeting a range of political leaders and "ordinary people" (Simmons and Dixon 2006c:30).³⁴⁵ The result was the mediators' "Draft Framework for Resolution of Outstanding Issues Arising out of the Elaborations of the Machakos Protocol" (the "Nakuru Document"),³⁴⁶ presented to the two negotiating parties in Nakuru, Kenya, in early July.

These two developments taken together signified a major development: the locus of peace politics was no longer in Kenya as the IGAD institution temporarily relocated to Sudan, including northern Sudan, and relaxed somewhat its strict bilateral exclusivity. Sumbeiywo had 'locked out' the northern opposition during the Machakos negotiations, but he now sought out other viewpoints in Sudan to "detect the best way to proceed" (IRIN 2003e). His new "holistic approach" was "about looking at everything in totality" to allow "the parties to trade off one thing for another ... at a much higher level than [those at] the [negotiating] table" (IRIN 2003e). Chapter Four explained the importance of Sumbeiywo's Khartoum

³⁴⁴ IGAD's communiqué in late May 2003, quoted in Panafrican News Agency (2003d).

³⁴⁵ Sumbeiywo and members of his team travelled to SPLM/A-held areas and government garrison towns in Southern Sudan, as well as Blue Nile state, the Nuba Mountains, and Khartoum: Waihenya (2007:111-13).

³⁴⁶ See IGAD Sudan Peace Secretariat (2003).

and Nuba Mountains visits for Nuba political groups. The northern opposition, in concert with the SPLM/A, also sought to use this period to reshape peacemaking.

While the April and May IGAD negotiations were failing, and with Khartoum increasingly made vulnerable by events in Darfur, the SPLM/A sought to strengthen its northern opposition alliances. Similar to the All Nuba Conference, Garang enhanced his legitimacy for pursuing his wider national New Sudan agenda within IGAD by securing support outside of it. He showed little determination to ensure northern opposition inclusion within IGAD, but the SPLM/A's politicking outside of the peace talks urged Khartoum, and the peacemakers, to acknowledge the following points: Sudan's problems were national and were recognised as such by other opposition forces; a national capital with strong religious pluralism was important to northerners, not just the SPLM/A's constituents; and national political reform and consensus on peace mattered.

The NDA Leadership Council met in April 2003 in Asmara, where Dirraige recalled that Garang asked him to assist with channelling arms to Darfur. Garang bemoaned IGAD's lack of progress and insisted that the SPLM/A was "striving to realize a national consensus by involving all political parties" (BBC Monitoring 2003c). Garang again urged Khartoum to negotiate with the SLM/A along the lines of its obligations to the people of the Nuba Mountains and Southern Blue Nile.

In late May 2003, after a highly publicised meeting between Garang, the Umma Party's leader al-Mahdi and the Democratic Unionist leader al-Mirghani in Cairo, the three figures issued the "Cairo Declaration", promising to "make all efforts to support the current negotiations and to forge a national consensus through the participation of all political forces" (Panafrikan News Agency 2003e). The Cairo Declaration thus undermined the bilateral north-south deal sought by the National Congress. Citing past NDA agreements,

the signatories insisted that “an agreement on a Capital city, which is National and that treats all religions and beliefs as equal, is an indispensable necessity for the preservation of our country’s unity on a new basis” (Democratic Unionist Party, Umma Party, and Sudan People's Liberation Movement (SPLM) 2003). Days later, a large number of northern opposition and civil society leaders in Sudan signed the “Khartoum Declaration”, which called for a *shari’a* free national capital.

In early June 2003, at a time of increased government suspicion of Garang and Turabi’s involvement in Darfur, and after the SPLM/A had attended the “Union of the Marginalised Majority” meeting co-organised by Turabi’s deputy, Ali Al-Haj, the SPLM/A’s senior negotiator and Al-Haj agreed common positions on peace and democratic transition (SPLM and PNC 2003). Speaking to the London Arabic newspaper *Al-Hayat*, Garang again denied any links to the SLM/A but noted the SPLM/A’s “solidarity with all those marginalized in Sudan... what is happening in Darfur is a rebellion ... against injustice” (AFP 2003i).

The government was predictably incensed that, as Darfur’s troubles escalated, their planned bilateral north-south deal in IGAD was being undermined. The Cairo Declaration, senior government negotiator Sayid el-Khatib complained, “posed [a] violation to the principles of the negotiations, and the letter and spirit of Machakos protocol” (Sudanese News Agency 2003). At a government paramilitary rally in mid-June, President Bashir reportedly attacked the northern opposition’s attempt at “erasing the *shari’a* law” (Panafrikan News Agency 2003c). The legal status of the capital, he insisted, “has fully been resolved and was not subject to further discussion.” Khartoum “will never be secular and we will sacrifice our souls to prevent this.” The president accused al-Mahdi and al-Mirghani of offering Garang a “lever” against Khartoum and “scheming to undermine the negotiations and torpedo the entire peace process.”

The Cairo Declaration and the SPLM/A's other alliance efforts were 'levers' because they buttressed the SPLM/A's claims within IGAD precisely when Sumbeiywo and his team were visiting Sudan. General Sumbeiywo presented the Nakuru Document to the parties in early July 2003, after consultation with IGAD and Troika diplomats. The Nakuru Document suggested the SPLM/A be given the national vice-presidency, the southern regional government be guaranteed forty-eight percent of oil revenue from southern oil fields, a national capital district be established in Khartoum protecting religious freedom, a separate army be created for the south during the interim period, and southerners be guaranteed thirty-five percent of political and civil service positions in the central government.

The Nakuru Document, Sumbeiywo recalled, "stir[red] the hornet's nest and almost [became] the bane of the talks" (Waihenya 2007:114). It was not meant as a "take it or leave it text,"³⁴⁷ but the government left it and threatened to leave the IGAD negotiations altogether. Khartoum's written response to Sumbeiywo took severe exception to swathes of the Nakuru Document (Government of Sudan 2003). The Nakuru Document undermined the priority of Sudan's unity by calling for "a completely separate army for Southern Sudan." As a "middle ground subject to further negotiations," Khartoum proposed that all armed forces be integrated into "a single united National Armed Force" during the interim period. The Nakuru Document's suggestion for the National Capital was "a re-opening of issues settled in the Machakos Protocol" (Government of Sudan 2003: Sections 2 and 6).

In mid-July, President al-Bashir reportedly demanded the mediators "come up with a reasonable alternative, otherwise they have to dissolve the document in water and drink it"

³⁴⁷ Interview, General Sumbeiywo, Karen, July 2007.

(Panafrican News Agency 2003b).³⁴⁸ If peacemakers insisted on the draft, al-Bashir added, “let IGAD and those behind it go to hell.” The Nakuru Document, he declared on national television in early August, “was aimed at dismantling not only the present regime but the whole Sudan” (AFP 2003d).

At the African Union Summit in Mozambique in July 2003, Sudan’s foreign minister officially requested that South Africa take over the mediation. When interviewed about this episode, General Sumbeiywo recalled that South Africa initially agreed, until Kenya’s foreign minister intervened.³⁴⁹ Khartoum then reportedly approached the Egyptians and the Arab League (BBC Monitoring 2002c), and reportedly asked Kenya’s President Kibaki to replace General Sumbeiywo (International Crisis Group 2003a:3). President Bashir also took a leaf from Garang’s book and gathered northern opposition parties together to launch a “national dialogue” on “constructive proposals” for peace (AFP 2003d).

The SPLM/A held on tight to IGAD and rejected Khartoum’s “mission of forum shopping” (AFP 2003f). One year after the Machakos Protocol, the Nakuru Document boosted the SPLM/A’s de facto confederation demands, and the SPLM/A affirmed its broad satisfaction to Sumbeiywo (SPLM/A 2003c).

The conflict in Darfur rapidly escalated between late April and August 2003, during IGAD’s breakdown and the government’s threats to jettison the peacemaking institution and to remove Sumbeiywo. Darfur’s violence quickly assumed a trajectory of its own, and the SLM/A’s actions were independent of any single outside influence, though the SPLM/A’s support continued. By June 2003, an emboldened SLM/A claimed a string of

³⁴⁸ For a contemporaneous analysis, see Prendergast and Mozersky (2003). See also Sumbeiywo’s accounts in Waihenya (2007:114-16) and Martin (2006:146).

³⁴⁹ Interview, Karen, July 2007.

military successes, and joined the chorus of northern opposition in seeking admission to the IGAD talks (AFP 2003c).

The government's armed response grew in earnest after the El Fasher attack. General Suleiman was sacked and national security hardliners took over the counter-insurgency strategy. During a period when rebel attacks on 'Arab' settlements and livestock were arguably as common as 'Arab' "*janjawid*" militia attacks on Fur, Zaghawa and Masalit villages (Flint and de Waal 2008:124-27), the government gave licence and material support to the "*janjawid*" Arab militias.³⁵⁰ Aerial bombardments were coordinated with ground attacks and contributed to the highest estimated monthly mortality rates during the conflict between 2002 and 2008.³⁵¹ Yet Khartoum still labelled Darfur rebels "highwaymen" and "bandits". The SLM/A's demands in July included that Khartoum desist from this and recognise it as a political movement (AFP 2003k).

While the IGAD peace talks were in crisis, Khartoum made more direct accusations of SPLM/A support to the SLM/A. On 29 July 2003, Vice-President Taha levelled his clearest public accusation at Garang during a speech in El Fasher, broadcast on national radio: "What is currently happening in Darfur is another chapter led by John Garang after he has been encircled and besieged by the peace process in the south... What is going on in Darfur is a war by proxy" (AP 2003c). In late August 2003, government officials claimed they had shot down an SPLM/A-chartered plane in Darfur carrying ammunition from southern

³⁵⁰ See especially Flint and de Waal (2008:124-31).

³⁵¹ Between July and September 2003: see the ICC Prosecutor's indictment materials, reproduced in Flint and de Waal (2008:151).

Sudan.³⁵² The conflict in Darfur and IGAD's crisis remained intertwined, as demonstrated by developments in both spheres during the final months of 2003.

7. AUGUST TO DECEMBER 2003, KHARTOUM NEGOTIATES IN NAIVASHA AND ABÉCHÉ

In August 2003, Khartoum, convinced of Garang's involvement in Darfur, shifted its approach towards IGAD in favour of closing a deal with the SPLM/A. In advance of this, the government unleashed a major counter-insurgency to drive the Darfur rebels into submission. Khartoum then secured a ceasefire with the SLM/A in Abéché, paving the way for a focus on negotiations with the SPLM/A. The government subsequently reached two landmark agreements with the SPLM/A in late September 2003 (on security arrangements) and early January 2004 (on wealth-sharing). Both bore striking similarity to the terms of the Nakuru Document. Indeed they were more generous to the SPLM/A. The SPLM/A would keep its army, government forces would redeploy from southern Sudan and southern Sudanese would receive over fifty percent of revenues from oil extracted from their region. In mid-August 2003, under heavy pressure from Troika and Kenyan diplomats,³⁵³ John Garang agreed to face-to-face talks with Vice-President Ali Osman Taha, to begin in September. Sumbeiywo claimed this was his inspiration, after talks had failed in Nanyuki, Kenya, in early August.³⁵⁴ However, there is clear evidence that, months before, Taha positioned himself to be Khartoum's dealmaker. In late April 2003, immediately after the

³⁵² According to a BBC Monitoring report (2003a), the government-controlled Sudanese Media Centre published official allegations of over twelve flights from SPLM-controlled areas to locations in Darfur and southern Upper Nile, carrying military supplies and armed Darfuri militia for training in northern Bahr al-Ghazal.

³⁵³ Interviews with Elijah Matipo, Kenya's Ambassador to Sudan and Abel Alier, senior Southern Statesman who assisted this process: Khartoum, June 2007.

³⁵⁴ Interview, General Sumbeiywo, Karen, July 2007. Also Waihenya (2007:120-4).

El Fasher attack, the UK foreign secretary noted that Taha advised him and the international development secretary that the “time was approaching when the ... talks would have to be elevated [to] the highest political level on both sides” (Straw 2003).³⁵⁵ Norway’s development minister also recalled Taha asking her to convince her friend John Garang to negotiate directly with him (Nielsen 2007:2-3). As mediation experts testified, this was high-risk: if these two ‘principals’ failed to make progress there would be nowhere left to go (Simmons and Dixon 2006c).

John Garang arrived in Kenya on 4 September, having kept Taha waiting for three days. He raised Darfur prior to his negotiations with the vice-president, just as Yasir Arman had done prior to the Machakos negotiations. Briefly addressing reporters in Nairobi, Garang declared he would enter these “very critical” talks with an “open heart” (Panafrican News Agency 2003a). He then welcomed a Darfur ceasefire signed in Abéché, Chad, the previous day. “The problem in western Sudan,” Garang warned, “is political and not armed robbery as the government has often wanted to portray it. SPLM/A calls for a comprehensive resolution of all conflicts in the Sudan” (Panafrican News Agency 2003a). However, Garang’s “open heart” masked broader reticence within his Movement. In late August, Garang had met senior SPLM/A officers in Rumbek where a significant faction allegedly advocated resuming war given no tangible progress in negotiations since Machakos.³⁵⁶

The 45-day ceasefire signed by the SLM/A and the Government of Sudan on 3 September 2003 in Abéché,³⁵⁷ came when the Darfur conflict had been at its most intense. Khartoum

³⁵⁵ Obtained from UK Foreign Office pursuant to a freedom of information request. Cable signed “STRAW”. Jack Straw was the UK foreign secretary between 2001 and 2006.

³⁵⁶ See International Crisis Group (2003a:4-5). Sumbeiywo records that he threatened the SPLM/A would be banished from Kenya if Garang failed to appear: Waihenya (2007:122-24).

³⁵⁷ JEM refused to attend, accusing N’Djamena of bias towards Khartoum.

had consistently refused to acknowledge, let alone directly negotiate with, the rebel groups. Paradoxically, at a time when the government was regaining the military initiative,³⁵⁸ it sought this ceasefire. By negotiating with the SLM/A in a foreign country, Khartoum boosted the rebels' political legitimacy. Ghazi Atabani, whom Vice-President Taha had usurped in the IGAD negotiations, admonished his government: "I was surprised one day to find that the government had agreed to sign [the ceasefire in Abéché] with the very people [whom] the day before they used to call 'bandits.' Soon afterwards I resigned. I would have manoeuvred completely differently."³⁵⁹

Why did Khartoum sign the Abéché ceasefire, enhancing the political status of the SLM/A when its military strategy was succeeding? One argument, advanced by some government interviewees, was that the ceasefire allowed the government to consolidate its military gains in Darfur and to put pressure on the rebel groups to pursue a political settlement. However, the government's actions may also be understood as interconnected with its decisions regarding the IGAD negotiations. Khartoum negotiated the ceasefire when Vice-President Taha was preparing to negotiate directly with Garang. Taha did not want Garang to manipulate Darfur's conflict to exert pressure on the government during his negotiations. Equally, Garang was expected to stop supporting the Darfur rebels if he reached an accord with Khartoum on his core demands. Finally, a ceasefire in Darfur would gain peacemakers' support while Taha was in Kenya and allow Taha to clinch the peace deal.

The government achieved its objectives in Abéché, in a manner similar to the Nuba Mountains ceasefire. The Abéché ceasefire heavily favoured Khartoum: the focus was on a

³⁵⁸ The government's counter-insurgency strategy combined airforce bombardments with arming proxy tribal militias on the ground. The rebel groups suffered major reversals: see Flint and de Waal (2008) and International Crisis Group (2003a).

³⁵⁹ Interview, Khartoum, June 2007.

military stand-down and cantonment of rebel fighters, with minimum obligations for Khartoum to disarm pro-government militias. There were no concessions to the rebels' political demands or to mounting humanitarian needs. The government's lead negotiator in Abéché declared days later that Abéché "was a peace agreement, not a ceasefire" for a conflict that did not "contain any political objectives or disputes."³⁶⁰ However, as Ghazi Atabani argued, Khartoum was now engaged politically with the rebels.³⁶¹

In Naivasha, Kenya, Vice-President Taha sought to quickly strike a deal for the south with Garang. He would be sorely disappointed. Face-to-face negotiations began on 5 September 2003 and the two adversaries negotiated on and off until May 2004. They agreed to first tackle security arrangements for the interim period. The SPLM/A reiterated its longstanding position: both sides should retain their armies and move them out of the south (for the government) and the north (for the SPLM/A) and "Joint/Integrated Units" comprising equal numbers of soldiers from both armies should be deployed evenly in the north, the south and the Three Areas.³⁶²

Khartoum had vehemently rejected two armies, including during the Nakuru Document crisis as discussed previously. Now, only months later, Taha and the defence minister Bakri Hassan Saleh accepted not only two armies but that the southern Army would be the SPLA, and argued only over the size and location of Joint/Integrated Units. The Sudan Armed Forces (SAF) would redeploy out of southern Sudan for the interim period. Both Ghazi Salahuddin Atabani and Vice-President Taha had entertained compromises previously –

³⁶⁰ Report in Arabic by government-controlled Sudanese Media Centre, translated by International Crisis Group (2004:22).

³⁶¹ This was similar to the downside Qutbi al-Mahdi recognised with the Nuba Mountains ceasefire, namely the recognition of SPLM/A presence there: see Chapter Four.

³⁶² SPLM/A (2003b; 2003d): negotiating position papers obtained from Mansour Khalid, an SPLM political advisor to John Garang.

such as a military stand-down and phased SPLA absorption into the national army – but much less than what was now agreed. Ghazi Salahuddin Atabani recalled advising his president that redeployment was tantamount to admitting SAF was an “occupying army” not a national one. Worse still, the SPLA, a “partisan army”, was being given the status of a national army: “Why shouldn’t the National Congress have its own army, and Umma Party have its own army?”³⁶³

By securing a monopoly on violence in the south for its own forces, the SPLM/A achieved a major breakthrough towards securing self-determination, but also towards *de facto* confederation, which had appeared improbable in Machakos. Khartoum’s apprehensions over Darfur assisted the SPLM/A’s achievement. Yet this landmark security deal did not stop SPLM/A activities in Darfur. It was during this period, after the Abéché ceasefire and the security arrangements talks, that the SPLM/A sent Adam Bazooka and a group of SPLM/A-trained Masalit fighters to West Darfur. Bazooka later became an SLM/A commander, but he left southern Sudan with SPLM/A support.

Darfur’s conflict, well out of the control of the SPLM/A or any other single external actor, now put independent pressure on the government, both within the region and in the IGAD negotiations. The Darfur rebel groups had grown rapidly in size, ambition and political independence since their early military successes. The Abéché ceasefire and negotiations floundered in October and collapsed in early November and Khartoum was now caught in a political dialogue with the rebels. Having shown political naiveté in Abéché, the SLM/A now manoeuvred more confidently. Its demands for international monitors were rejected by the government as “an internationalization of the problem” (AFP 2003q). In mid-October

³⁶³ Interview, Khartoum, June 2007.

2003, SLM/A leaders gathered Darfuri intellectuals from within and outside Sudan to refine their political agenda for negotiations. An unofficial International Crisis Group translation from Arabic stated that the meeting's final communiqué "appealed to the people of all marginalised areas to join the SLM in its efforts to build [a] New Sudan based on justice, democracy and equality" (International Crisis Group 2004:22). Minawi subsequently described government demands that the SLM/A agree to assimilate into the Sudanese Army prior to further political negotiations as a "*diktat* ... tantamount to ending our movement without a fight" (AFP 2003q).

Proving as correct the past warnings of the northern opposition and informed analysts such as Francis Deng regarding the risks of bilateral southern-focused peace negotiations,³⁶⁴ Darfuri rebel leaders sought access to the IGAD talks, and threatened dire consequences if they were excluded. In October 2003, Minawi told journalists that a peace deal involving only the SPLM/A would give Khartoum the opportunity to "regroup to suppress the other marginalized areas, including the west and our movement in particular" (AFP 2003m). The SLM/A would "be an obstacle" to such a deal. "The government and the south do not represent all of Sudan," he added. In December, and upon hearing that President Bush had personally intervened to push Bashir and Garang towards an agreement, Minawi's rival, SLM/A Chairman Abdul Wahid al-Nur threatened that there would be "no comprehensive peace in Sudan without a settlement of all Sudanese problems, including those in Darfur" (AFP 2003e). The JEM's leader Khalil Ibrahim also warned that rather than peace, a deal between the SPLM/A and Khartoum would bring a "period of dictatorship sponsored by the international community" that would lead to "heavy fighting" across northern Sudan (IRIN 2003c).

³⁶⁴ See Chapter Two.

While Darfur presented ever-increasing problems for Khartoum, Taha and John Garang engaged in intensive negotiations in Naivasha, only breaking for Ramadan. From late November 2003, negotiations focused upon wealth-sharing. A breakthrough came on the all-important oil revenues formula before Christmas and a protocol on wealth-sharing was signed on 7 January 2004. At least two percent of oil revenues would be allocated to oil-producing states and fifty percent from southern oilfields to the Government of Southern Sudan (GOSS). Although Khartoum had vehemently rejected the Nakuru Document, the SPLM/A now got a marginally *greater* share of oil revenues.³⁶⁵ In early 2003, Khartoum had offered only ten percent to the south.

The SPLM/A's negotiation positions on oil-revenue sharing tell an important story: when Garang raised his ambition towards a national New Sudan agenda, Khartoum settled for less, yet effectively capitulated on confederal north-south equality. In September 2003, the SPLM/A (2003h) had demanded five percent of revenues for oil producing states, sixty percent from oil in southern Sudan for the GOSS, and the remainder for the national government.³⁶⁶ According to SPLM/A records (2003e) Khartoum offered only between twenty and thirty percent for reconstruction expenditure to GOSS, and two percent to oil producing states. In mid-December, the SPLM/A (2003g; 2003f) expanded its position to propose formulas for *nationwide* decentralised allocations of oil revenue from oil produced in southern *and northern* Sudan, including allocations for Darfur, Nuba Mountains, Southern Blue Nile and Eastern Sudan. Khartoum successfully resisted SPLM/A 'interference' in northern Sudan, but at a price of conceding a generous deal for the south.

³⁶⁵ The Nakuru Document suggested that two percent of net oil revenue accrue to the oil-producing state and, for oil extracted within the south, forty-eight percent should be paid to the southern government.

³⁶⁶ This and subsequent position papers cited were obtained from Mansour Khalid, a political advisor to John Garang.

Khartoum did not achieve peace in Darfur during this period. The Abéché ceasefire initially increased international humanitarian access and thus first-hand knowledge of the extent of the crisis. Senior UN humanitarian officials spoke out in early October (OCHA - UN Office for the Coordination of Humanitarian Affairs 2003). In early December, the UN Under-Secretary-General for Humanitarian Affairs declared that the “humanitarian situation in Darfur has quickly become one of the worst in the world” (UN News Centre 2003).

When the Abéché talks failed, violence in Darfur rapidly increased. Khartoum renewed accusations against Turabi, Garang and Eritrea. Vice-President Taha castigated Turabi on state radio: since his release from house arrest (after the 2001 SPLM-PNC accord) in October 2003, he had obstructed peace talks in Chad and “never ceased fanning sedition in Darfur” (AFP 2003l). On 29 December 2003, after the deal on oil-sharing was struck, national security chief Salah Abdallah Gosh informed the official newspaper *Al-Anba* of “incriminating evidence” of SPLM/A involvement in the supply of arms by air “as recently as a week ago” (AP 2003b). Two days later, he vowed to “annihilate” the Darfuri rebels (AFP 2003r). On signing the wealth-sharing protocol, Khartoum moved to file a complaint against Eritrea with the UN Security Council (AP 2004).

8. JANUARY TO JUNE 2004: THE END OF THE BEGINNING FOR PEACE AND WAR

By early 2004, Khartoum had granted southerners the oil money and the guns in addition to the Machakos concessions, yet it still feared the SPLM/A was fuelling the conflict in Darfur. Vexed issues outstanding in the IGAD negotiations were: power-sharing – including the office of the presidency, the religious status of the national capital and shares in national legislative and executive posts – and the Three Areas. In late May 2004,

John Garang and Vice-President Taha reached agreement on these matters, and the CPA's substantive protocols were recorded by the parties in the "Nairobi Declaration" of 5 June 2004.³⁶⁷ By this time, the IGAD negotiations had become overshadowed by the conflict and humanitarian crisis engulfing Darfur. Two days earlier, the Administrator of USAID warned that at best 300,000 and at worst 1 million Darfuris were likely to die (AFP 2004a). The "Comprehensive Peace Agreement" was only signed on 9 January 2005, after ceasefire arrangements and implementation modalities for the protocols were finalised. Much of delay was attributable to the shift of focus, of the international community and of the Sudan government, towards Darfur.

In early 2004, while wealth-sharing arrangements were being finalised, Khartoum increased the intensity of its counter-offensive in Darfur, and then delayed further negotiations with the SPLM/A in Kenya. Intensive aerial bombardments led to a dramatic rise in refugees fleeing across the border into neighbouring Chad (IRIN 2004). As international attention towards the crisis increased, Vice-President Taha publicly distinguished Darfur's crisis from the IGAD talks. In early January, he told reporters, "What goes on in Darfur does not necessarily have anything to do with what's going on here in Naivasha" (Sengupta 2004). However, weeks later Taha suddenly abandoned the talks in Naivasha, suspending them for three weeks while he undertook the Hajj pilgrimage to Mecca, Saudi Arabia.

Prunier has argued that Taha's Hajj pilgrimage, which could have been undertaken in a mere few days, allowed for senior government deliberations on Darfur during the major counter-offensive (Prunier 2005:111). However, he cites no evidence, and he omits that not only the situation in Darfur, but also the SPLM/A's suspected involvement there, motivated

³⁶⁷ See Government of Sudan and SPLM/A (2005), Ch. II.

Taha's abandonment of the negotiations. My interview with General Sumbeiywo offered important testimony on Taha's reasons. He recalled Taha telling him: "How can I be negotiating with somebody who is supporting people who are fighting us in Darfur?"³⁶⁸ Sumbeiywo subsequently travelled to Khartoum with the Kenyan foreign minister. "I asked Bashir to send Taha back. He said he had tasked Taha with dealing with Darfur, he has no time [to return]. [Taha] made some decisions. Then he went on Hajj." My interview with Kenya's then ambassador to Sudan, present when Sumbeiywo and Kenya's foreign minister met with Taha in Khartoum, helps to corroborate this point. He recalled the vice-president telling Kenya's foreign minister, "If you want me to go back to Nairobi, tell [Garang] to get out of Darfur."³⁶⁹

While Vice-President Taha undertook the Hajj pilgrimage, the government continued its counter-insurgency effort to achieve President Bashir's vow of 'annihilation'. On 9 February 2004, President Bashir triumphantly announced major military operations had ended: the army was now in "full control" of the region (Government of Sudan 2004). Government forces had surrounded Abdul Wahid and it took an SPLM/A rescue mission to ferry him to safety, beginning his long exile from Darfur.³⁷⁰ However, the rebellion continued and expanded into new areas in southern Darfur.

Abdul Wahid travelled to Asmara, where the SLM/A had sought membership in the NDA. He was ambivalent about this step: the SLM/A had misgivings with northern Sudan's historically dominant riverain political class. However, he partly followed Garang's advice: "I was never convinced to be party of the NDA but we did it, first for recognition and

³⁶⁸ Interview, Karen, July 2007.

³⁶⁹ Interview, Elijah Matipo, Khartoum, June 2007.

³⁷⁰ Interview, Abdul Wahid Mohammed al-Nur, Paris, July 2008. See also Flint and de Waal (2008:98).

secondly on the advice of the SPLM/A, that it will empower us as an alliance.”³⁷¹ The SLM/A was admitted into the NDA on 13 February 2004 at its Leadership Council meeting. Khartoum responded furiously. In December 2003, Vice-President Taha had negotiated an accord with the NDA Chairman and DUP leader, al-Mirghani, in Jeddah. Citing the NDA’s admission of the SLM/A, Khartoum now suspended all relations with the NDA.

In mid-April 2004, when Taha again left Naivasha for Khartoum, John Garang travelled to Asmara to meet Abdul Wahid. Sudan’s foreign minister accused the SPLM/A of “negotiating in bad faith,” and added that he had proof that the SPLM/A was actively assisting the rebels in Darfur: “This has been a policy of the SPLA for a long time: to move forward to the north. Then, you weaken the government. The SPLA itself is part of the rebellion in Darfur. They start to train some rebels from Darfur in camps in areas which are controlled by the SPLA and Eritrea” (Voice of America 2004a). The SPLM/A repeated its denial of anything other than moral and political solidarity with the SLM/A.

These developments were being drowned out by concerns raised at the highest level over Darfur’s crisis and efforts to halt the violence. On 7 April 2004, the UN Secretary-General Kofi Annan, in a speech commemorating the tenth anniversary of the Rwandan genocide, spoke of “a deep sense of foreboding” of what was transpiring in Darfur (Annan 2004). A day later, the SLM/A, JEM and the government signed a hurried humanitarian ceasefire in N’Djamena, Chad. It was, in the view of one author, “a rushed agreement, which exists in two versions without an agreed text” (de Waal 2007a:1041). In the spirit of ‘African

³⁷¹ Interview, Paris, July 2008.

solutions to African problems', the nascent African Union took up the call to deploy its second peacekeeping force, where there was little peace to keep.

In the May 2004 IGAD protocols, the SPLM/A did not achieve its demands for a secular national capital and a rotating presidency or a single vice-presidency, nor did the Nuba Mountains and Southern Blue Nile secure full rights to self-determination.³⁷² A year earlier, Garang had said that he "would not sit in Khartoum if *shari'a* is in force. This issue is the litmus test for unity" (International Crisis Group 2003b:9). Now the SPLM/A accepted only substantial limitations on the application of *shari'a* in the capital to non-Muslims. However, the SPLM/A secured a robust First Vice-President office pending presidential elections, the right of self-determination for Abyei (including a referendum on joining the north or south) and considerable autonomy for the Nuba Mountains and Southern Blue Nile prior to a 'popular consultation', albeit vaguely defined, on their constitutional status. Prior to countrywide elections mid-way through the interim period, the SPLM would hold 28 percent of national assembly seats and federal ministries, to the National Congress' 52 percent. It was thus provided with significant opportunities to influence national politics.

After the final protocols were signed, Garang reportedly told a journalist, "This peace agreement was reached, not necessarily because the parties wanted to, but because both parties were forced to ... by a set of pressures" (Voice of America 2004b). Garang explained that the cost of war outweighed that of stopping the war. "So, we stopped the war." 'Negative peace' echoes loudly in Garang's language of rational calculation, sufferance and war termination. The article then repeated the dominant, misleading narrative on the recently 'ended' war: "The Sudan People's [sic] Liberation Army took up

³⁷² See Chapter Four.

arms in 1983 to demand better treatment for southerners, who are predominately black Christians and animists, from the Muslim Arab-controlled government in Khartoum.” It cautioned, “The deal also does not address a separate civil war in Sudan’s western Darfur region.”

CONCLUSION

This chapter has analysed how the politics of negotiating peace leading to the 2005 CPA extended to the early dynamics of armed rebellion in Darfur. By focusing analysis upon the way these two spheres of Sudan’s politics influenced one another, the chapter has offered a distinctively new account of Sudan’s politics during this period. Without underweighting local historical trajectories within Darfur, I have laid emphasis on national dimensions of the trajectory of violence in Darfur. In particular, this chapter has explained the role of the SPLM/A in the critical early period of the Darfur conflict in influencing the scale and political significance of rebellion and how this, in turn, shaped the Khartoum government’s egregious response and the ensuing human catastrophe. What eventuated within the IGAD negotiations cannot be understood without incorporating the simultaneous actions of the two negotiating parties in Darfur.

In the long two years of peace negotiations between mid-2002 and mid-2004, the twenty-year war in ‘southern Sudan’ appeared to have run its course. There was an internationally monitored renewable ceasefire in the Nuba Mountains, and a cessation of hostilities, also internationally monitored, covering southern Sudan. The south secured robust self-determination, freedom from *shari’a*, self-rule, retention of the SPLA as its army, and a healthy share of Sudan’s oil wealth. Southerners also achieved strong presence in national

government, from legislative representation and executive office through to the office of the presidency. Yet throughout this period and afterwards, the SPLM/A's war for its New Sudan – whether in its minimum interim confederal form or encompassing wholesale national change – had continued in earnest. This included a war of words in and around the IGAD negotiations. It also included the war in Darfur, where both negotiating parties were intimately involved.

The SPLM/A already had one eye on developments in Darfur when it signed the Machakos Protocol. It then found opportunity to reassert its longstanding interest in the region through contacts with the nascent Darfur Liberation Front. Garang made use of the IGAD negotiations' delimitation of the 'southern peace process', such as scope of the cessation hostilities agreement, to advance his national objectives through shaping the politics of violence in Darfur. Precisely when Khartoum and peacemakers sought to disaggregate and localise peacemaking for the Three Areas, the Sudan Liberation Movement/Army, under SPLM/A tutelage, reasserted the 'centre-periphery' rather than 'north-south' problem/solution conception of the conflict.

The IGAD negotiations faltered and were increasingly under threat, causing firstly the peacemakers to widen the scope of peace under discussion beyond a deal for the south alone, to better address national concerns and SPLM/A demands. Khartoum, in its effort to contain this wider interpretation of Sudan's war, ultimately granted the SPLM/A more of its southern demands than had been previously countenanced. The SPLM/A came considerably closer to achieving de facto confederal equality than seemed likely or possible when the Machakos Protocol was signed. Garang's influence in Darfur had clear effects on the National Congress' negotiation decisions within IGAD and on how it responded to Darfur.

Employing my analytical schema in this chapter brought focus to how the constitutive ideas of peace were contested through violence in Darfur. I have argued that when examining negotiated peacemaking in intra-state conflict as a political institution embedded within wider politics, the relationship between how the institution and dominant actors circumscribe ideas of peace and the communicative force of ongoing violence perpetrated by these or other actors may be of central importance.

CHAPTER SIX

NEGOTIATING VIOLENCE: DARFUR, KHARTOUM AND THE PEACEMAKERS

“If you take Machakos, and then you take the other five protocols, it tells you how the SPLM managed to bring back [New Sudan] issues to the table. For the National Congress Party, they were just thinking how to solve the issue of southern Sudan. From Machakos to Naivasha, it’s a long way. Doctor John was the reason.”

Walid Hamid, SPLM/A ‘New Sudanist’, Interview, Khartoum, June 2007

“We knew about Garang’s influence [in Darfur] ... [but] the government delegation had manoeuvred itself into a very weak position. They were watching all this, they knew about it, they couldn’t deal with it. They couldn’t even mention it to him.”

Ghazi Salahuddin Atabani, GOS negotiator, Interview, Khartoum, June 2007

“Do you think the CPA [negotiations] had an impact on the Darfur situation, in affecting that at all?”

I don’t see how. Maybe somebody who is more sophisticated than I am would see that, but I don’t.”

Former US Special Envoy on Sudan (2001-04), John Danforth, June 2006³⁷³

INTRODUCTION

The IGAD negotiations institution’s constitutive ideas and its urgency of purpose enabled the SPLM/A’s actions in Darfur by constraining the possible responses of those actors who might have held the SPLM/A to account while it was negotiating peace. Maintaining IGAD’s prioritisation of resolving the ‘southern war’ and the bilateral exclusivity of the negotiations process led both the Sudan government and the peacemakers to downplay and depoliticise the violence in Darfur and depict it as separate and unrelated to the IGAD negotiations. Thus the – *political* – reasons that motivated the SPLM/A to find common cause with the Darfur rebels to challenge the peace being made in IGAD also motivated Khartoum and the peacemakers to avoid acknowledging these politics. The

³⁷³ USIP interview (North 2006a), name withheld. However, the interviewee is described as having been “appointed as President Bush’s Special Envoy for Sudan in September 2001”.

ideational politics of negotiated peace within IGAD shaped Khartoum's unrestrained counter-insurgency and its capitulation in striking a deal more favourable to the SPLM/A, as well as peacemakers' focus on the humanitarian consequences of the violence in Darfur rather than actively urging a comprehensive political solution.

The manner in which the IGAD institution constrained the actions of Khartoum and the peacemakers relates to the power of ideas deployed by the SPLM/A, especially its leader John Garang. Garang, as even his foe Ghazi Salahuddin Atabani admitted,³⁷⁴ was a consummate strategist and tactician, on both the military battlefield and the battlefield of negotiations. The SPLM/A was in material terms weaker than the Sudan government and IGAD's peacemakers. However, as conflict escalated during the IGAD negotiations in 2003 and 2004, Garang employed ideas of peace and methods of violence tactically to shape the behaviour of these actors in ways serving the SPLM/A.

According to the 'New Sudanist' and confidante of John Garang, Yasir Arman, one of Garang's tactics was to surround his enemy but provide a small window of exit, over which he had control. The enemy could escape, but only on his terms.³⁷⁵ This chapter makes the argument that the SPLM/A's actions in supporting rebellion in Darfur from 2002 to 2004 exemplified such a tactic. Khartoum and the peacemakers alike found Garang's involvement in Darfur unutterable because to acknowledge it would require reopening discussion of the constitutive ideas upon which the IGAD negotiations were based and so risking their chief interest: to strike a deal. However, there was an escape: a peace agreement more on the SPLM/A's terms than was tolerated by Khartoum or considered feasible by impatient peacemakers when the negotiations began.

³⁷⁴ See Chapter Three.

³⁷⁵ Interview, Khartoum, September 2008.

There is a strong relationship between how political actors represent or depict social reality in public statements, how they desire to respond to that reality and how they justify their responses. Dominant actors might hold and exercise “naming power” (Bourdieu 1991), but such power is based upon notions of legitimacy and credibility, and thus draws strength from whether other actors acquiesce to or resist dominant constructions. It suited the Sudanese government and international peacemakers to depict violence in Darfur as local and tribal, just as it was helpful to depict the SPLM/A as a southern rebel group and the Nuba Mountains conflict as a separate and local dispute. These depictions legitimated not acknowledging wider interconnected political dimensions and obviated addressing them within the IGAD institution. US officials could not have said of the violence in Darfur: ‘Do not worry, we have no basis to intervene because it is not a tribal conflict over resources, it is only a genocide’. Nor could Sudanese officials have said, ‘Our counter-insurgency is understandably unrestrained because Sudan’s sovereignty is threatened.’ Constructions influence social enabling conditions for policy action.

This chapter first investigates why the Sudan government struggled to directly respond to the SPLM/A’s actions in Darfur in 2003 and early 2004. I utilise new evidence from interviews with two senior government officials privy to government decision-making at the time: the government’s chief negotiator at IGAD until September 2003 and presidential peace advisor, Ghazi Salahuddin Atabani; and a senior negotiator on security arrangements and under-secretary of foreign affairs, Mutrif Siddiq.³⁷⁶ Both were senior officials in the National Congress Party and were involved in top-level decision-making on the IGAD negotiations. Ghazi Salahuddin Atabani led Khartoum’s negotiations until the Nakuru Document crisis. In September 2003, Vice-President Ali Osman Taha replaced him and

³⁷⁶ I supplement this evidence with other interviews and secondary sources.

focused on striking a deal with Garang. When I interviewed him, he remained embittered by his demotion, and forthright in his criticism of Khartoum's decisions in late 2003 and early 2004.³⁷⁷

The chapter then proceeds with an analysis of the response of IGAD's peacemakers to the conflict in Darfur in 2003 and early 2004. Using evidence gathered from official sources and interviews, I interrogate constructions of Darfur's violence by UK and US policymakers, as well the IGAD mediator, and their framing of policy responses throughout 2003 and early 2004. This investigation fills a critical gap in both knowledge and analysis of how international actors responded to Darfur's escalating conflict in the context of the peace negotiations during this early period. Importantly, it is precisely this period, especially late 2003 and early 2004, when mortality rates in Darfur are estimated to have peaked at eight to ten times higher than expected and when the great majority of violence-related deaths occurred (Degomme and Guha-Sapir 2010).

The relevant literature deals only with shortcomings in the international response from late 2003, and focuses on 2004 onwards. Mostly speaking to a policy audience during an ongoing crisis, the emphasis is on forward-looking recommendations. The perilous humanitarian situation and levels of violence dominating policy debate generated analysis on the inadequate aid response and the failure to protect civilians (United Kingdom House of Commons 2005a; Slim 2004; Minear 2005; Rankhumise 2006; Pantuliano and O'Callaghan 2006). There has been some analysis of the international political response to

³⁷⁷ I was unable to interview Vice-President Taha, or Sudan's security chief Salah Abdallah 'Gosh'. As key officials involved in the government's response to rebellion in Darfur, they both faced scrutiny by the International Criminal Court's prosecutor.

Darfur prior to IGAD's June 2004 Nairobi Agreement.³⁷⁸ The central criticism is that in late 2003 and early 2004 Troika and other major foreign governments sequenced securing the IGAD peace deal ahead of exerting pressure on Khartoum over the civilian security situation in Darfur. As early as March 2004, the International Crisis Group censured the international community for its "quiet diplomacy, fearing too much pressure on Khartoum would endanger the IGAD peace talks" (Crisis Group 2004:3; see also, Slim 2004). The then UN Resident and Humanitarian Coordinator in Sudan, Mukesh Kapila, testified to a UK parliamentary inquiry in 2005 that when he raised Darfur in numerous western capitals between October 2003 and January 2004, the clear message was that despite humanitarian concerns, IGAD was the priority (United Kingdom House of Commons 2005b:Ev48-Ev60). In September 2003, he had received a similar message from the UN Under-Secretary-General for Political Affairs.³⁷⁹

Views differ on whether the international community's response merely "dithered over Darfur" (Slim 2004), was decided "by default" due to "timing and feasibility" (de Waal 2007a), was "woefully inadequate" (Crisis Group 2004) or whether there was, as in Mukesh Kapila's estimation, a "conspiracy not to see," a "risk that was morally and ethically wrong, but in any case it backfired" (United Kingdom House of Commons 2005b:Ev57). This chapter's more detailed examination of how peacemakers responded to Darfur's conflict from its outset provides a better understanding of why and how, well into 2004, Troika diplomats prioritised the IGAD negotiations.

³⁷⁸ See: UK House of Commons (2005a); Slim (2004); Lunn (2006); de Waal (2007a) Srinivasan (2006). See also Prunier (2005:88-91) and Flint (2005).

³⁷⁹ Telephone interview, Mukesh Kapila, July 2006. See also Srinivasan (2006).

1. BETWEEN A ROCK AND HARD PLACE: KHARTOUM'S BIND WITH GARANG AND DARFUR

Chapter Five examined Khartoum's knowledge of SPLM/A involvement in Darfur. Senior government officials claimed extensive knowledge of the SPLM/A's support to the SLM/A for most of 2003 and 2004. Only occasionally, and at critical junctures – such as the El Fasher attack and the Nakuru Document crisis – did some senior government officials rebuke the SPLM/A and make their knowledge public to Sudanese audiences. In this section, I examine how it happened that the government did not directly accuse the SPLM/A within the negotiations institution, why Khartoum was constrained from so doing, and how this then shaped Khartoum's actions in Darfur and in the negotiations. The analysis focuses on how violence in Darfur was labelled – the representations of its political significance – related closely to Khartoum's vested interests in delimiting the territory of negotiable peace in IGAD.

The significance that Khartoum attributed to the SPLM/A's involvement in Darfur bears upon how we understand the government's response. Government interviewees afforded substantial significance to the SPLM/A's role. Mutrif Siddiq assessed the SLM/A's inheritance from the SPLM/A: "I think they [the SLM/A] have the broad planning, which is very important, they have the political coaching and they have the limited supply of arms and ammunitions. But the main idea of rebellion, through certain factions, maybe it is led and instructed by SPLM."³⁸⁰ Ghazi Salahuddin Atabani considered that the SPLM/A's involvement "was very significant. I mean he deployed all his resources and his people...

³⁸⁰ Interview, Khartoum, June 2007.

And they did a good job. The [Darfur rebel groups] were introduced to the regional powers, and to the international powers.”³⁸¹

Khartoum’s response depended upon how it understood the SPLM/A’s intentions. Khartoum interpreted the SPLM/A’s motivations in Darfur through its construction of New Sudan as either strategy and tactics to advance southern interests, or Garang’s bellicose ambition for a national African alliance to topple the government.³⁸² Reflecting on SPLM/A activities in Darfur, Mutrif Siddiq argued Garang was “taking [Darfur] as leverage against the government.”³⁸³ Ghazi Salahuddin Atabani reckoned that Garang “never lost track of the fact that in order to weaken and to raze the defences to the ground in the north he had to attack from all fronts.”³⁸⁴

At the same time, the SPLM/A’s actions in Darfur were also interpreted as fitting with Garang’s national ambitions. Ghazi opined, “Obviously in my opinion he was heading for a grand coalition, and which still hovers in the minds of the SPLM leaders, and Darfur was crucial for that alliance.”³⁸⁵ Mutrif believed the SPLM/A’s foray in Darfur was “part of the political manoeuvring of the movement ... a medium term plan of building support [in the north]. The anticipated alliance around John Garang will be of the peripheries. Why have they created the story of Arabs versus non-Arabs in Darfur? Because they want to use non-Arabs to support SPLM.”³⁸⁶ It is striking that Mutrif attributed this ‘story’ to the SPLM/A’s hand. It both reinforces that Khartoum acted with this apprehension in mind but also is

³⁸¹ Interview, Khartoum, June 2007.

³⁸² See Chapter Three.

³⁸³ Interview, Khartoum, June 2007.

³⁸⁴ Interview, Khartoum, June 2007.

³⁸⁵ Interview, Khartoum, June 2007.

³⁸⁶ Interview, Khartoum, June 2007.

crudely dismissive of ethnic polarisation in Darfuri politics during many previous decades, in which Khartoum's policies were clearly implicated.

Mutrif admitted the role of identity constructions in political strategy, yet this applied equally to his government. Khartoum's latitude to respond politically to the SPLM/A's actions – which it considered significant and either aimed at advancing southern priorities or Garang's wider national agenda – was constrained by its own depoliticisation of the violence in Darfur and by how it had sought to construct the limits of IGAD peacemaking and depict its war with the SPLM/A.

In the first half of 2003, precisely when SPLM/A involvement in Darfur was most significant and Khartoum was balking at SPLM/A demands in the IGAD and Three Areas negotiations, the government avoided lending political significance to violence in Darfur and instead characterised the violence as criminality. A brief review of government statements reported by the press in 2003 is indicative: in late February 2003, after the El Fasher conference failure and the DLF's attack on Golo, reports of a rebel group were labelled an "exaggeration ... These are not rebels but bandits" with no political agenda (IRIN 2003d); in March, despite the SLM/A's Political Declaration, they were dubbed "armed criminal gangs" (AFP 2003o), and "gangsters" and "highwaymen" (AFP 2003j); after the El Fasher attack on 25 April, they were called an "armed group of outlaws" (AFP 2003n); and in May, according to Vice-President Taha, "outlaws planning to create a political row" (AFP 2003h).

The government's statements on external involvement in the violence were thus rendered less plausible. When, in late July 2003 during the Nakuru Document crisis, Vice-President Taha charged Garang with conducting "a war by proxy" (AP 2003c), the SPLM/A had little to fear. The SPLM/A knew Khartoum's inconsistent depictions of violence in Darfur

offered a provocative defence against its accusations. Garang, in an interview with the London Arabic daily *Al-Sharq al-Awsat*, published in mid-August 2003, revelled in this:

“The strange thing is that whenever the government is asked about [Darfur] it answers that it is an issue of armed plunder. If so, how could the government claim that the SPLM and others are helping the Darfur Movement while it does not even know its political content? The government must first define the matter clearly instead of insisting that it is a question of armed plunder. And if it is, what has the SPLM got to do with armed plunder?” (Ahmad 2003)

Khartoum’s depiction of the violence in Darfur constrained its possible behaviour *vis-à-vis* the SPLM/A and IGAD. As Garang plainly stated, Khartoum could only credibly accuse the SPLM/A if it acknowledged the “political content” of rebels’ demands in Darfur. To do so was to afford credence to the SPLM/A’s insistence for two decades, most recently after the SLM/A released its manifesto in March 2003 which the SPLM/A helped to write, that the “Southern Problem” “really is a Sudan problem” and that the SPLM/A was indeed a national movement. Such acknowledgement would also squarely undermine Khartoum’s negotiating positions on the Three Areas, power-sharing and the national capital. In mid-2003, with the SPLM/A reinvigorating alliances with the northern opposition, and the IGAD mediation team – having ‘consulted widely’ in Sudan – lending support to key SPLM/A demands including on the Three Areas, the government faced growing threats in northern Sudan that could not be divorced from developments in Darfur.

The reflections of senior government interviewees show how the SPLM/A’s political ‘leverage’ did not merely come from supporting growing military pressure on the government in Darfur. The SPLM/A was empowered by the government’s unutterable knowledge of its involvement in Darfur. Importantly, Khartoum’s public accusations against the SPLM/A were not made within the IGAD negotiations, to the peacemakers or even directly to Garang. Even an accusation of opportunistic war mongering was foreclosed

by the consequences of doing so for IGAD's constitutive ideas of 'war' and 'peace' to which Khartoum was wedded.

Judging that everyone, including the peacemakers, had some knowledge of the SPLM/A's activities, Ghazi Salahuddin Atabani insisted, "And Garang was not hiding it either, he was using it. And that was fair, since we are not agreed, 'I can use whatever tactic I want.'" I asked him, what about the cessation of hostilities? "Only in the south."³⁸⁷ This was, as Chapter Five explained, what President Bashir had insisted in October 2002 when NDA forces led by the SPLM/A advanced in eastern Sudan. Mutrif Siddiq elaborated on this, when I asked him why his government did not seek to have SPLM/A assistance to the SLM/A addressed under the cessation of hostilities modalities: "[The SPLM/A] were denying it and, yes, we didn't want to give them political leverage. This is maybe one of the causes why we didn't want to mix the issue of Darfur with the SPLM publicly. But in confidence we were talking to them."³⁸⁸ He recalled raising the issue repeatedly but only privately with his SPLM/A counterparts, who pointed out that there was not yet a permanent ceasefire.

As Darfur's conflict escalated rapidly in 2003, the government decided to thwart Garang's intentions, by conceding to more of the SPLM/A's demands for the south than it previously countenanced. Ghazi Atabani considered that the SPLM/A's activities in Darfur had cornered Khartoum's decision-makers:

"We knew about Garang's influence [in Darfur] but our people were focused on the [IGAD] negotiations and their attitude was, 'OK this is understandable, he still hasn't got a deal. But once he gets a deal he will give up on Darfur.' So it was a dismissive attitude. Which was wrong. I think our people, after Machakos, they negotiated a very bad agreement. ... The government knew everything ... [but] the

³⁸⁷ Interview, Khartoum, June 2007.

³⁸⁸ Interview, Khartoum, June 2007.

government delegation had manoeuvred itself into a very weak position. They were watching all this, they knew about it, they couldn't deal with it. They couldn't even mention it to him. They had manoeuvred themselves into a position in which they had no choice: there was only one track, just to sign the CPA.”³⁸⁹

Indeed, Garang had checkmated the government. As Chapter Five explained in detail, between the Machakos Protocol of July 2002 and the Naivasha Protocols recorded in the June 2004 Nairobi Agreement, the SPLM/A succeeded in securing significant aspects of its ‘Minimum New Sudan’ agenda and *de facto* confederation. When, in January 2004, Vice-President Taha abandoned the talks and complained to General Sumbeiywo and Kenya’s foreign minister that he would not return to Naivasha until Garang stopped supporting the rebellion in Darfur, he had in fact little choice but to return sooner or later and conclude an agreement.

Over the course of 2003, Darfur’s conflict rapidly escalated and had also slipped out of any single protagonist’s hands, and certainly the SPLM/A’s. Many factors, such as the rise of JEM and Chadian influences, caused this, but a driving force was Khartoum’s counter-insurgency strategy of arming proxy militias. It is arguable that Khartoum’s bind in dealing politically with the SPLM/A’s involvement in Darfur played some role in its hard-line response. One of the wars Khartoum was fighting in Darfur was against New Sudan, a war which it insisted had to be kept off the table at IGAD. I asked Mutrif Siddiq whether knowledge of SPLM/A involvement influenced Khartoum’s policy on Darfur. He was at pains to stress he was not involved in Khartoum’s Darfur policy, no doubt given the International Criminal Court’s investigations.³⁹⁰ But he added:

³⁸⁹ Interview, Khartoum, June 2007.

³⁹⁰ Pursuant to UN Security Council Resolution 1593 of 31 March 2005, the “situation in Darfur” was referred to the ICC for investigation and prosecution of international crimes committed after 1 July 2002. In June 2007, the same month of my interview, the ICC had requested the Sudan government to extradite two suspects, including the former state minister for the interior, Ahmed Harun.

“Definitely it has an impact. Because as I told you, the design of John Garang is not a stupid thing, he is posing himself as a real competitor to rally behind him all the so-called marginalised people to reach the Presidency and to consolidate his position in southern Sudan. Because controlling the centre means that you are controlling the whole of Sudan and you can do more. So this is the design, and I’m quite sure with this understanding and knowledge and with the involvement of the SPLM in Darfur it had an impact on the response of the government.”³⁹¹

This conclusion seems self-evident. Given knowledge of SPLM/A involvement in Darfur, and the fear of Garang reasserting his New Sudan agenda while Khartoum was under international pressure to negotiate a peace deal, Khartoum’s apprehensions were high and its options were few. The military option, including arming proxy ethnic militias, was the most tried and tested.³⁹²

This analysis has demonstrated that the battle over the meaning of peace in the IGAD negotiations constrained and enabled Khartoum’s response to the SPLM/A’s actions in Darfur. Directly acknowledging the significance of SPLM/A involvement in Darfur would have given Garang greater leverage in the negotiations by admitting a shift in the military balance. Worse, such an acknowledgement would have meant a tacit retreat from Khartoum’s successful characterisation within IGAD of its ‘southern war’ with ‘southern rebels’, precisely at a time when Garang was pushing his New Sudan programme, including in Three Areas negotiations, and galvanising northern opposition support. Even though Khartoum on occasion publicly accused the SPLM/A of ‘meddling’ in Darfur, it could not formally protest violations of the cessation of hostilities memorandum, because to do so would be to depart from its insistence on the memorandum and IGAD’s strict ‘southern’ mandate. Garang acted with a clear understanding of all these dynamics in mind. Khartoum’s ‘escape’ was to deliver to Garang a deal more upon his terms.

³⁹¹ Interview, Khartoum, June 2007.

³⁹² See Johnson (2006) and Prunier (2008) for analyses of continuities in Khartoum’s counter-insurgency strategies between its wars with the SPLM/A and in Darfur.

2. PEACEMAKERS' RESPONSES TO DARFUR

The ideas of peace that the IGAD negotiations institution had fixed upon and in which peacemakers were invested explain their policy behaviour towards Darfur in 2003 and early 2004. The detailed analysis of UK and US responses to Darfur in this section reveals divergences between actual knowledge, public representations and policy decisions. The sequential approach to peacemaking was instituted within IGAD's logic long before Darfur erupted, and it now led peacemakers to downplay, depoliticise and often stay silent on Darfur, whilst talking up the benefits of IGAD. When they were concerned that Darfur might adversely affect the IGAD talks, peacemakers represented Darfur as wholly separate and local. However, when a response to Darfur seemed necessary, the contradictory argument was made that a future IGAD peace deal was the best way forward for all of Sudan's woes, including those engulfing Darfur.

This section examines the important question of the extent to which peacemakers knew from some time in 2003 onwards of the SPLM/A's support to the Darfur rebellion, and argues that such knowledge was held. This directly linked the IGAD negotiations to the conflict in Darfur and contradicted public statements to the contrary, yet peacemakers still maintained prioritisation of IGAD as the best answer to Sudan's ills. While Darfur's conflict rapidly worsened, peacemakers, eager to secure a peace agreement between the SPLM/A and the government of Sudan, held fast to the belief that an agreement reached between the SPLM/A and Khartoum on the 'north-south' war was legitimately the first priority.

2.a The UK government's response to Darfur in the first half of 2003

Darfur featured much more in policy debates in London than in Washington in 2003. The UK's historical ties to northern Sudan and its significant diplomatic presence in Khartoum

contrasted with Washington's skeletal diplomatic presence since 1996 and the domestic American focus on southern Sudan. In London, government ministers regularly fielded questions in parliament, providing evidence of depictions of the conflict and the framing of policy. In the proceeding analysis, this evidence is contrasted with internal cables and memoranda sent by diplomats in Khartoum and the UK Special Representative to London between March and July 2003, obtained by the author pursuant to a request made under Freedom of Information legislation.

The UK's secretary for international development, in his testimony to the House of Commons committee's Darfur inquiry in 2005, defended the peacemakers' sequenced approach as "right and proper" while admitting that, with hindsight, he could have spoken "louder and earlier about Darfur" (United Kingdom House of Commons 2005a). Yet from early in 2003, the sought-after IGAD agreement was optimistically prioritised and Darfur downplayed, in spite of full knowledge of the political significance of Darfur's conflict and concerns over its wider political consequences.

As shown below, in the first half of 2003, how UK officials publicly depicted the violence and how the UK government framed its response was at odds with the British government's knowledge and analysis, as revealed by internal foreign office communications. Privately, the conflict was recognised as substantially political and involving the state and national dimensions. The fear was that Darfur's violence might threaten the precarious IGAD negotiations, given the growing political ambitions of the Darfur rebels, the pressure this placed on Khartoum and the utility of this pressure for the SPLM/A. The public response was contradictory, but with reason. On the one hand the violence in Darfur was characterised as only local, resource-based and "tribal", thus not admitting the political dimensions of the rebellion that would draw the situation closer to the IGAD negotiations.

On the other hand, when pressed, the prioritisation of the IGAD negotiations was often framed publicly as the best way to address Darfur's woes because they had national political dimensions. The outcome of peace would save Darfur, but Darfur's violence was a local matter that should not trouble the negotiations.

With Darfur's history of violence and the already established depictions of inter-tribal resource-based clashes, it is not surprising that the new developments in 2003 were initially interpreted along these lines. However, as Darfur's conflict revealed national political dimensions in the first half of 2003, UK government pronouncements conversely increased the emphasis on ethnic, resource and 'tribal' explanations. Descriptions of the violence in 2003 began with "unconfirmed reports of tribal conflict" in January (United Kingdom House of Lords 2003c). In early March 2003, the government was asked in the House of Commons "whether *rebel groups* have seized the town of Gulu in Darfur" (emphasis added) (United Kingdom House of Commons 2003c). A foreign office minister gave a written answer:

"Historically there have been clashes between *armed* groups in Darfur over access to land and water; there are also long-standing claims of insufficient development in the region. Recently these issues have come to a head. The frequency of clashes has increased and Government forces have also become involved. The town of Gulu was taken by armed fighters three weeks ago. The town has since returned to the control of the Government." (emphasis added) (United Kingdom House of Commons 2003c)

Within weeks, in March 2003, the DLF, now renamed the SLM/A, released its political declaration, and the SPLM/A publicised its solidarity with the rebellion and linked Darfur to its New Sudan agenda. Yet on 5 April, when the same UK foreign office minister was asked to "make a statement on the Arab-African conflict in Darfur" he answered:

"Historically there have been clashes between *tribal* groups in Darfur over access to land and water. There are also long-standing claims of insufficient development in the region. Recently the frequency of clashes has increased and Government forces

have also become involved.” (emphasis added) (United Kingdom House of Commons 2003b)

While the DLF had raised its political profile (under SPLM/A tutelage) as the SLM/A, the minister, changing only a few words from a month before, preferred to use the phrase “tribal groups” rather than “armed groups,” to dispel any ideas of organized political rebellion.

Yet characterising the violence as local and ethnic publicly conflicted with informed political analysis and descriptions in contemporaneous internal communications by British diplomats. The UK Special Representative regularly sent memoranda to permanent secretaries in the Department for International Development (DFID) reporting progress on the IGAD talks, and he raised the concern of Darfur’s political fallout for the negotiations. On 24 March 2003 he reported: “Separately, *inter-tribal fighting* in Darfur has intensified. The SPLM, though not directly involved, are hoping this will increase the pressure on the [Government of Sudan] to make concessions” (emphasis added) (Goulty 2003b). Two weeks later, on 8 April the characterisation of “inter-tribal fighting” was revised. The Special Representative now reported: “Meanwhile instability in Darfur has spawned a *political movement* calling for a *change in the national government*. Political leaders both inside and outside Sudan are trying to exploit the insecurity to further their own agenda. Khartoum appears to be planning a military response ... Though the SPLM are not directly involved, there is clearly a risk that developments in Darfur will affect the peace process” (emphasis added) (Goulty 2003a).

The Special Representative noted the UK ambassador in Khartoum’s analysis contained in a cable sent on 7 April 2003. In the cable, the ambassador reported:

“What started as a defensive reaction to attacks by armed Arab tribes (probably supported by Government elements in Khartoum) ... has now developed into a political movement (the Sudanese Liberation Movement – SLM). ... The SLM’s

adoption of a political agenda has hardened positions ... the [government's] moderate camp, personified by the Governor of North Darfur, General Ibrahim Suliman, has been sidelined and [Khartoum] seems intent on pursuing a military solution. There are reported troop deployments ... a protracted military campaign and exacerbation of an already desperate humanitarian situation is in prospect.” (Patey 2003a)³⁹³

In the following weeks, presidents Bashir and Deby declared a united front against the rebellion, the Sudanese airforce was readied and then the 25 April attack on El Fasher airport occurred. Some Sudanese officials, including the North Darfur Governor, accused the SPLM/A of being involved. Yet, publicly, UK government descriptions of the conflict in May 2003 further toned down the political elements of the conflict. In a parliamentary debate on Sudan on 13 May 2003, foreign office minister Mike O'Brien described Darfur's violence as the result of “administrative changes, drought and land access” that have “fuelled ethnic conflicts and insecurity” (United Kingdom Foreign and Commonwealth Office 2003).

Public characterisations were intentionally selective. Choices were made to depoliticise and downplay the conflict, despite departmental knowledge to the contrary from internal communications. Public statements did not have a provenance independent of the internal communications. Rather, civil servants in London digested internal communications sent from Sudan and assisted ministers in preparing written answers to parliamentary questions and public speeches.³⁹⁴ For example, the foreign office minister's speech on 13 May 2003

³⁹³ Obtained from UK Foreign Office pursuant to a freedom of information request. Cable signed “PATEY”. William Patey was the British Ambassador to Sudan.

³⁹⁴ Civil servants draft answers in furtherance of ministerial accountability. The November 2005 UK Cabinet Office guidance note – after quoting the *Ministerial Code* that “Ministers should be as open as possible with Parliament and the public,” subject only to public interest exceptions – advises of the civil servant's related responsibility to Ministers: “Ministers want to explain and present Government policy and actions in a positive light. Ministers will rightly expect a draft answer that does full justice to the Government's position” (United Kingdom House of Commons 2005c: Appendix I). However, the civil servant should, “Approach every question predisposed to give relevant information fully.” Chilton (2004:92-109) analyses political discourse contained in parliamentary questions and answers in the UK.

talked only of “ethnic conflicts and insecurity” and included the phrase “All sides should know from bitter experience that a military solution is not in prospect” (United Kingdom Foreign and Commonwealth Office 2003). This phrase was lifted verbatim from a cable sent by the ambassador in Khartoum in late April (Patey 2003c).³⁹⁵ Similarly, on 22 May, trade minister Baroness Symons described the violence in Darfur to the House of Lords as “complex, with unresolved inter-Arab disputes and Arab-African ethnic clashes” (United Kingdom House of Lords 2003d). Again, this phrase appeared verbatim in the same cable sent by the British ambassador.

However, in stark contrast to the phrases lifted from the ambassador’s cable, the rest of his cable concentrates on depictions of an unfolding war involving the army and the state. The summary heading the cable reads “Major SLM assault on al-Fashir. SLM have support from within the army. Local protests against SLM” (Patey 2003c). The destruction of aircraft is reported, as are the SLM/A’s political demands, and signs of a major government army response. The ambassador concludes: “The SLM have managed to send a very clear message and raise the profile of Darfur” (Patey 2003c). However, in London, civil servants were helping government ministers to ensure Darfur’s profile was not raised too much or in an inconvenient way.

Why would depictions of the political content and scale of the growing conflict in Darfur be worth downplaying and omitting when managing ministerial accountability in London? Government officials had prioritised the IGAD negotiations and were concerned that a political reading of the Darfur conflict might lead to calls for shifts in policy that would jeopardise the ‘north-south’ talks. As noted above, the Special Representative’s memoranda

³⁹⁵ Obtained from UK Foreign Office pursuant to a freedom of information request; partly redacted.

raised Darfur as a potential threat to the IGAD talks. A cable sent on 29 April 2003 from the British embassy in Khartoum also advised: “It seems likely that the SLM are seeking to ensure that Machakos and peace does not pass them by. Darfurians do not believe that an agreement in Machakos will have any effect on them, it is seen as a deal between the [National Congress] and the South” (Anonymous 2003).³⁹⁶ Yet this was the idea of peace that IGAD’s peacemakers had pursued. The SLM/A was described as politically immature. However, the raised political stakes were clearly emphasised. These issues were omitted from the UK government’s public statements. It was only in October 2003, after the Abéché ceasefire was signed, that the UK government named the SLM/A in parliament.

The government’s policy for how it would respond to Darfur was established early on, during the 2002 Machakos negotiations, and it accorded with the sequential approach adopted within IGAD: solve the ‘southern war’ first. This policy did not significantly change when, in 2003, the Darfur situation rapidly worsened. British civil society demands for greater action on Darfur received a treatment similar to that of the northern opposition. From mid-2002 onwards, UK-based Sudanese advocacy groups – especially the Darfur Monitoring Group (DMG)³⁹⁷ and the Sudanese Organisation Against Torture – as well as Amnesty International built a concerted advocacy effort that included briefing members of parliament and lobbying government officials.³⁹⁸ In his encounters with the UK Special Representative in May and June 2002, DMG’s Abdellatif Ismael recalled being told that Darfur’s violence was owed to an ongoing resource scarcity problem – “the carrying

³⁹⁶ Obtained from UK Foreign Office pursuant to a freedom of information request, the author’s name was redacted.

³⁹⁷ Fur Diaspora in London formed DMG in April 2002, alerting international actors to “ethnic cleansing” in Fur areas: DMG (2002). Abdellatif Ismael led DMG, and was in regular with the DLF. In 2003, Zaghawa and Masalit representatives joined DMG.

³⁹⁸ Interviews, London, July 2006: Amnesty International researchers (names withheld on request); Abdellatif Ismael, DMG. See also Srinivasan (2006).

capacity of the land.”³⁹⁹ Abdellatif insisted that the government was involved, it was “ethnic cleansing,” but he recalled the response was, “If the war in the south was solved all would be ok.”

In mid-2002, DMG’s advocacy may have seemed alarmist and biased. However, the UK government message to human rights advocates was the same in 2003, though the rebellion and the violence had rapidly grown. In early 2003, Amnesty International was alarmed after visiting Darfur as part of its first delegation to Sudan in over ten years. Its demands for national and then international commissions of inquiry into Darfur received little attention, and western diplomats saw excessive advocacy on Darfur as a “peace spoiler”.⁴⁰⁰ According to an Amnesty International researcher covering Sudan, when she met with UK foreign office officials including the Special Representative in July 2003 to raise concerns over mounting reports of killings and attacks on villages in Darfur, she was told that those trying to push Darfur to the forefront could be responsible for jeopardizing the north-south peace deal, and that Darfur would be dealt with after the peace was signed.⁴⁰¹

London’s public framing of its policy response in 2003 jarred with its characterisations of the violence. Though the violence was depicted as local, UK officials considered its causes were best addressed over time by the high-level negotiations in Kenya to which these local Darfuri groups were uninvited. The trade minister, Baroness Symons, who in late May 2003 referred only to “unresolved inter-Arab disputes and Arab-African ethnic clashes,” and not an anti-government rebellion, assured the House of Lords in early June, “We expect the comprehensive peace agreement being negotiated in Kenya to cover the whole of

³⁹⁹ Interview, London, July 2006.

⁴⁰⁰ See Amnesty International (2003b; 2003a; 2003c); see also Srinivasan (2006).

⁴⁰¹ Interview, London, July 2006 (name withheld on request).

Sudan, including Darfur” (United Kingdom House of Lords 2003b). Yet days before she had to explain that the Verification and Monitoring Team could not investigate violence in Darfur, because the cessation of hostilities memorandum between Khartoum and the SPLM/A did “not extend to the conflict in Darfur” (United Kingdom House of Lords 2003a). Similarly, in July, the House of Commons was told that, “In the longer term” the “arrangements being discussed at the peace talks in Machakos offer the best prospects of addressing the problems in Darfur” (United Kingdom House of Commons 2003a).

Whether or not a future IGAD settlement could or would help resolve conflict in Darfur, UK diplomats did consider that the lack of such a settlement might be making Darfur worse. In late May 2003, the British ambassador in Khartoum reported by cable a meeting with a senior Sudan government negotiator (Patey 2003d).⁴⁰² The negotiator considered “the delay in reaching an agreement [with the SPLM/A] had been a contributory factor to events in Darfur. The feeling of being left out had aroused feelings there and elsewhere in the country.” The British ambassador noted that Khartoum “believed they were offering a good deal to the SPLM. There was little scope for concessions beyond what was already on the table. If the SPLM were assuming they could simply hold out for more this would be a mistake” (Patey 2003d). As Chapter Five showed, the SPLM/A were indeed holding out for more, and they would benefit considerably by doing so. This was precisely because peacemakers and the Sudan government were eager to swiftly conclude the IGAD negotiations, and Darfur was making their urgency all the more acute.

The UK government dealt with the escalating violence in Darfur in 2003 as a humanitarian issue. As early as April, the UK secretary for international development raised

⁴⁰² Obtained from UK Foreign Office pursuant to a freedom of information request. Name of Sudan government official redacted.

humanitarian access issues with Vice-President Taha. Similarly, the UK special representative discussed humanitarian concerns in Darfur with Taha in Khartoum in mid-June. The UK government led diplomatic efforts to increase humanitarian access in Darfur through the rest of 2003. However, the prioritisation of the fitful IGAD negotiations persisted and blocked any meaningful political response to the conflict.

2.b The US government response to Darfur in 2003 and early 2004

In stark contrast to the carefully crafted public responses to questioning parliamentarians in London, a review of governmental records in the US reveals that very little attention was paid to Darfur in 2003. According to the Congressional Record,⁴⁰³ “Darfur” was not mentioned once in Congress in 2003, while “Darfur” was mentioned in 201 separate items in 2004.⁴⁰⁴ This was not simply because all attention was on Iraq after the invasion in March 2003 by US and allied forces. Sudan – and precisely, the IGAD negotiations – remained a US government priority. Indeed the Bush administration had linked democratic transformation in Sudan to its Middle East strategy.⁴⁰⁵ In May 2003, the assistant secretary of state for African affairs testified to a Congress committee that the “senior most leadership in this Administration is committed to seeing this peace deal come through, and that would include both Secretary [of State] Powell and President Bush” (United States House of Representatives 2003:15). The secretary of state visited Naivasha in October 2003, and President Bush called President Bashir and John Garang in November.

⁴⁰³ The Congressional Record is the official record of daily proceedings and debates of the US Congress. See: <http://www.gpoaccess.gov/crecord/about.html>.

⁴⁰⁴ Any statement made on the floor of either house or a remark accepted officially into the record.

⁴⁰⁵ See Chapter Three.

The US State Department's sole public statement mentioning "Darfur" in 2003 was on 16 December (Boucher 2003).⁴⁰⁶ The words "war", "conflict" or "rebellion" were not employed, and the rebel groups were not named. Politics was carefully downplayed: Washington was "deeply concerned with the rapidly deteriorating humanitarian and security situation," caused by "hostilities" in Darfur between "indigenous opposition groups" and "the Sudanese Armed Forces and its allied militias." The State Department emphasised that "the fighting in Darfur is not linked to the ongoing peace talks between the Government of Sudan and the Sudan People's Liberation Movement/Army in Kenya" (Boucher 2003).

US government officials were of course aware of the unfolding conflict in 2003. The silence of the State Department contrasts with acknowledgments by aid officials charged with humanitarian responsibilities. In May 2003, in testimony to the US Congress' House Committee on International Relations, USAID Assistant Administrator Roger Winter noted that longstanding political grievances had "erupted into armed opposition against the Government in February [2003]" (Winter 2003; United States House of Representatives 2003:26). USAID humanitarian Situation Reports⁴⁰⁷ in May, August and November 2003, referred to the "rebellion against the government" in Darfur, acknowledging the SLM/A by name in August. These reports, however, were only circulated in the aid community and they did not threaten the State Department's public silence on Darfur. Humanitarian access to Darfur was prioritised over a political response to the conflict. Roger Winter travelled to Darfur in late August, and again in October 2003 with USAID chief Andrew Natsios, pressing rebel and government leaders on humanitarian access.

⁴⁰⁶ Another statement in April 2003 referring only to "western Sudan" is discussed below.

⁴⁰⁷ These reports are explained in Chapter Two.

With little discussion of Darfur in Washington in 2003, the US Congress did not publicly ask questions of the US administration. Congress only seized upon Darfur well into 2004. Yet before the violence could be considered as a war with political antagonists and agendas, debate over “genocide” took centre stage. Much had to do with timing. Darfur was first mentioned in Congress on 30 March 2004 and then only in the context of Khartoum’s alleged intransigence in not concluding the IGAD peace agreement. Senator Russ Feingold quoted the passage of the State Department’s December 2003 statement that de-linked Darfur from the IGAD talks and said: “I am among many observers who fear that this sentence was interpreted in Khartoum as a signal that the disincentives articulated by the US in the context of the peace talks will not be applied because of abuses in Darfur” (United States Senate 2004). The Senator “respect[ed] the fact that delicate diplomacy is ongoing” but argued that Khartoum’s action in Darfur was inexcusable and “was undermining the Naivasha peace process.”

Only three days later, on 2 April 2004, the second mention of “Darfur” in Congress since the beginning of 2003 was by Frank Wolf in the House of Representatives. He asked: “Is genocide happening again? As the world waits and watches, the people of the Darfur region in Sudan are being wiped out” (United States House of Representatives 2004). On 7 April, the UN Secretary-General Kofi Annan, in a speech commemorating the tenth anniversary of the Rwandan genocide, spoke of “a deep sense of foreboding” of what was transpiring in Darfur (Annan 2004). The violence in Darfur rapidly became a focus of urgent attention in its own right, and the events in 2003 that preceded what both houses of Congress would soon resolve in July 2004 was a “genocide” were ignored.

For the Troika peacemakers, an impatient optimism for concluding the IGAD negotiations operated throughout 2003, and the focus was upon “getting to yes” (Fisher, Ury, and Patton

1999). For example, in May 2003, despite negligible progress on substantive issues and soon after the El Fasher attack, the US assistant secretary of state testified to Congress that this was “the end game,” the “final weeks of the negotiations” (United States House of Representatives 2003:10-11). He had met with Vice-President Taha in London days before, who told him he was anxious for an agreement and “normalizing relations with the region and with the US” (United States House of Representatives 2003:10). This had been the deal struck between Washington and Khartoum, a peace deal and counter-terrorism cooperation in return for normalisation of diplomatic relations. Darfur subsequently put paid to this bargain, albeit Khartoum delivered on ‘peace’ with the SPLM/A.

The optimistic prioritisation of IGAD and de-linking and sequencing of Darfur during 2003 had support among prominent analysts who regularly had the ear of policymakers. Justice Africa, headed by the influential US-based Sudan analyst Alex de Waal, reported almost bi-monthly in its “Prospects for Peace in Sudan” briefings. As early as November 2002, Justice Africa addressed insecurity in Darfur, but advised, “it should not be on the agenda of the Machakos talks” (Justice Africa 2002a). In March 2003, with an IGAD peace deal hanging “in the balance” it considered Darfur’s deterioration “a sideshow to the IGAD talks,” though these talks had to deliver a “fully representative political process in Sudan” (Justice Africa 2003a). In May 2003, after the El Fasher attack, Justice Africa still believed a final IGAD agreement possible by 30 June “with a big push,” and advised on Darfur: “The best approach to Darfur is to achieve a peace settlement for the South” (Justice Africa 2003b). In November-December 2003, as Darfur’s crisis accelerated though Taha and Garang were now engaged in face-to-face talks, Justice Africa affirmed that linking Darfur to the IGAD talks would be “an unnecessary complication” (Justice Africa 2003c).

The IGAD process had limited the choices available for its international backers: the negotiations needed all support possible just to stay the course, especially as conflict escalated after Machakos and negotiations over the Three Areas stalled, yet the exclusivity and prioritisation of those same negotiations undermined a political response to Darfur. In response to pressure to act more decisively on Darfur, the ambassador of one Western country stated in a closed-door meeting in June 2004 words to the following effect: “Everyone wants regime change. This peace process is the best chance of such change in the last 15 years, for the benefit of all Sudan. Put too much pressure on the government and either they will walk away or their hardliners will kick out the moderates, and we will be waiting another 15 years.”⁴⁰⁸

3. PEACEMAKERS’ RESPONSE TO THE SPLM/A’S INVOLVEMENT IN DARFUR

After the signing of the substantive IGAD protocols in Naivasha in May 2004, a senior State Department official, Charles Snyder, observed, “[o]ne of the things that happened during [the IGAD negotiations] is it stopped being a civil war and started to become a political negotiation because [the parties] could see peace ... If I can build allies in the north, my position in the south is enhanced, multiplied” (US Department of State 2004). Through direct and ongoing SPLM/A support to rebel groups in Darfur, Garang demonstrated he was building alliances with enemies of his new ‘peace partners’ and relied on the persuasiveness of violence such that the civil war in no way abruptly stopped. Did US officials, some of whom like Roger Winter were on personal terms with Garang, not know this?

⁴⁰⁸ Author’s notes, meeting, Khartoum, June 2004.

Charles Snyder's briefing to the US Senate Committee on Foreign Relations three weeks later in June 2004 suggest they did not:

“The emergence of armed opposition in Darfur has profoundly shaken the [Government of Sudan] because it poses, in many respects, a greater threat than the activities of the SPLM in the south. The SPLM has never threatened the north militarily; *it is a southern movement*. Support for the JEM and SLM, however, comes from within the predominantly Muslim population of Darfur; radical Muslim cleric Turabi has links to the JEM ... A successful insurgency in Darfur would fuel potential insurgencies in other parts of the north. This, I believe, explains why the Government of Sudan has adopted such brutal tactics in Darfur.” (emphasis added) (Snyder 2004)

As explained above, when the State Department first spoke out on Darfur in late 2003, it specifically noted that Darfur was “not linked to the ongoing peace talks between the Government of Sudan and the Sudan People's Liberation Movement/Army in Kenya” (Boucher 2003).

This issue demands more scrutiny. It is one matter to criticise the wisdom and ethical appropriateness of peacemakers' policy of sequencing IGAD ahead of Darfur as the best option: for its silence on and depoliticisation of violence in Darfur to the aid of Khartoum's counter-insurgency; for its stubbornness in the face of escalating violence throughout 2003 and early 2004; and for its self-defeating prospects as the IGAD talks were prolonged partly *because* Darfur's escalating war was influencing both parties' behaviour, while at the same time taking a course of its own that would render an IGAD deal less “comprehensive” and helpful in Darfur. It is wholly another matter if peacemakers knew that the SPLM/A was involved in Darfur, notwithstanding its cessation of hostilities undertakings.

One side-reference to conflict in “western Sudan” by the US State Department early on, in April 2003 just prior to the El Fasher attack, stands in contrast to the US government's concerted silence on Darfur throughout 2003. It is the sole public statement that suggests Washington suspected SPLM/A involvement in Darfur. Moreover, it links this suspicion to

the IGAD negotiations. Pursuant to the *Sudan Peace Act* signed into law in October 2002, the Bush administration was required to determine on a six-monthly basis whether the Government of Sudan and the SPLM/A were “negotiating in good faith,” otherwise punitive sanctions would be applied (overwhelmingly on Khartoum). The first determination affirming such “good faith” came in April 2003. However, in its justificatory report, the US State Department noted violations of the 15 October 2002 cessation of hostilities memorandum by both sides. It added: “Pursuit of war objectives by *allies of the SPLM/A* in eastern Sudan in October-November 2002 and in western Sudan since the beginning of 2003, to both of which the government has responded, has run counter to the spirit of the [cessation of hostilities memorandum], if not the letter, and produced violence that has spilled over into the civilian sector” (emphasis added) (US Department of State 2003).

Thus, at this early stage, the State Department considered that fighters in Darfur were sufficiently allied to the SPLM/A to warrant the matter being raised in the context of the cessation of hostilities. However, thereafter, the State Department was publicly silent on Darfur and one is hard pressed to find further evidence of Washington’s knowledge of the SPLM/A’s activities, and how it responded to them.

There is one, valuable, exception: a US Institute of Peace research project interview with an unnamed senior State Department official in June 2006 (Nielsen 2006a:20). The interviewee is evidently Ambassador Michael Ranneberger. He describes how he returned from Mali in 2002 to serve Envoy Danforth and lead the State Department’s Sudan Programs Group. Ranneberger led this group and was US ambassador to Mali in 1999-2002. Below, I quote key excerpts in full in order to assess fairly their significance (with emphasis added):

Interviewer: To what degree would you say that the peace process was a contributing factor or laid the foundations for the violence in Darfur, which happened not so long afterwards?

Ranneberger: I wouldn't describe it *in any way* as a contributing factor. What I think happened is this: as the North-South process became real and started to move ahead, long-simmering grievances in Darfur sort of came more to the fore. ... And I do think that the reason this came to a head is *because they saw their opportunities*: the North-South is moving ahead, this is the opportunity to get our grievances on the table. In fact, these groups made efforts to get to the negotiating table on the North-South, arguing it should be a country-wide deal ... something that we and IGAD and everybody else resisted, *because it would excessively complicate the process and make it impossible to get a deal*.

There's also another dimension and that is the *SPLM certainly had clear links to one of these rebel groups in Darfur, the Sudanese Liberation Movement*. Of course, that almost sounds like the Sudan People's Liberation Movement. John Garang was very close to one of those SLM leaders, Abdelwahid, and while I'm not sure I've ever seen definitive information on this, it is generally believed, I think with good reason, that *the SPLM provided concrete assistance to the SLM*. Clearly the SPLM saw this fighting in Darfur *as a useful second front* to keep pressure on the Government while the North-South negotiations continued.

Interviewer: That's an interesting point. Did the US or the international community react to this stance by the SPLM?

Ranneberger: Yeah, we did. *We pressed Garang repeatedly not to support the groups*. Of course he always denied that he was providing any support to the groups. So, we raised that but, of course, at the same time we were raising with the Government their need not to support the Janjaweed militias, not to commit atrocities, etc, in Darfur. So frankly the onus was more on the Government. If there was support coming from Garang to the rebels, *it was certainly limited*. ... But we did, we were certainly pressing all parties from an early stage to end the violence in Darfur.

Interviewer: At least in the run-up to the signing of the CPA in 2005, those efforts were pretty successful? How would you characterize that time period?

Ranneberger: No. The whole Darfur issue is very interesting. What happened is that the rebels first came to the public attention in a big way in 2003, when they attacked the main provincial capital of El Fasher ... [then the] Government armed and organized the Arab militias [as a] counter-insurgency tool aimed particularly at clearing the civilian population off the land ... *So that was happening, and the SPLM certainly maintained its links to the SLM*. So I wouldn't say that efforts to dissuade the parties had much of an impact with what we saw during 2003 and 2004, in the lead-up to the CPA, as the violence seemed to get progressively worse.

Before analysing the many revelations contained in this interview, it is important to restate the point made in Chapter Five that despite this evidence, and the evidence of other

interviewees,⁴⁰⁹ the US Institute of Peace report (Carney 2007) based upon this research made no mention whatsoever of any linkages between the IGAD negotiations and the conflict in Darfur. Including Darfur would not only, in Ranneberger's words, "excessively complicate" the IGAD process in 2003 and 2004, it also excessively complicated this analytical account of the negotiations aiming to 'learn lessons' from the Sudan experience.

Based on the State Department's report in April 2003 and the reflections of a senior State Department diplomat, the US government had full knowledge of the SPLM/A's involvement (however limited) in Darfur, but it chose early on to pursue the matter quietly for fear of jeopardising the IGAD negotiations. Under the *Sudan Peace Act*, as a contributor to the Verification and Monitoring Team, as sponsor of the Nuba Mountains ceasefire, and as the key 'observer' country at the IGAD negotiations, it was open to Washington to take the SPLM/A to task publicly, as well as to speak out louder and earlier on Khartoum's disproportionate counter-insurgency policy. However, the public response was silence, and then in late 2003, depoliticising the war and emphasising that IGAD and Darfur were not linked. Thus Ranneberger's first statement, wholly contradicted by everything that followed, was that the IGAD negotiations were not "in any way a contributing factor" to violence in Darfur. This was the State Department's stock line. If Darfur was, instead, a "useful second front" for Garang, it was partly because the US, like Khartoum, was not cutting him off at the pass within the IGAD negotiations.

Similar to UK policy statements, although Washington insisted that Darfur and the IGAD negotiations were not linked, it nevertheless argued that an IGAD agreement could help resolve the conflict in Darfur. On 10 January 2004, a US State Department official told

⁴⁰⁹ Including this author: see North (2006b).

reporters in Washington that the “north-south deal easily is transferable into this western [Darfur] problem” (AFP 2004b). What was needed was to “get the deal in time to turn it on the west ... I don’t want Darfur playing out as a wild card. What I want is Garang and his new partners to solve Darfur together.” The inherent contradiction here, of the IGAD talks not being relevant to Darfur *until* IGAD produced a peace agreement, is revealing of the stubborn institutional prioritisation of securing that deal.

Incorporating the Sudan government’s perspective helps to further explain how the negotiations institution shaped peacemakers’ responses to Darfur. Sudan government officials interviewed were adamant in alleging that Troika diplomats and the Kenyan government must have known of the SPLM/A’s involvement in Darfur. Their assertions are in no way evidence of what peacemakers knew and are in keeping with Khartoum’s enduring suspicions of a ‘colonialist conspiracy’ between western and regional actors. However, their interpretations do show that if Sudan government officials did indeed believe in 2003 that Troika and Kenyan officials knew of the SPLM/A’s activities in Darfur, they nevertheless did not raise the issue earnestly with the peacemakers for reasons explained earlier in this chapter. The knowledge was best not held in common, but independently.

When I asked Ghazi Salahuddin Atabani about the peacemakers’ knowledge, he insisted “of course” the peacemakers knew, “they were capable of intercepting Garang’s calls.” Moreover, Ghazi repeated that Garang “was not hiding it either, he was using it.”⁴¹⁰ Mutrif Siddiq was similarly categorical on the matter:

“They all know, the intelligence people, it isn’t difficult for them to reach that level of knowledge and follow-up. Because some of those rebel leaders were brought to

⁴¹⁰ Interview, Khartoum, June 2007.

Kenya. Which means Kenya has knowledge. Uganda is also in the knowledge [sic]. Definitely the United States was fully aware of what was going on. Not just Roger Winter, [Andrew] Natsios was following it, all the USAID people, the intelligence, they knew the linkage.”⁴¹¹

Mutrif Siddiq insisted that “in the eyes” of the Joint Military Commission in the Nuba Mountains, the SPLM/A’s Abdelaziz al-Hilu was using Kauda as a base to support the SLM/A. “They know what is happening there [sic]. But they didn’t report it.”⁴¹² Khartoum, Mutrif recalled, raised the issue with the head of the Joint Military Commission, Norwegian Brigadier General Jan-Erik Wilhelmsen; “[he] said he was not there at the time and he would look into it.” Nothing came of this, but nor did Khartoum push the matter.

Rather, Khartoum benefited from peacemakers’ silence on Darfur in 2003, and thought this commendable. Ghazi Salahuddin Atabani reflected, “Initially, to be fair to them, especially the Americans, they were not interested in Darfur. And they almost said it explicitly ... and I could sense that they were not raising the issue because they didn’t want it to derail the CPA process.”⁴¹³

I asked the UK Special Representative on Sudan during that period whether there was a concern in 2003 that Darfur could jeopardise the IGAD talks, and whether Khartoum raised the issue with him of SPLM/A links with the SLM/A. He replied in writing:

“Yes. I was concerned that SPLM support for the Darfur rebels, of which the [Government of Sudan was] well aware, would be a pretext for breaking off the talks. I still do not know why the [Government of Sudan] tolerated this. Our aim in 2003 was still to settle the southern conflict. Darfur issues were not on the table at Naivasha and it was not thought that the eventual agreement being worked out would change the situation in Darfur.”⁴¹⁴

⁴¹¹ Interview, Khartoum, June 2007.

⁴¹² Interview, Khartoum, June 2007.

⁴¹³ Interview, Khartoum, June 2007. See also Cockett (2010).

⁴¹⁴ Alan Goulty, written correspondence with the author, February 2009.

This explanation is enlightening in numerous ways. First, the UK Special Representative knew about the SPLM/A's support, and he knew that Khartoum knew. Secondly, Khartoum's silence on the matter could only seem inexplicable if it was not understood that Khartoum's dilemma was the risk to the IGAD institution's southern focus of raising the issue and thus its decision instead to quickly conclude a deal with Garang. While the UK Special Representative was surprised that Khartoum did not speak out against the SPLM/A's activities in Darfur, Khartoum was pleased that Troika officials did not speak out too loudly on Darfur. Thirdly, despite the UK policy response in 2003 being framed as prioritising a 'comprehensive' agreement in IGAD as the best way forward for Darfur, with hindsight IGAD was really only about the "southern conflict" and the CPA could not be expected to help Darfur.

The way in which the IGAD institution dealt with the SPLM/A's activities in Darfur is embodied well in General Sumbeiywo's account. In keeping with his strict reading of his mandate and his focus on delivering a north-south agreement, the war in Darfur was not this peacemaker's problem and it was best not to know too much. Although John Garang may have repeatedly denied SPLM/A activities in Darfur to US officials he was, in General Sumbeiywo's recollection, far more candid. When I asked the mediator about increasing evidence of SPLM/A support to the SLM/A, he replied: "There was a lot of contact. SLM is a creation of the SPLM. S-L-M is a creation of the SPLM."⁴¹⁵ Nothing like this appears in Sumbeiywo's biography (Waihenya 2007) or in other public statements. I asked Sumbeiywo how much was known to the peacemakers in negotiations. Sumbeiywo explained, "I knew this from John as an individual." This was not the SPLM/A Chairman talking to the IGAD mediator. He suggested the lid could be kept on this matter because

⁴¹⁵ Interview, Karen, July 2007. Subsequent quotations are from this interview.

there was no formal and public discussion at the negotiations. No officials from Troika countries, Sumbeiywo insisted, came and discussed this issue with him. He had contacts with the CIA and MI6, but “If they had any information, they didn’t share it with me.” Neither did the Government of Sudan raise the issue with him: “[they] never talked about this.”

Sumbeiywo had little knowledge of what support the SPLM/A was giving to the SLM/A, because he didn’t want to know: “What [Garang] told me was that his point man was Abdelaziz [al-Hilu]. I didn’t ask him questions. When you are mediating, you don’t ask too many questions.” But what about the cessation of hostilities? “The Cessation of Hostilities was in the south. This [Darfur] is not my problem. I didn’t want to arrogate myself a job that wasn’t mine.” Yet the mediator also revealed his own bias. He considered only that the Darfur issue allowed Khartoum to delay and deflect international attention away from the south, and that the SPLM/A was giving support to the SLM/A in order to push Khartoum to conclude a deal: “Any pressure applied in the north in order to get a solution, as far as I am concerned, was good enough.” Reflecting deeply the way in which IGAD’s constitutive ideas constrained his own perspective, he also was at a loss to explain what Garang was really up to: “From their body language you could see the SPLM was saying, ‘We are not the only ones, there are others now and they are rising up.’ But I don’t know what they wanted to achieve out of this, other than just pressure.” Long ago resolved upon reading his mandate as strictly focused upon ending the ‘north-south’ war, the mediator did not entertain that Garang, through his actions in Darfur, perhaps continued to pursue his ‘New Sudan’ strategy.

The mediator had to do more than merely keep his thoughts, and Garang’s confidences, to himself. As the Agence France-Presse journalist covering the talks in Kenya explained, “the

mediators tried to de-link the two conflicts, they warned journalists not to link them. I wrote something but was taken by the shoulder by Sumbeiywo [who said] ‘I will take you to prison.’ He told the journalists we all have a responsibility to make the peace deal happen... Everyone knew that as soon as you implicate Garang in Darfur, you mess up the whole peace process.”⁴¹⁶

⁴¹⁶ Interview, Bosire Bogonko, Nairobi, September 2005.

CONCLUSION

In Sudan in 2003 and early 2004, peacemakers turned a blind eye to the war in Darfur. The SPLM/A publicly denied direct involvement in rebellion in Darfur because it was easy to. Neither Khartoum nor the peacemakers wanted to give greater acknowledgement to Darfur than was absolutely necessary. Khartoum feared that it would give credibility to the SPLM/A's insistence on being a national movement with a national agenda, precisely when it was insisting upon a north-south deal in IGAD. Khartoum also feared that the purview of the peacemakers and monitoring instruments would be extended to northern Sudan. Peacemakers feared that the IGAD process would be derailed if the institution acknowledged interconnections with the conflict in Darfur. However, these constraints on acknowledging and naming violence in Darfur counterproductively gave the SPLM/A an opportunity. The SPLM/A converted others' characterisation of it as a 'southern opposition' into a strength; it was a weakness and a danger for Khartoum and the peacemakers to acknowledge the SPLM/A's role in Darfur.

IGAD institution's constitutive ideas of peace shaped political behaviour and events. Peacemakers' sequential 'southern problem' first approach was adopted in 2001, well before major conflict in Darfur erupted. Yet it motivated Darfur's rebel groups and also SPLM/A support for them: they sought to change IGAD's constitutive ideas by introducing northern and national concerns. By constraining how peacemakers responded to Darfur during 2003 and early 2004, the IGAD institution's constitutive ideas had influenced Darfur's deterioration – and in turn had influenced difficulties during negotiations in Kenya – by enabling and constraining the actions of both the SPLM/A and the Sudanese government. With both parties to the IGAD negotiations involved in the violence in Darfur

in ways influenced by the IGAD negotiations, the negotiations and the peacemakers were also necessarily involved. By seeking to protect the IGAD negotiations and downplaying and depoliticising violence in Darfur, Khartoum was granted important cover for its own depoliticisation of the conflict and its ruthless counter-insurgency. Moreover, after coming to know of the SPLM/A's involvement, peacemakers did little to stop Garang's activities. While peacemakers responded in this way, the rebellion in Darfur grew rapidly, engulfed the region and became more intractable.

CHAPTER SEVEN

CONCLUSION

“What conclusions are we to draw from this melancholy story of the efforts of good men to abolish war but only succeeding thereby in making it more terrible?”

Michael Howard (1978:130)

War is violent activity undertaken by political groups and aimed at competing ideas of, or interests in, ‘peace’: in some way or another, future visions for the state and for society. When peace is not unilaterally determined following victory, but rather is negotiated with a view to belligerents laying down their arms, the war over what peace should mean continues, albeit involving different actors and using different modes of coercive and persuasive tactics. The possibilities of negotiated peace, as with war, are the stuff of contested political action that takes both material and discursive forms. Peace negotiations are war by other means.

By examining peace negotiations as contested politics embedded within wider political processes, one may avert the analytical pitfalls of a parsimonious focus on rational bargains at the negotiating table or of proceeding from an emancipatory ‘positive peace’ research agenda. In order to examine peace negotiations in this way, close attention must be paid to how the contestation of peace takes on increasingly institutionalised and discursive forms, while paying heed to how the communicative and coercive dimensions of political violence remain in play.

Peace negotiations institutions are constructed in the blurred territory that straddles binary categories of war and civil peace and its institutions, and where sovereign domestic politics

also intermingle with the interventions of external actors. Although negotiations institutions are arenas of political contest that address issues of state and society similar to domestic political institutions, they are mostly stewarded by external peacemakers who in the first instance prioritise ending war between belligerents, thereby rendering rights to participate a product more of violence than citizenship. Negotiations between a select group of political elites exert a pull on, yet exclude, a wider range of actors contesting 'peace' than the belligerents alone. A range of political actors seek to influence what peace negotiations should be and what they should do because the parameters within which peace is negotiated shapes the possible political outcomes of negotiations.

What is required is not only an examination of political actions at the negotiating table, but of the political contestations far beyond through which the negotiating table is produced, reproduced and reshaped. In the midst of a war, political actors with interests and choices construct negotiations institutions that are unique, that could have been different, and which affect and are affected by the war as well as other political processes. Negotiations institutions are driven by the purpose of simplifying the complexity 'out there' in ways that adequately represent this reality but that will guide an ordered, structured political process amenable to reaching favoured political outcomes that bring an end to the violence.

This thesis has used a detailed empirical case study to iteratively develop an analytical schema for examining how negotiations institutions constitute key elements of a war in an effort to encourage a shift in the means of political action from violence to persuasive politics. Any peace negotiations institution is constituted by uniquely specified parameters for how to end war through reaching political compromises between specific actors who are resorting to violence to achieve political ends. These ideas include: the forum chosen for negotiations and its sponsors; the mandate of the mediator; the agenda for talks as way of

capturing the ‘problem’ of war and the elements of a possible peace ‘solution’; the parties included and excluded and how their identities are constituted; the political naming of violence; and the ascription of political purpose to relevant actors. How these component ideas are specified significantly determines the territory of possible peace outcomes. By inquiring into how these components are constructed and contested by different political actors within and beyond the negotiations, I have shown how specific peace outcomes and their effects are influenced not only by the primary belligerents at the negotiating table, but by how a range of actors and events far beyond shape and reshape the table itself.

Political strategies aimed at persuading and securing consent inevitably deploy discursive and ideational means. Actors pursuing objectives centred upon institutionalised negotiations deploy language and ideas to frame and mediate social realities ascribed to ‘war’ and to ‘peace’ in their favour, often also employing more coercive means to add force to their arguments. By examining how different political actors seek to influence the constitutive ideas of negotiated peace to further their objectives, how they interpret the actions and intentions of other actors, and how the particular negotiations institution that prevails – different from other possible institutions – then constrains and enables the subsequent behaviour of these actors in unique ways, the politics of negotiated peace are more fully revealed. Such analysis sheds light on how the shift of struggle from the battlefield to the negotiating table occurs.

Historians might judge the IGAD peace negotiations in Sudan that culminated in the 2005 Comprehensive Peace Agreement as a north-south peace process that delivered Southern Sudan's independence. For those narrating the successive crises of post-independence Sudan, and especially those during the tenure of Khartoum's post-1989 Islamist government, this may signal the final 'failure' of the state. In accounting for Darfur's violence, historians might emphasise questions of the government's role in 'genocide', or of age-old tribal animosity that boiled over due to ecological crisis. Better analyses of Sudan's politics will pay due regard to national dynamics of marginalisation and violence between competing (Arab and Muslim) elites in Sudan's 'centre' and groups in her excluded 'peripheries' that have contributed to the historically 'turbulent' Sudanese state, and its 'multiple, interlocking civil wars'. Recent developments in Sudan may be configured within centuries-old processes of state formation, processes that could have taken multiple trajectories.

This thesis has presented a fuller account of Sudan's politics of peace during the IGAD negotiations that gives meaning and insight into the latter ideas, accounting especially for the role of external peacemaking efforts, domestic efforts to influence the negotiation of peace, and the enduring political significance of violence, in the particular trajectory of Sudanese politics and state formation during this period. In the late 1990s and early 2000s, there was nothing certain about peace in Sudan. 'Peace' was open to being the name given to diverse possible political outcomes of grave national significance. Much, then, depended on how those who prevailed in shaping the making of peace reduced these many futures to few, and then fewer still. Increasingly, Sudan's battle for peace had become a battle over the form and function of the institution to deliver peace.

In Chapter Two, I argued that the IGAD negotiations institution, when its constitutive rules for negotiating peace in Sudan were finalised in 2002, had already mapped much of the territory of 'peace' even before the rejuvenated talks had begun. It sought to end Sudan's long second civil war between 'Christian and animist southern rebels' and the government in the 'Arab and Islamic north' by way of an elite bargain between them, as the condition precedent for national democratic transformation. The IGAD institution prevailed in its particular form despite efforts by domestic Sudanese actors, including the northern opposition parties, to shape it differently. For the northern opposition, external peacemaking initiatives were the best available substitute to highly restrictive domestic politics. They urged external peacemakers to accept them as part of Sudan's national conflict and thus mattered to the negotiation of 'peace'. The IGAD negotiations institution nevertheless excluded the northern opposition, and peacemakers' argument that their exclusion was credible, necessary, expedient and legitimate relied upon how the institution's constitutive ideas were specified in a coherent and interconnected manner.

Sudan's many peacemakers responded to their perceived exigencies of the situation, but in influencing the design of the peace negotiations institution they also depicted key elements of the war and shifted their ideas of what peace required to suit their policy preferences. Dominant western 'liberal' peacemakers wanted to see substantial political change in Sudan, ideally the wholesale rehabilitation or removal of the National Congress party, but they also wanted to end the overt violence and human suffering that war had caused. Pursuing these very different 'negative' and 'positive' peaces in tandem was fraught with difficulty and contradiction. A bilateral 'north-south' deal to end the war depended upon reinforcing the legitimacy of the National Congress and upon quarantining the zone of war to the south. Coherent policy-making thus required that the war be depicted differently, and

the logic of pursuing change had to be turned on its head. In particular, peacemakers sought to justify a disaggregated and sequenced approach to addressing Sudan's political problems as the only viable option available.

Although this approach to negotiated peace was outwardly coherent, it relied upon the acquiescence of other actors, notably the SPLM/A. My examination in Chapter Three of the manoeuvrings of the SPLM/A around the Machakos Protocol negotiations in 2002 focused less on what was ostensibly a rational bargain and more on historically informed insights into ambiguities and conflicting interpretations that went to heart of what remained contested. Peacemakers and the Sudan government sought to end the 'southern war' and the IGAD institution reflected this shared interest. Before negotiations had even begun, the institution constituted the SPLM/A's identity with specific, limited attributes concerning its legitimate and credible cause. It incorporated the SPLM/A's political vision of 'New Sudan' as John Garang's personal ambition or strategy and tactics towards southern objectives – thus something that need not impinge upon a north-south deal – and not as a more enduring commitment of the SPLM/A leadership to a national liberation ideology. This depiction of the SPLM/A's identity and political purpose was not far-fetched, but it was a policy choice that suited the political objectives of certain actors where other, less efficacious, choices were available.

The Machakos Protocol enacted these ideas, and in securing southerners' referendum on secession and freedom from the application of *shari'a* law, it was understood by peacemakers and Khartoum to have done the greater part of the work to end the war. Yet for the SPLM/A, Machakos left much still to be decided. Garang had not unequivocally given up on New Sudan and focused on the south, as government negotiators and some writers argued, and the Protocol remained equivocal on Sudan's future constitutional

government structures which lay at the heart of Garang's 'minimum New Sudan' objectives for negotiated peace. Through its actions thereafter, the SPLM/A seized upon these ambiguities to contest against the institution's constitutive ideas and to pursue de facto north-south confederation.

This thesis has argued in favour of the enduring importance of 'New Sudan' to key figures in the SPLM/A leadership as a genuinely held commitment. That argument may appear problematic when viewed from the perspective of the SPLM/A's increasingly pro-secessionist position on the eve of the January 2011 referendum, a long five and a half years after Garang's untimely death in mid-2005. In October 2009, Garang's successor, Salva Kiir Mayardit, addressed a church congregation in Juba before leading a prayer for the 2010 national elections and 2011 referendum. He reportedly said that it was southerners' choice whether to "vote for unity so that you become a second class in your own country" or to "vote for independence so that you are a free person in your independent state" (Reuters 2009). The SPLM/A, he assured, would "respect the choice of the people." By December 2010, the SPLM unequivocally declared its support for southern secession as it positioned itself within Southern Sudan's post-referendum politics (Voice of America 2010).

Garang, at least rhetorically, considered liberation from second-class citizenship a national political struggle. For their part, southerners had to win for themselves a 'real choice' between unity and independence to be truly liberated. A mere three weeks prior to his death on 30 July 2005, and twenty-two years after he had rebelled to form the SPLM/A in Ethiopia, Garang had travelled to Khartoum to be sworn in as First Vice-President of Sudan. In a scene that would soon be understood as 'historic' for very different reasons, he addressed a large gathering of Sudanese, together with the IGAD peacemakers and other

dignitaries, in Khartoum's Green Square, where he declared that the CPA marked "the formal end of what I would correctly call the First Republic of the Old Sudan and signal the beginning of Sudan's Second Republic of the New Sudan" (Garang 2005). He thanked the millions who welcomed him upon his arrival in Khartoum as "the leader of the SPLM... as a national Movement for all of Sudan". And he promised them that the SPLM was "a movement for the New Sudan that will work with all political forces in the country for national consensus and a new beginning for the Sudan" (Garang 2005).

The Government of National Unity failed to make unity attractive to southerners during the CPA's subsequent interim period, and it is left to conjecture whether Garang could have achieved a different new beginning for southern Sudanese, let alone for the country. Indeed, it is impossible to distinguish between New Sudan as a cunning southern nationalist ruse and New Sudan as a national project, because its chief architect left unfinished business behind. How we read the evidence depends greatly upon how the subsequent story unfolds and ends.

Here, the paradoxical outcomes of 1972 and 2005 are worthy of reflection. The Anyanya guerrillas fought for southern independence and achieved the Addis Ababa agreement, which created only a partially autonomous southern region and absorbed their fighters into the national army. The SPLM/A, under Garang's tutelage, fought for national liberation and attracted allies in the north on this basis. Yet with and through the CPA it achieved full rights of self-determination for southerners, and the security guarantee of its own army in full control of the south prior to the referendum. In 1972, Garang, as a young Anyanya officer, had failed to convince its leader, Joseph Lagu, to resist absorption into the Sudan Armed Forces in favour of separate northern and southern armies and a third joint army (Alier 1992:280). He achieved precisely this outcome in Naivasha, Kenya, 30 years later,

while Vice-President Ali Osman Taha negotiated with him under the spectre of the SPLA's involvement in the escalating rebellion in Darfur.

Yet we must not overlook that, in addition to the concessions it achieved at the national level, all that Garang and the SPLM/A achieved for southern Sudan through the CPA also empowered the SPLM/A to push forward a national agenda. The continued independent military capability of the SPLA and exit option of an internationally endorsed referendum merely secured his movement's defensive line at the borders of southern Sudan. Confederation, if it was to be chosen as a longer-term solution, needed to be born of equality, which the CPA largely achieved. Even the success of an independent southern Sudan would depend significantly on its relations with its northern neighbour, leaving the interim period as a valuable chance to influence, through a national outlook, this neighbour's political character. As my detailed examination of the political dynamics surrounding the IGAD negotiations showed, specific events and their cumulative trajectories are highly contingent, and it is perhaps most significant that we appreciate the remarkable agility of Garang's 'New Sudan' strategy to follow dual-track objectives depending upon the opportunities that arose.

At the juncture of the Machakos Protocol, Garang's steadfastness on New Sudan compelled him to challenge the negotiations institution's constitutive ideas, and the peacemakers who mediated these ideas, from within and without. Here, the battle over peace in the Nuba Mountains, Abyei and Southern Blue Nile mattered not only because of significant SPLM/A constituencies in these areas, but also because of how this battle related to boundary constitutions of the negotiations institution, and thus to the possible extent of peace. By examining the politics of negotiating peace within the margins, understood both as the edge of the negotiating table and the dividing frontline of the war, Chapter Four

reinforced this thesis' argument that negotiations institutions must be conceived of as comprising a range of political processes and actors, at different levels and often far beyond the formal negotiating table itself; processes upon which the parameters of the institution are themselves contingent, and which in turn the negotiations indirectly affect.

The plight of the SPLM/A's members and supporters in the Nuba Mountains in the wake of a peace deal that left them on one side of a militarily and constitutionally divided north and south, also seems to support the view that 'New Sudan' was indeed an elaborate mixture of strategy and tactics to achieve southern nationalist ends. During the negotiations, considerable effort was made by the SPLM/A and Nuba political parties to challenge the efforts of both the Sudanese government and the peacemakers to depict the conflict in the region, and the requirements of peace, as local, only loosely allied to the SPLM/A's rebellion, separate to resolving the 'southern war' and beyond the mandate of the IGAD negotiations institution. The SPLM/A sought legitimacy for its claim to credibly negotiate the Nuba Mountains issue within IGAD by building its constituency there through consultative alliances, which in turn enhanced its claim to a national political identity.

During the latter half of the CPA's interim period, the political and security situation in the Three Areas deteriorated significantly and some commentators warned that Southern Kordofan might be "the next Darfur" (International Crisis Group 2008a). This thesis argued that in many senses the devastating Nuba Mountains conflict had been 'the first Darfur' – albeit far less known internationally – and that the SPLM/A's political objectives in the Nuba Mountains and its involvement in the rebellion in Darfur were closely connected.

The fate of the SPLM/A's one-time protégées and allies in Darfur also challenges the thesis of the New Sudan as a genuinely national project. The SPLM/A, despite the desperate hope of foreign powers, notably the United States, proved to be of little help in addressing the

conflict in Darfur after the CPA was signed. However, until his death, Darfur remained squarely within Garang's view. In early 2005, when Garang addressed the UN Security Council, he offered that SPLA troops make up a third of a tripartite contingent, with Sudan Armed Forces and African Union troops, to disarm the janjawid militias in Darfur. Being relevant to negotiating and keeping peace in Darfur would have projected the SPLM/A's national political (and military) capability and relevance. Of course, it would have also provided some insurance for southern nationalist objectives too.

This research first set out to unravel and explain the interconnections between the IGAD negotiations and the rapid escalation of the rebellion in Darfur between 2002 and 2004. That period is increasingly less prominent in research on the conflict and its dominant historical narrative. It is too readily swamped by developments afterwards, including, notably, the International Criminal Court's investigations of senior government officials, including President Bashir; the spread of the conflict into Chad and the deterioration in bilateral relations between Chad and Sudan; the debates over China's role in helping Khartoum to block UN peacekeeping to protect civilians; support and criticism for global civil society activism on the issue, especially by the Save Darfur Coalition and international celebrities; and references to Darfur as exemplifying the consequences of ecological crisis and climate change.

This thesis refocused attention on the earlier years, when the violence and civilian death rate was at its worst, and it argued that those writing Sudan's political history must understand differently this vexed period. It was only through vital insights gained from interrogating the politics of negotiated peace in a new analytical way, and by examining these politics as they related to contestations over the negotiations institution that involved the northern opposition parties, the SPLM/A's 'New Sudanists' and political groups in the

Nuba Mountains, that the important new analysis in Chapters Five and Six was possible. These chapters, which accounted precisely for the interweaving trajectories of the negotiations and the conflict in Darfur, speak most directly to the aphorism that peace negotiations are war by other means.

In Chapter Five, this thesis contributed a comprehensive analytical account of how political violence in Darfur interacted with the making of ‘peace’ within and outside of the IGAD institution. This chronological investigation sought to establish how the early years of Darfur’s war and the IGAD negotiations were mutually constitutive spheres of Sudanese politics. I brought to light and examined important new evidence on how the SPLM/A, while negotiating peace, supported the rebellion in Darfur, why it sought to do this in the ways that it did, and when it did, and how this was possible. Supporting rebellion in Darfur was examined as not merely tactical military leverage for the SPLM/A in the talks or as part of a concurrent strategy for achieving outright military victory, but as having particular ideational force within the context of the peace negotiations in supporting the SPLM/A’s political demands related to New Sudan. Conversely, the way in which ideas for peace were being constructed within the IGAD negotiations provided possibilities for the SPLM/A’s actions in Darfur to carry wider political significance.

In Chapter Six, I examined in greater detail how the SPLM/A’s political opportunity in Darfur depended upon, and was amplified by, how the IGAD institution’s constitutive ideas – directly challenged by the political significance of this new war – shaped the responses of the Sudan government and that of the peacemakers. A close examination of how violence in Darfur was named (or remained unnamed), of how the purposive use of language constrained future action, and of what was not said publicly and yet known privately, demonstrated that the rapid escalation of violence in Darfur and international inaction

towards that violence in 2003 and 2004 was influenced significantly by how a ‘north-south’ peace deal was being simultaneously negotiated.

The IGAD negotiations institution was productive of violence in Darfur because of the way its constitutive ideas, and contestations over them, enabled and constrained political actions that fomented the war. For the SPLM/A, the war for New Sudan continued in earnest through its SLM/A allies, in spite of negotiations to end the ‘southern war’. Because of these same negotiations, peacemakers and the Sudan government sought to avoid publicly acknowledging this reality and to downplay Darfur’s violence. Worse, peacemaking policy served to give the regime in Khartoum a measure of cover for pursuing a brutal counter-insurgency policy.

If wars are fought over competing ideas of civil peace and its institutions, then the war during peace negotiations – one especially of words and coercive deeds closely tied to words – is a battle over how the institution mediating between these two ostensibly distinct political spheres will inscribe what the war was, or should be seen to have been, about. This is a battle fought by the existing belligerents, but also other political groups and peacemakers, and one that is liable to be as cynical, cunning and open to deploying or tolerating violence, as war itself. The politics of negotiated peace in Sudan from the late 1990s to the signing of the CPA in 2005, rather than building towards anything resembling a clear break from historically deep divisions and political violence, ensured that for the foreseeable future Sudan’s wars over peace remained without end.

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69.	Professor Faruk Kaduda	<i>Sudan Communist Party</i>	Khartoum	12 June 2007
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71.	Rabah al-Mahdi	<i>Information and Research Officer, Umma Party</i>	Khartoum	7 June 2007
72.	Rachel Sisk	<i>Former UK government liaison, IGAD peace negotiations</i>	Nairobi	18 August 2005
73.	Saddiq al-Mahdi	<i>Leader, Umma Party. Imam, al-Ansar. Former Prime Minister of Sudan</i>	Khartoum	16 June 2007
74.	Salih Mahmoud Osman	<i>Human rights lawyer</i>	Khartoum	17 September 2005
75.	Dr Sayid el-Khatib	<i>Director, Centre for Strategic Studies, Khartoum. Member of Government of Sudan negotiating team at IGAD</i>	Khartoum	24 May 2007

No.	Name	Organisation, position	Location	Date(s)
76.	Shafie Khidder Saeed	<i>Secretary, Communist Party of Sudan, and Coordinator of the NDA-SPLM/A committee at the IGAD talks</i>	Khartoum	23 June 2007
77.	Siddig Mansour	<i>SPLM. Deputy Speaker, Southern Kordofan Legislative Assembly</i>	Kadugli, Southern Kordofan	28 June 2007
78.	Suleiman Musa Rahhal	<i>Director, Nuba Survival civil society organisation, UK</i>	London	11 May 2007
79.	Suliman Baldo	<i>Africa Director, International Crisis Group</i>	New York	30 June 2005
80.	Susan Page	<i>Legal advisor, IGAD Sudan Peace Secretariat</i>	Nairobi	21 September 2005
81.			Khartoum	29 May 2007
82.	Suzanne Samson Jambo	<i>Founder of New Sudanese Indigenous Network; member of SPLM delegation at IGAD talks</i>	Nairobi	12 August 2005
83.	Taj el-Sir Mahjoub	<i>Secretary General, National Council for Strategic Planning, Khartoum</i>	Khartoum	10 July 2008
84.	Telafofon Kuku	<i>Former SPLA-Nuba Commander</i>	Khartoum	12 June 2007
85.	Trayo Ahmed Ali	<i>Political Secretary and former Spokesperson, SLM/A Minni Minawi faction</i>	Khartoum	29 May 2007
86.	Walid Hamid	<i>Member SPLM/A. Former Advisor to SPLM/A Nuba Mountains leader Abdelaziz al-Hilu; subsequently SPLM Northern Sector Spokesperson</i>	Nairobi	29 August 2005
87.			Khartoum	2 June 2007
88.	Professor Wendy James	<i>Anthropologist of Sudan. Academic 'resource person' on Blue Nile for Three Areas negotiations 2003</i>	Oxford	3 November 2005
89.	Yassir Arman	<i>SPLM Deputy Secretary-General; Presidential candidate 2010</i>	Khartoum	28 September 2008

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