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Peace Missions in Sudan, 2002-2012

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Key Messages:

- The Sudanese experience shows that peace-making requires patience and persistence. Peace agreements arise as much through fortuitous circumstance as through careful planning, though the latter is also needed.
- Making peace requires working with those political elites who are in power—who may be cynical, manipulative, and indifferent to human suffering. The best mechanism to resist these tendencies is to engage the wider population directly.
- Secession is not a conflict resolution mechanism. While there may have been strong political and moral justifications for South Sudanese independence, secession has merely reproduced existing conflicts in different forms.
- Technocratic templates have a poor record: the length, detail and elaborateness of a peace document appear to be inversely related to its effectiveness.
- There is little indication that the size of a PSO's military contingent has any bearing on its effectiveness. The most effective PSOs in Sudan have been the JMC in the Nuba Mountains and UNISFA.
- Regional and international peace initiatives are rarely task-specific, time-limited activities. In Sudan, they have become an additional layer of governance that may be difficult for the Government of Sudan to marginalize in the long-run.

Introduction:

No country in Africa has had more varied peace missions than Sudan. The Sudanese experience, especially during the years 2002-2012, has been seminal in the evolution of peace missions in Africa. The negotiations themselves have served as a principal arena in which Sudanese politics have been conducted.

The basic text for peace in Sudan is the Declaration of Principles (DoP) drafted by the InterGovernmental Authority on Development (IGAD) in 2004, which enshrined the right to self-determination for southern Sudan. The IGAD peace process was boosted in 2001 with the active support of the 'troika' of the U.S., Britain and Norway, leading to the Bùrgenstock Agreement (2002) on a ceasefire in the Nuba Mountains and the deployment of the Joint Military Commission (JMC, 2002-05), and the Machakos Protocol (2002) which formed the basis for the Comprehensive Peace Agreement (CPA, 2005) and the deployment of the UN Mission in Sudan (UNMIS, 2005-2011). The AU took a leading role in the parallel negotiations for a resolution of the war in Darfur, leading to the N'djaména Humanitarian Ceasefire Agreement (2004) and the African Mission in Sudan (AMIS, 2004-08), followed by the UN-AU hybrid operation in Darfur (UNAMID, 2008-present). The Eastern Sudan Peace Agreement (2006) was mediated by Eritrea with UN support and had no international peace operation associated. The conflict over Abyei was halted in 2011 by the AU-mediated Temporary Arrangements for the Administration and Security of the Abyei Area and the deployment of the UN Interim Security Force for Abyei (UNISFA, 2011-present).

Resolving the Sudanese Conflict: The CPA, the ESPA and UNMIS

The Prehistory of the CPA Negotiations: Political negotiations to resolve the second civil war in Sudan began in 1985. In contrast to peace talks in the 2000s,

which largely focused on the distribution of wealth and power, these early peace initiatives were driven by Sudanese civil society and centered on substantive and constitutional issues. The single most important document to come out of this process was the 1994 IGAD Declaration of Principles (DoP). This document is a landmark in that it contained the right of self-determination, the first such commitment by an African inter-state organization. It also connects independence from colonial rule to the concept of democratic self-government, a link that was later obscured.

The Peace Talks leading to the CPA: All successful Sudanese peace agreements have been negotiated during periods of rapidly expanding budgets, and the CPA was no exception. The massive increase in rents provided by new oil wealth was the indispensable element in the peace process. The launch of the 'Global War on Terror' also raised the stakes and pressed the Government of Sudan (GoS) to negotiate in good faith. Between 2001 and 2004, the IGAD mediator led the negotiations, supported by IGAD member states and the 'Troika' of the U.S., U.K., and Norway. This formula suffered from several disadvantages:

- The talks were framed around a binary opposition between the GoS and the SPLM/A - both national parties with constituencies in all parts of the country. The mediators identified them with 'north' and 'south,' thereby excluding other political factions.
- Commitments to diversity and democracy were reduced to secondary issues.
- The governments of Egypt and Libya, which had briefly attempted to sponsor a parallel peace talks, were marginalized, which created problems at a later stage.

The period of the peace talks (2002-2004) saw three intermediate peace missions:

1. A ceasefire in the Nuba Mountains monitored by a **Joint Military Commission (JMC)**. The JMC was a

small mission of unarmed military observers mandated to monitor the ceasefire, report ceasefire violations, and support cross-line and community-level dialogue, in the Nuba Mountains. It was mandated only by the parties themselves through the Būrgenstock ceasefire agreement. At its height it consisted of 39 international monitors with a budget of \$18 million per year. The ceasefire held during the three years of operation, despite the fact that there was no wider peace agreement. The success of the JMC is attributed to the political commitment of the parties, and the proactive, and locally-engaged nature of the military observers' deployment, which included close liaison with local communities, and an emphasis on dialogue and mediation to pre-empt and resolve local security problems.

2. A **Civilian Protection Monitoring Team** (CPMT) in southern Sudan, reporting on violations such as aerial bombardment in the absence of a general ceasefire. Despite numerous problems, the mechanism ultimately served its political purpose.
3. An **inquiry** into allegations of abduction and enslavement of women and children, a contentious issue that had been a stumbling block in the negotiations.

Neither of the principals was fully committed to peace or the peace process. The initial pact was only welcomed when it was clear that it enjoyed both popular acclaim and international backing. As a result, it is unsurprising that the negotiations were slow and painstaking and that the agreement was based on hard material interests.

The CPA: The CPA is an astonishingly elaborate document that asks a fragile government of national unity to simultaneously undertake two enormous tasks: self-determination and democratization. The genius of the CPA was that despite its complicated provisions, it ensured that every dispensation was provisional and

could be revised. The only non-negotiable element was the timing and nature of the referendum on self-determination for southern Sudan – a provision that perhaps would have been revised if Garang had lived.

The core of the CPA consisted of what is now the conventional three-part peace formula: power-sharing, wealth-sharing, and security arrangements. The first two came down to a division of the spoils, and the third became an umbrella under which each side reorganized its forces in anticipation of war. The CPA itself contained only passing reference to a peacekeeping operation, and the issue had not been prioritized by the mediators. In fact, U.S. Special Envoy John Danforth had repeatedly insisted that the agreement would be a Sudanese agreement with minimal external involvement. The successes of the JMC and CPMT encouraged the GoS to believe that a UN mission, if there were to be one, would be modeled on these experiences.

UNMIS: The UN Advanced Mission in Sudan (UNAMIS) was initially deployed as a special political mission in 2004, and was meant to transition to the Department of Peacekeeping Operations (DPKO) after the signing of the CPA. However, the process turned out to be more fraught than expected, largely because of the escalating war in Darfur. Rather adopting a unified approach, the Security Council (UNSC) in March 2005 adopted five separate resolutions on Sudan. It was trying to do several distinct and potentially contradictory things at once: to commend Sudan for support the implementation of CPA, to restrict the capabilities of belligerents in Darfur, and to bring the perpetrators of grave human rights violations in Darfur to justice. It is perhaps not surprising that these disparate approaches ended up cancelling each other out.

The GoS was taken aback by the size and mandate of UNMIS. Rather than a limited operation along the lines of the JMC, the Security Council mandated an ambitious multi-faceted peacekeeping operation, with more than 10,000 uniformed personnel. Pressured to

accept the mission, Khartoum proceeded to make life extremely difficult for UNMIS, which culminated in the expulsion of SRSG Pronk and a refusal to extend UNMIS' mandate beyond its original expiry date of 9 July 2011.

UNMIS became the first mission to incorporate a Protection of Civilians (PoC) section. The PoC mandate was intentionally ambiguous, letting the SRSG decide whether the capacity existed to focus on PoC at a given time. However, UNMIS had a mixed record in responding to security and protection challenges, notably failing to prevent violence in Abyei district in 2008 and 2011, or to protect civilians there.

In Southern Kordofan, the small JMC observer team handed over to a far larger UNMIS contingent. This marked a deterioration in the quality of the peace mission, culminating in the unceremonious withdrawal of UNMIS from the area in July 2011 in the midst of a new armed conflict, abandoning civilians who were seeking protection at the UNMIS base to their fate.

Eastern Sudan: Although the war in Darfur came overshadow the implementation of the CPA, it was the conflict in Eastern Sudan that energized the parties and mediators at the beginning of the peace talks. Both the SPLA's New Sudan Brigade and the Eastern Front were active in the region. The CPA provided for the withdrawal of the SPLA troops from the east to South Sudan, a task rapidly accomplished with the oversight of UNMIS. The Eastern Sudan Peace Agreement was swiftly negotiated in mid-2006. The negotiations were hosted by Eritrea, which not only had a stake in the outcome but also possessed considerable leverage over the Eastern Front. Eritrea's interests lay in normalizing relations with Sudan and minimizing international involvement. The agreement therefore contained no UN monitoring, let alone a peacekeeping force. Implementation relied entirely on the goodwill of the GoS, pressure from Eritrea, and the readiness of Kuwait to provide promised funds. All of these factors were quickly subject to other more pressing political

constraints.

Darfur: AMIS, DPA, UNAMID, AUPD and DDPD

IGAD Talks, Chad and AMIS: The war in Darfur erupted just as the IGAD talks were making progress. The initial mediator was Chad, which hosted key talks in N'djaména in March-April 2004 that resulted in the signing of a Humanitarian Ceasefire Agreement. The N'djaména ceasefire led to the first peace support operation mandated by the AU Peace and Security Council. The African Mission in Sudan (AMIS) began as a modest military observer mission, although it later transitioned into a larger peacekeeping operation. At the time, AMIS was widely condemned for being too small and ineffective. In fact, fatalities in Darfur declined precipitously with the N'djaména ceasefire and the earliest deployment of AMIS monitors. There are several possible reasons for this:

1. The GoS had achieved its major military objectives by the time of the ceasefire, so the political-military rationale for mass atrocity had diminished.
2. The fact of having international observers present was critical in reducing the violence.
3. The AMIS troops were flexible and proactive, and were ready to bend the rules of peace operations in order to reduce violence.

The Darfur Peace Agreement: From 2004 onwards, the international community treated the conflict in Darfur as though it were a separate country. Sudan was congratulated for concluding the CPA and condemned for its actions in Darfur. The UNSC's approach to the Darfur crisis also lacked coherence. Chasing multiple objectives at the same time undermined the potential of achieving any one of them. This approach, along with the practice of 'deadline diplomacy'—setting short-term deadlines that could not realistically be met, but which turned into a rolling short-termism for the mediators—arguably condemned

both the CPA and the Darfur Peace Agreement (DPA) to failure.

The negotiations that led to the DPA, signed in Abuja in May 2006, could potentially have succeeded if certain preconditions had been met, namely:

1. The talks had clearly and consistently been framed as a means to support the CPA, and the parties had had confidence that the CPA would work;
2. The goal of achieving a workable political agreement had been prioritized over the goal of deploying international troops to Darfur.
3. The Chadian factor had worked in favor of peace, instead of generating further conflict;
4. The AU mediation had had the time and inclination to develop a strategy that was at once sensitive to the local realities of Darfur, and also unencumbered by constant international scrutiny and pressure.

From AMIS to UNAMID: The UN decision-making over the transition from AMIS to UNAMID was driven principally by the international politics of Darfur, especially its profile in the U.S., and much less by the realities on the ground in Darfur. The figures proposed in Resolutions 1706 and 1769 were not based on any cogent analysis of the situation. The political imperative was for a big force, irrespective of what it might be able to do. Despite its immense size, UNAMID provided a small fraction of the numbers needed to provide physical safety to all Darfurians at risk. At the same time, it was not set up to utilize Darfuri communities' capacities to protect themselves. The latter approach would have entailed a different design and would not have required such a vast mission.

Peace Negotiations after Abuja: Recognizing that the Abuja process had focused excessively on political elites at the expense of Darfuri communities, the UN and AU agreed in 2008 that further talks should be led

from Darfur by a single Joint Chief Mediator (JCM). However, no sooner had the JCM (Djibril Yipène Bassolé) been appointed that he decided to accept the offer of the Emir of Qatar to host the talks in Doha. Qatar had promised funds – not only to host the delegations, but to lubricate any agreement reached.

The JCM's initial approach was to prioritize cutting a deal between the GoS and the Justice and Equality Movement (JEM), with the hope that the other rebel groups would follow. A year later, a deal was made, though by President Déby rather than Bassolé. The Chadian and Sudanese presidents both recognized they could no longer afford the state of hostilities between them, and that their preferred option was to return to the status quo before 2003. A byproduct of this deal was a framework agreement between GoS and JEM, drafted by Chad. The document was taken to Doha for blessing by Qatar and the JCM. One weakness of this strategy was that it failed to accommodate the Libyan-Qatari rivalry. Col. Gaddafi chose not to cooperate, instead supporting JEM's continued resistance. The deal also ignored all the other Darfur rebel groups, which continued to fragment.

Bassolé's overall approach could be called the 'blueprint for peace.' The rebels were seen as too divided to negotiate seriously. It was equally questionable whether they represented a significant constituency in Darfur. The mediation support team therefore aimed to draw up a text based on widespread civil society consultation that would enjoy some credibility. Once the GoS signed a credible blueprint for peace, it would be the basis for holding the GoS to the benchmarks contained therein, and cajoling the rebels to sign up. The outcome of this process was the Doha Document for Peace in Darfur. The text itself is largely cut-and-paste from the DPA, redrafted to address some of its shortcomings, but also significantly more removed from the changed realities in Darfur. It primarily served as mechanism for Qatari funds to be channeled to the region. If UNAMID was a test to the

limit of the model of a civilian protection PSO imposed from New York, with numbers supposedly compensating for weak political strategy, the DDPD was a test of the model of peace through technocratic patronage, with money supposedly compensating for weak political analysis.

The AU High Level Panel on Darfur: While the initial stimulus for establishing the AUPD was concern over how Africa should handle its principled commitment to accountability for grave crimes alongside its disquiet over the ICC arrest warrant, the Panel rapidly grew into something else. It travelled to Darfur and over a period of approximately forty days and held a series of public hearings in the major towns, in IDP camps and in rebel-held areas. The resulting report defined the conflict as ‘the Sudanese conflict in Darfur’, making it clear that the source of the problem lay in the inequitable practices of governance in Khartoum. It recommended an inclusive negotiating process involving non-belligerents as well as belligerents, leading to a putative Global Political Agreement. The spirit of the AUPD report was to place the issue of justice within a wider context, emphasizing that criminal justice was only part of a larger agenda of law and order, social justice, and democratic change. The AU PSC adopted the report’s recommendations in October 2009, and transformed the AUPD into the AU High Level Implementation Panel (AUHIP). Unsurprisingly, the GoS dragged its feet on even the simplest measures. The JCM also studiously ignored the recommendations, preferring to focus exclusively on JEM.

Darfur Talks after 2011: During 2010, the AUHIP made various attempts to put a ‘round-table’ political process in Darfur back on the agenda. Each time Qatar and the JCM found pretext to prevent encroachment on what they saw as their political territory. The Darfurians were excluded from the national Sudanese political dialogue at the most crucial moment in the nation’s history. Unsurprisingly, many of their political elites opted to fight. In November 2014, the whole

range of northern Sudanese political processes was briefly reunited under AUHIP facilitation, but the effort came too late. The recognized participants in the Darfur talks no longer reflected the reality of the conflict, and the GoS objected to any measures that might unify the different peace tracks.

Southern Secession: AUHIP and UNMISS, UNISFA, JBVM and ‘Two Areas’ Talks

In contrast to the Darfurian crisis, the secession of South Sudan was characterized by high degree of cooperation between the AU, UN, AEC, Troika and others. What explains this?

1. The internationals recognized the perils of mediator competition and forum shopping and tried to avoid them.
2. The ICC arrest warrant against President Bashir meant that UN and western diplomats were handicapped in their dealings with the GoS, allowing the AU to take the lead.
3. The stature of the AUHIP, led by three former presidents, put it in a leadership role. AUHIP also benefited from the support of the SRSG, the AEC and the U.S. administration.

Democratization and Self-Determination: The AUHIP mandate was the first international peace initiative in Sudan to emphasize the need for “democratic transformation.” The underlying rationale was that democratization was the last chance for unity or peaceful separation. The focus on democratization contrasted with the priorities of the GoS and SPLM, and with the backers of the CPA. This contrast emerged during the 2010 election. The elections narrowed rather than broadened representation in Khartoum and Juba, with the two ruling parties completing a near-clean sweep, based on the incompetence of the northern opposition and the fraud and intimidation of the SPLM in the south. They soured

relations between the NCP and SPLM and highlighted divisions within the SPLM. They were also held too late in the Interim Period for the elected government to do anything more than preside over the preparations for the referendum in southern Sudan.

Post-Referendum Agenda: The AUHIP was tasked with facilitating the negotiations on post-referendum issues. The negotiations proceeded on the presumption that the GoS represented Sudan and the SPLM represented southern Sudan. While seemingly obvious, this decision was profoundly problematic. The SPLM had major constituencies in northern Sudan and the NCP had followers in the south. A peaceful separation required a *political* agreement between two parties whose interests and constituencies spanned the entire (united) Sudan. Many of the key issues that arose during and after the separation arose from the failure to address this requirement.

Abyei: The GoS and SPLM/A had been unable to resolve the status of the area in their bilateral negotiations, and ultimately accepted a U.S. proposal replete with ambiguity. The agreement's implementation was further hampered by bad faith on the part of the GoS and intransigence by the SPLM. The Interim Period saw two instances of serious violence in Abyei. The international diplomatic response was targeted and concerted, and resulted in the deployment of an international peace operation, UNISFA. Uniquely, UNISFA consisted of a mechanized brigade of only Ethiopian troops. This was a precondition for the GoS to sign the Abyei temporary agreement, and reflected the GoS's earlier experiences with UNAMID. Since its deployment, UNISFA has enjoyed good cooperation from both the GoS and the SPLM. This probably reflects the fact that both parties respect Ethiopia and want to remain on good terms with their common neighbor, and the fact that they agreed to the details of the deployment as part of their political agreement. However, at the moment there is no prospect for a lasting resolution that would allow the mission to wind down.

Borders: The CPA provided for an Ad hoc technical Boundary Committee to determine the location of the boundary between northern and southern Sudan as it stood on the date of national independence. At the end of the Interim Period, the committee had failed to make any significant progress, and the parties had not agreed on a dispute resolution process. More problematically, it became clear that independent South Sudan wanted to draw its northern boundaries based on ethnic claims, not historic administrative boundaries. These territorial claims were a contributory factor in the border war of April 2012.

Security: The agenda for post-referendum security arrangements included the disbandment of the Joint Integrated Units (composed of SAF and SPLA troops); the future of southerners in SAF and northerners in the SPLA; the management of the border; and future international missions. This summary will focus on the last two issues only. The border monitoring was entrusted to a Joint Border Verification and Monitoring Mechanism (JBVMM), which was to obtain logistical support and force protection from UNISFA. Setting up the JBVMM proved extraordinarily difficult, and armed conflict on both sides of the border rendered it a moot issue for practical purposes.

Concerning international missions, the parties took diametrically opposed positions. The GoS insisted that UNMIS should withdraw immediately after the expiry of its mandate on 9 July 2011, and rejected any UN involvement in the JBVMM. The SPLM/GoRSS on the other saw the UN as a protection force against anticipated northern aggression, and wanted to maximize the UN role. It eventually settled for a Chapter VII UN peacekeeping operation with an extensive mandate including protection of civilians.

The 'Two Areas': The CPA provisions for the 'two areas' of Southern Kordofan and Blue Nile were perhaps the weakest elements of the agreement. The failure of the parties to agree on the future of 40,000 SPLA combatants from the 'two areas' in April 2011

was a warning sign. Senior military officers in Khartoum decided to seek a military solution to the dispute. They disbanded the Joint Integrated Unit and ordered the SPLA units, comprised of men from the area, south of the border. Armed conflict broke out on 5 June 2011. Thousands of civilians ran towards the UNMIS base seeking safety, which they were denied. The UNMIS contingent withdrew ignominiously on schedule on 9 July, leaving the survivors camped outside its gate without consideration. The conflict spread to Blue Nile in September 2011. The origins of the war in the 'two areas' lie in the flaws of the Machakos Protocol and the CPA, compounded by the narrow interests of the two parties' leaderships and lack of international attention to and understanding of the issue.

Citizenship: The partition of Sudan was devastating for the millions of Sudanese who had stakes in both the north and the south, whether through residence, parentage, or political affinity. The two parties agreed on a sharp and uncompromising approach to citizenship: all those who qualified for South Sudanese citizenship would automatically and immediately lose their Sudanese citizenship and all associated rights, including residence rights. As the date of secession approached, legal advisors to the UN and AU warned of a threat of mass expulsion and statelessness. Those did not transpire, at least not on a massive scale. However, the largely unseen tragedy of uprooting and dispossession proceeded. It was a shocking illustration of how two state parties, antagonistic and bitter towards one another, could prevail in their inhumane common agenda. The AUHIP registered its moral outrage at the parties' position, but to no avail.

Oil: The issue of how to best allocate revenue from South Sudan's oil appeared to be amenable to negotiation. Both sides had strong economic interests in obtaining a deal. However, no agreement had been reached at the time of independence. For the following months, South Sudan paid no fees at all for the use of the Sudanese pipeline. Sudan retaliated by diverting

South Sudanese oil. The AUHIP stepped in with negotiations in December 2011-January 2012. The oil negotiations were run with supreme technical competence by a team of Norwegian oil experts, with full international support. South Sudan nevertheless rejected their proposal and shut down its entire national oil supply, demonstrating the limits of third party mediation. The unstated rationale was that this would weaken the GoS to such an extent that internal dissent plus escalated military pressures from South Sudan would bring down the government in Khartoum. It was of course a momentous miscalculation. The dispute escalated to the extent that in April 2012, South Sudanese forces attacked and occupied Heglig, an area of Sudan claimed by South Sudan, which was, not coincidentally, Sudan's main oilfield.

The formula for oil revenues and payments, finally agreed upon in August-September 2012, was less favorable to South Sudan than the proposal summarily rejected by the South Sudanese negotiators in January that year. It was better, however, than the continued strangulation of the South Sudanese economy.

[The 2012 South-Sudan-Sudan Conflict and its resolution](#)

The armed conflict between South Sudan and Sudan that broke out in April 2012 was remarkable in several respects. First was the fact that the GoRSS did not foresee international condemnation for the forcible occupation of territories on the other side of an international boundary. It had become so accustomed to having the playing field tilted in its favor that the international response came as a complete shock. Second was the fact that the UN mission in South Sudan gave no warning of the conflict and did not attempt any preventative action. Third was the leading role played by the AU PSC. The AU was the first to issue a statement condemning South Sudanese military action, and its communiqué and roadmap of 24 April 2012 provided a comprehensive approach to

resolving the conflict. This occurred at a time when the UNSC was deadlocked on a number of issues, and illustrated the leverage that the AU PSC possessed and its capacity for setting an agenda. AU leadership issue enabled the U.S., Russia and China to set aside their differences and adopt a common position. Fourth was the leading role played by the AUHIP in facilitating the negotiations that led to the agreements between the two countries, finalized in September 2012. However, a number of key issues remained unresolved, including Abyei and the borders. The conflict in the 'two areas' also remained resistant to mediation.

Implications for Peace Missions in Africa

Among the general lessons that can be drawn from the Sudanese experience of peacemaking and peacekeeping are the following:

1. It is complicated. Simple solutions and frameworks imported from elsewhere are illusory. Peacemaking requires patience and persistence: the mediator needs to act as a reliable anchor in a turbulent political storm. Peace agreements arise as much through fortuitous circumstance as through careful planning, though the latter is also needed.
2. Making peace demands working with the political elites who are in power in the country—who are cynical, manipulative, and indifferent to human suffering. The best mechanism to counteract these tendencies is to engage the Sudanese (and South Sudanese) people directly: they have the insight and interests to limit the power of their ruling elites. Technocratic templates have a poor record: the length, detail and elaborateness of a peace document appears to be inversely related to its effectiveness

3. Secession has not resolved the conflicts in Sudan or South Sudan; it has just reproduced them in different forms. There may be strong political and moral justifications for the independence of South Sudan, but conflict resolution is not among them.
4. There is little indication that the size of a PSO has any bearing on its effectiveness. The most effective PSOs in Sudan have been the JMC in the Nuba Mountains and UNISFA. On key occasions, UNMIS was a significant actor, but it also has some shocking failures to its name. UNAMID has not lived up to expectations.
5. Regional and international peace initiatives have not been task-specific, time-limited activities. Rather they have become an additional layer of Sudanese governance. The GoS has done its best to marginalize UN (and AU) peace initiatives, but it is unlikely to be able to sustain this intolerant stance.

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