The Impact of Geopolitical Interests on Peace Negotiations: A Critical Analysis of the Role of Third-Party Mediation in the Horn of Africa – The Case of Sudan

by

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A thesis submitted in conformity with the requirements for the degree of Doctor of Philosophy
Department of Political Science
University of Toronto

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Abstract

As a greater number of sub-national groups demand secession, the theory of mediation finds itself without concrete principles with which to respond. This research endeavors to introduce a critical theory discourse in mediation literature on the role of superpower intervention. I explore two shortcomings in mediation literature. First, unlike critiques available elsewhere, superpower participation in peace mediation is not considered a form of superpower hegemony. My research suggests that superpowers utilize mediation to serve their interests while ostensibly appearing to be ‘assisting’ the locals, out of humanitarian impulse, to restore ‘peace’ and ‘prosperity’. Second, despite the intricate nature of secessionist wars, they are not accorded appropriate consideration. In secessionist wars, separatist groups actively enlist the support of superpowers sympathetic to their cause. This research is guided by two questions: does mediation literature address how superpowers mediate secessionist conflicts in which they are sympathetic to the cause of separatist groups? And, if such analysis exists, does it attempt to deconstruct critically how superpowers enlist regional and local allies to influence the outcome of negotiations in favour of their own interests in secession? Using two case studies in Sudan, my findings illustrate that the negative role of superpower hegemony in mediation processes has been neglected and depoliticized in mediation literature. I argue that mediation literature should not rely on superpower leverage to mediate an end to secessionist wars — embodied in the form of state-led Track I diplomacy processes — since it only provides ready-made resolutions and legitimizes foreign intervention and exploitation. Therefore, I further argue that for mediation theory to be more relevant and useful in fostering an indigenous end to secessionist wars they are better off utilizing non-state actors — as in the form of Track II diplomacy — to mediate secessionist wars. Non-state actors, void of state interests, have the capacity to facilitate greater inter-elite negotiations, which, in turn, will strengthen local ownership of peace processes and foster consensus on indigenous resolutions.
I dedicate this thesis to my mother Samira; her daily positive encouragement made my life challenges easier;

I also dedicate this thesis to my wife Melian as well as my children, Munai and Ahmed; their love made my world tolerable;

And, to my doctoral committee members for their support throughout my BA, MA, and PhD. Their mentorship, guidance, and believe in me made this PhD possible.
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nights on my thesis and she alone would carry on, while smiling, taking care of our children: an infant (Ahmed) as well as a toddler (Munai). She courageously looked after all of us when she herself was a newcomer struggling, without any family support, to adapt to her new life in Canada. Melian, I am very lucky to have found you. Only you will understand what I mean by ISU forever!

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### Glossary of Acronyms & Abbreviations

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<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tbody>
<tr>
<td>AAA</td>
<td>Addis Ababa Agreement</td>
</tr>
<tr>
<td>AACC</td>
<td>All Africa Council of Churches</td>
</tr>
<tr>
<td>AU</td>
<td>African Union</td>
</tr>
<tr>
<td>CPA</td>
<td>Comprehensive Peace Agreement</td>
</tr>
<tr>
<td>DDR</td>
<td>Disarmament, Demobilization and Reintegration</td>
</tr>
<tr>
<td>DoP</td>
<td>Declaration of Principles</td>
</tr>
<tr>
<td>ELF</td>
<td>Eritrean Liberation Front</td>
</tr>
<tr>
<td>ELM</td>
<td>Eritrean Liberation Movement</td>
</tr>
<tr>
<td>GoS</td>
<td>Government of Sudan</td>
</tr>
<tr>
<td>IGAD</td>
<td>Intergovernmental Authority on Development</td>
</tr>
<tr>
<td>IPF</td>
<td>IGAD Partners’ Forum</td>
</tr>
<tr>
<td>IRIN</td>
<td>Integrated Regional Information Network</td>
</tr>
<tr>
<td>NCP</td>
<td>National Congress Party</td>
</tr>
<tr>
<td>OAU</td>
<td>Organization of African Unity</td>
</tr>
<tr>
<td>PRM</td>
<td>Patriotic Resistance Movement</td>
</tr>
<tr>
<td>PSC</td>
<td>Peace and Security Council</td>
</tr>
<tr>
<td>RCC</td>
<td>Revolutionary Command Council</td>
</tr>
<tr>
<td>SPLA</td>
<td>Sudanese People’s Liberation Army</td>
</tr>
<tr>
<td>SPLM</td>
<td>Sudanese People’s Liberation Movement</td>
</tr>
<tr>
<td>SPLM/A</td>
<td>Sudanese People’s Liberation Movement/Army</td>
</tr>
<tr>
<td>SSLM</td>
<td>Southern Sudan Liberation Movement</td>
</tr>
<tr>
<td>TMC</td>
<td>Transitional Military Council</td>
</tr>
<tr>
<td>TPLF</td>
<td>Tigrean People’s Liberation Front</td>
</tr>
<tr>
<td>WCC</td>
<td>World Council of Churches</td>
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Former map of the Republic of Sudan

Source: Mother Earth Travel (2018).
Chapter One
Introduction: Mediation Theory in a Critical Perspective

This era has created the first global, or planetary, technical civilization, but it has reached the limits of its potential, the point beyond which the abyss begins.... Man's attitude to the world must be radically changed. We have to abandon the arrogant belief that the world is merely a puzzle to be solved, a machine with instructions for use waiting to be discovered, a body of information to be fed into a computer in the hope that sooner or later it will spit out a universal solution.

V. Havel, The End of the Modem

This thesis endeavors to introduce a critical theory discourse in mediation literature on the role of superpower intervention. “Since 1940, there have been 136 civil wars. Of these, 62 were ‘separatist’” (Toft and Sidman, 2010, p. 44). Two of these 62 separatist wars ended with secession in Africa: South Sudan in 2011 and Eritrea in 1991. Secessionist wars involve demands to change international borders, therefore, these conflicts are no longer internal wars. The ability of a group to secede rests on the power politics dynamics of the international and regional systems (Coggins, 2011). This research is guided by the following two questions: First, does mediation literature address how superpowers mediate secessionist conflicts in which they are sympathetic to the cause of separatist groups? And, second, if such analysis exists, does it attempt to deconstruct critically how superpowers enlist regional and local allies to influence the outcome of negotiations in favour of their own interests in secession?

Not all ethnic conflicts are secessionist conflicts. In most ethnic conflicts, warring parties are usually fighting over greater wealth-sharing and power-sharing within the central government or for greater autonomy and/or recognition. Secessionist groups, on the other hand, wish to achieve independence and join the international community as a sovereign state. This would entail the redrawing of international borders, acceptance by regional actors, and most importantly recognition by superpowers (Bereketeab, 2015). Consequently, the geopolitical interests of
superpowers are ultimately what determine the outcome of secessionist wars. Therefore, the decision whether a state becomes a member of the international community or not is far removed from the internal politics that had initiated the secessionist conflict in the first place. The tendency of mediation literature to analyze secessionist war as an internal ethnic struggle for political and economic power-sharing is misleading. By overemphasizing the important role of local politics in the outcome of secessionist wars, mediation scholars pay little attention to the role of external factors affecting local parties’ bargaining powers during negotiation and ultimately the outcomes of these negotiations.

Acknowledging the meddling of superpowers in mediation processes and outcomes of these ostensibly internal secessionist wars contributes to a much-needed critique within mediation and conflict resolution literature. Furthermore, establishing superpower critique in mediation analysis adds credibility to arguments made in other Peace and Conflict sub-fields, suggesting that international meddling in peace operations, in general, helps to assure the continuation of imperialism. Mediation literature has yet to catch-up to the critique available in peacebuilding literature, for example.

In secessionist conflicts, separatist groups actively enlist the support of strong international and regional powers while also harnessing the support of external powers sympathetic to their cause. This power relation is not specified in mediation analysis. For example, in secessionist literature, it is recognized that “Sensing the potential for political recognition, for example, may encourage secessionist movements to continue fighting rather than accept seemingly generous settlements from their home states” (Coggins, 2014, p. 221). If this is the case, why then would mediation literature rely on superpowers to mediate secessionist wars? This crucial requirement
for superpower political recognition, in order to achieve secession, is not considered and analyzed in mediation theory.

Secession is defined as the complete political and territorial independence of part of an established state (Trzcinski 2004; Tuttles 2004). My research adopts Touval and Zartman’s (1985) definition of mediation and peacemaking:

Mediation is a form of third-party intervention in conflict for the purpose of abating or resolving that conflict through negotiations. In common with other forms of peacemaking or conflict resolution, it is an intervention that must be acceptable to the adversaries in the conflict, who cooperate diplomatically with the intervener. *Peacemaking differs from other forms of third-party intervention in that it does not involve the use of force and is not intended to help one of the participants to win or prevail.* (p. 7) [Emphasis added.]

Contrary to this definition, peacemaking in secessionist wars, in the form of mediation, *does* habitually involve the use of deadly militarized force and *is* frequently intended to help one of the warring parties to win or prevail. This will be demonstrated in a comparative case study of two peace agreements in Sudan, the 1972 Addis Ababa Agreement and the 2005 Comprehensive Peace Agreement.

In an interview with retired senior Mediating Coordinator in Africa I Division at the UN Secretariat, Dr. Vladimir Zhagora, I asked about the impartiality of superpowers in mediation; he replied that “to expect impartiality to exist is nonsensical” (May 11, 2018). Dr. Zhagora was the UN observer during the negotiations of the Sudanese Comprehensive Peace Agreement (CPA) from 2002 to 2005. This CPA was mediated by a coalition of regional states that was led by the US and resulted in the secession of South Sudan in 2011.
Dr. Zhagora elaborated on this point by stating that “Mediation is a Trojan horse for powerful states to achieve their foreign interests”. Toval and Zartman (1985) put it succinctly:

It would be rare for governments to engage in mediation for humanitarian reasons only. In fact, in view of the considerable investment of political, moral, and material resources that mediation requires, and the risks to which mediators expose themselves, it is reasonable to assume that mediators are no less motivated by self-interest than by humanitarian impulses. To some extent, then, the mediator is a player in the plot of relations surrounding a conflict. (p. 8)

Simply put, as long as mediation continues to be conducted by what is known as Track I diplomacy efforts (as in official states’ diplomats, international and regional inter-governmental organizations), there will always be ulterior motives. These ulterior motives were evident in Sudan’s 2005 Comprehensive Peace Agreement which led to the secession of South Sudan. However, there is another type of mediation — known as Track II mediation — conducted by non-state actors which is composed mainly of NGOs, academic scholars, and former politicians. Provided that there were no superpower interests involved in the mediation process, Track II diplomacy can prove very effective in facilitating and mediating secessionist wars, as it did during Sudan’s 1972 negotiation of the Addis Ababa Agreement that granted the South autonomy.

To me, Sudan represents an important case for considering the role of superpowers in mediation and secession. Born and raised in Sudan, I have never fully understood the reasons why Sudan has been embroiled in civil war for much of its existence since independence in 1956. I have experienced the economic, political, and social destructive effects of the civil war in Sudan.

\[1\] Some scholars have recently expanded the definitions and understandings of the various mediation Tracks. They, for instance, would argue that International Organizations-led mediation is track 1.5 or 2. See, for example, Babbitt, E., & Hampson, F. O. (2011). Conflict resolution as a field of inquiry: Practice informing theory. International Studies Review, 13(1), 46-57.
As a result of the civil war, my family disintegrated and fled to various countries around the world. Since 1992 we have never gathered as a family around a dinner table. My father fled to Swaziland while my mother and sisters fled to the UK; my brother fled to the USA. I was admitted as a refugee to Canada in 1994. Battling anxiety and loneliness, during my undergraduate years, I pursued my education in peace and conflict studies in search of answers to protracted civil wars. For me, this research is significant not only because it is personal but because millions of Sudanese, Southern Sudanese, and Africans, have suffered as much as I have, if not more.

This research is also significant because its findings, as will be discussed below, have implications for other theories and subfield specializations in the peace and conflict literature. Secessionist conflicts do not exist in a vacuum. They are derived from, and entangled with, regional and international forces of geopolitical power. Critically analyzing the role of superpower leverage, as hegemony, in international mediation would be a very significant contribution to the mediation literature.

The Arguments and Parameters of the Dissertation

The main argument of this dissertation is that mediation theory should not rely on superpower leverage to mediate secessionist wars — embodied in the form of state-led Track I diplomacy processes — since it only provides ready-made resolutions and legitimizes foreign intervention and exploitation. This Superpower leverage is not used by the hegemons to foster a strong local consensus on peace. In fact, as my research findings expose, superpower leverage is utilized to impose external resolutions and mandates to serve the interests of superpowers while
simultaneously appearing to be ‘*helping*’ the locals, out of a sincere humanitarian impulse, to restore ‘peace’ and ‘prosperity’. Therefore, I further argue that for mediation theory to be relevant and useful in fostering an indigenous end to secessionist wars, the warring parties are better off utilizing non-state actors — as in the form of Track II diplomacy — to mediate secessionist wars. This will provide greater inter-elite negotiations which, in turn, will strengthen local ownership of the peace processes and foster indigenous resolutions. There is a crucial caveat to this argument, however. The absence of hegemonic geopolitical interests is a *precondition* for track II mediation processes to be effective in fostering indigenous ownership and outcomes to the negotiations\(^2\).

As will be demonstrated, Track II diplomacy is usually devoid of outside state interests and is described by Touval and Zartman (1985): “The mediator in this role works on perceptions, doing nothing to change the nature of the problem or the circumstances of the conflict. This is 'pure' mediation, in which the mediator has no interests at stake (except the interest in seeking a resolution), and exercises no power (except the intangible exercise of the power to change people’s minds)” (p. 12). If hegemons do not interfere with Track II mediation efforts, this type of mediation contributes to local ownership of the negotiations and an indigenous outcome to secessionist wars.

Furthermore, a review of mediation literature shows a strong emphasis on the technical skills of mediators, at the expense of the role of geopolitics, in peace outcomes. I, therefore, argue that the emphasis of mediation theory on the technical skills of mediators facilitating peace agreement in secessionist wars should be secondary to the interests of superpowers. Key international geopolitical factors determine who gets to secede and who remains united within

\(^2\) Some would argue that even non-state actors could be penetrated by superpowers. This concern is valid. However, non-state actors do not have the power to coerce and violently intervene in shaping peace outcomes. One way of alleviating this concern is to have a careful selection process for potential non-state mediators. This point will be elaborated on in the chapter five.
their current state. Mediation skills and tactics are rendered irrelevant in resolving conflicts, in general, and secessionist wars, in particular, since the outcome of negotiations are predetermined by superpower hegemony. Mediation skills and tactics are important for Track II mediators, however, if their process is free of any superpower interference. Track II mediators play the role of ‘pure’ mediators and they need mediations skills and tactics to bridge disagreements between warring parties.

However, as we demonstrate in the thesis, Track II mediators arrive at the negotiations with ready-made resolutions which serve their own interest. They do not need to possess mediation skills and tactics since they rely on superpower leverage and coercion to impose their interests. Also, they do not require mediation skills and tactics because they are not concerned with facilitating differences between belligerents or fostering local consultations, as Track II mediators do. Track I mediators work with specific regional and local elites, at the exclusion of everyone else, to arrive at an outcome they favour. Only in this exclusive engagement with elites where they might require limited persuasive skills. More focus in the literature should be on the role of hegemony in mediation.

Hegemonic geopolitical interests in mediation has the potential to tilt the negotiation table in favour of the secessionist group. Hegemons are defined here as powerful states with political, economic, social, and military might. Hegemonic Superpower intervention in negotiation is defined as the direct material and/or political support given to a secessionist group by a powerful state, such as the US, through mediation. It also refers to the material and/or political support given by a superpower to regional countries in order to form a regional coalition in support of a group in its war for secession. In this thesis, I establish the foundations for a critical theory discourse in international mediation literature that could deconstruct Hegemonic Superpower intervention in
negotiation. An examination of the Sudanese peace processes reveals how mediation theory does not adequately reflect the highly politicized mediation process conducted and enforced by superpowers. Mediation processes are exceedingly politicized with back-door deals and ready-made resolutions, imposed by high-level state diplomats, serving geopolitical interests which mediation theory seems to underestimate their detrimental impact on peace outcomes. As a result, the negative role of superpower mediation becomes depoliticized in mediation literature.

Initially, as many scholars in the field of peace and conflict do, I thought the problem with the attempts at resolving civil wars lies in the failure of peacebuilding processes (Spector & Zartman, 2003, Stedman, 2002, Walter, 2002). Most Western states focus on peacebuilding “reconstruction” initiatives for economic benefits. However, unlike mediation literature, there is strong critique of Western neoliberal policies initiatives in the peacebuilding literature. Scholars such as Richmond (2007), Duffield (2001), Ayers (2012), Jabri (1996), Paris (1997), Constanze Schellhaas & Annette Seegers (2009), and others have all pointed to the role of Western states in the imposition of neoliberal values of free trade, marketization, privatization, liberalization in countries emerging from civil wars as part of the problem of why peace fails after the signing of a peace agreement. There seems to be a tendency in peace and conflict critical literature to focus primarily on the peacebuilding phase at the expense of peacemaking.

In examining the peace processes which precedes peacebuilding — namely peacemaking or conflict resolution — it was surprisingly clear that there is little attention given by critical scholars to the role of geopolitics in the outcome of civil wars. The role of geopolitics is very obvious to those mediators working in the field. For example, Dr. Vladimir Zhagora explains how:

Mediation is a tool that is less expensive than military power, political coercion, and sanctions. Powerful Western countries use mediation to serve their interests and achieve political goals. [It] is a cover for neocolonialism, imperialism, [sometimes used] to delay
the resolution until they learn more about the natural resources of the country, in order to be able to set up [through mediation] the proper neoliberal institutions in the country and then take advantage of these natural resources (Dr. Zhagora, UN Mediator, 05-11-2018).

In addition, I also argue that if superpowers and their regional allies decide that the outcome of a peace agreement should be secession, they will prevail in generating regional and local conditions favorable to secession. On the other hand, if superpowers and their regional allies decide that they have no geopolitical interests in the outcome of the peace agreement, they will refrain from intervening in the conflict and, as a result, favorable conditions for the rejection of secession will prevail. In the latter case, countries fighting secessionist wars will be left alone to figure out what is best for them through a local indigenous process. However, in the former case, superpower intervention will dictate the mediation outcome to serve their own interests. The latter case represents what had happen prior the 1972 Addis Ababa Agreement while the former case represents what took place during the negotiations of the 2005 Comprehensive Peace Agreement. Sudan’s history, and its two peace agreements, will form the bases of my case studies and illuminate my main arguments.

Even prior to Sudan’s independence in 1956, there was an internal struggle for self-determination (defined here as the claim made by a marginalized group for either autonomy or secession). Autonomy exists when the marginalized group wishes to remain united with the mother state but with a greater degree of economic, political, and social control of a region. The presence and absence of superpower interests in Sudan’s North-South conflict had led to different outcomes whenever there were negotiations to determine the future of Southern Sudan. I specifically examine the role of mediators and superpowers in determining the fate of the Southern Sudan region during three different historical periods: a) Colonialism: Sudan’s negotiations with the
British colonial administration during decolonization; b) The Cold War: the North-South negotiations leading up to the 1972 Addis Ababa Agreement (AAA); and c) Post-Cold War: the North-South negotiations contributing to the 2005 Comprehensive Peace Agreement (CPA).

My major theoretical finding should be reiterated and made clear about the difference between mediation *theory* and *practice*. Mediation *theories* do not critically deconstruct what *actually* takes place during mediation *practice*. The *practice* of mediation, as will be demonstrated in this thesis, is dominated by power politics and external actors scrambling to serve their own interests. Hence, one could posit that my research considers mediation *theory* to be *the anti-politics machine* (to borrow the term from James Ferguson’s 1990 research and book by the same title).

**Theoretical Parameters**

It is important to note that this research does *not* attempt to entirely undermine the power of local agency in determining peace outcomes. There is abundant scholarly work on the power dynamics and success of rebel groups and insurgencies. Hence, I focus on expanding the very limited research on the negative role of external powers in influencing peace outcomes through mediation. Moreover, this research does *not* examine the legitimacy of secession and does *not* intervene in the discussion of whether groups have the *right* to secede or not. The latter two points have been considerably discussed by International Relations and International Law theorists and the scope of my research does not allow me to revisit these points from a mediation theory perspective. Finally, this research does *not* examine superpower support to governments over
secessionists. I only study the impact of superpower support afforded to separatist groups in their quest for secession through mediation. As such, this research does not consider the withdrawal of superpower support to secessionist as a direct or indirect form of support to governments fighting secessionists. As the 1972 case in Sudan demonstrates, the US withdrew its support to separatist when the US no longer needed the rebels to fight the communist government of the time. The US was simply not interested in Sudan’s conflict because war ceased to serve the US’ geopolitical interests during the Cold War. Future research is required in order to expand the analysis to further understand the effects of superpower intervention when they support governments against secessionists. Unfortunately, the scope of this research prevents me from addressing this crucial type of intervention.

What this research does call for is a distinct critical theory discourse in mediation literature to identify, address, and terminate the detrimental effects of superpower involvement in mediation. This research introduces the foundations for a theoretical discourse which calls for enabling a mediation process that would facilitate an outcome to secessionist wars which is free of external, hegemonic, imposed resolutions and predicated upon indigenous and local perspectives.

Understanding the Role of Superpowers in Conflict Resolution: Theoretical Approaches

There is general acknowledgement in the literature regarding the existence of ulterior motives in mediation but, despite these assertions, the ulterior motives of mediators are never considered explicitly a form of imperialism, hegemony, exploitation, or neocolonialism. These terms, while present in other Peace and Conflict sub-fields, are not used in mediation literature. A
brief examination of the origins of mediation theory and practice followed by a thorough literature review is necessary in order to understand its shortcomings.

Mediation: From ADR to International Mediation

Amidst an international conflict, mediation can be viewed as a peaceful intervention on the part of one or more third-parties (Bercovitch & Gartner, 2009), and as a voluntary tool of conflict management (Greig & Diehl, 2012). While mediation as a form of international negotiation practice has existed for centuries, it has recently received more recognition as an academic arena. In the 1950s and 1960s, peace mediation theory had an epistemology rooted in cultural anthropology (Nader & Grande, 2002). During the 1970s, mediation developed as an increasingly institutionalized and standardized field in conjunction with the emergence of labour management mediation (Nader & Grande, 2002). The concept of Alternative Dispute Resolution (ADR) began to take hold in the 1980s and 1990s (Shearman, 2014). In 1983, the National Institute for Dispute Resolution provided financial assistance for research on the techniques and practices of dispute resolution. Additional funds for ADR development was provided by the Law and Social Sciences Program of the National Science Foundation (Kressel & Pruitt, 1989). The expansion of ADR was primarily sponsored and funded by the United States.

The development of ADR and an outcome-centred framework for third-party mediation was paralleled with the development of a hegemonic liberal peace, which soon assumed an “ontological stability” in the dominant framework (Richmond, 2007, p. 250). Liberal Peace is defined as the type of peace that would primarily focus on good governance, democratization, and
neoliberal development prescriptions such as free markets (Richmond, 2007). Oliver Richmond elaborates that the end of the Cold War led to the development of hegemonic peace studies and the universal application of a liberal peace that is concerned with the adoption and implementation of a specific brand of peace that would only serve the interests of the West and their domestic allies (Richmond, 2007, p. 256). Mahmood Mamdani (1996) echoes this claim: “power has managed to subvert the language of violence and war to serve its own claims.” Richmond advocates the development of critical and pluralistic versions of peace; however, he highlights that these are not present in international relations theory (p. 260). Richmond’s call for a research agenda on how to conceptualize and define peace is similarly absent in international mediation theory. In addition, the previous critical discussion on the role of hegemony in peace has yet to find its way sufficiently into mediation theory and secessionist wars. The evolution of ADR and its parallel to the Western discourse of a liberal peace have allowed for the production and reproduction of a technique-centred framework in mediation theory (Kressel & Pruitt, 1989).

The following section illustrates how the evolution of peace mediation literature has led to the emergence of hegemonic Eurocentric frameworks and superpower mediation/intervention.

**External Mediators: From Cold War to Post-Cold War Evolution**

Throughout the Cold War period, the primary focus was on superpower rivalry and diffusing any chance of nuclear altercation between the US and the Soviet Union. During this period negotiation theory evolved from the management and labour relations field into international relations. Influential books in negotiation theory such as *Getting to Yes* by Roger
Fisher and William Ury (1981) and The Art and Science of Negotiation by Howard Raiffa (1982) ushered in a new era in peacemaking. Research in game theory and social psychology contributed to the study of international cooperation and defection in arms race. This led, in turn, to more effective policies for de-escalation, resulting in the establishment of the Nuclear Risk Reduction Centers in Washington and Moscow (Babbitt, 2009).

Since the end of the Cold War, reliance on superpower mediation increased. The main reason for this shift is the predominance of US might in the new unipolar world order (Eriksson & Kostić, 2013). This unipolar world order allowed the US and other Western governments to intervene freely in conflict resolution processes. Prominent mediation experts and practitioners discarded impartial requirements and argued that mediators must have the ability to use carrots-and-sticks to coerce belligerents into signing peace agreements. These carrots and sticks were practiced by using resources and leverage, which only super powerful states could possess (Bercovitch et al. 1991). Scholars, such as Svensson (2007b), began to argue that powerful third-party mediators outperform neutral mediators in delivering agreements — as will be discussed in detail below. Accordingly, policy initiatives in powerful Western states adopted ready-made solutions and dispatched their diplomats to ‘mediate’ civil wars (Lindgren et al. 2010). Decisions on who would secede were not made locally in South Sudan or Eritrea, for example. Western powers would decide, according to their own geopolitical interests, who joins the international community and who does not. The new world order would be rearranged by using mediation and reaching peace agreements agreed upon by the “international community”. Of course, the new world order will be predicated upon neoliberal interpretations of peace and development (Zartman & Kremenyuk 2005; O’Brien 2005). As Eriksson & Kostić, 2013, explain:
Current practices of peacemaking entail that, in the case of imposed conflict transformation, a powerful third-party provides most of the normative and practical solutions intended to promote a durable settlement. The typical bundle of norms that comes with such third-power-brokered practices and is frequently promoted in the peacemaking phase includes human rights, democracy, the rule of law and free market economy. In practical terms, the powerful third-party guarantees the commitment of the primary parties and may also supervise implementation. (p. 6)

What this type of peacemaking actually does, is the promotion of a foreign-based peacebuilding process to follow. Consequently, domestic actors are excluded from project management and policy formulation during peacebuilding — as will be elaborated on below (Reich 2006). This evolution of mediation theory has clear implications for the definition of third-party mediation, which reflects both the dominant framework for mediation theory and identifies major debates within the theory. More specific debates sprung up in the aftermath of the demise of the Cold War as the following sections will reveal.

External Mediators: The Techniques Debate

Most scholars of mediation are primarily immersed in the technical aspects of external mediation involvement and on the sequencing of peace processes and strategies. The discussions on technical aspects in the literature centered around issues such as what is the perfect timing of intervention (Mattes and Savun, 2009; Svensson and Wallensteen, 2010), where they discuss whether the external mediators should intervene as soon as possible to save lives and end the bloodshed or should they wait for a ripe moment to intervene in the conflict. Zartman (1985) contends that conflicts cannot be resolved until they are “ripe”. The ripeness of the conflict for
negotiations is when the warring parties reach a stalemate (Burton, 1987; Doob, 1971; Fisher & Ury, 1983, Walton, 1969, Zartman, 2000). The stalemate is a result of many factors, including lack of resources to fund the war machinery and the realization that the war could not be won militarily. This stalemate, as Zartman and others noted above argue, creates a ripe moment for the international mediator to intervene since both warring parties would be more interested in negotiations than the continuation of war.

Moreover, technical questions, pertaining to external mediators in the literature, such as who sits at the negotiation table, are central to the discussions (Kelman, 1992; Bercovitch and Houston, 2000; Osler, 1997). This is a thorny issue since those excluded from the negotiations will most likely become spoilers to the eventual peace. Therefore, peacemaking efforts attempt to avoid creating spoilers by carefully deciding who should sit at the negotiating table. However, the more people sitting around the negotiation table the harder, and longer, it takes to reach an agreement. External actors, such as regional and/or international countries, could also be considered as spoilers if they deem that the negotiated peace does not serve their national interests and attempt to undermine it. How to deal with spoilers to the agreement is extensively discussed in the literature (Werner and Yuen 2005; Bercovitch, 2007; Svensson, 2007a, 2009, 2010). As Bercovitch argues, power-sharing and wealth-sharing pacts should be extended to these spoilers since some of these spoilers are people who were genuinely excluded from the economic and political pie of the state and should participate in the negotiations during the peacemaking phase.

Likewise, substantial consideration is given in the literature to who provides security guarantees and why they are important once the conflict has ended (Stedman et al., 2002; Bercovitch and Gartner 2006, Wilkenfeld et al., 2003; Hoddie and Hartzell 2003, Walter, 2002). Walter, for example, argues that powerful security guarantees provided by powerful states is the
best way to get the warring parties to sign the peace agreement and to commit to implementing its provisions.

**External Mediator: The Impartial and Biased Debate**

A key debate surrounding external motives in third-party mediation processes centres on impartiality. Impartiality is when a third-party attempt to mediate negotiations without biased support to one side or the other and it is considered “one of the main requirements of acceptability by the parties, and as a prerequisite to establishing a relationship of trust” (Fisher, 2001, p. 325). For mediation to be a voluntary process, the warring states must be equally interested in receiving the mediator’s assistance throughout peace negotiations.

A crucial aspect of this interest is rooted in the perceptions of the mediators themselves, and both credibility and impartiality are key aspects of a mediator’s identity. While some scholars believe that the mediator’s impartiality is crucial, others argue that it may in fact be mediator bias which drives a successful negotiation. Maoz and Terris (2009) acknowledge this disagreement within mediation theory, stating that while the impartiality of mediators is agreed upon to influence disputant’s trust, how exactly it is influenced is a point of controversy. They argue that to some, impartiality is a fundamental precondition to mediation and to gaining the trust of the local parties in conflict (p. 70). On the other hand, according to Isak Svensson (2009), it is mediator impartiality which can be problematic within peace negotiations. Svensson asserts that impartial mediators are typically engaged in mediation out of a primary interest of bringing the conflict to a conclusion. This may mean that they encourage fast-paced negotiations, sometimes at the expense of quality
(p. 446). Svensson argues that a powerful biased mediator will be able to gain more concessions out of the side they support. These concessions, in turn, will ensure that the details of the agreement are relevant and satisfactory to both sides of the conflict since concessions help foster trust amongst warring parties (p. 446).

According to Carnevale and Arad (1996), mediator bias has the potential to improve the success of peace negotiations. They argue that mediator bias provides an incentive to provide workable solutions and influence through negotiation (p. 50). Resistance to having mediation assistance is addressed by Greig and Diehl (2012), who argue that states may perceive mediators as interfering in conflict settlements rather than as a helpful addition (p. 57). However, as costs of conflict increase, the likelihood that disputants will be willing to include mediators within peace processes increases (p. 58). This likelihood is made greater when third-party mediators are perceived as holding similar ideological positions (p. 92). Gibson et al (1996) point out the problem with this debate: “the goal of neutrality provides the mediator little guidance about whether to intervene in the negotiation, and the nature of any such intervention” (p. 78). Galtung (1969) addresses this problem by showing how the ontology (defined by Grix, (2002, p. 177), as “the image of social reality upon which a theory is based”) of the mediator determines their definition of peace — a concept that is not discussed with regard to mediation processes. In Fisher’s analysis, different types of mediators bring different goals and methods to the mediation process (p. 15). Greig and Regan (2008) trace various factors that encourage some mediators to be involved and others not to, but neither Fisher nor Grieg and Regan extend this analysis to how this affects the mediation process.
External Mediators: The Motives and Interests Debate

An integral piece of mediation theory literature is an analysis of mediators and their motivations for involvement. As mediation is a mutually voluntary process, mediators willingly choose to engage in negotiation processes. According to Maoz and Terris (2009), mediators perform a cost-benefit analysis when deciding to intervene. If the benefit, be it material or ideological, expected to be gained from intervening exceeds the expected cost of intervention, mediators are more likely to offer their services (p. 89). This is echoed by Carvnevale and Arad (1996), who state that cost-benefit calculations guide mediator decisions to intervene. They also assert that “personal interests” may motivate mediator involvement (p. 40).

For instance, Bercovitch and Sigmund (2009) assert that offers of mediation are never purely altruistic, and this highlights how mediators will always prioritize their own values or their countries’ interests. While mediators may not explicitly state their own motives, they will still work to promote them (p. 9). Similarly, Kleiboer (1996) explains that international mediation is influenced by mediators’ own self-interest (p. 370). Greig and Diehl (2012) state three main motivations for mediation: humanitarian motivations, national interests, and organizational interests (p. 90). Humanitarian interests may simply be focused on the promotion of peace or a desire to limit the spread of a conflict. While seemingly altruistic, this can be beneficial to the mediators, especially if they too have a presence in the region of the conflict, either as a neighbouring state or a local organization. National interests focus more on states as mediators while organizational interests are more tied to international organizations (Greig & Diehl, p. 90). Woodward offers a similar perspective, listing the main motivations for mediation as ideology, national security interest, strategic interest, and bureaucratic interest (Woodward, 2007, p. 160-62). The literature demonstrates various ways in which mediation can be tainted by self-interests.
The above review has revealed the consensual positions in mediation literature and it might have given the impression that there is enough critique and discussions on the negative role of geopolitical interests on peace outcomes. However, upon closer inspection there are some detrimental shortcomings in mediation literature. Using critical discussions available in another sub-field of Peace and Conflict Studies, namely Peacebuilding, I hope to expose the limitations of mediation literature. Both peacemaking and peacebuilding processes are heavily dependent on the economic and political intervention of superpowers.

The following section will briefly illustrate how the lack of a constructive critique of hegemony in mediation literature is an aberration from the readily available critique in the Peace and Conflict literature, generally, and the Peacebuilding literature, specifically.

Debates and Critical Perspectives in Peacebuilding

Mainstream Peacebuilding: Debates and discussions


Fragile states, civil wars, and the devastations they bring, such as migrations and terrorism, have been conceptualized as principal factors undermining global stability posing a direct threat
to the US-led international order (Anderson 1996; Rotberg 2002; Crocker 2003; Fukuyama 2005). To address these threats, Western states have adopted liberal practices such as state building, democratization, human rights, free market economies, and good governance into peace operations (Holsti 1996; Paris 2004; Richmond 2004). Several scholars have advocated the necessity of external intervention and the adoption of liberal peace and consider them crucial for building and promoting peace while also ending poverty and human misery (Hoffman 1996; Stedman et al. 2002; Jeong 2005; Einsiedel 2005; Paris 2010).

However, debates have sprung up in the literature to question the validity of liberal peacebuilding practices (Chandler 2010; Cooper et al. 2011). These debates have challenged the sequencing and effectiveness of the liberal peacebuilding model. A critique was approached from a policy-focused and problem-solving perspective (Eriksson & Kostic 2013). These scholars attempted to improve the technical aspects of liberal peacebuilding by suggesting that it is best to hold off on democratization until after the country has settled into firm and functional institutions by prolonging statebuilding (Paris, 2004). The argument made is that democracy might aggravate the already divided society by declaring winners and losers in elections (Stedman et al. 2002; Jarstad and Sisk 2008; Jeong 2005). Additional technical debates are available in the literature, such as the types of post-war constitutions (Samuels 2009), and the question of security sector reform (Nilsson 2008).
Critical Perspectives in Peacebuilding: The Role of Hegemony

Substantive critical discussions emerged in the literature to question the legitimacy and interests of liberal peacebuilding practices. Jabri (2010) argues that peacebuilding intervention is a façade, appearing to adopt a humanitarian character while exploiting countries emerging from civil wars. She succinctly articulates it as follows (as quoted in Richmond et al. 2016):

Some might argue that persistent conflict and fragmentation, the failure of governance, ongoing violations of human rights, and the failure of economic development render inevitable the imperative to intervene in order to ‘put things right’. It is this account or narrative of ‘failure’ that runs through and informs interventionist practices, the remit of which is primarily ‘governance’. This is also a developmentalist account, one that assumes target societies to be in the process of ‘catching up’, conforming to models drawn up in international organizations, national governmental agencies and the non-governmental sector that they sustain. The machinery of peacebuilding is, hence, vast; it is institutionally now strongly embedded in the bureaucratic and normative order of the international. (p. 157)

Simply put, peacebuilding is about Western states extending their influence.

Furthermore, Chandler (2006) and Pugh (2006) argued that Western peacebuilding is a form of hegemony. This perspective is also shared by Duffield (2007b), who maintains that the seemingly benign assistance provided by the West through peacebuilding is emanating from the West’s desire to expand its influences and domination in third world societies and to control their resources. Moreover, Liden (2009) posits that:

The dependency upon international presence and support that are generated through the introduction of institutions “from above”, and the reliance of economic and political liberalization upon social and cultural change, including the disruption of traditional ways of life, meaning that intervening actors subject local people to alien rule and regulation by imposing their norm (619).
As quoted in Eriksson and Kostic (2013), Chandler (2006) expands upon Liden’s argument by stating that:

external forms of regulations [in peacebuilding] are best perceived as manifestation of ‘Empire in Denial’, whereby the Western decision-making elites exercising the power in recipient societies tend to ‘clothe themselves in non-political, purely technical, administrative and bureaucratic forms in order to evade any accountability for the power they exercise. Thus, the intervention appears consensual rather than coercive, while the practices of domination aim to constitute the subjects being dominated through the discursive practices and frameworks of knowledge, norms and values. (p. 16)

Eriksson and Kostic (2013), Chandler (2006), Liden (2009), and other scholars above have concluded that the failure of peacebuilding initiatives in third world countries is a consequence of the imposed liberal peace ‘norms’ and ‘values’. Societies emerging from civil wars are found to be struggling under free market economies. These economies have recreated the very economic, political and social conditions that had contributed to civil strife in the first place.

It is, therefore, safe to argue that criticism of the peacebuilding literature has clearly highlighted and evaluated the impact of the ulterior motives of Western interventions in peace operations. Dissimilar to the peacebuilding literature, there is general acknowledgement in the mediation literature regarding the existence of ulterior motives in mediation but, despite these assertions, the ulterior motives of mediators are never considered a form of imperialism, hegemony, exploitation, or neocolonialism. Little to no attention is devoted as to how the geopolitical interests of powerful states affect, through mediation, the outcome of peace agreements at the conclusion of secessionist wars.
Limitations of Mediation Theory

It appears that there is only one author, Oliver Richmond, who specifically considered Western mediation to be a form of hegemony, albeit, without discussing the role of hegemony in secession. He provides an excellent critique of a superpower’s use of mediation as a tool to achieve their interests. Richmond (2018) argues that:

Mediation arrived in modernity through a heritage of mainly European, elite diplomacy, aimed at defending many privileges embedded in the system as far as possible. This understanding of the role of mediation is embedded in the Westphalian system of sovereignty, which it supports. At the same time it valourises the possibilities of elite-led, rational-legal discourse, and the use of intellect, knowledge, and communicative skill, along with status and power. Mediators were men with standing in the international diplomatic system, or wielding material power in the states-system as during the Cold War (i.e. Henry Kissinger, President Carter, or later Richard Holbrooke), or with moral standing in the UN system (Dag Hammarskjold or later Hans Blix), or moral standing at another level, such as the Vatican during the Beagle Channel Dispute. There was little to challenge these systems with its epistemological frameworks that tended to adopt problem-solving approaches to maintaining territorial, material, ideological, normative and hierarchical aspects of the current order. (7)

Richmond elaborates that contemporary mediation practices, and the peace processes they advance, are stuck in the 19th century world of elite, state-centric and territorialism “power” diplomacy, mediated by a set of high-ranking government officials with diplomatic skills to match their power and interests. Richmond (2018) critiques the current debates in mediation by illustrating that:

In the past, various forms of international intervention, from peacekeeping to peacebuilding, statebuilding, and the R2P doctrine, were either high-level processes essentially used to maintain a fragile strategic and territorially sovereign balance between states and their elite leaders, or to build new states and inculcate new norms, using a mixture of diplomacy, direct or governmental power. International mediation, once a fashionable and widely studied aspect of IR, suffered from having settled into its understanding of an elite and status or power-driven form of ‘impartial’ mediation facade, embedded in liberal-institutionalism, and spoken through the medium of ‘elite-phrased English’ (p. 13).
In many Western debates, international mediation has continued to draw some interest as a narrow technique that is theorized through realism, liberalism, game theory and other problem-solving methods. Still, Richmond’s research does not address how superpower meddling in mediating secessionist wars could dictate outcomes. This is where my research complements his work. My research analyzes the degree of influence that superpowers have over the different attitudes of local agency during mediation. There is dire need for an adequate discussion of the role of powerful states in supporting secessionist elites, through mediation, to dictate the outcome of peace agreements at the conclusion of secessionist wars.

On the other hand, Hurst Hannum and Eileen Babbitt (ed.) (2006) provided the single work available on how mediation should address wars of self-determination. However, they consider the role of the superpower as *essential* in mediating demands for self-determination. For example, Babbitt argues that:

> I discuss the importance of powerful states as mediators because of their ability to bring resources to bear on the contending parties in form of “carrots” (incentives) and “sticks” (punishment). My analysis demonstrates how important such states can be in moving antagonistic parties through the negotiation process. Such mediators can sometimes change the cost benefit calculation of governments or elites who reap economic and political rewards from the continuing chaos of war. Some would argue, for example, that the United States is the only state that has the capacity to play that role in the ongoing war over contending Israeli and Palestinian claims for self-determination in the Middle East. (162)

Moreover, they treat wars of self-determination as an internal conflict; and without regard to the hegemonic external interests which manipulate local leaders in order to shape a specific outcome to the negotiations. Indeed, they argue that:

> Because self-determination touches upon identity issues as well as political power questions, the negotiation process is especially challenging and is open to manipulation by leaders and extremist elements. A committed and
knowledgeable mediator can monitor the ebb and flows of these issues and keep the negotiation process on track. (122)

As noted earlier, secessionist wars are no longer internal since their major concern is the formation of new states and the redrawing of international borders. To treat them as purely internal undermines the importance of studying the external factors determining whether the secessionist demands are recognized by superpowers. These authors do, however, acknowledge that outside military support can play a major role in determining how minority groups choose to pursue self-determination. They argue that such support is often provided by “kin states ... adjacent states whose majority has the same ethnicity/religion/racial make-up as the minority” demanding self-determination (162). There is no discussion of the role of international actors — hegemons — in providing support to minority groups. To them, superpower involvement is benign and could only help foster a resolution. How this resolution is arrived at, whether it was predicated on the desire and wishes of the superpower or the warring parties is not discussed. Superpower involvement in secessionist wars is hardly interest free, as the cases of Sudan will reveal.

What does it entail to mediate secessionist civil wars in the current world of competing international and regional powers? Instead of asking: “how can mediators understand what they bring to the conflict?”, current mediation theory asks: “how can mediators develop methods to implement a liberal peace, and what role does impartiality have in this implementation?” To assume, as mediation literature does, that superpower mediators’ involvement in secessionist wars will not influence specific outcomes conducive to their own needs is naïve. The very context in which secessionist demands are being negotiated is entangled in a web of geopolitical, economic, political, and social interests. The best way to resolve these types of conflicts, and untangle this web of various interests, is through facilitating an agreement predicated upon a purely indigenous
negotiation process without ready-made resolutions imposed on the warring parties from above. Regardless of what this outcome might be, secession or unity, it has to emanate from the historical and contemporary local interests of those in war. As it stands, however, mediation processes often seem to be used as a platform for international intervention to maintain and preserve the hegemon’s interests. Mediation theory would benefit from emphasizing the role of non-state actors in fostering a robust internal local consultation process and an indigenous peace conducive to the needs of the locals and not the superpowers.

Despite the fact that local separatist groups seek to enlist the support of “friends in high places” as Coggins (2011) argues, these efforts of local elites seeking secession should not be used as an excuse to impose secession on a group or region by superpowers. Neither should superpowers provide support to governments seeking to force unity upon a separatist group. This research does not wish to favour any specific outcome except that it is arrived at amicably, without foreign intimidation, by the local parties in negotiations. My research findings suggest that the best mediation style capable of facilitating such outcome is Track II style of non-state actors.

The Track I vs Track II Mediation Arguments

Track I mediation processes have been the primary form of mediation used by states. Track I diplomacy is when mediation is conducted by states and international or regional intergovernmental organizations (Bercovitch 1996). Furthermore, collective bodies such as the United Nations (UN) and the African Union (AU) have recently institutionalized support offices for mediation and peace operations (Eriksson & Kostić, 2013). During the Cold War years, these
organizations were often stymied in their efforts by the dominance of the United States and the Soviet Union. But since 1989, they have taken on a larger role in mediating both interstate and intrastate disputes (Bercovitch 1996).

Compared to Track II mediation diplomacy discussed below, powerful Western states deploying Track I mediation diplomacy is considered by many scholars in the field as a source of positive leverage. The argument is that a powerful state should mediate civil wars because they possess the necessary resources and power to force an agreement upon the warring parties and to ensure the implementation of its provisions (Zartman, 1985, Stedman, 2002, Bercovitch, 2006, Hannum & Babbitt, 2009). How this leverage could be used to lend support to a secessionist group, however, is not discussed and maybe considered by mediation theorist as an unintended welcomed side effect.

During the 20th century, secessionist claims in third world countries, particularly in Africa, were faced with strong resistance from the international community that saw them as a challenge to international norms and values. In Africa, the Organization of African Unity (OAU), now renamed the African Union (AU), upheld the sanctity of colonial borders. Claims of secession in the Biafra region of eastern Nigeria, Somaliland, and South Sudan were rejected. There was fear that a precedent might trigger a spiral of secessionist movements in the continent. Also, Cold War politics at the time meant that maintaining the status quo of alliances and borders was a priority for the USA and the Soviet Union.

On the other hand, Track II mediation efforts, provide a different viable process in Conflict Resolution. These non-state actors include non-governmental organizations (NGOs), scholars, religious leaders, or former diplomats who were deemed eminent persons. Track II diplomacy offer governments an option of conducting low-key mediation with less internationalization of the
conflict since other states were not part of the mediation (as in a Track I effort). Track II efforts were utilized, for example, in Sudan’s first peace agreement as well as in Mozambique.

However, as emphasized earlier, my research finds that Track II’s effectiveness is contingent upon the absence of superpower intervention. Put differently, when there is superpower interest, the means of mediation is Track I. On the other hand, when there is no interest in the outcome of the conflict by a superpower, then Track II mediation would be the best option to mediate the negotiations. That is why research findings assert that the most significant explanatory variable in explaining support for secession is superpower intervention in the conflict. This will be demonstrated in subsequent chapters.

As mentioned, if and when a hegemon is backing a secessionist group, then a Track I mediation process will be the tool deployed and utilized to achieve this end. “Whether a secessionist movement [succeeds] ... is determined by the balance of forces and interests that extend beyond the state” (Horowitz, 1985, p. 230). However, when there is no geopolitical interest by the hegemon in the conflict, Track II could be utilized. According to Babbitt (2009), the advantages of Track II are as follow:

- Discussions are often confidential and involve influential individuals rather than decision makers, which provides the opportunity for brainstorming and exploring options that official public forums lack.
- Actors who are considered illegitimate by governments can participate because the proceedings are nonofficial and the conveners are not constrained by charters or interstate agreements that preclude talking with rebel groups or those labeled as terrorists.
- In addition to being facilitators or mediators, Track II conflict resolution practitioners can provide consultation and training for disputing parties. (p. 544-545)
My research findings reveal that one of the most important advantages of Track II, not considered by mediation theorists, is that it encourages a genuine local consensus on peace outcomes. When secessionists realize that they have no external political or material support, they will be compelled to negotiate alternatives to secession or fight a war they have no resources for.

Despite these apparent incentives to utilize Track II diplomacy, Western scholars still mostly advocate for Track I mediation. Apart from the leverage ‘advantage’ it possesses, academics and state officials involved in Track I diplomacy also argue that saving lives quickly by ending the war fast is more important than spending longer time to mediate a comprehensive agreement. An underlying assumption is that timing is of the essence. This, in turn, reinforces the mechanical understanding of mediation discussed earlier. Timing is crucial to take advantage of the ripeness of the conflict and then use superpower carrots and sticks to enforce and guarantee the peace. The fixation with procedural sequencing of peacemaking processes that is considered complete with the signing of a peace agreement might freeze the war temporarily but does not amend wounds of several years of fighting.

Secessionist wars are rooted deep into history and manifest themselves violently in various ways reflecting internal and external dynamics. Many of today’s secessionist wars can be traced back to colonialism. It was during colonialism, in Africa and other parts of the global South, that ethnic conflict and societal cleavages were heightened by colonialism’s divide and rule tactics (Matthews, 1970). In addition to reformulation of local societies and the stratification of societal groups, many of the borders in Africa and elsewhere were drawn arbitrarily (Matthews, 1970). To treat secessionist wars in the same manner as other civil wars is problematic.

The tendency to rush into signing peace agreements and simplistically focus on crafting wealth-sharing and power-sharing provisions does not “make peace”. These provisions are
important, but a genuine and indigenous form of consultation and negotiation must take primacy over expediency. There are ways to stop the killing while negotiations evolve slowly into a well-grounded resolution. One option is signing a permanent cease-fire to halt fighting. The intention is not to prolong the negotiations unnecessarily, but it is important not to rush outcomes. The purpose of facilitation is to foster a truly local ownership over the peace process and its outcome — no matter how long that might take. Mediation theory has to end its justifications for hegemonic intervention and the imposition of ready-made resolutions.

Peaceful resolutions have to be defined by the locals themselves and not by simply ticking the universal liberal peacemaking list brought upon the locals by superpower mediation. The decision of a nation to remain united, or for a part of it to secede, should be decided by that nation according to how it conceptualizes what is best for its people. It should not be decided by the geopolitical interests that represents what is best for the hegemon.

In essence, what the mediation literature currently doing is essentializing and legitimizing hegemony, without specifically referring to it, by adopting the Western state-led Track I diplomacy mediation. This “benign neglect” (Ayers, 2012) of failing to expose the hegemonic forms of mediation legitimizes foreign intervention and exploitation. It portrays Western superpowers meditating civil wars as saviours of the world in line with the former colonial desire to civilize third world savages by ’solving’ their problems through intervention. Mediation theory has to end these colonial narratives as well as its reliance on superpower leverage to mediate conflicts. Focusing, instead, on promoting the voices of the subaltern through the use of track II diplomacy in mediating civil wars generally, and secessionist wars, specifically, allows for alternative narratives and resolutions.
The Arguments Applied to the Case Studies

This thesis examines two Sudanese peace agreements. The conflict(s) between North and South Sudan highlights the need for a critical analysis of the role of third-party mediation and superpower politics. In 1955, Southern Sudanese politicians attempted to negotiate independence from the British colonial administration, but their request was denied since the British felt that the South was not ready to govern itself. Later, the British administration also rejected the South's demands to at least have their own autonomous federal region negotiated within the soon to be independent Sudan. Instead, the British administration negotiated with Northern Sudanese the terms of independence without the participation of a single Southern Sudanese. Their fate had been decided by the superpowers of British colonialism. Consequently, Sudan’s first secessionist war erupted.

Sudan’s first civil war (1955-1972) ended when the government of Sudan changed its communist orientation to join the Western camp. The US government, owing to Cold War politics, ceased to support the South’s quest for secession from the North. The US government was no longer interested in the conflict. Without superpower support, and with the OAU and neighbouring regional governments against secession, most Southern Sudanese elites decided to renegotiate an alternative to secession with the North. As a result of the absence of superpower interest in the conflict’s outcome, a genuine Track II mediation effort ensued and facilitated extensive North-South consultations and negotiations. These negotiations gave rise in the South, between 1972 and 1983, to a Southern autonomous regional government within Sudan.

Contrary to the first civil war, many, but not all, Southern Sudanese elites fought the second civil war, 1983-2005, with a vision for unity and the creation of an inclusive New Sudan for all marginalized regions. Within the Southern movement, there were those in support of the New
Sudan vision, and other who believed that secession was South Sudan’s only option. However, the separatist within the Southern movement benefited from two events. First, diplomatic relations between the US and Sudan’s new Islamic government deteriorated. Second, members of the evangelical and Black caucus in the US were lobbying the US government to intervene in the Sudanese conflict and support the secessionist groups of the South. George W. Bush consequently responded sympathetically and steered the regional Track I mediation process, which was already underway, in the direction of the secession of South Sudan. The US support meant that non-secessionist groups within the Southern movement were excluded from the mediation process. Moreover, new African Union mandates favourable to secession facilitated the US intervention in Sudan with support from Sudan’s regional neighbouring countries.

As such, mediation literature is unable to comprehend and respond to the different contexts in which mediating processes are conducted. While mediation processes are conducted under a very volatile political contexts consumed by geopolitical interest, mediation literature is functioning as the anti-politics machine. Mediation literature on the Sudan depoliticizes the role that superpower mediation process played in the 2005 Comprehensive Peace Agreement. The literature also failed to realize the role of non-state actors in the 1972 mediation process and how the absence of superpower intervention in that conflict contributed to a genuine local consultation and outcome. The primary focus of the literature on Sudan is the technical aspects of the US and IGAD mediators and not the very highly politically charged mediation process. Mediation theory on Sudan completely neglects the fact that the US and mediators were blatantly in support of the secessionist groups during mediation. The IGAD armies were deep into Sudan fighting against the government of Sudan, with funding from the US, while their mediators were sitting around the negotiation table with the government of Sudan and the rebel group. These important internal and
external power relations in Sudan’s mediation process ended up shaping the outcome of the secessionist war. Yet, no mention to that in the literature, except for one scholar, as discussed earlier. Hence, a distinct critical discourse in Mediation literature is necessary to politicize the literature and accurately reflect the highly politicized mediation process.

Significance and Contributions

My research findings are important to a number of subfields in the peace and conflict studies literature. For example, my research findings contribute significantly to Mediation Literature, African Studies, Secessionist Literature, Peacebuilding Literature, and the Civil War Literature.

First, my research introduces a critical discourse in mediation literature by deconstructing the power relations of hegemons and politicizing mediation theory and its dependence on superpower intervention. By doing so, the detrimental effects of superpower mediation on local indigenous ownership of peace processes and outcomes are exposed. This leads to a more politicized understanding of how mediation is used as a tool by hegemons to achieve their own geopolitical interests.

Second, my research has the potential to foster a more vibrant discussion on the benefits of Track II mediation processes. My finding demonstrate how Track II mediation processes lead to organic indigenous peace agreements which pertain to the interests of the people at war not that of external actors, and how this local ownership could be attained. Third, my research moves the research agenda away from inviting superpower intervention – and their Track I mediation
processes — to a new research agenda on how to protect and shield Track II mediation efforts from superpower intervention.

Fourth, for the field of African politics, my findings are significant because they call on local empowerment. Africanists’ research would thus focus on strengthening African local Agency/ownership in mediating and resolving African conflicts on the continent. Fifth, for the secessionist theorists, these research findings are important as well. My research shows that the significance of superpower intervention in secessionist wars is not just at the later recognition stage, as the theorists assume, but also in the process of how superpowers initially enable the entity fighting for secession to be powerful enough to seek recognition.

Sixth, this study also bridges the gap between peacemaking and peacebuilding. It draws the attention of peacebuilding theorists, who frequently criticize the “liberal peace” projects during peacebuilding processes, to the fact that the liberal peace has in fact been installed and initiated through mediation during the peacemaking phase. Seventh, some theorists within the civil war literature have advanced the internality argument in explaining the causes of civil war, my findings have challenged this logic of internality by providing enough evidence to prove that external geopolitical intervention during mediation could very well undermine the quality of peace agreements and the ensuing peace which in turn could lead to the recurrence of civil war.

Methodology

Grix (2002) states that methodology is concerned with the logic of scientific inquiry, in particular with investigating the potentialities and limitations of particular techniques or
procedures. The term pertains to the science and study of methods and the assumptions about the ways in which knowledge is produced. Methodology is logically linked to, and very often confused with, the research methods employed in a project. The latter are understood here as, quite simply, the “techniques or procedures used to collate and analyse data” (Blaikie, 2000, p. 8). It is because methodology is concerned with the logic, potentialities and limitations of research methods that the term is often confused and used interchangeably with the research methods themselves. I have used an interpretive epistemology for my research. This can be seen as an “epistemological position that is predicated upon the view that a strategy is required that respects the differences between people and the objects of the natural sciences and therefore requires the social scientist to grasp the subjective meaning of social action” (Grix, 2002). An ‘interpretivist’ approach is one that emphasises the role of both agents and structures. This initial position leads to a methodology that chooses qualitative research strategies.

Qualitative researchers aim to gather an in-depth understanding of human behaviour and the reasons for such behavior. Through interviews, the qualitative method investigates the why and how of decision making, not just what, where, when. Hence, smaller but focused samples are needed more often than large samples. I have used the two cases of Sudanese peace agreements — the Addis Ababa Agreement of 1972 and the Comprehensive Peace Agreement of 2005 — to provide some tests of my overall model.
Research Methods

1. **In-depth library research:** reading Mediation and Conflict resolution literature and secondary sources on the origins of Sudan’s conflict(s), the decolonization process; and Sudan’s mediation processes prior to the signing of the 1972 and 2005 peace agreements, the consequences of mediation on the outcome of secessionist wars; and US foreign policy in Sudan and the Horn of Africa.

2. **Document analysis:** I have analyzed documents gathered from NGOs, government, the African Union, and UN officials in North and South Sudan. I have sought data pertaining to location of mediation efforts, people involved, and copies of the 1972 Addis Ababa Agreement and the 2005 Comprehensive Peace agreement; and colonial manuscripts.

3. **What Sort of People were interviewed:** My research drew on interviews with 100 individuals including officials from both governments in the North and South, members of the negotiating teams, UN, AU, academics, and ordinary Sudanese people. I have also interviewed a number of Ethiopians and Eritreans on the issue of Eritrea’s secession. (See a comprehensive list in appendix #1).

4. **Rationale for Choosing Interviewees:** My interviewees represented a broad range of the population in Sudan, as well as UN, AU, and NGO officials. They were chosen because they represented the perspectives of both Northern and Southern Sudanese and other involved parties and enabled me to form a balanced argument about the mediation processes.

5. **Means of Obtaining Access to Interviewees (Fieldwork):** I travelled to warring local communities in Northern and Southern Sudan to conduct many of the interviews and was able to
obtain access to interviewees through personal networks established through fieldwork, family members, friends, and an internship with the UN.

6.  *Interview Type and Rationale*: Interviewees were reluctant to be recorded, or to answer leading questions directly. To establish trust and stimulate spontaneity, I therefore conducted open-ended interviews, listening with intense interest and *not* taking notes until out of the presence of the interviewee. Given the environment of insecurity in a police-state such as Sudan, this style created a very safe and comfortable environment for the interviewees and produced much more reliable information than would have been obtained had I employed electronic recording techniques or asked leading questions. It enabled me to hear narratives on mediations and the North-South conflict in general, as well as specific issues that made a qualitative difference to my research.

**Organization of Dissertation**

This dissertation is organized into five chapters. Chapter One has presented the main arguments and theoretical parameters of the thesis. It also outlined key debates in the mediation literature and has identified key shortcomings in the literature and focused on reviewing how mediation literature uncritically analyzes, and depicts, mediation processes. Chapter Two considers the historical evolution of the conflict in Sudan and outlines the colonial origins of South Sudan's demands for secession and the process of decolonization. The chapter, also, critically analyzes the rise and fall of secessionist demands throughout Sudan’s history and provides a historical account of events contributing to Sudan’s two peace agreements. Chapter Three
examines the mediation process of 1972 and analyzes how the World Council of Churches (WCC) and the AACC mediators, deploying Track II diplomacy mediation efforts, contributed to extensive local consultations and the autonomy of South Sudan by benefiting from the absence of superpower intervention in the conflict. On the other hand, Chapter Four outlines how the US’ dominant mediation framework, a Track I diplomacy effort, excluded non-secessionist from mediation and co-opted the mediation process in 2005 and contributed to the secession of South Sudan. Chapter Five concludes the thesis and illustrates the generalizability of my arguments by highlighting a similar case where the US-led mediation/recognition facilitated Eritrea’s secession from Ethiopia in 1991.
Chapter Two
Interrogating the Past

Raising the Sudanese flag on Sudan’s Independence Day 01-01-1956.
Source: Courtesy of Wikimedia Commons
Some of Africa’s problems are rooted in the colonial experience. The imperial powers failed in various ways to erect a sturdy base for responsive and effective postcolonial states… Diverse and sometimes hostile peoples were grouped within common borders… the legitimacy crisis and ethnic tensions that bedevil postcolonial politics must be understood in the context of the colonial epoch…

Richard Sandbrook, 1985, p. 42

This chapter highlights the historical role of superpowers in determining the fate of the Southern Sudan region during three different periods: a) the role of the British administration, during colonialism, in separating South Sudan from the rest of Sudan; and b) the colonial exclusion of Southern Sudanese from the negotiations leading to Sudan’s independence; and c) the Post Cold War ‘War on Terror’: the role of the US on the secessionist outcome of the 2005 Comprehensive Peace Agreement (CPA). This chapter validates my dissertation’s main argument by illustrating that superpower intervention in secessionist negotiations have the ultimate power in deciding the fate of secessionist groups. The chapter argues that throughout Sudan’s colonial and post-colonial history foreign intervention and manipulation, or lack thereof, have had a major role in the rise and fall of South Sudan’s separatist sentiments and eventually in the creation of an independent South Sudan. More specifically, in Sudan’s secessionist conflicts, the rise and fall of secessionist demands heavily depended on the support of strong international, continental, and regional powers sympathetic to the separatist cause. My findings assert that the geopolitical context in which mediation was conducted throughout Sudan’s secessionist wars has formed contrasting internal incentives that affected and shaped the outcome and nature of the peace agreements.

Sudan was the largest country in Africa, with an area of about one million square miles. It made up 8% of the African continental land area and 2% of the land surface of the entire world.
The country was inhabited by approximately 35 million, who speak more than 100 dialects. Sudan, with the most complex ethnic diversity on the continent (UN-OCHA, 2002), was involved in the longest-fought civil war in the world. During the first and second civil wars — 1955-1972 and 1983-2005 — around two million Sudanese perished, and one in every eight refugees around the world is Sudanese (Interview with Yai, Secretary General of the National Democratic Alliance in Western Europe, Former Chair of the SPLM Chapter in UK and Northern Ireland, 2003). Four million internally displaced persons, one of the highest percentages in the world, are in Sudan. In fact, the Sudanese death toll and population displacements far exceed those of the Arab-Israeli conflict, the Iran-Iraq war, and the Lebanese civil war combined — not even considering the Darfur crises (Sharkey, 2003).

To grasp the origins and nature of Sudan’s wars of secession, one must first comprehend its necessary historical background and the subsequent political, economic, and social elements pertaining to Sudan’s politics leading to independence, the civil wars, and the manner of their resolution.

**Imperial Intervention: The Genesis of Two Sudans**

Sudan was jointly ruled — as a condominium — by the United Kingdom and Egypt between 1899 and 1955. However, the structure of the condominium ensured that the British practiced full control over the Sudan. The former British colonial administration practiced its well-known *divide and rule* colonial policy in Sudan and implemented the *Southern Policy* between 1930 and 1946 (see Appendix 2) (Johnson, 2003). The policy sought to completely isolate,
administratively and culturally, Southern Sudan from the North. The South, which is predominantly ethnically African, with Christians being 20% of the late Sudanese population, and African traditional religious beliefs 10%, was separated from the North. The North is composed of 70% Muslim Arabs. The rational for the segregation was to minimize the Southward spread of Arabic and Islam (UN-OCHA, 2002). The line between the North and South became subject to border control, as authorities required Northerners to secure a visa if they wished to cross it (Sharkey, 2003). Southerners were forbidden from wearing Arabic clothes or speaking in Arabic language. The Southern policy not only planted the seeds for ethnic and cultural division between the two regions of the country, but also led to the massive underdevelopment of the South. Bashir (1968, at p. 44) explains this as follows:

Economic progress [in the South] was very slow compared to North. While the Northern Sudan was embarking on a new economic era as a result of the Senar Dam and the extension of railways, economic development in the South was limited to the small rubber plantations established in 1922. The Nile-Congo—Divide Syndicate which was given a concession to prospect for minerals in 1926, was only able to find little gold in the Upper basin of the Yei River.

By the time of independence, colonial marginalization of the South had created many of the grievances found today among the Southerners (Niblock, 1987). After separating the South economically, politically, and socially from the North, the British administration completely neglected the development of the Southern region, allowing only Christian missionaries to establish a few schools to convert those who believed in the African traditional religions and to spread the English language. It appears that the British administration wanted to train independent minded Africans and people who can work for the civil service in the South. The Colonial administration had established and funded only one school in the South: The Sir Lee Stack Memorial School founded in Wau in 1925 (Bashir, 1968). Apart from this, school missionaries
were allowed to increase the number of elementary schools for boys from 4 in 1926 to 33 in 1932 and the schools for girls increased from 1 in 1926 to 11 in 1932 (Bashir, 1968). However, these missionary schools failed to provide adequate education and training for Southerners and the British administration “questioned the wisdom of entrusting the missionaries with educating the boys destined for Government service because ‘experience elsewhere showed mission education to be faulty’” (Bashir, 1968, p. 46). This Southern Policy was summed up by the Governor-General in 1945 as follows:

The approved policy is to act upon the fact that the people of the Southern Sudan are distinctly African and Negroid, and that our obvious duty to them is therefore to push ahead as fast as we can with their economic and educational development on African and Negroid lines, and not upon the Middle Eastern and Arab lines of progress which are suitable for the Northern Sudan. It is only by economic and educational development that these people can be equipped to stand up for themselves in the future, whether their future lot be eventually cast with the Northern Sudan or with East Africa (or partly with each). (1930 Memorandum on Southern Policy, Appendix #2.)

Related to the ideology of indirect rule was the policy of institutionalized neglect, with the conservatism of indirect rule inhibiting education and economic development (Daly, 2007). In the South, the colonial administration maintained long-standing practices of exploitation, notably of cattle and ivory, with commerce controlled almost exclusively by foreign and Northern Sudanese merchants. Intent on maintaining the separation of North and South, the borderline between the North and South became subject to border control, as colonial authorities required Northerners to secure a visa if they wished to cross it (Sharkey, 2003). Accordingly, when for reasons of political expediency Britain gave independence to a unitary Sudan — rescinding earlier assurances to the South to consider a federal constitution — far greater disparities prevailed between the North and the South than had existed before colonialism (Johnson, 2003). According to Dr. Zhagorav, many
parts of South Sudan today still live under “Stone Age conditions”. (Interview with Dr. Zhagorav, 11-05-2018)

In 1946, however, the British entirely reversed the Southern Policy. One reason for this reversal was the strong pressure Britain experienced from the Northern Sudanese who were demanding independence of the whole, North and South, Sudan. In addition, Egypt was pressing Britain not to establish a new country in the Nile Basin that would compete with Egypt on the waters of the Nile. Hence, the British did a rapid about-face and in 1946 stated their new policy in this way:

The policy of the Sudan Government regarding the Southern Sudan is to act upon the facts that the peoples of the Southern Sudan are distinctly African and Negroid, but that geography and economics combine (as far as can be foreseen at the present time) to render them inextricably bound for future development to the middle-eastern and Arabicized Northern Sudan: and therefore to ensure that they shall, by educational and economic development, be equipped to stand up for themselves in the future as socially and economically the equals of their partners of the Northern Sudan in the Sudan of the future. (1946 Memorandum on Southern Policy, Appendix #3)

The sad reality was that the British imperial power was considering what to do with Southern Sudan — at some point Britain considered uniting it with one of its territories in East Africa — without consulting with the Southerners themselves.

**Negotiating Independence: No Independence for South Sudan**

The discussions leading to independence were happening between the Northern elite, Egyptians, and the British, with no Southerners involved. The Civil Secretary of the Condominium
Government, Sir James Robertson, consulted the Southerners for the first time on their future at the Juba Conference in June 1947. At this conference, the Governor of the Southern provinces appointed representatives to participate in the Legislative Assembly in Khartoum. Southern representatives had no previous political experience in administration or legislative councils, yet they were forced to form a minority of only 13 of 95 members to prepare for independence (Wai, 1973).

The British administration decided that the Southern Sudanese were not trained and educated enough to participate in the discussions surrounding the decolonization process and the future of Sudan (Bashir, 1975). Between 1952 and 1953, Egypt and Britain signed, in Cairo, agreements that would formally usher in the independence of Sudan within three years. The agreements were signed with the presence of Northern Sudanese only as no Southerner was consulted on the issue of independence. By imposing the *Southern Policy* on the South between 1930 and 1946, and the establishment of missionary education there, the British had effectively denied the Southerners the opportunity to develop the necessary expertise and education that would have enabled them to participate in the decolonization negotiations alongside the rest of Sudan. Consequently, any hopes for the Southerners to participate and demand self-determination and recognition in the decolonization talks were dashed.

As a result, in August 1955, the Southern Corps of the army mutinied and quickly developed into a popular uprising in which 261 Northerners living in the South were killed (Eprile, 1974). Another reason for the revolt was the *Sudanization* project in the Civil Service in 1954, in which 800 expatriates were replaced by 794 Northerners and only 6 Southerners (Interview, Dr. Abdulrahim Hamdy, Jan. 6, 2012).
By October 1955, the revolt in the South was extinguished and only one thing remained before Sudan could become a fully independent sovereign state. This was the support of the 22 Southern members of parliament (out of a total of 97) who had been elected in December 1953. Southern members of Parliament were demanding that a plebiscite on Southern secession take place in the South under the direct supervision of the United Nations. Again, the British administration would effectively decide what was best for the South. The British vehemently rejected their proposal as it “would almost certainly revive and strengthen the movement for some sort of self-rule in the South” (Oduho & Deng, 1963, p. 32-33). When Britain denied the South the opportunity to secede, Southerners settled for unity but decided to seek a federal autonomous arrangement within Sudan. Sudan was set to be an independent country; all it required was a majority vote in parliament. To get the Southern MPs to vote for a motion for immediate independence from Britain, Northern MPs promised the Southern MPs that they would place the issue of federalism as the first item on the agenda after independence. Owing to this promise, the Southern MPs voted in favour of the motion and Sudan became independent on 1 January 1956 (Niblock, 1987).

**Independence: The Search for Political Space**

Contrary to most of colonial Africa, Sudan’s independence was mostly the result of international rivalry, rather than war or a nationalist struggle (Freund, 1998). Sudan’s first independent government and parliament were dominated by Northern elites. They followed in the
footsteps of the colonial administration and bluntly neglected the calls for self-determination of their Southern Sudanese colleague in parliament.

Consequently, discontent in the South developed into guerrilla warfare led by the Anyanya rebels, marking Sudan’s first civil war from 1955 to 1972. General Jaafar Nimeiri, who came to power by military coup in 1969, ended the civil war in 1972 by unilaterally signing the Addis Ababa Agreement with the Anya-nya rebels that granted autonomy to the South. On 5 June 1983, Nimeiri abrogated the peace agreement and, in September that year, he introduced a very strange version of Sharia law to be imposed on all Sudanese, even non-Muslims. It is for this reason that many Sudanese Muslims do not consider it Sharia Law and, therefore, it was given the name “the September Laws”.

In 1983, the Sudanese Peoples Liberation Army (SPLA) began the second civil war in the South, under the leadership of Colonel John Garang. Nimeiri was ousted by a popular uprising in 1985, which gave birth to a brief democratic period that was ended by a military takeover in 1989, organized by the National Islamic Front (NIF). This Islamic extremist party still governs Sudan and is headed by General Omar Al Bashir. In 2005, the Islamic government signed the Comprehensive Peace Agreement with members of the Sudanese People’s Liberation Movement/Army (SPLM/A) which led eventually to the secession/independence of South Sudan in 2011.
**On Federalism**

In order to prevent the Egyptian crown from taking over Sudan, and considering the 1955 mutiny in Southern Sudan, Britain granted Sudan formal independence and drafted a temporary constitution to avoid the crucial contentious issues of whether Sudan should become a unitary or federal state or whether it should have a secular or Islamic constitution (Deng, 2010).

In their effort to keep their promise of federalism, a 46-man Constitution Committee was set up by Sudan’s new parliament in December 1956 to discuss the issue of federalism. However, the Sudanese government allocated only 3 of the 46 committee seats to Southerners and the majority of the committee voted that it “had given the Southern claim for federation very serious consideration, and found that it could not work in this country” (Albino, 1970, p. 41). The Southerners were almost tricked into agreeing to independence in return for federalism. For Northerners, federalism reminded them of the colonial *Southern Policy* which separated the South from the North. Northern Sudanese were interested in a unified Sudan and hence rejected all calls for federalism. If the North would grant the South federalism, it was argued, how would the North reverse the damage caused by the *Southern Policy*? For Northerners, the priority was to embark on building one unified nation under a centralized government. For the Southerners, however, the central government was dominated by Arabs and hence Southerners preferred to exert control over their own affairs in an autonomous South (Interview with Professor Alteraifi, 05-09-2018). The issue of federalism and discontent in the South led, in November 1958, to the handing-over of the government by Prime Minister Abdallah Khalil to the army.

A federal system of government would have provided the South autonomy and full control over their political, economic, and social development. In addition, federalism would have been a peaceful, legitimate path for the Southern Sudanese region to voice their concerns at the federal
level, thereby making sure that the federal government policies were in line with the region’s interests. Conversely, while federalism is considered an effective method of government in multi-ethnic societies, some scholars have disagreed and argued that federalism might go awry and serve as a divisive tool that works against unity in underdeveloped states such as Sudan. Al-Teraifi (1991) comments that:

In recognizing regional variations, a decentralized system is denying the equality of its citizens. For many, equality is part and parcel of democracy. Separatism and other parochial attitudes may follow. Decentralization may not strengthen trust in government and may even lead to minority alienation. (93)

Sudan was not an exception; many countries emerging from colonialism in Africa adopted centralism. In my interview with Professor Alteraifi, he mentioned that Sudan could have alleviated some of the concerns regarding federalism by considering the various types of federalism that suited Sudan’s Northern and Southern needs.

With the abolition of the 1958 parliament went the Southerners’ hope of furthering their demands by legitimate means. Northern Sudanese failed to reverse the damaging effects of colonialism. In fact, the North revived the colonial legacy of marginalizing Southerners. Parliamentary government was restored in 1965 but by that time “many of the most able Southerners had given up hope of achieving anything by legal means and were fighting in the bush” (Wai, 1973, p. 100). This time, the demands of the rebels had evolved into secession.

In March 1965, a constitutional Round Table Conference on the South was held in Khartoum under the auspices of the caretaker government that succeeded the army regime in October 1964. This represented a great opportunity for reaching a resolution on what the status of the South should be within Sudan. The conference was attended by observers from Algeria, Ghana,
Kenya, Nigeria, Tanzania, U.A.R., and Uganda, in addition to Northern and Southern delegates (Poggo, 2009). The Southern delegation was divided and that weakened their demands for secession. Badal (1976) explains:

The Southern Sudan separatist movement, like similar movements elsewhere, experienced bitter divisions within its leadership, along tribal or regional lines... at the Round Table Conference on the South, held in March 1965, Southern leadership was hopelessly divided and there was a diversity of goals. The SANU wing of William Deng, who led the split, greatly compromised the Southern position. Although a genuine attempt to break the deadlock it was untimely and widely regarded as motivated by selfish interests. The Southern Front Party pressed for self-determination, the adoption of which principle would have meant virtual secession of the South. The Southern Front Party compared Southern Sudan to a colonial situation and argued for the inherent right of all the Southerners to be able to choose between four options; acceptance of the status quo (i.e. the centralized unitary system), local autonomy, federation or secession. Not surprisingly, this was rejected, together with Deng’s proposal for an arrangement similar to that of the United Kingdom and Ireland. The Conference ended in total failure. Thus, while the North showed the will, the South did not have the capacity to negotiate. (468-69)

The conference was adjourned with the objective of meeting again but that never happened (Wai, 1973). Sudan’s politics has never been contained within its borders. Regional and international politics have always influenced Southern Sudan’s fight for secession. The next section will elaborate on that.

Cold War and Regional Involvement: The US Withdrawal from the Conflict

In the wake of the 1967 Arab-Israeli war, Sudan had aligned itself with the Arab League and facilitated the involvement of some Arab regimes, such as Egypt and Libya, in their pursuit of interventionist foreign policies in central and eastern Africa. Through Sudan these governments
supported, for example, the Eritrean separatists, as well as, the Simba rebellion in Congo (Poggo, 2009). Sudan’s regional neighbours responded to the involvement of these Arab regimes by supporting militarily the Anya-nya rebels in the South. Israel, through the Ugandan clientelist regime of Idi Amin, provided a great deal of material assistance and training (Jok, 2007; Johnson, 2003). Nimeiri’s coup in 1969 and his communist-oriented policies/agendas resulted in Eastern Bloc support for Sudan. That development, in turn, enticed the US and its allies to intervene in the Sudanese conflict by providing support for the Anya-nya rebels in the South. However, a communist-inspired coup attempt in 1971, led President Nimeiri to switch from the Eastern Bloc to the Western Bloc (Johnson, 2003). As a result, the US its allies terminated their involvement in the Sudanese conflict and ceased to provide political and material support to Southern Sudanese rebels. Consequently, the Anya-nya rebels did not have the necessary superpower backing to demand secession during the 1972 Addis Ababa peace negotiations. They also did not have the resources to continue fighting. As a result, genuine indigenous local peace consultations and negotiations took place and resulted in the creation of an autonomous Southern region — as we shall see in the chapter three.

Nimeiri went on to become the US’ third largest aid recipient in the world, after Israel and Egypt. This eventually made Sudan a major US ally in the Horn of Africa and led to Nimeiri’s involvement in several US-led operations in Chad and Ethiopia. Sudan’s operations in Chad angered the Libyan Leader Muammar Qaddafi, who retaliated by eventually supporting the Sudanese People Liberation Army/Movement (SPLA/M). By 1976, Sudan had been officially designated as the chief anchor of US policy in the Horn of Africa, drawing the region squarely into the Cold War (Yohannes, 1997, pp. 262, 306). Surprisingly, the Soviet Union did not see Sudan as a priority at that time. Its attention was fully focused on winning the allegiance of Egypt’s
President Gamal Abdel Nasser (Interview with Dr. Zhagorav, 11-05-2018). As elsewhere, US patronage sustained Nimeiri’s oppressive regime in power. The regionalization of proxy wars as a “flashpoint in the Cold War” resulted in a massive influx of Chadian political refugees, as well as a heavily militarized environment, with devastating consequences for Darfur (Mamdani, 2009, p. 211; Yohannes, 1997).

Faced with an economic crisis and the declining legitimacy of his regime, Nimeiri effected a degree of reconciliation with the Islamists. This led to a massive revolution in Sudan known as the April Revolution of 1985. Nimeiri was ousted from power and a transitional coalition council took over for one year to prepare for elections. Sudan experienced four years of democracy before the Islamists organized a coup and ended Sudan’s short democratic experience, between 1985 and 1989.

The War on Terror: The US’ Intervention in Sudan

The National Islamic Front (NIF) seized power in 1989 and US hostility increased as the new regime developed contacts with Libya, Iraq and Iran. By 1991, Sudan had lost its special place within US circles and was instead considered a threat to US interests in Africa and elsewhere (Khalid, 2015). Furthermore, the US ended its aid package, except for limited humanitarian assistance and, soon after, the IMF and World Bank ended their programs in Sudan. The US administration instigated two counter-offensive strategies: the use of the SPLM and Sudan’s regional neighbouring states as a pro-insurgency force against the Sudan regime and, when that
failed to weaken the government of Sudan, they used intervention in the form of peace mediation (Woodward, 2006).

The Clinton administration worked to overthrow the government of Sudan. First, it classified Sudan as a state-sponsor of terrorism and increased military aid to Sudan’s neighbours, such as Uganda, Ethiopia and Eritrea — known as the frontline states — to engage in military operations inside Sudan as we shall see in chapter 4. The US also increased direct assistance to Sudan’s armed opposition, the National Democratic Alliance (NDA), operating from Eritrea and eastern Sudan and to the SPLM (through the Sudan Peace Act of 2002). The US, in addition, unleashed cruise missile strikes on the Al-Shifa pharmaceutical plant in Khartoum-North (Woodward, 2006, p. 94). Economic and political sanctions were also imposed but gum Arabic, Sudan’s principal export to the US, was exempted, due to pressure from Coca-Cola and other US corporations (Cramer, 2006). However, when US efforts to overthrow the regime in Sudan failed militarily, the Bush administration embarked on intervening in Sudan via the Intergovernmental Authority on Development (IGAD) peace process (Interview, Dr. Mohammad Mukhtar Idriss, Minister of State in the Cabinet Office, 14 Jan. 2013). The IGAD peace process was a regional effort to contain the government of Sudan and end the war. However, the process ended being a US platform for its support for Sudan’s rebels. Unlike the 1972 Cold War politics, this time the US furnished the rebels with material and political support and backed the SPLM/A demands for secession during the negotiations with the Sudanese government. This will be further analyzed and elaborated on in chapter four.
Conclusion

Colonialism, post-colonialism, and the cold war politics of manipulating Sudanese politics contributed to Sudan’s struggle with the issue of secession. The *Southern Policy* of the British colonial administration planted the seed for the notion of two Sudans. The British decided that the Southern Sudanese were too different from the Arabs of Northern Sudan and devised policies to let them develop along African lines. The British even thought about attaching the Southern Sudan region to one of its east Africa colonies prior to Sudan’s independence. However, pressure from Egyptian and Northern Sudanese politicians led the British to reverse their *Southern Policy* and reattach the South to the rest of Sudan. Meanwhile, the South had been underdeveloped and the economic and cultural gap between the North and South was insurmountable by the time of independence. Sudan generally, and Southern Sudan specifically, were victims of British policies of *divide and rule* and have struggled with the consequences since.

For the sake of rebuilding a unified nation, one would expect that the Northern Sudanese elite would try to reverse the damage done by colonialism and manage its ethnic diversity better. However, successive Sudanese governments since independence adopted projects of Arabization and Islamization of the Southerners. Through these projects, central governments in Sudan thought they would be revising the *Southern Policy* of the British. Of course, Southern Sudanese felt more marginalized and demanded self-determination. They initially suggested federalism but no government responded to their demands. This led them to the bush and civil war. Throughout their struggle in history, Southern Sudanese demand for secession/independence from Sudan had suffered several setbacks. First, the British had refused to consider consulting them on their future relationship with Northern Sudan after independence. Later, after fighting the post-colonial independent state in Sudan, initially with US support, they failed to win self-determination because
the US refused to intervene in the conflict after Nimeiri became a Western ally. The US did not intervene in the peace process in any way. As a result of having a neutral mediator, in the form of the non-state actors of WCC and AACC, Southern Sudanese had no superpower to impose the issue of secession during negotiations. As we shall see in chapter three, this led to a robust local consultation process amongst Southerners to look for alternatives to secession and to decide on which path the South should take. At the end, the 1972 Addis Ababa Peace Agreement granted the South an autonomous region with full powers over their own economic, political, and social affairs.

Almost fifty years later, after a second civil war, the US backed the South’s secessionist aspirations during the mediation process of the 2005 Comprehensive Peace Agreement. Consequently, the South seceded from the Sudan. As one prominent Southern Sudanese politician put it: “The secession of South Sudan came about because of the intense pressure from Western countries, especially the US” (Malwal 2005). To reiterate, the most significant factor inhibiting or enabling the secession of Southern Sudan, throughout Sudan’s history, has been the role of external superpowers in their support, or lack thereof, for secession. Simply put, when superpower interest in the Sudanese conflict was absent, such as in 1972, the South could not enforce the issue of secession on its own and, therefore, had to formulate an internal local consensus on alternatives to secession. On the other hand, when the US maintained interest in the conflict during the 2005 mediations, the South, represented by secessionist within the SPLM/A decided to cultivate this international consensus on secession. A closer look at the specific external, regional, and local factors contributing to the outcomes of the two peace agreements is next. The following chapter will examine the factors which influenced the mediation process of the 1972 Addis Ababa Peace Agreement.
Chapter Three
The Addis Ababa Agreement: Africa’s Beacon of Hope

Source: Chronological Speeches of his Imperial Qedamawi Haile Selassie (2018)
“It is obvious, that both the Arab North and the African South will have enormous advantages once they part in peace”.
Oliver Albino (1970, p 111).

Those were the words of a prominent South Sudanese scholar after the independence of Sudan in 1956, predating the negotiations of the Addis Ababa Agreement (AAA) in 1972. These secessionist views were shared by many Southerners and by the Southern Sudan Liberation Movement (SSLM) that was fighting the first civil war (1955-1972) against the Government of Sudan (GoS). Delegates of the SSLM and its military wing, the Anya-nya rebels, demanded secession from the North during the initial stages of the negotiations leading up to the AAA. However, the South came out of the negotiations with autonomy in a form of a regional government. Owing to that, the agreement was celebrated regionally and continentally. As Taisier Ali and Robert Matthews (2004, p. 283) wrote: “[h]ailed by Africans and non-Africans alike as a beacon for all nations similarly divided along racial, religious, and ethnic lines, the [Addis Ababa] agreement created a new framework within which the Sudanese people would hopefully work out their differences and resolve their controversies.” Many post-colonial African states desired the relative peace and stability created by the AAA in Sudan between 1972 and 1983. However, a question that no one appears to have asked before is: Why didn’t the South secede then?

This chapter examines the third-party mediation process which refrained from taking sides during the negotiations and facilitated the formation of The Southern Sudan Autonomous Region in 1972. Specifically, my research analyzes the role played by the mediators of the agreement — the World Council of Churches (WCC) and the All Africa Council of Churches (AACC) — and analyzes the role played by the US and by Sudan’s regional neighbouring states in the outcome of
the agreement. Furthermore, this chapter assesses the role of the OAU in setting a continental perspective on the issue of secession at the time.

This chapter validates my dissertation’s main argument by illustrating that the absences of superpower interest in intervention creates the appropriate environment for local indigenous ownership of peace processes and outcomes. Here, lack of superpower geopolitical involvement in mediation allowed for non-state actors, deploying a Track II mediation process, to foster an indigenous peace process conducive to the needs of all local warring parties and not the external powers. Hence, the main argument of this chapter is that the failure of South Sudan to secede from Sudan in 1972 was due to the fact that the separatist movement did not have the material and political support of superpowers. Remarkably, without such support, Southern Sudan Liberation Movement had to reconsider its stance on secession and consider alternative means for coexistence with the North. In order to gather a consensus on an alternative to secession, from all Southerners at stake, an extensive Southern local consultation dialogue was conducted. In addition, I argue that the disinterest of superpowers, in turn, allowed the WCC and ACC mediators, constituting a Track II diplomacy effort, to facilitate a truly indigenous outcome to the negotiations without ready-tailored external resolutions being imposed on the locals.

Montville (1991) coined the phrase “Track II Diplomacy” and defined it as the “ unofficial, informal interaction between members of adversary groups or nations that aim to develop strategies, to influence public opinion, organize human and material resources in ways that might help resolve their conflict” (p. 162). Void of Track I geopolitical interests of superpowers and/or regional state organizations, Track II mediators are more attuned to all the local interests of those in negotiation rather than to their own. In the case of Sudan, the WCC and AACC mediators distanced themselves from the internal issues, particularly that of secession, by focusing on
facilitating negotiations rather than directing the outcome (as will be discussed below). This type of mediation fosters an organic indigenous negotiation without foreign intervention or influence, since it allows the belligerents to sort out their differences based on their local needs and interests.

The events leading to the 1972 agreement demonstrated that the absence of any hegemonic interest in supporting secession compels rebel groups to negotiate on their own and ‘walk it alone’. Track II mediators, in such situations, would not have to deal with competing external interests in the conflict. They will be able to facilitate the negotiations based on “‘pure’ mediation, in which the mediator has no interests at stake (except the interest in seeking a resolution), and exercises no power (except the intangible exercise of the power to change people’s minds)” (Zartman, 1985, p. 12).

Cold War power politics were instrumental in the outcome of the 1972 AAA. After Sudan switched camps, in July 1971, and became a Western ally, the West immediately ceased support for the Southern rebels and pressured the allies of the West to end material support to the Anyanya rebels fighting the government of Sudan. Owing to this ideological switch, the US and its Western allies were no longer interested in the Sudanese conflict. In hindsight, the US had no interest in the issue of secession or in helping the South secede; the only reason why the US supported the South was to destabilize the communist government of Sudan. When the Sudanese government ceased to be communist, the US decided to end its involvement in the conflict. The US was no longer interested in intervening in the conflict; consequently, Southerners did not have the political and material support of the US and its regional allies to pressure the government of Sudan to accept secession as they had before.

Moreover, the continental and regional political climate in Africa at the time of the negotiations was not conducive to secession. The commitment of the Organization of African
Unity (OAU) to the sanctity of the colonial borders and doctrine of non-interference was at its height when the Addis Ababa negotiations were underway. Sudan’s regional neighbouring states did, in fact, provide material support to the Anya-nya rebels but none of these governments supported Anya-nya’s secessionist claim. These regional states sought to aid South Sudan to end its marginalization by the Arab North but within a united Sudan (Alier, 1990). To the regional states, Southern Sudanese were African brothers fighting for equality. Furthermore, the OAU’s sacred stance against secession and intervention in the internal affairs of its member states prevented Sudan’s regional states from intervening in Sudan’s political trajectory during the negotiations and shielded the 1972 agreement from any direct regional influence in peacemaking (Interview with Mr. Rizeig, African Union, 15-12-2017).

In any case, many of Sudan’s neighbouring countries were fighting secessionist wars within their own borders — principally Ethiopia, Uganda, and Zaire — and had no interest in endorsing secession in South Sudan for fear of retaliation by the Sudanese government (Alier, 1990). Thus, devoid of any external support from the mediators or any international or regional powers, the Anya-nya rebels could not impose the issue of secession on the government of Sudan (GoS). Rather, this lack of external backing for secession forced the rebels to realize that their best chances at achieving any degree of self-determination would be through peace talks with the government of Sudan. Therefore, after extensive internal consultation amongst Southern Sudanese, and indirect communications with the government of Sudan, the Southerners began to accept that President Nimeiri was genuinely interested in granting autonomy and regional power to the South. Consequently, secessionist claims were let go, and Southerners negotiated a regional self-governmen with a large degree of autonomy instead. The Addis Ababa Agreement would be considered a truly indigenous Sudanese achievement arrived at by Sudanese for the Sudanese
people. Several internal, regional, continental, and international power dynamics contributed to setting a mediation stage that was against secession.

**Internal Politics leading to the Agreement**

As I have shown in chapter two, Jaafar Nimeiri took power 25 May 1969, stating that the Southern problem was one of his major priorities. He then announced a policy document on 9 June 1969 that paved the way for the Addis Ababa negotiations to start (Lagu & Alier, p. 48). This document, entitled the *Policy Statement on the Southern Question*, was formulated primarily by the Communist Party of Sudan and it presented several important points (Abusharaf, 2013). First, it made clear to the Southerners that the uneven development and colonial practices that were caused by the “Southern Policy” would be fully acknowledged by the Revolutionary Council of the Government. Second, and for the first time in Sudan since independence, the government recognized the cultural and historical differences between the North and South and called for regional autonomy for the South as a solution (Abusharaf, 2013). Northern governments had been trying to assimilate the South since independence. This new policy document was considered a stark government shift from the previously adopted Arabization and Islamization policies discussed in chapter two. Third, the document suggested that the best way to achieve this goal was by extending the amnesty law and developing the South economically, politically, and socially. The President appointed a prominent Southern Sudanese by the name of Abel Alier as Minister of Southern Affairs and later promoted him to Vice President to oversee the implementation of the
policies (Beshir, 1968). Abel Alier would go on to play an instrumental role in the design of the regional autonomy for the South and in the eventual peace process.

To gain the confidence of Southern leaders and to declare a serious desire for peace, Abel Alier, a Southern trained lawyer, encouraged president Nimeiri to extend the Indemnity Act for one more year, which exempted Southerners who returned to Sudan from prosecution, and to establish an economic development fund for the South (Shinn, 2004). The government also started recruiting Southern policemen and created an economic planning board in the capital of Southern Sudan, Juba. In addition, a senior secondary school in Malakal was opened and the government established a department for Christian affairs as part of the Ministry of Education (Alier, 1990). Nimeiri promoted Alier to the positions of Vice President and Minister for Southern Affairs in August 1971. These new government policies were effective in creating a new environment conducive to peace. Southern Sudanese leaders were taking note of the government’s new approach to South Sudan. Nimeiri had developed a certain sympathy and understanding for the situation confronting Southerners when he was stationed as a military captain in South Sudan between 1959 and 1961 (Shinn, 2004). Southern Sudanese leaders soon reciprocated this understanding.

International and Regional Politics Leading to the Agreement

The Cold War Politics

An examination of the regional, continental, and international aspects of the settlement demonstrates that politics in both Sudan and in the Horn of Africa as a whole cannot safely be seen
as bounded by racial, religious or ideological loyalties and antagonisms. It is clear that the Cold War politics of the Horn and beyond are a complex web of domestic instability, covert diplomacy, external subversion and temporary alliances in which race, religion and ideology often play only a small part. To suggest that events are more complex than they seem is not particularly helpful, but it may be an important corrective to any over-simplified interpretation of Sudan’s international and regional relations.

When President Nimeiri took power by a coup in May 1969, he declared a socialist revolution and immediately pledged allegiance to the Soviet Union. Members of his Revolutionary Council were from the communist party of Sudan. Between 1969 and 1971, Sudan had a group of personnel from the Soviet Union working at the Ministry of Planning as economic planners. Most of the country’s socio-economic plans were managed by these Soviet specialists during that period (Poggo, 2009). Consequently, Sudan’s relations with the West deteriorated. For example, British businesses in Sudan were nationalized. Sudan’s diplomatic ties with the USA had already been severed due to Sudan’s support of Egypt during its war against Israel in 1967. (Israel was also unhappy with Sudan’s support of Egypt.) As a result, pro-Western countries in the region were used to intervene in the conflict by providing material support to the Anya-nya rebels. Israel, one of the principal suppliers, was providing arms and technical assistance, including training facilities, to the Anya-nya guerilla forces from bases located in Uganda (Poggo, 2009). The Ethiopian government, also a pro-Western government, was hostile to Sudan for allowing material support to be funneled to the Eritrean secessionists from Arab countries sympathetic to Eritrea. Ethiopia retaliated by providing full support to the Anya-nya rebels (Khalid, 2015).

Sudan’s alliance with the Eastern Bloc reduced Western aid to humanitarian assistance only. The civil war in Sudan had created devastating conditions in Southern Sudan and led many
Western NGOs to provide humanitarian assistance to Sudanese civilians living in the South, but more so to those Sudanese refugees living in neighbouring countries (Poggo, 2009). One of these Western NGOs, the WCC, would eventually hold the position of third-party mediator during the negotiations leading up to the signing of the 1972 AAA.

The relationship between the president and the communist party of Sudan, however, did not last for long and the failed Communist Party coup of 19 July 1971 ended Nimeiri’s interests in socialism and in the Eastern Bloc. As a result, the government of Sudan switched allegiances and crossed over to the Western Bloc. Almost instantly, Sudan’s relations with regional pro-Western governments improved. Governments in the region such as Ethiopia, Uganda, and Zaire were turned from foe to friends and these improved relations meant that the South Sudan Liberation Movement, the political wing of the Anya-nya rebels, would be deprived of material assistance from these regional countries. The West and their allies were no longer interested in the Sudanese conflict. For example, the president of Uganda, Idi Amin, terminated Israeli support for the Anya-nya rebels in Uganda (Woodward, 2006). It also meant that the Sudan would cease its support for secessionist movements in its pro-West neighbouring countries, such as the Eritrean secessionist movement in Ethiopia, the Simba Movement in Zaire, and the rebellion in Northern Uganda (Alier, 1990). Cold War politics in the Horn of Africa contributed indirectly to ending the civil war and to ending the secessionist aspirations of the Anya-nya.

Every time a regional government switched allegiances during the Cold War, the effects were felt in the Horn as a whole. Alier states that:

The switch of client support by the United States and the Soviet Union in Ethiopia and Somalia respectively in later years after 1974, demonstrated so dramatically how internal policies in the developing world seem to depend so hugely on external, East-West geo-political rivalry. At issue for the super powers is the control of the
Horn of Africa and the Indian Ocean which sometimes make countries in the Horn pawns in the power game among the super powers in the area” (Alier, 1990, p. 70).

Cold War politics had an indirect impact on the outcome of the 1972 peace agreement as these geopolitical rivalries unintentionally allowed Sudan to remain united by creating the perfect stage for the WCC/AACC to mediate. Alier explained how the shift from the Eastern Bloc to the Western Bloc had weakened the Anya-nya’s claims for secession:

[Favourable conditions which the movement had had in the recent past were the result of the then foreign policy position in the Sudan. That policy had now undergone an abrupt overhaul after the abortive coup of July to which RCC [the Sudanese government] had reacted ruthlessly against the Communist Party leadership, the Eastern Bloc in general, and the Soviet Union in particular. Sudan was turning to the West. The insurgents and politicians in exile had to understand and appreciate that the West was ready to improve relations with the Sudan to promote and protect their interests and to keep the Soviet Union out. The price of change in relations between the Sudan and the West would be the abandonment of the Southern movement and possibly its destruction too. Pressure would be put on allies of the West to reduce, if not eliminate, the material support to the Anya-nya. (Alier, 1990, p. 68-69)

The absence of superpower geopolitical interests in the conflict, as argued, was the most significant explanatory variable in forcing the rebel movement to give up secession and negotiate on the bases of autonomy instead. This means, that the emphasis of mediation theory on the technical skills of mediators facilitating peace agreement in secessionist wars is secondary to the interests of superpowers. Key international geopolitical factors determine who gets to secede and who remains united within their current state. As Coggins (2011, p. 435) argues, “aspiring states need a quorum of the world’s states to consecrate their legitimacy; they need friends in high places [to support their secessionist objective]”. Mediation skills and tactics will be rendered irrelevant in resolving conflicts, in general, and secessionist wars, in particular, if the outcome of negotiations was already predetermined by superpowers. Other factors in 1972 also contributed to setting an
outcome that was against secession. Sudan’s regional relations would improve as a result of the Cold War shift as well.

**The Regional Politics**

Now that Sudan was in the same Western camp as its neighbouring regional states, the Sudanese government, through its Minister of Southern Affairs, Abel Alier, visited regional countries to gauge their position on the Southern Sudan settlement and to promote peace talks amongst the Southern Sudanese refugees. There were many Southern Sudanese politicians in exile in these countries and the government of Sudan felt it was important to get a sense of the support a peace settlement would receive from these governments. In other words, the Sudanese government was actively trying to rally a consensus on any potential settlement to ensure its durability. What is ironic, though, is that this effort to get a consensus on peace was primarily focused on the South.

After the failed communist coup, Nimeiri banned political parties in Sudan and formed in their place the Sudanese Socialist Union as the country’s only legal political party. This move made Nimeiri very unpopular, and isolated him politically, in the North. This isolation was another motive for the president to seek political support from Southern Sudan through a negotiated settlement (Matthews & Ali, 2004). However, the government’s efforts to gather a consensus amongst Southern Sudanese living in exile was crucial. According to Alier, the government of Sudan was interested in peace with *all* Southern Sudanese communities and groups. It wanted Southerners to be united in their interest in the peace talks to ensure a local consensus on what
peace should look like. It was a form of peace being built directly, from the bottom-up, by the absence of the geopolitical politics of the region and the international powers. Dr. Zhagorav concurred that the absence of external intervention during the negotiations of the 1972 Addis Ababa Agreement is the main reason why Southern Sudan failed to secede from the North (Interview with Dr. Zhagorav, Senior UN mediator, 11-05-2018).

The governments of Ethiopia, Uganda, and Zaire were considered sympathetic to the Southern rebellion. However, “At no time had any leader in these countries ever indicated that he was in support of secession.” (Alier, 1990, p. 71). Uganda, Ethiopia, and Zaire were faced with fierce civil wars; they could not risk supporting the South for fear of retaliation by the government of Sudan (by supporting their rebel movements). The Kenyans, on one hand, had the delicate issue of ethnic Somalis in its Northern Frontier District (NFD), which was later renamed to The North-Eastern Province. This is the province that was taken from Somalia in 1925 and added to Kenya, as a result of colonialism. It was in the best interests of these African countries to support peace and stability in Sudan, rather than setting an African precedent by encouraging the secession of Southern Sudan. Hence, despite their sympathy for the Southern Sudanese struggle, they were happy to encourage a peace settlement that would give Southern Sudanese “full recognition to cultural, religious, and national diversity and adopted a just social process” (Alier, 1990, p. 72). The policies of the Organization of African Union (OAU) also had a hand in how African governments looked inward rather than outward when it came to peace and sovereignty.
**The Organization of African Union (OAU)**

The Organization of African Union also did not lend support to the South Sudan Liberation Movement’s secessionist war. The OAU was established on 25 May 1963 in Addis Ababa, primarily to promote strong cooperation between African states and to defend the sovereignty, territorial integrity, and independence of African states. At the OAU’s first ordinary session of the Assembly of Heads of States and Government, held in Cairo from 17 July to 21 July 1964, it passed a resolution that “All Member States pledge themselves to respect the borders existing on their achievement of national independence” (OAU, AHG/Res. 16 (I), 1964). A firm decision by the OAU was made among its founding members that secessions are inherently incompatible with the dream of African unity. Robert Matthews (1970, p. 355) explains:

> In an effort to build a security community the African states have developed over time a set of norms and institutions to guide their relations and to curb and/or to restrain the outbursts of violent conflict. Article III of the OAU Charter which incorporates in large part the interstate code of behavior of the Monrovia bloc [of the OAU] provides a set of norms or rules to regulate relations between all African states. They are: the sovereign equality of all member states; noninterference in the internal affairs of other member states; respect for the sovereignty and territorial integrity of each state and for its inalienable right to independent existence; and, finally, peaceful settlement of disputes by negotiation, mediation, conciliation, or arbitration.

The OAU’s adherence to the doctrine of non-interference meant that it did not intervene in internal conflicts on the continent. It was clear on its stand: internal matters of Member States are to be handled by the states themselves. This doctrine, ironically, further shielded the Sudanese negotiations in Addis Ababa from foreign continental intervention in its peacemaking efforts (Interview with Dr. Zhagorav, Senior UN mediator, 11-05-2018). The fact that mediation efforts for the 1972 agreement were being held in Addis Ababa gave the talks an added protection, since Ethiopia was the headquarters of the OAU and the Emperor of Ethiopia was selected as the OAU’s
first president. Poggo (2009) states that “The Organization of African Unity (OAU), upholding its charter on noninterference in the internal affairs of a member country, showed no interest and exerted no effort in these matters [of Sudan], nor did it even pressure the North and South to stop the civil war.” (p. 177)

One of the very first instances where the OAU rejected secession was when the Biafra region of Nigeria attempted to secede. The Biafra war, 1967-1970, served as a reminder to Southern Sudanese rebels of the challenges of secession in Africa. The OAU fiercely rejected the secession of Biafra and it was not ready to allow South Sudan to set a precedent for other secessionist movements on the continent, such as that in Eritrea, or that in the northeastern province of Kenya, which had hopes of rejoining Somalia. Against this Western, regional, and continental backdrop, the government of Sudan’s interest in ending the civil war in Sudan grew.

**Prelude to the Negotiations: The WCC & the AACC in Critical Perspective**

As early as October 1970, the then new Minister of State for Southern Affairs, Abel Alier (himself a Southern Sudanese), presented a memorandum to the Council of Ministers, urging them to consider “dialogue with the Anya-nya” (Poggo, 2006, p. 178). They agreed; and Alier contacted the WCC and AACC to facilitate communication between the government and the Anya-nya and Southern Sudanese in exile.

The mediators’ ability to maintain their special relationship with both parties without compromising their own independence was a great asset. From the government perspective, the AACC was considered unbiased and trustworthy because of the AACC’s report on the conflict. In
1966, the AACC sent an investigative delegation to Sudan and South Sudan to verify the allegations put forth by Southerners that Northerners were religiously persecuting Southerners. The AACC report concluded that the conditions on the ground were not typical of what the Southerners had claimed. The government of Sudan viewed this report as objective and fair (Aseefa, 1987). The government had expected a Christian organization to file a biased report in favour of the Christian Southerners but the AACC did not (Aseefa, 1987). For that, they earned the government’s trust and acceptance for mediation along with their sister organization, the WCC. The WCC was also known to the government of Sudan. They were involved in humanitarian missions for Southern Sudanese refugees in neighbouring countries. However, it was the WCC’s humanitarian involvement in Biafra that earned it a trustworthy status with the government of Sudan. They were known not to have taken sides in the secessionist war of Biafra, Nigeria.

The AACC report, on the other hand, angered the Anya-nya rebels because it dispelled some of their claims (Alier, 1990). However, the AACC was considered an affiliate of the WCC, and since the Anya-nya had a very good relationship with the WCC, they had no choice but to accept the neutrality of the AACC and its report. Anya-nya’s good relationship with the WCC was established while the WCC was providing humanitarian assistance to Southern Sudanese refugees in Sudan’s neighbouring countries. For these reasons Abel Alier utilized the trust that the WCC and AACC enjoyed from the government of Sudan and Anya-nya and invited WCC and then AACC to help mediate the conflict by opening channels of communications between the two belligerents. Abel Alier’s high integrity and well-known honesty, despite being a Southerner and working with Northerners in the government, had earned him the trust and respect of both Northerners and Southerners in general.
The WCC and AACC were, among other things, international humanitarian NGOs and their peace effort was considered a Track II diplomacy process of mediation. Alie further explained the government reasoning for choosing these non-state actors to mediate. First, the government of Sudan did not want to afford giving any international political legitimacy to the Anya-nya movement. Second, if foreign states were to be involved in the mediation, as opposed to NGOs, then the rebel movement would be awarded a status that would impact, and tilt, the balance of potential negotiation, since the rebels might be supported by strong Western states or even a superpower. This would have weakened the government’s position during negotiations as it would not stand a chance against a superpower. Having a superpower backing the Rebels could mean that the issue of secession would be hard to avoid since the geopolitical interests of the superpower would be entangled with that of secession (as we shall see in the next chapter). Third, the presence of NGOs would help foster an informal form of negotiations, free of foreign influence and intervention. The government wanted to ensure that the negotiation process was purely a Sudanese matter and free of outside interests. The neutrality of the WCC and AACC would allow that to happen.

Alie also mentioned that the location of the negotiation talks was chosen carefully to allow for maximum secrecy. Addis Ababa was chosen since it was where the headquarters of the Organization of African Unity (OAU) as well as the European Commission for Africa were located. This would allow the government delegation to travel freely to Addis Ababa as they usually do when attending meetings of the OAU. The public would not know about it. The rationale for secrecy was simple. If the government failed to achieve peace, then the Anya-nya would not have gained any publicity for the talks. If peace was achieved, then the government would have achieved it without any sort of public or international pressure. In fact, the WCC and the AACC
had assured the government of secrecy and even offered an escape plan: if, for any reason, the international community or the local public knew about the talks, the WCC and AACC asked the government to deny that they were any formal talks, but that there were some efforts to discuss a settlement (Alier, 1990). All these details were important; however, it was not because the government’s decision to choose a Track II mediation process that Sudan enjoyed a well-balanced negotiation process free of foreign intervention. It was, in reexamining this situation, Sudan’s decision to join the Western Bloc that ended the West’s interest in the conflict which in turn enabled Sudan to use Track II diplomacy processes and negotiate an agreement free of Western hegemonic interests. What about interference by the Soviet Union, however?

According to Dr. Zhagorav, the Soviet Union did not interfere in Sudan’s peace process at that time for three reasons. First, the Soviet Union did not fully understand the Sudanese conflict and the dynamics of the South. Second, the Soviet Union was very much interested in Egypt at that time and not Sudan. Egypt was strategically more important than Sudan as it was, and still is to a large extent, a dominant player in Middle East politics and its president at that time, Gamal Adel Nasser, was a strong Soviet ally. The Soviets thought that, through Nasser, they could expand their ideology to other Middle Eastern countries. The third reason was the strong relationship between President Nasser of Egypt and President Nimeiri of Sudan. The Soviets did not want to anger and/or lose Nasser’s allegiance by meddling in Sudan’s affairs, especially since Sudan had always been regarded by Egyptians as their own backyard (Interview with Dr. Zhagorav, Senior UN mediator, 11-05-2018).
Non-state Mediators: Enabling Local Dialogue

As long as a conflict is free of external geopolitical interests, there are many advantages for having a Track II mediation process over a Track I mediation process. One of the advantages of the Track II mediation process is that it has the capacity to foster a local consensus around peace. The WCC/ACC understood that durable peace would not take place unless all parties at stake participated in the discussion leading to peace. Incredibly, the WCC and AACC mediators were encouraging a local dialogue. They used their intimate knowledge of the Sudanese refugee camps, since they were providing humanitarian assistance to Southern Sudanese within, as well as outside of, Sudan to promote peace. In 1971, and in an incredible testament to the effectiveness of Track II mediation, the general secretary of the AACC, Reverend Burgess Carr, along with other church officials, visited Sudanese refugee camps in Zaire and Uganda to harness support for peace amongst the refugees and their leaders (Aseefa, 1987).

All Southern Sudanese leaders were consulted before the negotiations took place. They were consulted on what they sought in a peace agreement and what their priorities would be (Poggo, 2009). All Southerners, refugees as well as rebels, had to be assured that the outcome of the settlement would guarantee their safety.

On the issue of secession, not all Southerners felt the same. Badal (1976) clarifies:

Support for separatism in the Southern Sudan, even in the later days of organized revolt, varied with the region and in accordance with the extent of detribalization and political consciousness. Where detribalization was most advanced and political consciousness highest, as in Equatoria, the [separatist] movement could count on the almost total support of the rural population. On the other hand, the major Nilotic tribes who were largely isolated in the swamps were only marginally involved in the Southern rebellion. This statement does not apply to the majority of their respective intelligentsia, who were for the movement all along. (470-471)
Southern Sudan was, and still is, a heterogeneous society. It is comprised of hundreds of local communities and local languages and they have rarely gotten along. My interview with Ismail Konyi, a Southerner from the Morle community, revealed the extent of animosity that still exists between Southern Sudanese communities:

Most white people think that the Dinka tribe is the tribe that represents South Sudan. They only deal with the Dinka because that is where the leadership of the SPLA is from. We do not approve of that. The Dinka do not represent the South. We also have people died in the struggle to free the South. Why should they be given more attention than us? We are [the Morle] a strong and big tribe and we will not let any other tribe in the South tell us what to do” (Interview with, Sultan/Colonel Ismail Konyi, Militia leader, SPLA officer, and MP of the Morle Tribe, 13-12-2006).

Eventually, during Sudan’s second civil war, the SPLA had to purchase the loyalty of Ismail Konyi, one of the militia leaders (who boasted about this in the interview). Konyi was given a seat in South Sudan’s Parliament, a military rank of Colonel and, as proudly elaborated, he got to keep his militia intact — his militia would not be affected by the Disarmament, Demilitarization, and Reintegration (DDR) program in the South. (Interview with, Sultan/Colonel Ismail Konyi, Militia leader, SPLA officer, and MP of the Morle local community, 13-12-2006). Ismail Konyi was referring to, and criticizing, the historical domination of the Dinka community over other Southern communities. The one thing that unified Southern Sudanese, historically, was their struggle against the North (Badal, 1976).

It is for that reason a post-settlement arrangement had to be carefully discussed with the various leaders of Southern Sudan. Track II diplomacy offered them the opportunity to have such extensive consultations amongst the different Southern leaders. These expansive internal consultations were instrumental in representing the many different needs/voices of the South in the AAA. Sudan’s former Minister of Finance, Dr. Abdulrahim Hamdy stated to me that Southern
consultations prior to the 1972 agreement is what made the agreement truly indigenous. There was no external middling in the negotiations. (Interview with Dr. Abdulrahim Hamdy, Sudan’s Minister of Finance, 06 Jan. 2012)

It is worth mentioning here that the Track I mediation deployed during the negotiations to end Sudan’s second war was exclusionary and starkly different from the Track II adopted above, as will be elaborated on in the next chapter. The US and regional powers excluded non-secessionists from within, as well as outside, the Southern movement to take part in the 2005 negotiations.

Track II Mediation and the AAA: Fostering an Indigenous Outcome

Against this Southern consensus, the stage was set for negotiations. The issue of secession was dropped. Representatives from the South and North would sit, for the first time since independence, and work together to reach an agreement.

Formal negotiations started in Addis Ababa on 16 February 1972. The WCC mediators at the talks were Leopoldo Niilus, an Argentine, the Ghanian, K.E. Ankara, and one African from the ACC, Burgess Carr, a Liberian. Athi Bwogo, a Southern Sudanese member of the Sudan Council of Churches, was a participant in the preparatory work for the negotiations. These mediators made their presence as invisible as possible (Leach, 2013). In fact, they referred to themselves as “go-betweens” rather than mediators (Leach, 2013, p. 182). Burgess Carr assumed the primary role of “moderator” with no power to enforce any pressure on either side; he was selected in his individual capacity rather than that of the church or any other foreign institution (Leach, 2013, p. 185). The
other mediators were seated as “observers”, along with the representative of the Emperor, Nebiyelul Kifle (Aseefa, 1987, p. 133). What is important to note about this arrangement is that all sides in the negotiations agreed that “the talks were the exclusive business of the Sudanese who alone had to resolve their differences and settle their disputes” (Alíer, 1990 p. 98). Foreign agendas were not put forth at the table. Talks were allowed to be free of foreign interests and outcomes were to be based on local interests. Alíer Alíer described the limitations of the moderator as follows:

His role was virtually that of a chairman, without powers to rule against or in favor of any side; he was not empowered to order any side to do what they did not wish to do. But he was there to guide the discussion: to persuade parties to come up with positive proposals; to summarize positions reached; to help in arranging side talks and generally to make his services available to both sides to help warm the chill that characterised relations between the parties and to bring them closer. Positions reached by the two sides on any issue were summarized by the moderator and submitted to the meeting for a final decision (Alíer, 1987, p. 98).

Emperor Haile Selassie of Ethiopia, one of the founders of the OAU, agreed to make his office and services available should the delegations need it. He did not preside over the meetings but, owing to his prestigious status amongst African leaders at the time, his offer provided the necessary assurance for the negotiators.

The SSLM delegation arrived in Addis Ababa with financial help from the WCC. Carr had paid for their air fares from Kampala, Uganda. The SSLM delegation was headed by Ezbione Mondiri, with Dr. Lawrence Wol, as Secretary, and with six more members. The government delegation was headed by Alíer Alíer (Vice President of Sudan at the time) and Dr. Mansour Khalid, Minister of Foreign Affairs, along with four other members (Alíer, 1987).

Talks began on the political arrangements first. The SSLM had already given up their position on secession but demanded a Sudan that was divided into four autonomous regions. The government rejected the proposal outright, condemning the SSLM for speaking on behalf of the
North, East and West regions, and proposed their own version of autonomy with limited authority and more control by the President of Sudan. The Southern delegation rejected that offer and countered with their own version of a two-state solution. Only then did the government make another proposal with more autonomous powers for the South.

Burgess Carr, the principal mediator, opened the first session — and also ended every negotiation session — with a prayer from both the Bible and Quran, and invited the delegations to forget the past and remember to negotiate what is best for the people of Sudan (Alier, 1990). He also encouraged them to have dinner together after each session. His tactics paid off. The delegations began to feel comfortable with each other and a sense of trust building was in the air (Alier, 1990). This helped when Carr formed a smaller group from both sides — three from each delegation — to meet and discuss the more challenging points separately and iron out the differences in the two proposals. The smaller group met and began to consolidate the two proposals in the form of regional autonomy (Alier, 1990). The Ethiopian government provided the moderator with a vehicle to shuttle between the two hotels where the delegations were staying, to facilitate communications with both delegations and to bring opinions closer together. The smaller group managed to produce a working draft document which detailed the political, economic, social, and security issues that needed to be discussed as part of an agenda for regional autonomy. The delegations worked together in a very friendly manner that prompted one observer to note:

“… there were times in the debates when some Northerners would side with the Southerners against their own members or even make arguments on behalf of the SSLM as to what is fair and what is not... One member of the Northern delegation made so many suggestions in favor of the SSLM that he sometimes confounded his own delegation.” (Aseefa, 1987, p. 137)
At the one time the delegations hit a serious impasse, Carr suggested taking the matter to the Emperor. Both delegations agreed. The next day, the Emperor was consulted on how to divide the number of soldiers stationed in South Sudan after the agreement. The government, for security reasons, wanted to have more soldiers on the ground than the Anya-nya. The South Sudan Liberation Movement rejected that proposal and proposed that they have more soldiers in the South than that of the Sudanese army. They noted that Southern Sudanese would not feel safe in the presence of the same soldiers that had killed them a few month ago. The Emperor suggested a fifty-fifty proposal and eventually both sides, after consultations with their superiors in Kampala and Khartoum, agreed.

As mentioned, these negotiations were kept in total secrecy from the world. The security issue was the last hurdle in the negotiations and when it was resolved:

“Carr stood up and started to pray aloud, rather than silently as he had done whenever a major issue in the negotiation was settled… he was crying as he prayed, and some members of the delegations were also crying… one of the Generals in the Northern delegation confessed that he was crying out of remorse for the slaughter between brothers all these years. Another Minister from the government’s delegation lifted Carr up into the air out of exuberance” (Aseefa, 1987, p. 142).

It took the delegations twelve days to resolve the long-standing conflict. On 27 February 1972 the agreement was signed in a ceremony and the Emperor congratulated both sides for a landmark agreement. The AAA was ratified and made into law on 27 March 1972. A new Sudan was negotiated — by Sudan for Sudan — allowing for a new era of peace, equality, and social justice. For the first time since independence, Southern Sudanese had their own regional self-government with a fully functioning Regional Assembly with legislative powers and a High Executive Council with executive powers (Bereketeab, 2015). The ensuing eleven years were considered by

Reporting four years after the signing of the agreement, Nelson Kasfir described the state of the agreement and the conditions on the ground in Southern Sudan by saying:

PERHAPS THE MOST surprising though certainly gratifying consequence of the Addis Ababa Agreement of 1972 has been the successful maintenance of peace in the new Southern Region of the Sudan. A steadily growing civil war, showing increasing indications of international involvement, was suddenly stopped in March 1972 following negotiations between representatives of the Sudan Government and delegates selected by the Southern Sudan Liberation Movement (SSLM). Four years later members of both the national and regional governments remain committed to making the settlement succeed. The agreement has established the rules for postwar politics in the South and appears to be gaining a permanent and functional role in the political system of the Sudan (Kasfir, p. 143).

When I asked a Southern Sudanese friend, and a former classmate at the University of Toronto, about the period after the Addis Ababa agreement, he described a very “vibrant, peaceful, and happy” South Sudan. He remembers it very well; and to him, that era represents his “best memories of South Sudan” (David, L. L., former chairman of South Sudanese Association Toronto, interviewed by Khalid Ahmed, 25 September 2003).

Conclusion

This chapter argued that Track II mediation efforts conducted by non-state actors — the WCC and AACC mediators — were instrumental in arriving at a peace agreement that was devoid of external input. One of the remarkable achievements of this process is that it fostered an inclusive consensus amongst Southerners on peace outcomes. Of course, the mediation process, and the environment in which it was conducted, benefited from the effects of internal, regional, and
continental political factors. Sudan’s Cold War shift — from the Eastern Bloc to the Western Bloc — was helpful in steering the Anya-nya into peace talks. That shift positioned Sudan to be in line with the policies of its neighboring states. Ethiopia, Kenya, Uganda were aligned with the US and the Western Bloc, and Sudan’s ideological shift turned foes into friends, which inevitably led to the isolation of the Anya-nya rebels. Without material and military support from the US, Uganda, and Ethiopia, the Anya-nya leadership embarked on an extensive local consultation process, amongst all Southerners, in order to consider alternatives to secession and to define the type of path they desired. The consensus of the consultations was to terminate fighting and demand a Southern autonomous region via the peaceful path of negotiations with the Sudanese government.

The OAU’s non-interference doctrine in the affairs of its Member States and its firm stance against secession, on the other hand, meant that the OAU was not keen on intervening in the conflict. All these factors created an environment which fostered a robust internal consultation process and a Track II mediation effort led by the WCC/AACC mediators. Since the WCC/AACC mediators did not have any geopolitical interests of their own to serve, they refused to interfere in the outcome of the civil war and were keen on facilitating an indigenous agreement negotiated and arrived at by the people at war. The mediators were sincere and well informed as they had good knowledge of the situation in Sudan. Their aim was to alleviate the suffering of the Sudanese people within Sudan, as well the refugees in neighbouring countries.

However, in 1977, President Nimeiri reached a national reconciliation agreement with some of the major opposition parties in Northern Sudan. His grip on power in the North gradually started to wain and members of Northern Sudanese opposition groups worked slowly to dismantle the Addis Ababa Agreement. Northern jealousy of Southern democratic rights and autonomy —
along with growing ethnic tension amongst Southerners aspiring to lead their regional autonomous government — led to President Nimeiri’s abrogation of the Addis Ababa Agreement on 5 June 1983. Sudan’s second civil war followed soon thereafter.

Events leading up to and contributing to the AAA challenged the misguided mediation literature that tends to over-emphasize the technical aspects of mediation and the benefits of superpower intervention. The non-imposing mediation process of the WCC and AACC would not have been as effective as it was had there been a superpower interested in the outcome of the 1972 peace agreement. Theoretically, a distinct critical discourse on the advantages of not inviting superpowers to mediate secessionist wars is required in order for academics to foster alternative frameworks which would encourage indigenous local ownership of peace processes and outcomes to take place.

However, Sudan’s next peace agreement will represent the opposite of that. A consortium of states, led by the USA and the Intergovernmental Authority on Development (IGAD), will form a Track I diplomacy mediation process of peacemaking. The interests of the US and these regional powers will be given priority. The mediation process and the outcome of the next peace agreement will be in contrast with the Addis Ababa agreement and will assert that when the geopolitical interests of hegemony are invested in a conflict, a very different stage, with different mediators and different objectives, will be set to control the mediation process and its outcome.
Chapter Four
The Comprehensive Peace Agreement: When Mediators were Belligerents

Source: Getty images (2018)
“It is often forgotten that the Sudan is not just North and South. The Sudan is also West, east, and center, no matter what definitions you wish to attach to these labels… All patriots must appreciate the reality that we are a new breed of Sudanese; we will not accept being fossilized into sub-citizens in the ‘Regions’.”

John Garang Speaks (Garang, 1987, p. 93).

According to Taisier Ali and Robert Matthews (1999, p. 200), “The SPLA [Sudanese People Liberation Army] rejected secession on grounds that the war is not a fight between Northerners and Southerners. It is not a fight between Christians and Muslims. In essence, the [SPLA] movement saw its struggle as being against established structures and relations in Sudan.”

Since Sudan’s second civil war was fought by the SPLA to create the structural foundations of a new Sudan for all marginalized regions, how did the ensuing peace negotiations end up with secession? What were the interests of those mediating the Comprehensive Peace Agreement (CPA) and what outcome did they strive to see for the second civil war? The administration of US President George W. Bush claimed victory at the signing of the CPA. The image on the front cover of this chapter shows John Garang (the late chairman of the SPLA), Ali Osman Mohamed Taha (former Vice President of Sudan, and Colin Powell (former US Secretary of State) at the signing ceremony of the CPA. What were the contributions of the Americans and Intergovernmental Authority on Drought (IGAD) to the negotiations and ultimate secession?

This chapter specifically examines the role of third-party mediation efforts by the US and IGAD between 1993 and 2005 that contributed to the signing of the 2005 Comprehensive Peace Agreement (CPA) and to the secession of South Sudan in 2011. The main drivers of the mediation were the United States (US) and the IGAD states (before January 1996, it was known as the
Intergovernmental Authority on Drought and Desertification, IGADD). The IGAD member states are: Somalia, Sudan, Djibouti, Eritrea, Ethiopia, Uganda, and Kenya (IGAD website, https://igad.int/). However, only the last four states played a significant role in the IGAD mediation process under the leadership of Kenya and under direct influence from the US (Johnson, 2016).

IGAD’s twelve-year mediation effort in Sudan demonstrates how regional mediators, along with their Western allies, were serving their own interests rather than the interests of the Sudanese people (as will be discussed below). The IGAD armies were fighting alongside the SPLA, with funding from the US, to overthrow the Government of Sudan (GoS) while simultaneously mediating the negotiations as third-party mediators. This chapter validates my dissertation’s main argument by illustrating that the intervention of superpowers in peace mediation, using Track I diplomacy, will alter the outcome of a secessionist war in favour of the superpower's interests. Accordingly, this chapter argues that the international hegemon, the US, and its regional allies, IGAD states, all constituting the Track I diplomacy team which mediated the 2005 peace agreement, had the breakup of Sudan as their own ulterior motive. They were in full support of South Sudan’s secessionist claims for their own geopolitical reasons, and they brought the Sudanese government to accept secession through coercion and mediation. Yet, mediation literature on the secession of South Sudan had never considered the role of the US in the secession as hegemonic (with the exception of John Young, 2012). In addition, my findings emphasize that while the regional and internal factors were very important, the US intervention in the conflict was the most significant factor contributing to the secession of South Sudan.

Furthermore, unlike the 1970s, there was a historical shift of attitudes towards secession and recognition practices in Africa. The earlier post-independence stance of the Organization of African Unity’s commitment to non-interference has softened since the transformation of the OAU
into the African Union (AU) in 2001 and the adoption of a new *non-indifference* approach to civil wars in African states (interview with Awad Reizage, Feb. 2018). This shift contributed to increased intervention by neighbouring states in the internal affairs of Sudan and subsequently to the secession of Southern Sudan.

**Internal Politics Prior to the Agreement**

The Southern Sudan Autonomous Region was abolished by President Jaafar Nimeiri, on 5 June 1983, effectively ending the Addis Ababa Agreement (AAA). Almost immediately, the Sudanese People Liberation Army/Movement (SPLA/M) began fighting Sudan’s second civil war (1983-2005). In September 1983, President Nimeiri declared Sharia law across all Sudan; these laws would eventually have complicating effects on mediation. Abrogating the AAA also led to the demise of Nimeiri’s popularity, and ultimately, his presidency. On 6 April 1985, the Transitional Military Council (TMC) ousted Nimeiri and instantly invited the SPLA to join the government to end the war. However, the SPLM/A demanded that the country first undergo genuine structural changes — such as freezing Sharia laws and holding a constitutional conference on Sudan’s issues with the participation of all marginalized people in the country (Leach, 1998). The Transitional Military Council rejected their conditions and, as a result, this internal effort at peacemaking failed. Two crucial facts should be noted: first, radical Islam and Sharia law would lead to the internationalization of the mediation process as it would eventually legitimize intervention in Sudan’s conflict on the bases of the “war on terror”; and, second, the issue of self-determination was not raised at this stage of the negotiations.
The National Islamic Front (NIF)-led coup of 30 June 1989 forever changed the dynamics of the war and its mediation process. A more violent phase of the war, under the banner of *Jihad* (holy war), began. Former US President Jimmy Carter mediated two rounds of talks between the SPLA and the new Islamic-oriented government in August and December 1989 in Addis Ababa and in Nairobi respectively to no avail (Woodward, 2006). The NIF has been historically against peace in the South and has been vehemently interested in spreading its radical Islamic ideology in all parts of Sudan and beyond its borders to other regional states. As we shall see, this new radical Islamic ideology constituted a threat to Sudan’s neighbors, as well as to the US, and ultimately led these countries to adopt a very specific violent brand of intervention. However, the SPLA suffered two major destabilizing crises in 1991: first, the loss of its key ally, the Derg (the name given to the Ethiopian communist government headed by President Mengistu); and, second, an internal revolt in the SPLM/A’s leadership (Khalid, 2015). Ethiopia was crucial to the survival of the SPLA as it provided training and a base for the movement inside Ethiopia.

**The SPLM/A’s Internal Divide: New Sudan vs Secession**

The SPLM/A was founded by the late Dr. John Garang, a Southern Sudanese army officer with a PhD from the US. Contrary to the secessionist demands of the Anya-nya movement of 1972, Garang did not seek secession from Sudan. Instead, he led a socialist movement to create a ‘*New Sudan*’ in which all marginalized groups were to play an integral part (Deng, 2010). This vision of a New Sudan was embraced by people all over Sudan, especially after the NIF’s narrow Islamic agenda had further alienated and marginalized many Sudanese regions and groups. The vision of
a New Sudan also received huge support from President Mengistu of Ethiopia. Mengistu, a communist, provided military support and a base for the SPLA to wage its war against Sudan but did not support secession as Ethiopia was fighting a secessionist war in its Eritrean region. Ethiopia’s support would not have happened if Garang had been after secession in Sudan. Other countries such as Nigeria and the former Zaire were also against secession since they were struggling with secessionist regions in their own countries.

Garang’s vision of a New Sudan did not capture the imaginations of all Southern Sudanese. Many of them thought it would be best for the South to secede in order to “enable a South Sudanese national identity to evolve and develop” (Nyaba, 2007). In fact, these contradictory views amongst Southerners led to divisions in the SPLM/A. An internal revolt in the SPLM/A’s leadership between Lam Akol, Rick Machar, and Garang took place in August 1991. The government exploited the rift and supplied Rick Machar and Lam Akol with weapons, despite knowing that they were separatists within the SPLM movement. This internal fighting weakened the SPLM/A to near extinction (Toft, 2010). It continued for almost 10 years, but by January 2001, Rick Machar and Lam Akol were back with Garang. To end the internal rift and accommodate the separatists, Garang had to agree to the notion of self-determination, at least in principle (Nyaba, 2007). From that point onward, self-determination was demanded as a precondition for any future settlement. Despite this, Garang still continued to have high hopes for his vision of a new Sudan (Nyaba, 2007). This internal divide between secessionist and non-secessionists within the SPLM/A would eventually be used by the US when it intervenes in, and assumes control of, the mediations process. The US ultimately sides with the secessionists and exclude non-secessionists in the South from the negotiation process.
The Internationalization of the Conflict

The Nigerian mediation efforts were the first efforts involving external states. They are important insofar as they marked the beginning of more international intervention. The failure of these talks laid the ground for IGAD and US involvement in the mediation process.

The Nigerian Mediation Efforts

In 1992, Ibrahim Babangida, the Nigerian President, and who was also the chairman of the Organization of African Unity (OAU), mediated the first serious attempt at tackling peace between the SPLA and the GoS in Abuja (Young, 2004). These talks were known as the “Abuja I” talks and marked the first international attempt at mediating the Sudanese civil war. The government of Sudan insisted that the constitution be based on Sharia law, although the South could be exempt from these laws. The SPLA was represented by two separate factions led by Riek Machar and John Garang and countered the government proposal with demands for a secular democratic system and, for the first time, inserted the right of the South to a referendum on self-determination (Khalid, 2015). Vries and Schomerus (2017) explains:

Within the divided SPLA, the battle was not only military, but also ideological. In 1992, the split SPLA convened for peace talks in Abuja at the invitation of the Nigerian Government. While Garang continued to hold on to his vision of New Sudan, the SPLA faction under Machar – who was later to become Vice-President of the Republic of South Sudan and then leader of the armed opposition against the government in 2013 – vocally supported secession. The Abuja talks were supposed to bridge the divide between the two positions. It was the first time that Garang’s SPLM/A put self-determination on the agenda. (33)
However, both the Nigerian and Sudanese governments rejected the rebels’ proposal for self-determination, and the talks collapsed.

Of course, a Nigerian mediated peace process would reject secession. First, Nigeria fought a secessionist war in its Biafra region between 1967 and 1970, and its anti-secessionist views were well known on the continent. Second, the Nigerian president was the head of the OAU at the time of his mediation efforts. The OUA’s rules on the preservation of post-colonial borders were very clear, as I have outlined in chapter three. Consequently, the mediation and talks failed to reach an understanding on the issue of self-determination.

President Babangida of Nigeria offered to mediate another round of negotiations in 1993. At this time, the rift between the two SPLA factions had led to intense fighting between them in South Sudan. As a result, the SPLM/A was militarily weak and its bargaining power at the negotiation table was even weaker. The government of Sudan offered economic, political, and social power-sharing pacts, rejected secession and any constitutional reform where Islam would not be referred to as the state religion (Lesch, 1998). The SPLM/A rejected the government’s proposal and called for autonomy, a secular democratic New Sudan, and proposed that if the government of Sudan failed to commit to the New Sudan vision, the South and all the marginalized regions of Sudan should have a vote on separation (Woodward, 2006). The critical issues of the separation of state and religion and self-determination again brought about the collapse of the negotiations. With the end of Nigeria’s mediation efforts, a new regional organization picked up the mediation tasks.
Superpower Mediation: Orchestrating Regional Attitudes

In a classic track I mediation process, the IGAD states of Ethiopia, Eritrea, Uganda, and Kenya established a Peace Committee to mediate the Sudanese civil war in 1993. The Kenyan President, Daniel Arap Moi, was the chairman of the committee. In addition, Norway, Italy, the United Kingdom (UK), the Netherlands, and the US formed the Friends of IGAD forum in support of IGAD’s mediation efforts in Sudan (El-Affendi 2001). The US contributed generously to funding the expenses of the peace process, such as communication, travelling and accommodation of members, workshops and more (Leach, 2013). These international and regional states formed the basis of the Track I mediation diplomacy, which eventually led to the signing of the Comprehensive Peace Agreement of 2005.

Sudan’s President, Omar al-Bashir, agreed that IGAD should mediate the peace process for several reasons. First, Sudan was keen on having an African mediation process as opposed to a Western one. In addition, at the time of IGAD’s initiatives, the US military engagement in the Horn of Africa was underway in Somalia and Sudan was concerned it could spread to Sudan. Second, having supported the rebel movements in Ethiopia and Eritrea to come to power, Sudan expected these rebels-turned-governments to be on Sudan’s side during the IGAD mediation process (Woodward, 2006), despite the fact that they had previously supported the SPLA. The Sudanese government was aware of the regional support afforded to the SPLA, especially from Ethiopia, Eritrea, and Uganda, and hoped to amend relations with them, as will be discussed later, and to gain their support during the IGAD mediation process. Third, although its role in IGAD was much smaller than Ethiopia’s and Eritrea’s, Djibouti is a fellow member of the Organization of Islamic States and Arab League and, as such, Sudan expected its sympathy.
Kenya, on the other hand, was the IGAD member with the least involvement in Sudan’s war. Kenya had historically played a minor role in assisting the SPLA in the past but had strong political connections with the West, particularly with the UK and the US. Still, Sudan considered Kenya as the one with minimal ulterior motives and possibly the best candidate to lead the IGAD mediation process. Given this information, the government of Sudan believed that IGAD would be able to convince the SPLA to forego the issue of secession (Iyob & Khadiagala, 2006). Paradoxically, my interviews with a high-ranking Kenyan official revealed that the Sudanese government had grossly underestimated Kenya’s interests in, and support of, Southern Sudan. Kenya’s ulterior motives in the secession of South Sudan will be revisited in subsequent sections of this chapter.

Sudan’s hope for the support of Ethiopia and Eritrea in IGAD was soon dashed. In March 1994, the IGAD mediation process was started by the Ethiopian foreign Minister, Seyoum Mesfin, proposing a Declaration of Principles (DoP) document as the basis for the negotiations. This formed the first foreign interference with the agenda setting of the peace process by a regional power. The DoP acknowledged the right of South Sudan to self-determination through a referendum if the government of Sudan reneged on the mandates of the DoP. These Mandates included a democratic and secular system, wealth and power sharing, various forms of regional autonomy, equality, and the independence of the judiciary system in Sudan (See DoP, appendix #5). The inclusion of the secular system mandate was very important for Sudan’s neighbouring countries as they had hoped to end the spread of Sudan’s Islamic agenda into their own realms.

Dr. Zhagorav, who was the UN observer in the mediations leading to the Comprehensive Peace Agreement, confided to me that all the Foreign Ministers of the IGAD countries had told him personally that they wished secession for Southern Sudan. Their rationale was that Sudan was
too large and strong in the region. Therefore, a divided Sudan would tremendously weaken its influence generally and the influence of its Islamic government in the region, specifically (Sudan was the 10th largest country in the world and the largest in Africa). Moreover, the secession of the South would weaken Sudan economically “By secession, 75% of Sudan’s oil will end up in the hands of the South Sudan government. This will weaken the Islamist government of Sudan as it would deprive the North from oil” (Interview with Dr. Mohamed Mukhtar, Jan 14, 2013). Furthermore, they felt more comfortable dealing with Southern Sudanese than with Northern Sudanese since Southerners are considered black Africans and Christian “like us” (Interview with Dr. Zhagorav, Senior UN mediator, 11-05-2018). The Sudanese delegation was surprised that Ethiopia and Eritrea would suggest a proposal so repellent to the government (Johnson, 2011).

The government of Sudan had a good reason to be surprised: Both the Ethiopian and Eritrean presidents would probably not have militarily won power in their countries without the material and financial support that was provided to them by Sudan when they were rebel leaders living in Sudan. President Meles Zenawi of Ethiopia and President Isaias Afwerki of Eritrea both had their rebellion bases in Sudan when they launched their final military campaign into Ethiopia/Eritrea, in 1991, and took power (as we shall see in the concluding chapter).

The two SPLA delegations — SPLM/A-Mainstream and SPLM/A-United — accepted the Declaration of Principles. However, feeling betrayed by its neighbors, the government of Sudan refused to accept the imposed offer and walked away refusing to participate again in the IGAD mediation until 1998 (Khalid, 2015). By producing the guiding principles for the negotiators, the IGAD states decided to shape the direction, and the possible future outcome, of the negotiations. Drawing up the DoP in the way they did served their own interests of weakening Sudan’s religious influence in the region. The Islamic government in Sudan at the time, under the religious influence
of Hassan Alturabi (leader of an Islamist movement in Sudan named the Muslim Brothers), was in support of the marginalized Muslims in Ethiopia and Eritrea. Muslims constitutes approximately 50% of Ethiopia’s population and 60% of the population in Eritrea (Interview, Professor Abbas Gnamo, University of Toronto, 17-05-2018).

The Declaration of Principles signaled strong support for the SPLM/A by the IGAD states mediating the talks and allowed the SPLA added bargaining powers despite its apparent internal divisions and military weakness on the ground. On the other hand, this signaled to the government of Sudan that the mediators had taken it upon themselves to resolve the conflict on their own terms. The Sudan government, therefore, rejected the DoP outright. Its terms, as I explain further below, mandated that the Islamic regime in Sudan be replaced with a secular one that would be in line with the interests of Sudan’s neighbours and the US’ interests in fighting Islamism.

The US policy towards the Sudan at the time was to change the government of Sudan’s radical Islamic regime (Leach 2013). Sudan was perceived by the US as a state sponsoring terrorism and must be dealt with for walking away from the IGAD mediation and rejecting the DoP initiative (Khadiagala, 2007). According to Dr. Mohammad Mukhtar Idriss, Minister of State in the Cabinet Office, “Sudan was too influential in the Horn of Africa: It supported the Eritrean liberation, Joseph Koni [of Uganda], Chad, and the US was not happy about that and decided to weaken Sudan by the secession of the South using mediation and the CPA” (Interview on 14 Jan. 2013). The U.S policy was to change the government of Sudan and military intervention, by the US and its allies in the Horn of Africa, was one of the tools used to achieve this goal.

In a bold move, the IGAD mediators — Ethiopia, Eritrea, and Uganda — formed what was known as the “frontline states”. These mediators, now turned-perpetrators, stepped up their military assistance to the SPLM/A and, by late 1995, they became directly involved in the civil
war by sending their armed forces deep into Sudan (Khalid, 2015). The US began financing the frontline states with US$20 million in their efforts to destabilize the government of Sudan and overthrow it. The US decided to take direct military action against the Sudan government by bombing a pharmaceutical factory in August 1998. The US argued that the factory produced chemical weapons. It failed to produce any evidence to support its claim (Woodward, 2006). Madeleine Albright, US Secretary of State at the time, met with SPLM/A members in Uganda in October 1998 and informed them of the US’ wish to overthrow the government of Sudan (Woodward, 2006). Effectively, this US-led coalition of ‘mediators’ was directly involved in the civil war while simultaneously leading its ‘mediation’ efforts (Young, 2012). Ironically, despite the detrimental effects of superpower intervention in mediation, mediation theories still insist on inviting superpowers to mediate secessionist wars.

Whose interests were these mediators serving? This raises another question about the type of ‘peace’ that the mediators were interested in ‘making’. What is even more problematic is that the literature on the CPA and mediation does not question the involvement of the US and IGAD’s frontline states in the war. How could the US and IGAD be playing the role of mediators while also fighting alongside the SPLA against one of the negotiators? This was a clear demonstration of the power of superpowers and organized hypocrisy. Only one scholar/activist, Dr. John Young (2012), criticized the US and frontline states for engaging in a war against the Sudanese government while simultaneously mediating the negotiation process. While mediation processes were highly tainted by geopolitical interests and aggression in Sudan, mediation literature, as discussed in chapter one, continues to assume that the role of superpower mediation in Sudan was, benign and, necessary in effectively ending the civil war. No doubt, the hegemonic interests of superpowers are not well address at the theoretical level in mediation literature.
When I asked a senior UN mediator, Dr. Zhagorav, about the frontline states’ military intervention in Sudan and what the UN had thought about it, his reply was:

I spoke with my superiors and told them that what the frontline states are doing is wrong. However, my superiors’ reply was that the Sudan’s government was an illegitimate government and that they [the UN] should not do anything about it. I told them that Sudan is recognized by the UN as a Member State and Sudan has a representative in UN. Whether they came to power via military coup or democracy, should not be the deciding factor on whether the UN should act or not to protect its Member States from foreign aggression. The UN should have condemned the actions of the frontline states, but it didn’t. (Interview with Dr. Zhagorav, Senior UN mediator, 11-05-2018)

The actions of the frontline states were nothing more than a foreign aggression operating under the pretense of mediation. Thus, the government of Sudan became concerned about the US interest in ousting the regime in Sudan and began to counteract the US and IGAD’s plans.

In an attempt to protect itself from these so-called mediators, and with the intensification of the US and IGAD aggression, the government of Sudan returned to the bargaining table in October 1997 and found itself compelled, in May 1998, to accept the Declaration of Principles as the basis for negotiations. However, in May 1998, two IGAD members, Ethiopia and Eritrea, started a war between themselves over border disputes. This new regional war put the IGAD talks on hold (Young, 2012).

Mediation resumed in 2002 in Nairobi, and Idris Mohammed, a state Minister in the Office of the Presidency, headed the Government of Sudan’s negotiating team while Elijah Malok, an uncle of Garang, led the SPLM negotiating team. Given the American support, Mr. Idris Mohammed was sure, at that time, that the outcome of the CPA could only be secession. He reminded me in an interview, that the fact that Sudan and South Sudan will share a 2000-kilometer-
long border will “force them to live peacefully and maintain peace because the two countries will be busy rebuilding” (Interview with Sudan’s first senior negotiator in the CPA process, Idris Mohammed, 2013). Of course, that was hopeful wishing. The two countries did not live peacefully and never started to rebuild their societies after the Comprehensive Peace Agreement was signed. Sudan and South Sudan fought a brief war in 2012, after South Sudan’s independence, in the oil-rich area of Heglig. That seems to contradict what Mr. Idris had predicted.

The lead mediator, Lazaro Sumbeiywo from Kenya, drafted a one-page document to simplify the process and to be used as a guide for the agenda. However, this document did not mention the right of self-determination. As a result, “the SPLM was furious and the United States hit the roof. The US envoy to the process just walked out and the SPLM/A went red” (Waihenya 2006, p 85). This is a clear indication that the US was in favour of secession and was not keen on the idea of a New Sudan. Prior to this incident, the extent of American support of secession was not made clear to the IGAD mediators. This was about to change. The US lent support to the pro-secession camp in the SPLM/A led by Salva Kiir — the current President of South Sudan. Gradually, Garang’s New Sudan vision was getting marginalized and those who believed in it were excluded from the negotiations. Under US pressure, the self-determination clause was inserted, and the document was signed by the Sudanese government.

The Machakos Protocol

The signed document became known as the Machakos Protocol — named after the city of Machakos where the negotiations took place in Kenya (See appendix #6). Unlike the 1972
mediation process, the IGAD/US led mediation process had no genuine local consultations within the South. It was apparent that the process was set up to negotiate the terms of the separation between the North and the South and the parties had little room to resolve their differences. The insertion of self-determination clause in the Machakos Protocol was a good signal.

There were important consequences to the signing of the Machakos Protocol with its self-determination clause. Two things happened that would shape the direction of discussions in a way that would not incorporate the distinct interests of the two sides and would bias the outcome. First, the leaders of the Sudan and South Sudan delegations were replaced. Dr. Ghazi Salahudin was removed from his position as head of the Sudan team and Salva Kiir was replaced as the Southern lead negotiator. The government of Sudan was not happy with Dr. Ghazi for succumbing to US pressure and agreeing to the self-determination clause and was replaced by Vice President Taha.

At the same time, the split within the SPLM/A was exacerbated by the mediator’s position favoring secession. Garang, whose vision of a united and New Sudan, had a position that might have led to a more indigenous outcome where the two parties would have to discuss how to transform Sudan into a more inclusive country for all its marginalized regions. Therefore, Garang was angry at the betrayal by his Vice chairman of the SPLM/A for signing the Machakos Protocol. Apparently, Kiir, a well-known separatist, did not share Garang’s vision of a New Sudan and had wanted secession, opening the way for the ‘mediators’ to gain a foothold for their preferred position (Young, 2012). Kiir cleverly used the support of the US in Machakos as an opportunity to insert and assert the right of South Sudan to secession in any potential peace agreement.

Dr. Ghazi who had signed the Machakos Protocol, on behalf of the government of Sudan, agreeing to self-determination in 2002, did not expect secession to happen. In an interview with the author, Dr. Ghazi said that he “did not think there will be any referendum” (Interview, Ghazi
Salahuldin, May 2006). In other words, he signed the document to cool down the US pressure and to avoid its aggression towards the government of Sudan. He believed that, even though the US was working with separatists in the SPLM, the Sudanese government had a good chance at avoiding secession by working with those who believed in the vision of a New Sudan. Sudan at this time didn’t want or think separation will happen. They had thought that the OAU/AU rules and politics will not allow it. Dr. Ghazi and the government of Sudan had underestimated the determination and interest of the US and its regional allies in secession.

**Track I Mediation and the CPA: The US’ Carrots and Sticks**

The Machakos Protocol was “very much due to international pressure, especially by the US and the UK” (Woodward, 2006, p. 127). According to the South Sudan Democratic Forum, the inclusion of the self-determination clause in the Declaration of Principles “would not have happened without American involvement” (Woodward, 2006, p. 127). However, the US and its allies were interested in speeding up the negotiations and a push was needed to pressure Sudan to resume and conclude the talks. As a result, the US assured Ali Osman, the new leader of the government of Sudan’s delegation at the negotiations, that the achievement of peace would result in improved relations with the US. This was a signal that the US had changed tactics and had decided to now use the mediation process, as opposed to the violent frontline states’ efforts involving military support for the South that it had adopted earlier, to destabilize the government of Sudan. According to Dr. Mohamed Mukhtar “The US wanted to use the CPA to break up Sudan from the inside after they failed to change the regime by war and by forming a regional coalition”
(Interview, 14 Jan. 2013). It also signaled how the US was using sanctions effectively to encourage the government of Sudan to accept an agreement that is based on secession. The promise to lift the US sanctions on Sudan would prove very effective in concluding the negotiations. This is precisely the sort of sticks and carrots leverage that entices Mediation theorists to invite superpowers to mediate civil wars. However, superpowers end up using the sticks and carrots leverage in mediation processes to attain their own geopolitical interests rather than facilitating indigenous peace processes and outcomes based on local perspectives.

The SPLA invited the US to play a more visible role in mediating the peace process using Garang’s close relations with influential policy makers in the US. The SPLA was confident that only the US was able to pressure the government of Sudan to accept the South’s secession at the negotiation table. On the other hand, the government of Sudan had accepted the US mediation role in the hope that it would lead to the lifting of US economic sanctions and, eventually, to normalization of relations with the US (interview with Osama Faisal by Khalid Ahmed, July 2017). Furthermore, the Islamist regime was concerned that the US might attempt, again, to instigate a regime change in Sudan.

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The credibility of the government of Sudan decreased because of its radical Islamic agenda, while the SPLA’s popularity as a movement increased in the US. Garang’s reputation as a black Christian, and as an oppressed freedom fighter who was fighting an Islamic terrorist state, won him many allies in the US’ inner circles of power (Leach, 2013). This context, consequently,
portrayed the social and political construction of Sudan as warmongering politicians in the North, and oppressed marginalized freedom fighters in South. The US took several measures to contain the Sudanese government’s Islamic agenda.

First, in 1993, the US added Sudan’s name to the list of countries sponsoring terrorism in connection with the bombing of the World Trade Centre in that same year. This prevented Sudan from receiving debt relief (among other financial assistance) from international financial institutions (Woodward, 2006). Second, in November 1997, President Clinton imposed economic and trade sanctions on Sudan for its sponsoring of Osama Bin Laden, who lived in Sudan between 1991 and 1996 (Johnson, 2011). The bombing of the US embassy in Nairobi, Kenya, in August 1998, led the Clinton administration, which accused the government of Sudan of involvement in the bombing, to authorize food supply and material aid to the SPLA in November 1999. Madeleine Albright and her Assistant Secretary, Susan Rice, orchestrated with Baroness C. Cox of Christian Solidarity International the supply of food to the SPLA (Young, 2012). This support food supply and material aid represented another clear instance confirming that the US government was not a neutral mediator during the negotiations. Their actions made it clear that they were against the government of Sudan. As my research findings exposed, the political and material support for the SPLM/A by the US administration will increase during George W. Bush’s time in office.
The Christian, Black, and Oil Lobbies: Shaping the US Foreign Policy Towards Sudan

When George W. Bush succeeded Clinton as President of the US, he solidified the US’ interests in Sudan by appointing, in 2001, Senator John Danforth as a special peace envoy to Sudan. The US’ interest in Sudan increased during President Bush’s time in office for several reasons. The American Christian Right, which was closely associated with President Bush, thought that the SPLM/A was a Christian movement fighting a war against Islamization. Furthermore, the Congressional Black Caucus in the US Congress portrayed the civil war in Sudan as a war of blacks fighting a war of survival against Arabs.

The oil lobby, on the other hand, pressed for a resolution since it was eager to enter the Sudan market but could not because of the US-imposed sanctions on Sudan (Interview with Kiplagat by Khalid Ahmed, 2007). After the September 11 attacks, pressure intensified on the US administration to become more involved in curtailing the Islamic regime and civil war in Sudan. Contrary to the Clinton administration’s policy to destabilize the Sudanese government and overthrow the regime by using the regional states of IGAD, President Bush’s administration decided to focus on using mediation as their primary tool of intervene in order to change the political landscape for the Sudanese government.

Official US pressure to intervene in Sudan’s peace negotiations as mediators was formalized when the Sudan Peace Act was enacted by the 107th United States Congress and signed by President Bush in October 2002. The Act made funds available for a comprehensive resolution to end the civil war. $300 million over three years was made available for the US government to spend on its peace process in SPLM/A-controlled areas in Sudan (Sudan Peace Act, 2002). This meant the strengthening of the US role in its support of the SPLM/A. The fund was in support of
the oppressed black Christians in Southern Sudan in their efforts to break free from the shackles of the oppressive Muslim Arabs of the North. Asteris Huliaras (2009) elucidates:

Shortly after Bush took office, a group of activists came to see presidential adviser Karl Rove, who had masterminded Bush’s electoral strategy. The group included born-again Christians and liberal Jewish activists, and its objective was to ask the new administration to intercede in the Sudanese civil war. Rove, according to participants in the meeting, was ‘unusually receptive’. The need to retain evangelical voter support was an important factor in persuading the new administration to show a strong interest in Sudan’s civil war. While the evangelicals’ demands were a headache for many career State Department officials, Rove saw an opportunity to encourage cooperation between evangelicals and African-American lobbyists. For African-American activists, building alliances with other lobby groups was highly desirable, considering that their influence on US foreign policy was in decline. The retreat from public life owing to illness of Black Muslim leader Louis Farrakhan, who was a defender of the Islamic government of Sudan, helped encourage rapprochement between African Americans and evangelicals. African-American groups such as the National Black Leadership Committee and the National Association for the Advancement of Colored People (NAACP) banded with evangelical groups, and the anti-Khartoum coalition became a significant political force… That same month, then Secretary of State Colin Powell told the Congress that ‘there is perhaps no greater tragedy on the face of the earth today than the tragedy that is unfolding in the Sudan’. He added: ‘The only way to deal with that tragedy is to end the conflict’. One week after these comments, Powell commissioned a review of US policy toward Sudan. (p. 170)

However, this time the intention of the US was to intervene in support of the SPLM/A via mediation. The use of conflict resolution carrots and sticks proved more effective than the earlier military destabilizing efforts of the frontline states.

The Act stipulated that the US President must confirm every six months that the government of Sudan and the SPLM are engaged in negotiations and the government of Sudan is allowing the safe passage of humanitarian assistance. The US President was further authorized by the Act to ensure the compliance by the government of Sudan to the above requirements by seeking an arms embargo from the UN Security Council. The President was also authorized to influence the conduct of the government of Sudan by other financial and diplomatic means (Sudan Peace Act, 2002). The Act demonstrated that the US was ready to intervene in Sudan to protect its
interests. This rising interest in ending Sudan’s war drove the government of Sudan back to the negotiating table.

Under the new conditions set by the Act, the IGAD resumed its mediation and pushed for a comprehensive resolution under strong US guidance. The Kenyan President picked General Lazaro Sumbeiywo — who had been educated in the US, was the head of the army and former director of the Kenyan intelligence service — as a special envoy to oversee the IGAD mediation process. In addition, Sumbeiywo had strong relations with the SPLM/A leadership. It is no surprise as to why the US was comfortable with Kenya leading the IGAD mediation process. Kenya and the US had worked in tandem during the mediation process (Waihenya 2006).

After the 1998 bombing of the US embassy in Nairobi, Kenya was considered a centre point for the US policies in the Horn of Africa. In fact, Kenya worked jointly with the US anti-terrorist war in the region and came to be the leading recipient of US security assistance in the Horn. Kenya’s second largest city, the coastal city of Mombasa, was chosen as a base for the US Navy (Mengisteab, 2014).

In a 2007 interview with the late Ambassador Bethuel Kiplagat, Kenya’s Permanent Secretary of the Ministry of Foreign Affairs and International Co-operation, he admitted to me that the Kenyan government used the issue of religion and the Christian Right in the US to pressure the US government to taking a hard line with Sudan and it worked. He also mentioned to me that the Kenyan government had deliberately exaggerated the issue of slavery with the Black caucus in the US to pressure the US government to take action against the government of Sudan (Interview with Kiplagat, May 10th, 2007). Their efforts on pushing the issue of slavery paid off. To this point, Asteris Huliaras (2009, p. 169) explains:
Steady campaigning on the slavery issue at the Christian grassroots level and fundraising through appeals to ‘buy back’ slaves by evangelical congregations helped to upgrade interest in Sudan’s civil war, which was portrayed in simplistic terms as a ‘biblical conflict’ between Arab Muslims of the North and African Christians of the South. Gradually, evangelical groups started to show a strong interest in US foreign policy towards Sudan.

President Bush himself drew inspiration from religious groups in his home town of Midland, Texas, where church leaders pressed him to deepen US engagement in Sudan (Woodward, 2006). Bush also had a close personal friendship with the evangelist Billy Graham and his son Franklin, who operated their own NGO in Sudan, Samaritan’s Purse. Kenya’s efforts, as a Track I mediator, suggests that regional states mediating civil wars tend to focus on their own interests as well. When I asked Ambassador Kiplagat how Kenya would benefit from its stance against the government of Sudan and its support for secession of Southern Sudan, he replied that Kenya will expand to be the major regional (re)builder of South Sudan and it will be Kenyan business and products that will replace Sudan as the main supplier of South Sudan’s markets. He gave me an example of how Kenyan beer products have been flooding the South Sudan markets after it signed the CPA agreement and gained autonomy in 2005. He was convinced that the landlocked new country of South Sudan would have to build oil pipelines to the Kenyan port of Mombasa in order to ship its oil to international markets — instead of its current pipeline through Northern Sudan. Kenya itself would benefit from South Sudan’s oil (Interview with Kiplagat, May 10th, 2007).

The US oil industry was well placed to influence the Bush administration since the president and several of his leading colleagues had close links with the industry. The oil industry was unhappy that the benefits of its early efforts at establishing the industry in Sudan were benefitting a handful of Asian companies and Talisman Company of Canada at that time (Kobrin,
It would not be hard to infer that if the US would help South Sudan gain independence, US oil companies would be the beneficiary of any oil exploration and production in Sudan.

After the Sudan Peace Act was enacted in 2002, the Bush administration embarked on the new peaceful approach of mediating and resolving the conflict in Sudan. “‘I will not forget Sudan’, Bush promised when he signed the Sudan Peace Act into law. ‘And if I do’, he added, ‘I know that you will prod me.’ It was, concludes a commentator, a clear acknowledgement of the power of the faith-based movement” (Asteris Huliaras, 2009, p. 171). The IGAD mediation process would receive full US backing and support and that would prove vital in securing the agreement. In an effort to offer ‘carrots’ now, the US government would remove Sudan from the list of states sponsoring terrorism only after they had signed the CPA (interview with Osama Faisal, 2017). This removal would release funding from the IMF, World Bank, the African Development Bank, and other international financial institutions to Sudan. Sudan’s former vice President presided the Sudanese delegations in the final stages of the negotiations and Garang himself was presiding the SPLM delegation.

Two heavy-weights sitting around the negotiation table and constant US pressure sped up the process. At one point, the US had to use the ‘sticks’:

To break the impasse, Sumbeiywo contacted [Senator] Danforth, now US ambassador to the UN and chair of the Security Council. The former US special envoy to Sudan [Danforth] organized a convening of the Security Council in Nairobi on 18-19 November 2004 to encourage the parties to conclude the talks… and to coax the parties to agree to sign the documents necessary to conclude the peace process (Leach, 2013).

The government of Sudan considered this meeting a threat because the Security Council’s interference in the conflict could lead to further internationalization of the peace process and to
more sanctions. Soon after the Security Council meeting in Nairobi, the Comprehensive Peace Agreement was signed on January 9th, 2005.

Consequently, South Sudan broke away in July 2011 to form an independent state. Following the secession of South Sudan, the dream of a ‘New Sudan’ ended for all marginalized groups. The role of the US was neither benign nor covert:

Of course, not all the factors that contributed to the agreement can be attributed to US diplomacy. But according to many analysts, the peace deal would never have been sealed if the United States had not brought such leverage to the process. The agreement was a diplomatic achievement and a great victory for evangelical activists. (Asteris Huliaras, 2009, p. 172.)

Bona Malwal, a prominent Southern Sudanese scholar and politician, concurs that the secession of South Sudan came about principally owing to the intense pressure from Western countries, especially the US (Malwal, 2005).

The US policy towards Sudan was firmly set by President Bush and, when President Barack Obama succeeded Bush, he decided to continue the same policy after the Comprehensive Peace Agreement was signed:

The evangelical community played a crucial role not only in placing Sudan on the US government agenda but also in affecting its actual policy toward this African country. And it continued to do so even after the signing of the North–South peace accord. As Danforth put it, Sudan became ‘a very, very high priority … something that was of personal interest’ to Bush. This does not mean, however, that evangelical influence over US Africa policy will decline once Bush leaves the White House. On the contrary, there is reason to expect that evangelicals will continue to shape US policies even after Barack Obama is sworn in as US president on 20 January 2009. (Asteris Huliaras, 2009, p. 173.)
The next section will analyze how the US policy on the secession of South Sudan has shaped the internal process during the six years interim period.

**Superpower Mediation: Shaping Local Attitudes**

The CPA stipulated that an interim period of six years must be waited before South Sudan had the right to a referendum of secession. The rationale for the six years was to give unity one last chance. In those six years, the government of Sudan in the North was supposed to prove to the South that, this time around, the South would not be marginalized; that it will experience economic, political, and social development on par with that in the North. The period was also meant to build trust and confidence between the North and South. After 55 years of war, the two sides needed to learn how to live with each other.

However, the elite interviews I conducted in the North and South revealed something different. During the interim period, I interviewed Dr. Gazi Salah Eldeen Atabani, head of the Sudan delegation in the early stages of the CPA negotiations, and I asked about the amount of economic, political, and social development that the North was investing in the South to win Southern confidence and more importantly to win their vote for unity when the referendum would take place in 2011. His reply was swift and direct: “why should the North waste money on developmental projects in the South when we know that the US is leading them to vote for secession? Why should we build their future country for them? They are not staying with us so let them build the South by themselves” (Interview with the adviser to The President of Sudan, and a prominent NIF leader; 21-12-2006). To him, secession was a done deal. But why was he so sure about secession? In an interview I had with Dr. Abdulraham Hamdy, Sudan’s Minister of Finance
at the time, I was told of an encounter that Ali Osman Mohamed Taha (Vice President of Sudan at the time and subsequent head of the negotiation team) had with President Obama in Helsinki, Finland. President Obama told Vice President Taha that “the West wants the South to ‘go’” (Interview, Dr. Abdulrahim Hamdy, Sudan’s Minister of Finance, 06 Jan. 2012). It seemed that the secession of the South was inevitable to members of the Sudan government. The interim period was nothing more than a waiting period.

As for the building of trust that was supposed to take place during these six years, quite the opposite happened. In an interview with Dr. Sulafedeen Salih Mohammed, head of North Sudan’s Disarmament, Demobilization, and Reintegration (DDR) regarding efforts of trust building between the North and South through DDR efforts, he said that “the North cannot afford to trust the South ... these people [Southerners] you cannot trust them. They can decide to attack us any time that is why we will not disarm. We are actually training forces to be located by the borders in case the South decides to invade the North.” These were the words of the man that the UN and international community entrusted to disarm Northern Sudan’s militias. Of course, some of the mandates stipulated in the Comprehensive Peace Agreement appeared to be preparing the South for secession more than unity. For example, the South, under the mandates of the CPA, would keep all its armed forces. The SPLA would remain the army of the South under the control of the South. This is in contrast with the 1972 agreement that had all rebels disarm and eventually absorbed into Sudan’s National Forces.

In addition, during the interim period, South Sudan was to have its own Central Bank. The Bank of Sudan in Khartoum, the capital of Sudan, was no longer the central bank of all Sudan.
The South had its own central bank as per the (CPA) Agreement:

14.1. The Parties agree, consistent with the Machakos Protocol of 20th July 2002, to have a dual banking system in Sudan during the Interim Period. An Islamic banking system shall operate in Northern Sudan and conventional banking system shall operate in Southern Sudan.

14.2. The Parties agree that conventional banking facilities are urgently needed in Southern Sudan. The Parties therefore agree to establish, during the Pre-Interim Period, the Bank of Southern Sudan (BOSS) as a branch of Central Bank of Sudan (CBOS) consistent with paragraph 14.1 above.

14.10 The BOSS shall be responsible for chartering and supervising financial institutions in Southern Sudan. (CPA, 2005)

Moreover, despite the fact that passports and visas were to remain under the National Powers, the South was providing visas on arrivals at Juba airport in South Sudan. I had a visa issued to me in my Canadian passport upon arrival in Juba, in 2007, and the stamp read South Sudan, not Sudan. It was effectively a South Sudan visa and not a Sudan entry visa.

Southerner Sudanese, on the other hand, were not willing to spend their resources on the development of their own region either during the interim period. During several interviewes, I was told that “if we [South Sudan interim government] develop the South during the interim period, the Southern population might think that it was the government of Sudan that is rebuilding their region. They might vote for unity instead of secession in the referendum. It is best to continue keeping the South poor and after we secede, we will start building the country” (Interview with Mohammad Yousif Ahmed Almustafa, 28 Jan. 2013). Moreover, Rita Garang, widowed wife of former chairman of SPLA/M John Garang and, Minister of Transportation and Roads mentioned to me in an interview that Salva Kiir, President of the South, is a separatist and was not interested in keeping her husbands’ vision for a New Sudan. She reminded me that he did not even visit a single Northern province since he took office. “He is not interested in a united Sudan” (Interview,
Rita Garang, widowed wife of former head of SPLA/M John Garang and, Minister of Transportation and Roads; 05-06-2006) Kiir was assured by the Americans that the referendum would take place in 2011 and that the Sudan government would approve its results. The support that the US extended to the South for secession encouraged Southerner not to settle for autonomy. Of course, continental views on secession were also in favor of Southern Sudan’s secession as we shall see in the next section.

From OAU to AU: Softening Anti-Secessionist Tones

As discussed in the previous chapter, the Organization of African Union (OAU) had no legal mandate to intervene in internal issues or conflicts of member states on the continent and was serious in maintaining the colonial borders and the sovereignty of its members. Its successor, however, the African Union (AU), created a Peace and Security Council (PSC) in 2002 with a different mandate on the issue of intervention and sovereignty. The Peace and Security Council was established as an organ responsible for collective security and ‘early warning’ arrangements with the capability of providing efficient responses to conflict and crisis situations. The Peace and Security Council’s major responsibilities include conducting early warning systems and preventative diplomacy, leading peacemaking efforts, establishing peace-support operations and, when needed, recommending intervention in member states to enforce peace and stability.

The Peace and Security Council’s authority derives from article 20 of the Constitutive Act (as inserted by article 9 of the Protocol on Amendments to the Constitutive Act 2003) together with article 2 of the 2002 Protocol Relating to the Establishment of the Peace and Security Council
of the African Union (PSC website, 2018). This legal mandate is a stark contrast to the Organization of African Union mandate at the time of the 1972 Addis Ababa Agreement. While this new mandate did not alter the OAU’s stance on secession and the preservation of colonial borders, it contributed to the frontline states’ involvement, both as mediators and perpetrators in Sudan. The African Union’s new mandate created a shift from the former policy of non-interference to a more “non-indifference” directive (Reliefweb, 10 Jan. 2018 https://reliefweb.int/report/world/non-interference-non-indifference-african-union-and-responsibility-protect). This shift in the AU helped add legitimacy to the secession of Southern Sudan. It was no longer a taboo to accept secession. Eritrea, Sudan’s next door neighbour, had already done that officially via a referendum in 1993. The AU did not see in secession a destruction of the sanctity of colonial borders as its predecessor, the OAU, did.

With persistent continental financial difficulties, the African Union’s Peace and Security Council relies heavily on funding from the European Union and China for its peace operations (Interview with Awad Rezeig, 2015). This dependence indirectly weakens the ability of the Peace and Security Council to function independent of Western interference. What ostensibly is an African mechanism to resolve African problems turns out to be Western states’ peace initiatives utilizing an African peacemaking mechanism (Khalid Ahmed, Interview with Hamouda, 2014). IGAD and other regional organizations are no different than the AU. They lack the financial resources necessary to fund their peace operations as the CPA peace process revealed.

Interestingly, South Sudan is the only case of secession in Africa that occurred despite its occurrence being in direct contravention to the African Union’s doctrine of non-violability of colonial boundaries (Bereketeab, 2015). Yet, the international community, championed by the US, still recognized South Sudan as an independent state. Of course, part of the legitimacy stems from
the fact that it was a result of a referendum, but other minority groups that experienced a successful vote for secession in a referendum, (Bereketeab, 2015), such as the recent vote for secession in the Catalonia region of Spain, or the referendum vote in Kurdistan Iraq, did not get recognized as an independent state by the US and/or the international community. Therefore, the decision to support and recognize a minority group in its quest for secession depends on the geopolitical interests of superpowers. If they have an interest in helping the country secede, as the US had in South Sudan, then they will intervene, otherwise, secession will be rejected as in Catalonia and Kurdistan. It must be added that superpowers justify their support for the secession of a marginalized group by arguing that it brings about peace and stability\(^3\). This claim is not valid. Secession does not ensure stability or peace\(^4\). South Sudan is currently embroiled in a devastating civil war that started two years after its independence in 2011. Hundreds of thousands of Southern Sudanese are dead and millions are refugees in the IGAD neighbouring countries (The Guardian, 2014).

**Conclusion**

With the secession of South Sudan, the idea of creating a developed, equitable, just, and peaceful ‘New Sudan’ ended for all Sudan’s marginalized regions. The ‘New Sudan’ vision of the late Dr. John Garang also involved a new political dispensation in which all Sudanese would be equal stakeholders irrespective of their race, ethnic affiliation, gender, etc.. Garang’s vision included a very precise observation regarding fundamental problems of deprivation, exclusion, exclusion,

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and underdevelopment of the periphery, and the widening gaps between it and the center. The US sided with the secessionist within the SPLM/A and excluded from the mediation process those in the SPLM/A who continued to uphold Garang’s vision of a New Sudan. Superpower involvement during the 2005 mediation had a tunnel vision with only secession at the end of it. To many marginalized Sudanese, the peace agreement was supposed to embody Garang’s vision of a New Sudan which would not only end the violence, but to also end the structural foundations of it. That hope was dashed by the secession of the South.

The mediators’ interests were different from those of many people in Sudan. As demonstrated, the ‘Comprehensive’ Peace Agreement (CPA) was not ‘comprehensive’ and it served the interests of the US and Sudan’s neighbouring countries along with the secessionist elites within the SPLM/A. The Comprehensive Peace Agreement laid the foundations of secession rather than unity. There is little doubt that IGAD’s peacemaking efforts were explicitly guided by the theoretical literature on superpower mediation considered in chapter one; and in practice, they also closely followed the Track I diplomacy mediation process. The regional states of IGAD, led by the US in their mediation process/peacemaking processes, never attempted to ‘make’ a type of ‘peace’ that would espouse the structural changes required for the creation of a ‘New Sudan’. A strong, healthy, and democratic New Sudan would have probably posed a threat to the IGAD countries who had always worked to weaken Sudan’s historically strong influence in the Horn. The Christian, Black, and Oil lobbies in Washington would not have wanted a New Sudan, either. It would embody the opposite of everything they had fought hard to achieve in South Sudan.

Instead, the aim of the mediators was first to destabilize the Sudanese government through a regime change. They sent their troops deep into Sudan to fight the government alongside the SPLA. When that failed, these states focused their mediation efforts on ending the civil war and
ensuring that a secession clause was inserted into the agreement for a referendum to allow for the secession of South Sudan. The CPA’s superpower mediation process made clear that it was in full support of secession in Sudan. My findings revealed that the states mediating the Comprehensive Peace Agreement were serving their own interests. They even formed the frontline states with funding from the US government while they simultaneously mediated the negotiations.

In the earlier Addis Ababa Agreement of 1972, the absence of superpower interests in Sudan’s conflict contributed to a comprehensive indigenous consensus on peace. No external powers were allowed to mediate or intervene through mediation. Non-state actors, and their Track II mediation process, were utilized and adopted to facilitate the negotiations. In the 2005 mediation, however, the US administration, along with the regional states of IGAD, used war and mediation to fight the Sudanese government and its Islamic agenda. Consequently, the SPLM/A enjoyed the unwavering support of the international community and the US resulting in the secession of South Sudan on July 9th, 2011.

As it stands theoretically, the favorable role of superpower intervention in mediating secessionist wars enjoys an unchallenged ontological stability that needs to be deconstructed and rephrased in a new critical discourse devoted entirely to challenging the theoretical disposition of superpower hegemony and imperialism in mediation theory. The desire to continue calling for superpower intervention by mediation scholars is troubling. The disinterest of Mediation literature in challenging these hegemonic tendencies of superpower is problematic because it lends legitimacy to intervention. In the following concluding chapter, I reiterate my theoretical findings on superpower meddling in peace outcomes and use the case of Eritrea to show the generalizability of my theoretical insights beyond the two cases of Sudan.
Chapter Five
The Conclusion: Two Sudans

President George W. Bush held numerous Oval Office meetings with Kiir during his White House tenure.
Map of the world’s newest country: The Republic of South Sudan.

In the end, peace can be achieved only by hegemony or by balance of power.

Henry A. Kissinger

Through this understanding of historical and contemporary superpower intervention in secessionist claims, my research has attempted to construct an alternative theoretical framework for the current, hegemonic tendencies of, international mediation that could act as a general guide for mediation scholars. An examination of the Sudanese peace processes has revealed an important set of lessons. I have argued that mediation theory does not account for international and regional superpowers and their motives in secessionist wars. A literature review has revealed that the primary focus of the mediation literature is concerned with the technical aspects of the mediator. Concerns with timing of intervention, ripeness of the conflict, spoilers, and impartiality are all examples of topics of debate in the literature. However, two important questions are missing from these discussions. First, does mediation literature address how superpowers mediate secessionist conflicts in which they are sympathetic to the cause of separatist groups? And, second, if such analysis exists, does it attempt to deconstruct critically how superpowers enlist regional and local allies to influence the outcome of negotiations in favour of their own interests in secession?

In addition, little to no discussion is devoted to the issue of superpower hegemony. As it stands, mediation theory not only acknowledges the role of superpowers, it invites them to lead mediations. The widely held rationale, amongst mediation theorists, is that powerful states have leverage to force agreements to be concluded. This line of analysis legitimizes foreign intervention, and exploitation, by superpowers. In other words, this line of analysis turns the current literature into, what I term, Hegemonic Mediation Theory.
As the theoretical findings of this research revealed, the outcome of secessionist wars is determined by the geopolitical interests of powerful states when they assume control of the mediation process and not by the mediators’ capacity and technical abilities in handling the negotiations. A review of mediation literature showed a strong emphasis on the technical skills of mediators, at the expense of the role of geopolitics, in peace outcomes. I, therefore, argued that the emphasis of mediation theory on the technical skills of mediators facilitating peace agreement in secessionist wars should be secondary to the interests of superpowers. Key international geopolitical factors determine who gets to secede and who remains united within their current state. Mediation skills and tactics are rendered irrelevant in resolving conflicts, in general, and secessionist wars, in particular, since the outcome of negotiations are predetermined by superpower hegemony. Mediation skills and tactics are important for Track II mediators, however, if their process is free of any superpower interference. Track II mediators play the role of ‘pure’ mediators and they need mediations skills and tactics to bridge disagreements between warring parties as WCC and AACC did in 1972.

However, as we demonstrated in chapter four, Track II mediators arrive at the CPA negotiations with ready-made resolutions which served their own interest. US diplomats, in 2005, did not have to possess mediation skills and tactics since they relied on their superpower leverage to impose their interests. Also, they did not require mediation skills and tactics since they were not concerned with facilitating differences between belligerents or fostering local consultations, as Track II mediators did in 1972. Track I mediators work, in 2005, with specific regional and local elites, at the exclusion of everyone else, to arrive at the outcome they favoured. Only in this exclusive engagement with elites where they would require limited persuasive skills. More focus in the literature should be on the role of hegemony in mediation.
Hegemonic tendencies present in mediation processes are not reflected or problematized in mediation literature. Other branches of peace and conflict studies, such as peacebuilding theories, have vast literature critiquing the role of superpower hegemony. My research has endeavoured to illustrate that the negative role of superpower *hegemony* in mediation *processes* has been neglected and *depoliticized* in the mediation *literature*.

In addition, my research distinguishes between the outcomes of Track I and Track II mediation efforts. It argues that Track I mediation efforts are dominated by state actors and will thus serve the interest of these states rather than the interests of the warring parties. In this case, the skills of the mediators are irrelevant since the mediation process is controlled by superpowers anyway. On the other hand, Track II mediation, which is usually free of official state diplomats’ pressure and interests, could facilitate a truly indigenous outcome to secessionist wars, so long as no superpower are involved in the conflict. My findings are important in that they help understand the role of a superpower in mediating secessionist wars, not just in Sudan but, in other parts of the global South.

*The Generalizability of Theoretical Findings*

The US was involved in mediating another secessionist war in Africa namely Eritrea’s 30 years’ war of independence from Ethiopia. Eritrea was colonized by Italy between 1889 and 1943. It was then administered by the British as a United Nations trust territory during the 1940s as a result of the defeat of Mussolini’s imperialist territories in Africa (Paquin, 2010). Eritrea, then, became important to the US during the 1940s and 1950s for various reason. The US had three
round-the-clock radio stations in Eritrea and built an expansive communication facility — to the 
tune of $60,000,000 — to relay sensitive messages to and from ships in the Indian Ocean, the Red 
Sea, and the Mediterranean Sea regarding the activities and movements of forces considered 
hostile to Western interest (Yohannes, 1997). Therefore, Eritrea became important for defending 
American interests in the region and it had to be kept stable for the Americans to continue operating 
their facilities safely.

In 1948, Emperor Haile Selassie and John Marshall, the US Secretary of State, agreed that 
the US would maintain a military base at the Asmara station in Eritrea in exchange for its support 
of the integration of Eritrea into Ethiopia (Paquin, 2010). It is for that reason that the US decided 
to make Eritrea part of Ethiopia. As quoted in Paquin (2010, p. 131) “the Ethiopian-Eritrean 
Federation was installed by the Western powers under the leadership of the United States purely 
for geopolitical considerations. This UN-sanctioned federation in essence became a denial of 
Eritrea’s right to national self-determination.” Just like Southern Sudan, Eritrea was denied an 
opportunity to decide its future by an external power during decolonization. This colonial legacy 
strengthened a separate Eritrean identity and complicated its relations with Ethiopia after it was 
decided by the US, for geopolitical reason, that it should be part of Ethiopia in 1952 in a confederal 
state (Woodsworth, 2006).

Moreover, the Ethiopian government abrogated the confederal arrangement in 1962 and 
annexed Eritrea without consultations with the Eritrean regional parliament. The Ethiopian 
Emperor, Haile Selassie, was a strong US ally. The US did not intervene because this annexation 
served its interests well (Interview, Prof. Abbas Gnamo, UofT, 17-05-2018). The annexation of 
Eritrea, in turn, led to the formation of secessionist rebel groups: the Eritrean Liberation Movement 
(ELM), which was predominantly composed of Christian Eritreans, and the Eritrean Liberation
Front (ELF), which was a Muslim organization. The rebels began a war of independence and the Ethiopian government formed a military council named the Derg to fight off these secessionist movements (Bereketeab, 2015).

Meanwhile, the Derg, mobilized a surprise coup and, overthrew the Emperor of Ethiopia in 1974. They formed a Marxist government and aligned themselves with the Soviet Union. The Derg regime was known for its brutality; its aggressive policies towards Eritrea led to more Eritreans joining the rebel movements. The ELM and ELF managed to fight the Ethiopian forces fiercely and ended up in control of most of the Eritrean region with the exception of its capital, Asmara, and a few large cities. The Ethiopian Derg regime galvanized the population of Ethiopia as well. As a result, the Tigrean People’s Liberation Front (TPLF), a non-secessionist movement started in Ethiopia in the hope of overthrowing the Marxist Derg regime. The Ethiopian TPLF was trained and armed by the Eritrean EPLF from 1974-1991. They coordinated attacks and eventually managed to remove the Derg regime from power in 1991.

In 1989, former US President, Jimmy Carter, was invited by the Ethiopian and Eritrean leaders to mediate peace negotiations. These negotiations failed because the government refused to allow the UN to be an observer to the negotiations. The Ethiopian government feared that inviting the UN would internationalize the peace negotiations. Talks continued in Atlanta and Nairobi to no avail (Bereketeab, 2015). The US State Department decided to mediate in the fall of 1991 under the guidance of Assistant Secretary of State for African Affairs, Herman J. Cohen. At that meeting, the Ethiopian government offered the Eritreans special autonomy status. What were the interests of the US in Ethiopia and Eritrea at this time?

The US had three reasons to intervene in this secessionist war. First and most importantly, was the pressure that the US received from Israeli Prime Minister, Yitzak Shamir, to intervene in
the conflict to save the “Falasha” (Ethiopian Jewish community members who wanted to leave for Israel but the Derg government refused to allow Israel to airlift them). Israel had been trying for years to “rescue” them from the multiple famines in Ethiopia (Cohen, 2010). The second reason was the famine in Ethiopia. The US saw the famine as a destabilizing factor in the Horn of Africa. Thousands of refugees fled Ethiopia to neighbouring countries causing multiple problems in the region. Third, the US wanted to help Eritrea secede to end the war in order to “strengthen regional stability in the Horn” (Paquin, 2010, p. 134).

Herman Cohen called for a peace conference to resume negotiations in London on 27 May 1991. In the meeting and at a press conference, Secretary Cohen declared that he was in favour of a referendum on Eritrea’s independence. According to Paquin (2010, p. 139), “This declaration had the effect of a bomb having been dropped. Riots emerged in the streets of the capital [of Ethiopia], and Ethiopians protested against the US support for a referendum on Eritrea’s independence.” Mission accomplished for Secretary Cohen: The 30,000 Ethiopian Jewish Falasha were transported almost instantly to Israel. A Marxist government was dismantled; and a new loyal one was installed (Interview, Yusuf, UofT, 09-05-2018). A new country and ally, Eritrea, was declared independent in 1993. Herman Cohen (2000) recounts the role of the US in Eritrea’s secession:

We had been telling everyone until the last minute that we supported Ethiopia’s territorial integrity. Changing our policy might incur the wrath of the Organization of African Unity. After some discussion, I decided to endorse the referendum because Eritrea was historically a “special case”, as explained in the legal opinion we had received the year before. We did not want to undermine the transitional package being put together in London. A self-determination referendum was clearly a key element in that package. (p. 50)
Cohen then elaborated and explained how the US’ intervention, through its Track I diplomacy processes, influenced the peace outcome:

We played a significant role in helping negotiations, such as they were, to occur, first under Jimmy Carter and the Italians, and then through State Department mediation. Mengistu unfortunately saw negotiations as another way of waging war, but we played along in order to achieve our own objectives… the assorted discussions during negotiations, especially in the corridors, helped shape the peace that followed. The negotiation environment allowed us to establish parameters for the postconflict period.” (P. 58)

The region was effectively reshaped to serve US interests and, according to Abbas Gnmo, the Horn of Africa was under the total control of the US and the Bush administration used these very states to encircle the Islamist government in Sudan by forming the Frontline states (Interview, Prof. Abbas Gnmo, UofT, 17-05-2018). As discussed in chapter four, the US formed the frontline states and set up the mediation process in Sudan. These frontline states were funded by the US to fight and destabilize the Sudanese regime. The US was working at that time on adding the last piece of the puzzle to the Horn: South Sudan as discussed in this research. Does the Ethiopian case also help to validate my research’s main argument? The answer is yes, since the US’ intervention in the 1991 negotiation to form a post Mengistu Ethiopia proved crucial to facilitating the independence of Eritrea.

Back to the Beginnings: Conclusions and Recommendations

During the earlier stages of this research I examined rich critical theoretical debates in the peacebuilding literature regarding the role of internal and external agencies in post conflict
reconstruction. I was specifically intrigued by how scholars critiqued the interests of superpowers in establishing a “liberal peace” process during the peacebuilding phase. As previously mentioned, the liberal peace is predicated upon neoliberal notions of free markets, democratization, free trade, privatization, and the limited role of the state. Peacebuilding scholars such as Duffield (2001), Richmond (2007), Ayers (2012), and Cramer (2006), as reviewed in chapter one, have problematized these liberal peace notions and identified them as the major source of instability and violence in countries emerging from civil wars.

I then developed an interest in learning more about the role of external power and hegemony in conflicts and, consequently, decided to investigate whether these neoliberal mandates were part of the earlier phase of peacemaking. In turn, this focus in my research led me to study the role and influence of superpowers in mediation. The more I researched the literature on peacemaking generally, and mediation specifically, the more apparent it became to me that, contrary to the peacebuilding literature, little to no work has been done in the mediation literature to deconstruct the role of power in mediating secessionist wars. Superpowers are considered a source of resolution rather than a source of problem in the literature. Superpower leverage forms the basis of the literature’s understanding as these superpowers are invited to pressure warring parties to negotiate and sign peace agreements. It is also assumed in the literature that superpowers are the only ones able to guarantee the success of peace agreements and the ensuing peace. This is where my research intersects: the relationship between mediation theory, superpowers, and peace outcomes.

I learned from my research findings that mediation theory does not consider the “cost” of superpower leverage. For instance, at what cost would these superpowers intervene in mediation?
How much would they steer the outcomes towards addressing their own interests rather than the interests of the belligerents?

Moreover, I was surprised to learn that there is no specific consideration of secessionist wars. A nuanced understanding of secessionist wars has yet to develop in mediation literature even though these wars involve the possibility of changing international borders and the formation of new states. In order for secession to happen, there must be superpower support for local secessionist elites. This political, and sometimes economic, interaction between superpowers and local elites seeking secession is missing in the mediation literature. For example, as mentioned in chapter four, the US support of separatist within the SPLM, such as Salva Kiir (pictured, in the front page of this chapter, with US President George W. Bush in the Oval Office), has led to the marginalization of non-secessionist groups within the SPLM led by Rebeca Garang. This specific external-internal power dynamic support is not considered by mediation scholars. As such, mediation literature depoliticizes mediation research while mediation practice is a much-politicized process. Sudan’s history and experiences with superpowers illuminates these interesting theoretical shortcomings.

As discussed in chapter two, throughout Sudan’s history colonial and post-colonial foreign intervention/manipulation, as well as internal politics, have contributed to the rise and fall of South Sudan’s separatist sentiments and eventually to the birth of an independent South Sudan. An analysis of the rise and fall of secessionist demands in Sudan throughout its history has revealed that the most significant factor inhibiting or enabling the secession of Southern Sudan has been the role of external superpowers in their support for secession.

During the negotiations leading to the independence of Sudan in 1956 Southern Sudanese found their hope for self-determination dashed when the British colonial administration excluded
the South from the negotiations between the British administration and Northern Sudanese elites on the future of Sudan. The British colonial superpower refused to grant Southerners, or even negotiate with them, any level of self-determination. It was the British “Southern Policy” that led to the economic, political, and social backwardness of South Sudan. Yet, the British administration, on the basis of their backwardness, decided that the South was not ready for either independence from, or federalism with, the rest of Sudan. They were even deemed surplus at one point when the British contemplated attaching Sudan’s Southern region to one of Britain’s east African colonies. It was interesting, and sad in the case of Sudan, to see how foreign intervention, through colonialism or otherwise, can make and break countries.

My main argument is that the involvement of superpower intervention in secessionist wars, through the deployment of Track I mediation diplomacy, usually conducted by state diplomats and intergovernmental organizations, serves the interests of everyone except the locals at war. In addition, Track I mediation process weakens the ability of these countries to engage in a meaningful organic and indigenous peace processes. This externally-led process undermines the ability of the negotiators to arrive at a consensus on peace outcomes conducive to the needs of the locals (as oppose to the needs of the external powers). Moreover, as demonstrated in chapter three, my research argues that non-state actors, utilizing Track II mediation efforts, usually conducted by NGOs, academic scholars and so forth, are far more superior in fostering a robust indigenous agreement since it embodies no state interests. However, as my findings reveal, for Track II to be useful, no superpower must be interested in the outcome of the peace negotiations. I tested this model in Sudan’s 1972 Addis Ababa Agreement and the 2005 Comprehensive Peace Agreement.

The 1972 Addis Ababa Agreement confirmed that when a superpower is not involved in the mediation, the perfect platform is created for Track II mediators to intervene. And a more robust
consultation process would take place between elites to secure the best possible peace agreement for the warring factions. The 2005 Comprehensive Peace Agreement, on the other hand, demonstrated how the involvement in peace mediation by superpowers led to an outcome that was predicated on the interest of the foreign power and the warring faction they supported.

More importantly, the absence of superpower interests in the peace process in 1972 and the presence of it in 2005 led to two contrasting internal dynamics leading to the signing of the two peace agreements. The 1972 Addis Ababa peace agreement was fairly facilitated by non-state actors using the Track II mediation, namely the World Council of Churches and All Africa Council of Churches. What was noticeable in the 1972 agreement is that the absence of superpower interest in any specific outcome and the WCC and AACC refusal to support the rebel group’s demand for secession forced the rebels to embark on a Southern dialogue to harness a consensus on an alternative objective (other than secession). Sudan’s second peace agreement represented a stark contrast to the 1972 agreement. In the case of the 2005 agreement in Sudan, superpower intervention dominated the mediation process and tilted the objective and outcome of the negotiations in favour of the secessionist group within the SPLM/A. As a result, the secessionist elites within the SPLM/A, fully aware of the strong superpower support they had for secession, refused to engage in a Southern dialogue with the non-secessionists to discuss possible alternatives to secession such as autonomy or federalism.

On the other hand, the political context on the African stage provided divergent motivations for regional intervention in Sudan’s conflict. Continental shifts in attitudes towards the issue of secession led to contrasting interests in external intervention in 1972 and 2005. The Organization of African Unity, based on its non-interference clause, was adamant not to interfere in the peace process and considered the conflict an internal matter of a Member State. In 2005, however, the
newly formulated African Union, based on its new clause of non-indifference, was heavily involved in the conflict through its African states members of the Intergovernmental Agency on Development (IGAD).

To arrive at such findings methodologically, I relied on an interpretive methodology and qualitative methods. I reviewed secondary sources on the origins of Sudan’s conflict(s), the decolonization process; and Sudan’s mediation processes prior to the signing of the 1972 and 2005 peace agreements, the consequences of mediation on the outcome of secessionist wars; and US foreign policy in Sudan and the Horn of Africa. Furthermore, I conducted open-ended interviews with over 100 stakeholders including lead negotiators from North and South Sudan as well as the African Union and United Nations. I have also interviewed a number of Ethiopians and Eritreans on the issue of Eritrea’s secession. I also completed a thorough analysis of historical documents such as the Southern Policy and the 1972 Addis Ababa Agreement.

The Significance of Findings to the Study of Politics

My research findings are important to a number of subfields in the peace and conflict studies literature. For example, my research findings contribute significantly to Mediation Literature, African Studies, Peacebuilding Literature, Civil War Literature and the Secessionist Literature.

First and foremost, my research introduces a critical discourse which removes the discussion in mediation literature from the technical aspects of mediation to the conceptualization of the politicized, interest-ridden processes of mediation and negotiation. This new theoretical
discourse deconstructs the power relations of superpower hegemons in mediation literature by politicizing mediation theory and its dependence on superpower intervention. In doing so, the detrimental effects of superpower mediation on local indigenous ownership of peace processes and outcomes are exposed. Furthermore, my research offers analysis on how superpower politics intertwines with local secessionist groups to co-opt mediation processes. Ultimately, siding with secessionist groups undermines the ability of the locals to generate a consensus on peace. This leads to a better, more politicized, understanding in the literature of how hegemons use mediation as a tool to impose a neoliberal peace agenda and to achieve their own geopolitical interests through their interactions with local elites. The primary objective of my findings is to end the legitimacy afforded by mediation theory to superpower intervention by considering a less intrusive mediation process such as the one conducted by non-state actors.

To this end, my theoretical insights have the potential to foster a more vibrant discussion on the benefits of non-state actors. My theoretical findings demonstrate how the intervention of non-state actors could lead to organic indigenous peace agreements which pertain to the interests of the people at war and how this local ownership could be attained. As such, my research moves the research agenda away from the current dependence on Track I mediation processes to a new research agenda on how to protect and shield Track II mediation efforts from superpower intervention. Of course, some would argue that even non-state actors could be penetrated by superpowers. This concern is valid. However, non-state actors do not have the power to coerce and violently intervene in shaping peace outcomes. One way of alleviating this concern is to have a careful selection process for potential non-state mediators. As discussed in chapter three, both the government of Sudan and the Anya-nya rebel group have agreed to invite the World Council of
Churches (WCC) and the All Africa Council of Churches (AACC) based on the history of these two organizations in Sudan and based on their previous experience in peace mediations elsewhere.

Considering the theoretical contributions of my research to the field of African politics, my findings are significant because they call on local empowerment. The research of Africanists would thus focus on strengthening African local Agency/ownership in mediating and resolving African conflicts on the continent. One way of doing that is by strengthening the role of indigenous African non-state actors in peace operations. An example of an African non-state actor would be the All Africa Church Council. It had already mediated the 1972 Addis Ababa Agreement, and its function as a mediator could be resuscitated and utilized again.

Additionally, this study bridges the gap between peacemaking and peacebuilding. It draws the attention of peacebuilding theorists, who frequently criticize the “liberal peace” projects during peacebuilding processes, to the fact that the liberal peace has in fact been installed and initiated through mediation during the peacemaking phase. Once this is realized, the efforts to critique and end the imposition of these determinantal initiatives will afford superpower intervention in peacemaking its due considerations. Interestingly, some theorists within the civil war literature have advanced the internality argument in explaining the causes of civil war, my findings have challenged this logic of internality by providing enough evidence to prove that external geopolitical intervention during mediation could very well undermine the quality of peace agreements and the ensuing peace which in turn could lead to the recurrence of civil wars. In other words, the answer to why war recur could very well be found in superpower intervention in peacemaking.

Finally, these research findings are important for secessionist theorists as well. My research shows that the significance of superpower intervention in secessionist wars is not just at the later
recognition stage, as the theorists assume, but in the process of how superpowers initially enable the entity fighting for secession to be powerful enough to seek recognition. However, further research is required in this area to expand the analysis to understand the effects of superpower intervention when they support governments against secessionists. Unfortunately, the scope of this research prevented me from addressing this crucial type of intervention.

My research has attempted to make clear that secessionist conflicts do not exist in a vacuum. They are derived from, and entangled with, regional and international forces of geopolitical power. These geopolitical interests are usually served through various forms of intervention including mediation. As it stands, mediation processes often seem to be used as a platform for international intervention to maintain and preserve the hegemon’s interests in peace outcomes. Mediation theory would benefit from adopting a vibrant critical power-relation discourse to address and terminate this form of intervention. Acknowledging and critically deconstructing the influence of external politics over the outcomes of these ostensibly internal conflicts promises better models of secession and civil war resolutions.

In secessionist conflicts, local actors are responding to incentives not currently specified in mediation theory. Mediation theory needs to account for these underlying global structures of power and their motives in order to comprehend how mediation outcomes are produced and who benefits from them. Once this is understood, mediation theory would be able to better theorize how organic indigenous peace agreements, pertaining to the interest of the people at war not that of external actors, can be attained. Building on the findings of my critical theory discourse, mediation theorists now have the opportunity to further enhance, protect, and strengthen the role of non-state actors in secessionist wars to arrive at peace agreements that are truly indigenous and without foreign interests or intervention. Regardless of what the outcome of these peace agreements might
be, secession or unity, they have to emanate from the historical, contemporary, and future aspirations of those in war without foreign intervention.
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Appendix #1

Interviewees:

1- **Southern Sudan**: Elite interviews with Southern politicians, army officers, militia leaders, and academics include:

(1) Pagan Amum, Secretary General of SPLA/M; 12/13-12-2006
(2) Rita Garang, widowed wife of former head of SPLA/M John Garang and, Minister of Transportation and Roads; 05-06-2006
(3) Peter Adok Nyaba, a prominent South Sudan scholar and MP. 4-12-2006
(4) Madam Abuk, Member of South Sudan Parliament from the Shulk local community; 10-12-2006
(5) H.E. Gabriel Changson Chang, Minister of Youth and Sport; 13-12-2006
(6) Sultan/Colonel Ismail Konyi, Militia leader, SPLA officer, and MP of the Morle local community, 13-12-2006
(7) William Deng Deng, head of South Sudan, Disarmament, Demobilisation and Reintegration (DDR) office. 25-6-2009
(8) Simon Kun Puoch, Southern Sudan Relief and Rehabilitation Commission, 07-12-2006
(9) Mr. Deng Alor Kuol, Ministry of Cabinet Affairs, 07-12-2006;
(10) Brigadier Arop Mayak Mony Toc, Commissioner of South Sudan Disarmament, Demobilisation and Reintegration commission (SSDDRC), 07-12-2006;
(11) Dr. Shoul, member of Parliament, Head of the Team investigating the Malakal Violence
(13) John Luk Jok, Minister of Youth and Sports 12-12-2006;

2- **Northern Sudan**: Elite interviews with Northern politicians, army officers, general public, and academics in Khartoum including:

(1) Professor Alagab Ahmed Alteraifi, professor of Public Administration, University of Khartoum, former chair of the Department of Political Science and Dean of the School of Management; 09-05-2018
(2) Dr. Gazi Salah Eldeen Atabani, head of the Sudan delegation in the early stages of the CPA, adviser to The President of Sudan, and a prominent NIF leader; 21-12-2006
(3) Abdal Mutafi, Premier of the state of Khartoum, and a prominent NIF leader; 05-01-2007
(4) Mansour Alagab, State-Minister-of-Foreign-Affairs, 12-12-2015
(5) Dr. Sulafedeen Salih Mohammed, head of North Sudan DDR office. 05-07-2003;
(6) Anonyms high ranking Army officers in Khartoum. 27-12-2013;
(7) Professor Mirghani Hamoor, University of Khartoum, 09 Jan. 2012;
(8) Professor Adlan Alhadalo, University of Khartoum, 04 Aug. 2003;
(9) Professor Mohammad Mukhtar, University of Khartoum, 09 Jan. 2012;
(10) Dr. Mohammad Mukhtar Idriss, Minister of State in the Cabinet Office, 14 Jan. 2013;
(13) Professor Mohammad Yousif Ahmed Almustafa, University of Khartoum, 28 Jan. 2013;
(14) Dr. Abdulrahim Bilal, University of Khartoum, 03 Aug. 2003;
(15) Mr. Idris Mohammad Abdulghadir, Ministry of Foreign Affairs, Head of Sudan Peace Delegation 2002; 01 Dec. 2013;
(16) Dr. Abdulrahim Hamdy, Sudan’s Minister of Finance, 06 Jan. 2012;
(17) Professor, Atta Albathani, University of Khartoum, 21-07-2007;
(18) Faysal Alsaid Ali Omer, UN OCHA, 11-12-2014.
(20) Retired Major General Abdallah Alteraifi. Sudan Police Force.
(21) Ahmed Mahdi, Businessman. Khartoum North; 05-01-2018
(22) Nasir Abdalgaliil, Businessman, Khartoum North; 12-01-2014
(23) Ayman Ezzidin, Ministry of Investment, Khartoum. 04-28-2018

Nuba Mountains Region (Northern Sudan):

(1) Mohamed Wadee Hamid, Chief of the Almasakeen Altowal community/village, South Kordofan State, Sudan. 15-07-2003
(2) Altayb Badawi Badai, Ministry of Planning and Development, South Kordofan, Sudan. 16-07-2003;
(3) Musa Makin, Managing Director, Ministry of Planning and Development, South Kordofan. 17-07-2003;
(4) Mohamed Maki, UNDP, South Kordofan, 18-07-2003;
(5) Hans Uhlauder, Chief Operations and Officer at the Joint Military Commission (JMC), South Kordofan, 19-07-2003;
(6) Mobil Gideon Dau Duot, Head of UN OCHA- Kadugli, South Kordofan; 25-07-2003;
(7) Kamal Ballah, International Food and Agriculture Development Program (IFAD), South Kordofan, 20-07-2003;
(9) Michael Majok Agar, Programme Assistant, Wold Food Programme (WFP), South Kordofan, 20-07-2003;
(10) Dr. Mohamed Ibrahim, UNICEF, South Kordofan, 21-07-2003;
(11) Ismail Bakhit, Peace Radio broadcaster, South Kordofan, 22-07-2003;
(12) Mohamed Ahmed Braima, Head of Peace Radio, South Kordofan, 22-07-2003;
(13) Mohamed Awad Khider, Sudanese Red Crescent, South Kordofan, 23-07-2003;

3- United Nations:

(1) Dr. Vladimir Zhagora, Mediating Coordinator in Africa I Division at the UN Secretariat. Department of Foreign affairs. 11-05-2018;
(2) Dr. Moustapha Soumare, UNDP Deputy Special Representative (Political) in Republic of South Sudan; 08-12-2006;
(3) Diane de Guzman, Senior Civilian Affairs Officer at UN Mission in Sudan/South Sudan. 11-12-2006

4- The European Union:

(1) Tomáš Uličný, the EU Ambassador to Sudan, 23 Jan. 2013.

5- African Union: Members of the AU and the Peace and Security Department

(1) Hamouda Kanu, 07-01-2015;
(2) Ahmed Mukhtar, 10-01-2015;
(3) Awad Rizeig, 07-01-2017; 15-12-2017, 21-01-2018
(4) Abdalkarim Hejazi, 08-01-2015;
(5) Nazar Altaher, 09-01-2015;
(6) Ahmed Albashir Almadani, 11-01-2015;
6- **Nongovernmental Organizations:**
   a. David Lochhead, *Small Arms Survey*, 12-12-2006;

7- **Kenyan Official:**
   (1) Ambassador Bethuel Kiplagat – The Permanent Secretary of the Ministry of Foreign Affairs and International Co-operation of Kenya; and founder of Africa Peace Forum 10-05-2007;

8- **Toronto Academics/Activists:**
   (1) Dr. Abbas Gnamo, an Ethiopian/Eritrean Scholar. Department of Political Science. University of Toronto. 17-05-2018;
   (2) Semir Yusuf, an Ethiopian/Eritrean Scholar. Department of Political Science. University of Toronto. 17-05-2018;
   (3) Ibrahim Said, Ethiopian/Eritrean Activist. Former cofounder and Chair of Bilal Ethiopian Community Centre of Toronto. 05-21-2018.
   (4) Ibrahim Abatulam, Ethiopian/Eritrean Activist. Ethiopian Community of Toronto. 05-19-2018
Appendix #2

1930 Memorandum on Southern Policy

Civil Secretary's Office,
Khartoum, January 25th, 1930
The Governor, Upper Nile Province, Malakal.
The Governor, Mongalla Province, Mongalla.
The Governor, Bahr al Ghazal Province, Wau.

His Excellency the Governor General directs that the main features of the approved policy of the Government for the administration of the Southern Provinces should be re-stated in simple terms.

In the strictly confidential memorandum which accompanies this letter an attempt has been made to do this, though it will of course be seen that innumerable points of detail arising are not dealt with seriatim.

2. Your attention is directed to Part II of the memorandum, and I should be obliged if you would forward, as soon as possible, your comments on the criteria suggested and any suggestions you may wish to make for additions to the list.

3. The carrying out of the policy as described may lead from time to time to various financial implications or commitments though it is hoped that these will not be great. It will be convenient that any such foreseen should be notified to the relevant authority without delay for consideration.

4. Application of the policy will obviously vary in detail and in intensity according to locality. It is essential however, that the ultimate aim should be made clear to all who are responsible for the execution of the policy, and the memorandum should therefore be circulated to and studied by all your District Commissioners. Sufficient copies for this purpose are sent herewith. Copies are also being sent to such Heads of Departments in Khartoum as are concerned.

CS/I.C.I.

STRICTLY CONFIDENTIAL

Memorandum

Part I

CIVIL SECRETARY

The policy of the Government in the Southern Sudan is to build up a series of self-contained racial or tribal units with structure and organization based, to whatever extent the requirements of equity and good government permit, upon indigenous customs, traditional usage and beliefs. The measures already taken or to be taken to promote the above policy are re-stated below.
A. PROVISION OF NON-ARABIC-SPEAKING STAFF (ADMINISTRATIVE, CLERICAL AND TECHNICAL).

a) Administrative Staff

The gradual elimination of the Mamur, whether Arab or black. This has already begun, and it is intended that the process of reduction shall continue as opportunity offers.

b) Clerical

It has been the recognized policy for some years that locally recruited staff should take the place of clerks and accountants drawn from the North and that the language of Government offices should be English. In the Bahr al Ghazal Province the change to English has already been made and a large number of local boys are employed. The process has to be gradual. It is recognized that local boys are not fit at present to fill the higher posts in Government offices, and the supply of educated English-speaking boys depends on the speed with which the two missionary Intermediate schools in Mongalla Province and the Intermediate and Stack Schools at Wau can produce them.

The missions must retain a certain number of these boys as teachers for their Elementary schools (which are an integral part of the educational system) but since the employment of local boys in Government offices is a vital feature of the general policy every encouragement should be given to those in charge of mission schools to cooperate in that policy by sending boys into Government service. Province officials must aim at maintaining a steady supply of boys for the Elementary Vernacular schools which feed the Intermediate schools.

c) Technical

Generally speaking, the considerations mentioned above apply also to the supply of boys for the technical departments - Agriculture, Medical, Public Works, etc.; but in certain cases it may not be essential that boys going to these departments should complete the Intermediate school course.

B. CONTROL OF IMMIGRANT TRADERS FROM THE NORTH

It is the aim of the Government to encourage, as far as is possible, Greek and Syrian traders rather than the Gellaba type. Permits to the latter should be decreased unobtrusively but progressively, and only the best type of Gellaba, whose interests are purely commercial and pursued in a legitimate manner should be admitted. The limitation of Gellaba trade to towns or established routes is essential.

C. FUNDAMENTAL NECESSITY FOR BRITISH STAFF TO FAMILIARIZE THEMSELVES WITH THE BELIEFS AND CUSTOMS AND THE LANGUAGES OF THE TRIBES THEY ADMINISTER.

a) Beliefs and Customs.

The policy of Government requires that officials in the South, especially administrative officials, should be fully informed as to the social structure, beliefs, customs and mental processes of pagan tribes. Study on these lines is of vital importance to the solution of administrative problems, and it is with this fact in view that a highly qualified expert has been detailed to work in the South.
b) Language

The Rejaf Language Conference recommended the adoption of certain 'group languages' for use in schools. It is clearly impossible to develop all the languages and dialects of the Southern Sudan and the development of a limited number of them may tend to cause the smaller languages one by one to disappear, and be supplanted by 'group languages'. It is, of course, true that the adoption of this system carries with it the implication of the gradual adoption of a new, or partly new, language by the population of the areas in which the 'smaller languages' are used at present. Such a result is, indeed, inevitable in the course of time, for 'smaller languages' must always tend to disappear.

It is also recognised that in such places as Wau itself, Arabic is so commonly used that the local languages have been almost completely excluded. Special concessions may be necessary in these places. The Rejaf Conference did not regard these factors as seriously affecting the policy of 'group languages', and it was held to be a matter of first importance that books for the study of the 'group languages' should be available for missionaries and officials and that a specialist should be appointed to study the question. A linguistic expert, Dr. Tucker, has therefore been appointed for a period of two years, and his chief function will be to advise as to the production of suitable books. The Secretary for Education and Health has already circulated a memorandum on his duties.

The production of grammars and vocabularies will facilitate the study of the local vernaculars. But this will take time and meanwhile it is the duty of our officers to further the policy of the Government without delay. It cannot be stressed too strongly that to speak the natural language of the people whom he controls is the first duty of the administrator. Arabic is not that language, and indeed to the bulk of the population of the South it is a new, or partly new, tongue. Officials should avoid the error of thinking that by speaking Arabic they are in some way conforming to the principle that the administrator should converse with his people in their own language.

D. THE USE OF ENGLISH WHERE COMMUNICATION IN THE LOCAL VERNACULAR IS IMPOSSIBLE.

The time has not yet come for the adoption of a general lingua franca for the Southern Sudan, and it is impossible to foretell what, if ever that time comes, the language would be. At the same time there are, without doubt, occasions when the use of a local vernacular is impossible, as, for instance in the case of heterogeneous groupings such as the Sudan Defence Force or the Police. The recent introduction of English words of command in the Equatoria Corps of the Sudan Defence and their use in the Police Forces in the Provinces concerned is a step in the right direction, but more is required. Every effort should be made to make English the means of communication among the men themselves to the complete exclusion of Arabic. This will entail in the various units the opening of classes in which the men would receive instruction in English, and a concentrated effort on the part of those in authority to ensure that English is used by the men when local vernaculars cannot be. It is believed that in a comparatively short time men of these forces could learn as much English as they now know of Arabic.

It is hoped that those in charge of mission schools will assist in providing instructors for the classes referred to above. Similarly, an official unable to speak the local vernacular should try to use English when speaking to Government employees and servants, and even, if in any way possible, to chiefs and natives. In any case, the use of an interpreter is preferable to the use of Arabic, until the local language can be used.
The initial difficulties are not minimized. Inability to converse freely at first will no doubt result in some loss of efficiency, and the dislike of almost every Englishman to using his own language in conversing with natives is fully recognized; but difficulties and dislikes must be subordinates to the main policy. Apart from the fact that the restriction of Arabic is an essential feature of the general scheme it must not be forgotten that Arabic, being neither the language of the governing nor the governed, will progressively deteriorate. The type of Arabic at present spoken provides signal proof of this. It cannot be used as a means of communication on anything but the most simple matters, and only if it were first unlearned and then relearned in a less crude form and adopted as the language of instruction in the schools could it fulfil the growing requirements of the future. The local vernaculars and English, on the other hand, will in every case be the language of one of the two parties conversing and one party will therefore always be improving the other.

Incidentally it may be argued that if a District Commissioner serving in the South is transferred to the North, a knowledge of Nilotic Arabic is more of a hindrance than a help to him in learning the Arabic of the Northern Sudan.

In short, whereas at present Arabic is considered by many natives of the South as the official and, as it were, the fashionable language, the object of all should be to counteract this idea by every practical means.

Part II

PROGRESS OF POLICY

His Excellency the High Commissioner in approving this policy has suggested the need for criteria by which progress may be measured. With this end in view it is intended to tabulate various important features of the policy and to set down the progress made at stated intervals. It is suggested that the matters to be included in the table should be the following:

a) The number of non-Mohammedans in relation to the total Government staff under headings of administrative, clerical, and technical, with a report on the use of English by Government employees of non-British origin.

b) The number of British officials who have qualified in the local languages.

c) Number of immigrant traders of various nationalities from the North.

d) Number of Mission schools, elementary, intermediate and technical respectively.

e) Number of Government schools.

f) The amount spent on education including:

Subsidies to mission schools; cost of Government schools; cost of supervisory educational staff.

g) Introduction of English words of command in military or police forces, with a report as to the extent to which Arabic is disappearing as the language in use among the men of these forces.

h) Notes on the progress of the use of English instead of Arabic where communication in the vernacular is impossible.
i) Progress made in the production of text-books in the group languages for use in the schools, and grammars and vocabularies for use of missionaries and officials. It is proposed to give information in the Annual Report under these heads for the years 1924, 1927 and 1930 and for each subsequent year.

Civil Secretary's Office,

Khartoum, January 25th, 1930.
Appendix #3

1946 Memorandum on Southern Policy

Subject: Southern Sudan policy Civil Secretary's Office,
SECRET Khartoum, December 16th, 1946

Financial Secretary (2)
Legal Secretary (2)
Kaid (3)
Director of Agriculture & Forests (3)
Director of Economics & Trade (2)
Director of Education (3)
Director of Medical Service (3)
General Manager, Sudan Railways (2)
Director, Veterinary Service (2)
Governor, Equatoria Province (12)
Governor, Upper Nile Province (10)

Will you please refer to Khartoum Secret Despatch No. 89 of August 4th, 1945, of which copies were sent to you (or to your predecessors in Office) personally under this number.

2. You will see that in paragraph 2 of the despatch there are contemplated three possible political futures for the Southern Sudan. The crucial sentence is:

It is only by economic and educational development that these people can be equipped to stand up for themselves in the future, whether their lot be eventually cast with the Northern Sudan or with East Africa (or partly with each).

3. Since the despatch was written, and since the decisions on policy which it records were taken not only have further decisions on policy for the South been taken (of which a list is attached) but great changes have taken place in the political outlook for the country as a whole. Whatever may be the final effect, inside the Sudan, of the present treaty negotiations, it is certain that the advance of the Northern Sudan to self-government, involving the progressive reduction of British executive authority, and public canvassing of the Southern Sudan question, will be accelerated. It is therefore essential that policy for the Southern Sudan should be crystallized as soon as possible and that it should be crystallized in a form which can be publicly explained and supported and which should therefore be based on sound and constructive social and economic principles. These principles must not only bear defence against factious opposition, but must also command the support of Northern Sudanese who are prepared to take logical and liberal points of view: while the relief of
doubts now in the minds of British political and departmental staff who have the interests of the South at heart is also pressing and important.

4. You will see from the foregoing paragraph that I do not suggest that the future of the two million inhabitants of the South should be influenced by appeasement of the as yet immature and ill-informed politicians of the Northern Sudan. But it is the Sudanese, Northern and Southern, who will live their lives and direct their affairs in future generations in this country:

and our efforts must therefore now be concentrated on initiating a policy which is not only sound in itself, but which can be made acceptable to, and eventually workable by patriotic and reasonable Sudanese, Northern and Southern alike.

5. Apart from the recent rapid political development in the North the following conclusions have further emerged since His Excellency's 1945 despatch and enclosures were written:

a) with reference to Appendix I to the despatch, Section 7 last sentence of penultimate paragraph. East Africa's plans regarding better communications with the Southern Sudan have been found to be nebulous, and contingent on the Lake Albert Dam. Whatever the possibilities, we have no reason to hesitate between development of trade between the South and E. Africa and development of trade between the Southern and the Northern Sudan. Our chance of succeeding depends I think upon confining ourselves to the one aim of developing trade in the South, and between the North and the South.

b) In Education, I believe that while the South may hope to have a secondary school, it cannot hope to support post-secondary education, and I believe that Southerners should get this at the Gordon Memorial College - Arabic is not essential there, but should I think be taught to Southerners as a subject from intermediate school level upwards.

c) The distinctions in rates of pay and other conditions of government service, the artificial rules about employment of Southerners in the North, attempts at economic separation, and all similar distinctions are becoming more and more anomalous as the growing demand for Northerners to be employed in Southern Development Schemes, the rapidly growing communication and travel between North and South, and the very application of the policy of pushing forward in the South, break down the previous isolation of the Southern Provinces and strain these distinctions further.

6. The preceding paragraphs are an attempt to indicate briefly the reasons which have led me to think that an important decision on Southern policy must now be taken. The biennial report to His Britannic Majesty's Government is due early next year. Subject to your comments on this letter, I propose to advise His Excellency that in His Excellency's next report he asks His Britannic Majesty's Government to approve that two of the alternatives mentioned in paragraph 2 above be ruled out as practical politics at the present time. It may in the future be proved that it would be to the advantage of certain of the most Southerly tribes, e.g. of Opari or Kajo Kaji, to join up with their relatives in Uganda. It may be that the feeling which now exists among a few of the wisest Northern Sudanese, that they should not, when self-governing, be asked to shoulder the financial and communal burden which they believe the South will always prove to be, may become an important political policy among them. But we should now work on the assumption that the Sudan, as at present constituted, with possibly minor boundary adjustments, will remain one: and we should therefore restate our Southern policy and do so publicly, as follows:
"The policy of the Sudan Government regarding the Southern Sudan is to act upon the facts that the peoples of the Southern Sudan are distinctively African and Negroid, but that geography and economics combine (so far as can be foreseen at the present time) to render them inextricably bound for future development to the middle-eastern and arabicized Northern Sudan: and therefore to ensure that they shall, by educational and economic development, be equipped to stand up for themselves in the future as socially and economically the equals of their partners of the Northern Sudan in the Sudan of the future."

7. Certain changes of detail, in each sphere of Government activity in the South, would I think have to follow the approval and publication of a policy so defined. You will wish to suggest briefly the major points.

8. Will you please consider this matter carefully, consult the senior members of your staffs upon it (particularly of course those who have experience of the South), and let me have your views as briefly as possible. Those of any individual member of your staff which you wish to forward separately with your comments will also be welcome. The views of senior Sudanese in whose judgment and discretion you have confidence may also be asked for.

9. Finally I ask you to read again the late Sir Douglas Newbold's note to Council No. CS/SCR/I.C.14 of 3.4.44, reproduced as Appendix 'B'(l) to the despatch [sic], and to bear in mind that urgency is the essence of the problem. We no longer have time to aim at the ideal: we must aim at doing what is the best for the Southern peoples in the present circumstances.

Copies to: Governors: Blue Nile.

Darfur.
Kassala.

J. W. ROBERTSON,
Civil Secretary
Khartoum. - 2 copies each.
Kordofan.
Northern.

Sudan Agent, Cairo (2)
Sudan Agent, London (2)
Appendix #4

THE ADDIS ABABA AGREEMENT ON THE PROBLEM OF SOUTH SUDAN

Draft Organic Law to organize Regional Self-Government in the Southern provinces of the Democratic Republic of the Sudan

In accordance with the provisions of the Constitution of the Democratic Republic of the Sudan and in realization of the memorable May Revolution Declaration of June 9, 1969, granting the Southern Provinces of the Sudan Regional Self-Government within a united socialist Sudan, and in accordance with the principle of the May Revolution that the Sudanese people participate actively in and supervise the decentralized system of the government of their country, it is hereunder enacted:

Article 1.

This law shall be called the law for Regional Self-Government in the Southern Provinces. It shall come into force and a date within a period not exceeding thirty days from the date of Addis Ababa Agreement.

Article 2.

This law shall be issued as an organic law which cannot be amended except by a three-quarters majority of the People’s National Assembly and confirmed by a two-thirds majority in a referendum held in the three Southern Provinces of the Sudan.

CHAPTER I: DEFINITIONS

Article 3.

a) ‘Constitution’ refers to the Republican Order No. 5 or any other basic law replacing or amending it.

b) ‘President’ means the president of the Democratic Republic of the Sudan.

c) ‘Southern Provinces of the Sudan’ means the Provinces of Bahr El Ghazal, Equatoria and Upper Nile in accordance with their boundaries as they stood January 1, 1956, and other areas that were culturally and geographically a part of the Southern Complex as may be decided by a referendum.

‘People’s Regional Assembly" refers to the legislative body for the Southern Region of the Sudan.

‘High Executive Council’ refers to the Executive council appointed by the President on the recommendation of the President of the High Executive Council and such body shall supervise the administration and direct public affairs in the Southern Region of the Sudan.
‘President of the High Executive Council’ refers the person appointed by the President on the recommendation of the People’s Regional Assembly to lead and supervise the executive organs responsible for the administration of the Southern Provinces.

‘People’s National Assembly’ refer to the National Legislative Assembly representing the people of the Sudan in accordance with the constitution.

‘Sudanese’ refers to any Sudanese citizens as defined by the Sudanese Nationality Act 1957 and any amendment thereof.

**CHAPTER II**

**Article 4.** The Provinces of Bahr El Ghazal, Equatoria and Upper Nile as defined in Article 3. (iii) shall constitute a self-governing Region within the Democratic Republic of the Sudan and be known as the Southern Region.

**Article 5.** The Southern Region shall have legislative and executive organs, the functions and power of which are defined by this law.

**Article 6.** Arabic shall be official language for the Sudan and English the principle language for the Southern Region without prejudice to the use of any language or languages, which may serve a practical necessity for the efficient and expeditious discharge of executive and administrative functions of the Region.

**CHAPTER III**

**Article 7.** Neither the People’s Regional Assembly nor the High Executive Council shall legislate or exercise any powers on matters of national nature which are:

- National Defense
- External Affairs
- Currency and Coinage
- Air and Inter-Regional Transport
- Communications and Telecommunications
- Customs and Foreign Trade except for border trade and certain commodities, which the Regional Government may specify with the approval of the Central Government.
- Nationality and Immigration (Emigration)
- Planning for Economic and Social Development
- Educational Planning
CHAPTER IV

Article 8. Regional Legislation in the Southern Region is exercised by a People’s Regional Assembly elected by Sudanese Citizens resident in the Southern Region. The constitution and condition of membership of the Assembly shall be determined by law.

Article 9. Members of the People’s Regional Assembly shall be elected by direct secret ballot.

Article 10.

For the First Assembly the President may appoint additional members to the People’s Regional Assembly where conditions for elections are not conducive to such elections as stipulated in Article 9, provided that such appointed members shall not exceed one-quarter of the Assembly.

The People’s Regional Assembly shall regulate the conduct of its business in accordance with rules of procedures to be laid down by the said Assembly during its first sitting.

The People’s Regional Assembly shall elect one of its members as a speaker, provided that the first sitting shall be presided over by the Interim President of the High Executive Council.

Article 11. The People’s Regional Assembly shall legislate for the preservation of public order, interim security, efficient administration and the development of the Southern Region in cultural, economic and social fields and in particular in the following:

Promotion and utilization of Regional financial resources for the development and administration of the Southern Region.

Organization of the machinery for Regional and Local Administration.

Legislation on traditional law and custom within the framework of National Law.

Establishment, maintenance and administration of prisons and reformatory institutions.

Establishment, maintenance and administration of Public Schools at all levels in accordance with National Plans for education and economic and social development.

Promotion of local languages and cultures.

Town and village planning and the construction of roads in accordance with National Plans and programs.

Promotion of trade; establishment of local industries and markets; issue of traders’ licenses and formation of co-operation societies.

Establishment, maintenance and administration of public hospitals.
Administration of environmental health services; maternity care; child welfare; supervision of markets; combat of epidemic diseases; training of medical assistants and rural midwives; establishment of health centers, dispensaries and dressing stations.

Promotion of animal health; control of epidemics and improvement of animal production and trade.

Promotion of tourism

Establishment of zoological gardens, museums, organizations of trade and cultural exhibitions.

Mining and quarrying without prejudice to the right of the Central Government in the event of the discovery of natural gas and minerals.

Recruitment for, organization and administration of Police and Prison services in accordance with the national policy and standards.

Land use in accordance with national laws.

Control and prevention of pests and plant diseases.

Development, utilization, and protection of forests crops and pastures in accordance with national laws.

Promotion and encouragement of self-help programmes.

All other matters delegated by the President or the People’s National Assembly for legislation.

**Article 12.** The People’s National Assembly may call for facts and information concerning the conduct of administration in the Southern Region.

**Article 13.**

The People’s Regional Assembly may, by a three-quarters majority and for specified reasons relating to public interest, request the President of relieve the President or any member of the High Executive Council from office. The President shall accede to such request.

In case of vacancy, relief or resignation of the President of the High Executive Council, the entire body shall be considered as having automatically resigned.

**Article 14.** The People’s Regional Assembly may, by a two-thirds majority, request the President to postpone the coming into force of any law which, in the view of the members, adversely affects the welfare and interests of the citizens of the Southern Region. The President may, if he thinks fit, accede to such request.

**Article 15.**

The People’s Regional Assembly may, by a majority of its members, request the President to withdraw any Bill presented to the People’s National Assembly which in their view affects adversely the welfare, rights or interests of the citizens in the Southern Region, pending communication of the views of the People’s Regional Assembly.
If the President accedes to such request, the People’s Regional Assembly shall present its views within 15 days from the date accession to the request.

The President accedes to such request, The People’s Regional Assembly together with his own observation if he deems necessary.

**Article 16.** The People’s National Assembly shall communicate all Bills and Acts of the People’s Regional Assembly for their information. The People’s Regional Assembly shall act similarly.

**CHAPTER V: THE EXECUTIVE**

**Article 17.** The Regional Executive Authority is vested in a High Executive Council which acts on behalf of the President.

**Article 18.** The High Executive Council shall specify the duties of the various departments in the Southern Region provided that on matters relating to Central Government Agencies it shall act with approval of the President.

**Article 19.** The President of the High Executive council shall be appointed and relieved of office by the President on the recommendation of the People’s Regional Assembly.

**Article 20.** The High Executive Council shall be composed of members appointed and relieved of office by the President on the recommendation of the President of the High Executive Council

**Article 21.** The President of the High Executive Council and its members are responsible to the President and to the People’s Regional Assembly for efficient administration in the Southern Region. They shall take an oath of office before the President.

**Article 22.** The President and members of the High Executive Council may attend meetings of the People’s Regional Assembly and participate in its deliberations without the right of vote, unless they are also members of the People’s Regional Assembly.

**CHAPTER VI**

**Article 23.** The president shall form time to time regulate the relationship between the high Executive Council and the central ministries.

**Article 24.** The High Executive Council may initiate laws for the creation of a Regional Public Service. These laws shall specify the terms and conditions of service for the Regional Public Service.
CHAPTER VII: FINANCE

Article 25. The People’s Regional Assembly may levy Regional duties and taxes in addition to National and Local duties and taxes. It may issue legislation and orders to guarantee the collection of all public monies at different levels.

(One) The source of revenue of the Southern Region shall consist of the following:-

- Direct and indirect regional taxes.
- Contribution from People’s Local Government Councils
- Revenue from commercial, industrial and agricultural projects in the Region in accordance with the National Plan.
- Funds from the National Treasury for established services.
- Funds voted by the people’s National Assembly in accordance with the requirements of the Region.
- The Special Development Budget for the South as presented by the People’s Regional Assembly for the acceleration of economic and social advancement of the Southern Region as envisaged in the declaration of June 9, 1968.

CHAPTER VIII: OTHER PROVISIONS

Article 26. Citizens of the Southern Region shall constitute a sizeable proportion of the People’s Armed Forces in such reasonable numbers as will correspond to the population of the region.

the use of the People’s Armed Forces within the Region and outside the framework of national defense shall be controlled by the President of the advice of the President of the High Executive Council

Temporary arrangements for the composition of units of the People’s Armed Forces in the Southern Region are provided for in the Protocol on Interim Arrangements.

Article 27. The President may veto any Bill which he deems contrary to the Provisions of the National Constitution provided the People’s Regional Assembly, after receiving the President’s views, may reintroduce the Bill.

Article 28. The President and members of the High Executive Council may initiate laws in the People’s Regional Assembly.

Article 29. Any member of the People’s Regional Assembly may initiate any law provided that financial Bills shall not be presented without sufficient notice to the President of the High Executive Council.
Article 30. The People’s Regional Assembly shall strive to consolidate the unity of the Sudan and respect the spirit of the National Constitution.

Article 31. All citizens are guaranteed freedom of movement in and out of the Southern Region, provided restriction or prohibition of movement may be imposed on a named citizen solely on grounds of public health and order.

Article 32. a) All citizens resident in the Southern Region are guaranteed equal opportunity of education, employment, commerce and the practice of any profession.

No law adversely affect the rights of citizens enumerated in the previous item on the basis of race, tribal origin, religion, place of birth, or sex.

Article 33. Juba shall be the Capital of the Southern Region and the seat of the Regional Executive and Legislature.

APPENDIX A: FUNDAMENTAL RIGHTS AND FREEDOMS

The following should be guaranteed by the Constitution of the Democratic Republic of the Sudan.

A citizen should not be deprived of his citizenship

Equality of citizens.

a) All citizens, without distinction based on race, national origin, birth, language, sec, economic or social status, should have equal rights and duties before the law.

All persons should be equal before the courts of law and should have the rights to institute legal proceedings in order to remove any injustice or declare any right in an open court without delay prejudicing their interest.

Personal liberty.

a) Penal liability should be personal. Any kind of collective punishment should be prohibited.

The accused should be presumed innocent until proved guilty.

Retrospective penal legislation and punishment should be prohibited.

The right of the accused to defend himself personally or through an agent should be guaranteed.

No person should be arrested, detained or imprisoned except in accordance with the due process of law, and no person should remain in custody or detention for more than twenty-four hours without judicial order.

No accused person should be subjected to inducement, intimidation of torture in order to extract evidence from him whether in his favor or against him or against any other person, and no humiliating punishment should be inflicted on any convicted person.

Freedom of Religion and Conscience.
Every person should enjoy freedom of religious opinion and of conscience and the right to profess them publicly and privately and to establish religious institutions subject to reasonable limitations in favor of morality, health or public order as prescribed by law.

Parents and Guardians should be guaranteed the right to educate their children and those under their care in accordance with the relation of their choice.

Protection of Labor.

i) Forced and compulsory labor of any kind should be prohibited except when ordered for military or civil necessity or pursuant to penal punishment prescribed by law.

ii) The right to equal pay for equal work should be guaranteed.

Freedom of minority to use their languages and develop their culture should be guaranteed.

**APPENDIX B: DRAFT ORDINANCE ON ITEMS OR REVENUE AND GRANTS IN-AID FOR THE SOUTHERN REGION**

Profits accruing to the Central Government as a result of exporting products of the Southern Region.

Business Profit Tax of the Southern Region that are at present in the Central list of the Ministry of Treasury.

Excise Duties on alcoholic beverages and spirits consumed in the Southern Region.

Profits on sugar consumed in Southern Region.

Royalties of forest products of the Southern Region.

Royalties on leaf Tobacco and Cigarettes.

Taxation on property other than that provided in the Rates Ordinance.

Taxes and Rates on Central and Local Government Projects (5 percent of net profits of factories, co-operative societies, agricultural enterprises and cinemas).

Revenue accruing from Central Government activities in the Southern Region provided the Region shall bear maintenance expenses e.g., Post Office revenue, land sales, sale of forms and documents, stamp duties and any other item to specified from time to time.

Licenses other than those provided for in the People’s Local Government Act, 1971.

Special Development Tax to be paid by Residents in the Southern Region the rate of which should be decided by the People’s Regional Assembly.
Income Tax collected from officials and employees serving in the Southern Region both in the local and national civil services as well as in the Army, Police and Prisons, Judiciary, and Political Establishment.

Corporation Tax on any factory and/or agricultural project established in the Region but not run by the Regional Government (5 percent of the initial cost).

Contribution from the Central Government for the encouragement of construction and development; for every agricultural project, industrial project and trading enterprise (20 percent of the initial cost as assessed by the Central Government).

New Social Service Projects to be established by the Region or any of its Local Government units, and for which funds are allocated, shall receive grants from the National Treasury in the following manner:

Education institution, 20 percent of expenses.

Trunk and through Roads and Bridges, 25 per cent of expenses.

Relief and Social amenities, 15 percent of expenses.

Tourist attraction projects 25 percent of expenses.

Security, 15 percent of expenses.

Grants for Post Secondary and University education within the Sudan, 20 percent of grants, outside the Sudan 30 percent of grants.

Contribution for Research, Scientific Advancement, and Cultural Activities, 25 percent of expenses.

AGREEMENT OF THE CEASE-FIRE IN THE SOUTHERN REGION

Article 1. This Agreement shall come into force on the date and time specified for the ratification of the Addis Ababa Agreement.

Article 2. There will be an end to all military operations and to all armed actions in the Southern Region from the time of cease-fire.

Article 3. All combat forces shall remain in the area under their control at the time of the cease-fire.

Article 4. Both parties agree to forbid any individual or collective acts of violence. Any underground activities contrary to public order shall cease.

Article 5. Movements of individual members of both combat forces outside the areas under their control shall be allowed only if these individuals are unarmed and authorized by their respective
authorities. The plans for stationing troops from the National Army shall be such as to avoid any contact between them and the Southern Sudan Liberation Movement combat forces.

Article 6. A joint Commission is hereby created for the implementation of all questions related to the cease-fire including repatriation of refugees. The Joint Commission shall include members from all the countries bordering on the Southern Region as well as representatives of the International Committee of the Red Cross, World Council of Churches, all Africa Conference of Churches and United Nations High Commissioner for Refugees [sic].

Article 7. The joint Commission shall propose all measures to be undertaken by both parties in dealing with all incidents after a full inquiry on the spot.

Article 8. Each party shall be represented on the Joint Commission by one senior military officer and maximum of five other members.

Article 9. The headquarters of the Joint Commission shall be located in Juba with provincial branches in Juba, Malakal and Wau.

Article 10. The Joint Commission shall appoint local commission in various centers of the Southern Region composed of two members from each party.

PROTOCOLS ON INTERIM ARRANGEMENTS
CHAPTER 1: INTERIM ADMINISTRATIVE ARRANGEMENTS
(Political, Local Government and Civil Service)

Article 1. The President of the Democratic Republic of Sudan shall, in consultation with the Southern Sudan Liberation Movement (S.S.L.M) and branches of the Sudanese Socialist Union in the Southern Region, appoint the president and members of an Interim High Executive Council.

Article 2. The Interim High Executive Council shall consist of the President and other members with portfolios in:

1 Finance and Economic Planning.
2 Education
3 Information, Culture and Tourism
4 Communication and Transport
5 Agriculture, Animal Production and Fisheries.
6 Public Health.
7 Regional Administration (Local Government, Legal Affairs, Police and Prisons).
8 Housing, Public Works and Utilities

9 Natural Resources and Rural Development (Land Use, Rural Water Supply, Forestry and Cooperatives).

10 Public Service and Labor

11 Minerals and Industry, Trade and Supply.

**Article 3.** The interim High Executive Council shall, in accordance with national laws, establish a Regional Civil Service subject to ratification by the People’s Regional Assembly.

**Article 4.** The President shall, in consultation with the Interim High Executive Council determine the date for the election to the People’s Regional Assembly, and the Interim High Executive Council shall make arrangements for the setting up of this Assembly.

**Article 5.** In order to facilitate the placement in and appointment to both central and regional institutions, the Southern Sudan Liberation Movement shall compile and communicate lists of citizens of the Southern Region outside of the Sudan in accordance with details to be supplied by the Ministry of Public Service and Administrative Reform.

**Article 6.** The Interim High Executive Council and the Ministry of Public Service and Administrative Reform shall undertake to provide necessary financial allocations with effect from the 192\72-73 Budget for such placements and appointments.

**Article 7.** The Mandate of the Interim High Executive Council shall not exceed a period of 18 months.

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**CHAPTER II: TEMPORARY ARRANGEMENTS FOR THE COMPOSITION OF UNITS OF THE PEOPLE’S ARMED FORCES IN THE SOUTHERN REGION.**

**Article 1.** These arrangements shall remain in force for a period of five years subject to revision by the President of the request of the President of the High Executive Council acting with the consent of the People’s Regional Assembly.

**Article 2.** The People’s Armed Forces in the Southern Region shall consist of a national force called the Southern Command composed of 12,000 officers and men of whom 6,000 shall be citizens from the Region and the other 6,000 from outside the Region.

**Article 3.** The recruitment and integration of citizens from the Southern Region within the aforementioned Forces shall be determined by a Joint Military Commission taking into account the need for initial separate deployment of troops with a view to achieve smooth integration in the national force. The commission shall ensure that this deployment shall be such that an atmosphere of peace and confidence shall prevail in the Southern Region.
Article 4. The joint Military Commission shall be composed of three senior military officers from each side. Decision of the Joint Military Commission shall be taken unanimously. In case of disagreement such matters shall be referred to the respective authorities.

CHAPTER III: AMNESTY AND JUDICIAL ARRANGEMENTS

Article 1. No action or other legal proceedings whatsoever, civil or criminal, shall be instituted against any person in any court of law for or on account of any act or matter done inside or outside the Sudan as from the 18th day of August 1995, if such act or matter was done in connection with mutiny, rebellion or sedition in the Southern Region.

Article 2. If a civil suit in relation to any acts or matters referred to in Article 1 is instituted before or after the date of ratification of the Addis Ababa Agreement such a suit shall be discharged and made null and void.

Article 3. All persons serving terms of imprisonment or held in detention in respect of offences herein before specified in Article 1 shall be discharged of released within 15 days for the date of ratification of the Addis Ababa Agreement.

Article 4. The joint Cease-fire Commission shall keep a register of all civilian returnees, which register shall serve to certify that the person therein named are considered indemnified within the meaning of this Agreement provided that the commission may delegate such power to the Sudan in the case of citizens from the Southern Region living abroad and to whom the provisions of this Agreement apply.

Article 5. In the case of armed returnees or those belonging to combat forces the Joint Military Commission shall keep a similar register of those persons who shall be treated in the same manner as provided for in Article 4.

Article 6. Notwithstanding the provisions of Articles 4 and 5 above a Special Tribunal with ad hoc judicial powers shall be established to examine and decide on those cases which in the estimation of the authorities do not meet the conditions for amnesty specified in Article 1 of this Agreement. The Special Tribunal shall be composed of a President appointed by the President of the Republic and not more than four members named by the Cease-fire Commission.

Article 7. Cases referred to in Article 6 shall be brought to the attention of the Special Tribunal by request of the Minister of Justice.

Article 8. The Amnesty Provision contained in this Agreement as well as the powers of Special Tribunal shall remain in force until such time as the President after consultation with the commissions referred to in this

Article 9. Although resettlement and rehabilitation of refugees and displaced persons is administratively the responsibility of the Regional Government the present conditions in the Southern Region dictate that efforts of the whole nation of the Sudan and International organizations should be pooled to help and rehabilitate persons affected by the conflict. The Relief
and Resettlement Commission shall co-ordinate activities and resources of the Organization within the country.

**Article 10.** The first priority shall be the resettlement of displaced persons within the Sudan in the following order:

1. Persons presently residing in overcrowded centers in the Southern Region, and persons desirous to return to their original areas and homes;
2. Persons returning from the bush including Anayanya Supporters;
3. Handicapped persons and orphans

**Article 11.** The second priority shall be given to returnees from the neighboring and other countries according to an agreed plan. This plan shall provide for:

1. Adequate reception centers with facilities for shelter, food supplies, medicine and medicaments;
2. Transportation to permanent resettlement villages or places of origin.
3. Materials and equipment.

**Article 12.** The Relief and Resettlement Commission shall:

1. Appeal to international organizations and voluntary agencies to continue assistance for students already under their support particularly for students in secondary schools and higher institutions until appropriate arrangements are made for their repartition;
2. Compile adequate information on students and persons in need of financial support from the Sudan Government.

**Article 13.** The Relief and Resettlement Commission shall arrange for the education of all returnees who were attending primary schools.

This agreement is hereby concluded on this twenty-seventh day of the month of February in the year one thousand nine hundred and seventy two, A.D, in this city Addis Ababa, Ethiopia, between the Government of the Democratic Republic of the Sudan on the one hand and the Southern Sudan Liberation Movement on the other. It shall come into force on the date and hour fixed for its ratification by the President of the Democratic Republic of the Sudan and the Leader of the Southern Sudan Liberation Movement. It shall be ratified by the said by two Leaders in person or through their respective authorized Representatives, in this city, Addis Ababa Ethiopia, at the twelfth hour at noon, on the twelfth day of the month of March, in the year on thousand nine hundred and seventy two, A.D.

In witness whereof, we the Representatives of the Government of the Democratic Republic of the Sudan and the Representatives of the Southern Sudan Liberation Movement hereby append our signatures in the presence of the Representative of His Imperial Majesty the Emperor of Ethiopia and the Representatives of the World Council of Churches, the All Africa Conference of Churches, and the Sudan Council of Churches.
FOR THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF THE SUDAN
Abel Alier-Wal Kuai, Vice President and Minister of State for Southern Affairs.
Dr. Mansour Khalid, Minister for foreign Affairs.
Dr. Gaafar Mohammed Ali Bakheit, Minister for Local Government
Major-General Mohammed Al Baghir Ahmed, Minister of Interior.
Abel Rahman Abdalla, Minister of Public Service and Administrative Reform.
Brigadier Mirghani Suleiman
Colonel Kamal Abashar.

FOR THE SOUTHERN SUDAN LIBERATION MOVEMENT
Ezboni Mondiri Gwonza, Leader of the Delegation.
Colonel Frederick Brian Maggot, Special Military Representative.
Oliver Batali Albino, Member.
Anelo Voga Morjan, Member.
Rev. Paul Puot, Member.
Job Adier de Jok, Member.

Witnesses
Nabiyeul Kifle, Representative of His Imperial Majesty the Emperor of Ethiopia.
Leopolda J. Niilus, Representative of the World Council of Churches.
Kodwo E. Akrah, Representative of the World Council of Churches.
Burgess Carr, General Secretary All Africa Council of Churches.
Samuel Athi Bwogo, Representative of the Sudan Council of Churches.

Attestation
Appendix #5

THE IGAD DECLARATION OF PRINCIPLES

We, Representatives of the Government of the Republic of the Sudan (hereinafter referred to as the GOS). The Sudan People’s Liberation Movement/Sudan People’s Liberation Army and the Sudan People’s Liberation Movement/Sudan People’s Liberation Army-United (hereinafter referred to as the SPLM/SPLA and SPLM/SPLA-United respectively).


Cognizant of the importance of the unique opportunity by the IGAD peace initiative to reach a negotiated peaceful solution to the conflict in the Sudan;

Concerned by the continued human suffering and misery in the war-affected areas;

Hereby agree in the following Declaration of Principles (DOP) that would constitute the basis for resolving the conflict in the Sudan:

1. Any comprehensive resolution of the Sudan conflict requires that all parties to the conflict fully accept and commit themselves to that position that:

   1.1 The history and nature of the Sudan conflict demonstrate that a military solution cannot bring lasting peace and stability to the country.

   1.2 A peaceful and just political solution must be the common objective of the parties to the conflict.

2. The rights of self-determination of the people of South Sudan to determine their future status through a referendum must be affirmed; and

The 1994 IGAD Declaration of Principles

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

   3.1 Sudan is a multi-racial, multi-ethnic, multi-religious and multi-cultural society. Full recognition and accommodation of these diversities must be affirmed.

   3.2 Complete political and social equalities of all people in the
Sudan must be guaranteed by law.

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

3.4 A secular and democratic state must be established in the Sudan. Freedom of belief and worship and religious practice shall be guaranteed in full to all the Sudanese citizens. State and religion shall be separated. The basis of personal and family laws can be religion and customs.

3.5 Appropriate and fair sharing of wealth among the various peoples of the Sudan must be realized.

3.6 Human rights as internationally recognized shall form part and parcel of this arrangement and shall be embodied in Constitution.

3.7 The independence of the Judiciary shall be enshrined in the Constitution and laws of the Sudan.

4. In the absence of agreement on the above principles referred to in 3.1 – 3.7 the respective people will have the option to determine their future including independence, through a referendum.

5. An interim arrangement shall be agreed upon, the duration and the tasks of which should be negotiated by the parties.

6. The parties shall negotiate a cease-fire agreement to enter into force as part of the overall settlement of the conflict in the Sudan.

Appendix #6

Machakos Protocol
IGAD "Secretariat on Peace in the Sudan"
Machakos Protocol
July 20, 2002
WHEREAS the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (the Parties) having met in Machakos Kenya, from 18 June 2002 through 20 July 2002 under the auspices of the IGAD Peace Process; and

WHEREAS the Parties have reiterated their commitment to a negotiated, peaceful, comprehensive resolution to the Sudan Conflict within the Unity of Sudan; and

WHEREAS the Parties discussed at length and agreed on a broad framework which sets forth the principles of governance, the general procedures to be followed during the transitional process and the structures of government to be created under legal and constitutional arrangements to be established; and

NOW RECORD THAT the Parties have agreed to negotiate and elaborate in greater detail the specific terms of the Framework, including aspects not covered in this phase of the negotiations, as part of the overall Peace Agreement; and

FURTHER RECORD THAT within the above context, the Parties have reached specific agreement on the Right to Self-Determination for the people of South Sudan, State and Religion, as well as the Preamble, Principles, and the Transition Process from the Draft Framework, the initialed texts of which are annexed hereto, and all of which will be subsequently incorporated into the Final Agreement; and

IT IS AGREED AND CONFIRMED THAT the Parties shall resume negotiations in August, 2002 with the aim of resolving outstanding issues and realizing comprehensive peace in the Sudan.
Dr. Ghazi Salahuddin Atabani
For: The Government of Sudan
Cdr. Salva Kiir Mayardit
For: The Sudan People's Liberation Movement/Army

Witnessed by:

Lt. Gen. Lazaro K. Sumbeiywo
Special Envoy
AGREED TEXT ON THE PREAMBLE, PRINCIPLES, AND THE TRANSITION PROCESS


WHEREAS the Government of the Republic of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army (hereafter referred to as the Parties) having met in Machakos, Kenya, from 18 June 2002 through 20 July 2002; and

WHEREAS the Parties are desirous of resolving the Sudan Conflict in a just and sustainable manner by addressing the root causes of the conflict and by establishing a framework for governance through which power and wealth shall be equitably shared and human rights guaranteed; and

MINDFUL that the conflict in the Sudan is the longest running conflict in Africa, that it has caused horrendous loss of life and destroyed the infrastructure of the country, wasted economic resources, and has caused untold suffering, particularly with regard to the people of South Sudan; and

SENSITIVE to historical injustices and inequalities in development between the different regions of the Sudan that need to be redressed; and

RECOGNIZING that the present moment offers a window of opportunity to reach a just peace agreement to end the war; and

CONVINCED that the rejuvenated IGAD peace process under the chairmanship of the Kenyan President, H.E. Daniel T. arap Moi, provides the means to resolve the conflict and reach a just and sustainable peace; and

COMMITTED to a negotiated, peaceful, comprehensive resolution to the conflict based on the Declaration of Principles (DOP) for the benefit of all the people of the Sudan;

NOW THEREFORE, the Parties hereto hereby agree as follows:

PART A

(AGREEED PRINCIPLES)

1.1 That the unity of the Sudan, based on the free will of its people democratic governance, accountability, equality, respect, and justice for all citizens of the Sudan is and shall be the priority of the parties and that it is possible to redress the grievances of the people of South Sudan and to meet their aspirations within such a framework.
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.

1.4 That religion, customs, and traditions are a source of moral strength and inspiration for the Sudanese people.

1.5 That the people of the Sudan share a common heritage and aspirations and accordingly agree to work together to:

1.6 Establish a democratic system of governance taking account of the cultural, ethnic, racial, religious and linguistic diversity and gender equality of the people of the Sudan.

1.7 Find a comprehensive solution that addresses the economic and social deterioration of the Sudan and replaces war not just with peace, but also with social, political and economic justice which respects the fundamental human and political rights of all the Sudanese people.

1.8 Negotiate and implement a comprehensive cease-fire to end the suffering and killing of the Sudanese people.

1.9 Formulate a repatriation, resettlement, rehabilitation, reconstruction and development plan to address the needs of those areas affected by the war and redress the historical imbalances of development and resource allocation.

1.10 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.

1.11 Undertake the challenge by finding a framework by which these common objectives can be best realized and expressed for the benefit of all the Sudanese.

PART B

(THE TRANSITION PROCESS)

In order to end the conflict and to secure a peaceful and prosperous future for all the people of the Sudan and in order to collaborate in the task of governing the country, the Parties hereby agree to the implementation of the Peace Agreement in accordance with the sequence, time periods and process set out below.

2. There shall be a Pre-Interim Period, the duration of which shall be six (6) months.

2.1 During the Pre-Interim Period:
a) The institutions and mechanisms provided for in the Peace Agreement shall be established;

b) If not already in force, there shall be a cessation of hostilities with appropriate monitoring mechanisms established;

c) Mechanisms to implement and monitor the Peace Agreement shall be created;

d) Preparations shall be made for the implementation of a comprehensive cease-fire as soon as possible;

e) International assistance shall be sought; and

f) A Constitutional Framework for the Peace Agreement and the institutions referred to in 2.1 (a) shall be established.

2.2 The Interim Period will commence at the end of the Pre-Interim Period and shall last for six years.

2.3 Throughout the Interim Period:

a) The institutions and mechanisms established during the Pre-Interim Period shall be operating in accordance with the arrangements and principles set out in the Peace Agreement.

b) If not already accomplished, the negotiated comprehensive cease-fire will be implemented and international monitoring mechanisms shall be established and operationalized.

2.4 An independent Assessment and Evaluation Commission shall be established during the Pre-Interim Period to monitor the implementation of the Peace Agreement and conduct a mid-term evaluation of the unity arrangements established under the Peace Agreement.

2.4.1 The composition of the Assessment and Evaluation Commission shall consist of equal representation from the GOS and the SPLM/A, and not more than two (2) representatives, respectively, from each of the following categories:

* Member states of the IGAD Sub-Committee on Sudan (Djibouti, Eritrea, Ethiopia, Kenya, and Uganda);

* Observer States (Italy, Norway, UK, and US); and

* Any other countries or regional or international bodies to be agreed upon by the parties.
2.4.2 The Parties shall work with the Commission during the Interim Period with a view to improving the institutions and arrangements created under the Agreement and making the unity of Sudan attractive to the people of South Sudan.

2.5 At the end of the six (6) year Interim Period there shall be an internationally monitored referendum, organized jointly by the GOS and the SPLM/A, 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.

2.6 The parties shall refrain from any form of unilateral revocation or abrogation of the Peace Agreement.

Part C

(Structures of Government)

To give effect to the agreements set out in Part A, the Parties, within a framework of a unified Sudan which recognizes the right to self-determination for the people of Southern Sudan, hereby agree that with respect to the division of powers and the structures and functions of the different organs of government, 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 of the land. All laws must comply with the National Constitution. This constitution shall regulate the relations and allocate the powers and functions between the different levels of government as well as prescribe the wealth sharing arrangements between the same. The National Constitution shall guarantee freedom of belief, worship and religious practice in full to all Sudanese citizens.

3.1.2 A representative National Constitutional Review Commission shall be established during the Pre-Transition Period which shall have as its first task the drafting of a Legal and Constitutional Framework to govern the Interim Period and which incorporates the Peace Agreement.

3.1.3 The Framework mentioned above shall be adopted as shall be agreed upon by the Parties.

3.1.4 During the Interim Period an inclusive Constitutional Review Process shall be undertaken.

3.1.5 The Constitution shall not be amended or repealed except by way of special procedures and qualified majorities in order that the provisions of the Peace Agreement are protected.

3.2 National Government
3.2.1 There shall be a National Government which shall exercise such functions and pass such laws as must necessarily be exercised by a sovereign state at national level. The National Government in all its laws shall take into account the religious and cultural diversity of the Sudanese people.

3.2.2 Nationally enacted legislation having effect only in respect of the states outside Southern Sudan shall have as its source of legislation Sharia 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 source of legislation popular consensus, the values and the customs of the people of Sudan including their traditions and religious beliefs, having regard to Sudan's diversity).

3.2.4 Where national legislation is currently in operation or is enacted and its source is religious or customary law, then a state or region, the majority of whose residents do not practice such religion or customs may:

(i) Either introduce legislation so as to allow or provide for institutions or practices in that region consistent with their religion or customs, or

(ii) Refer the law to the Council of States for it to approve by a two-thirds majority or initiate national legislation which will provide for such necessary alternative institutions as is appropriate.

[sections 4 and 5 are not yet available; indications are that the subjects of these sections are still under negotiation]

AGREED TEXT ON STATE AND RELIGION

Recognizing that Sudan is a multi-cultural, multi-racial, multi-ethnic, multi-religious, and multi-lingual country and confirming that religion shall not be used as a divisive factor, the Parties hereby agree as follows:

6.

6.1 Religions, customs and beliefs are a source of moral strength and inspiration for the Sudanese people.

6.2 There shall be freedom of belief, worship and conscience for followers of all religions or beliefs or customs and no one shall be discriminated against on such grounds.

6.3 Eligibility for public office, including the presidency, public service and the enjoyment of all rights and duties shall be based on citizenship and not on religion, beliefs, or customs.
6.4 All personal and family matters including marriage, divorce, inheritance, succession, and affiliation may be governed by the personal laws (including Sharia or other religious laws, customs, or traditions) of those concerned.

6.5 The Parties agree to respect the following Rights:

* To worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes;

* To establish and maintain appropriate charitable or humanitarian institutions;

* To make, acquire and use to an adequate extent the necessary articles and materials related to the rites or customs of a religion or belief;

* To write, issue and disseminate relevant publications in these areas;

* To teach religion or belief in places suitable for these purposes;

* To solicit and receive voluntary financial and other contributions from individuals and institutions;

* To train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief;

* To observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of one's religious beliefs;

* To establish and maintain communications with individuals and communities in matters of religion and belief and at the national and international levels;

* For avoidance of doubt, no one shall be subject to discrimination by the National Government, state, institutions, group of persons or person on grounds of religion or other beliefs.

6.6 The Principles enumerated in Section 6.1 through 6.5 shall be reflected in the Constitution.

**AGREED TEXT ON THE RIGHT TO SELF-DETERMINATION FOR THE PEOPLE OF SOUTH SUDAN**

1.3 That the people of South Sudan have the right to self-determination, inter alia, through a referendum to determine their future status.

2.4 An independent Assessment and Evaluation Commission shall be established during the Pre-Transition period to monitor the implementation of the Peace Agreement during the Interim
Period. This Commission shall conduct a mid-term evaluation of the unity arrangements established under the Peace Agreement.

2.4.1 The composition of the Assessment and Evaluation Commission shall consist of equal representation from the GOS and the SPLM/A, and not more than two (2) representatives, respectively, from each of the following categories:

* Member states of the IGAD Sub-Committee on Sudan (Djibouti, Eritrea, Ethiopia, Kenya, and Uganda);

* Observer States (Italy, Norway, UK, and US); and

* Any other countries or regional or international bodies to be agreed upon by the parties.

2.4.2 The Parties shall work with the Commission during the Interim Period with a view to improving the institutions and arrangements created under the Agreement and making the unity of Sudan attractive to the people of South Sudan.

2.5 At the end of the six (6) year interim period there shall be an internationally monitored referendum, organized jointly by the GOS and the SPLM/A, 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.

2.6 The Parties shall refrain from any form of unilateral revocation or abrogation of the Peace Agreement.