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Hurdles to Peace:

a level-of-analysis approach to resolving Sudan's civil wars*

Johan Brosché & Allard Duursma

Abstract

Why do some peace agreements end armed conflicts whereas others do not? Previous studies have primarily focused on the relation between warring parties and the provisions included in peace agreements. Prominent mediators, however, have emphasised the importance of stakeholders at various levels for the outcome of peace agreements. To match the experience of these negotiators we apply a level-of-analysis approach to examine the contextual circumstances under which peace agreements are concluded. While prominent within the causes of war literature, level-of-analysis approaches are surprisingly scant in research about conflict resolution.

This article compares two Sudanese Peace Agreements: the Comprehensive Peace Agreement (2005) that ended the North–South war and led to the independence of South Sudan, and the Darfur Peace Agreement (2006) which failed to end fighting in Darfur. We find that factors at the local, national and international level explain the different outcomes of the two agreements. Hence, the two case studies illustrate the merit of employing a level-of-analysis approach to study the outcome of peace agreements. The main contribution of this article is that it presents a new theoretical framework to understand why some peace agreements terminate armed conflict whereas others do not.

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Introduction¹

Why do some peace agreements end civil wars while others do not? On 9 January 2005, the Sudan People's Liberation Movement/Army (SPLM/A) and the Sudanese government signed the Comprehensive Peace Agreement (CPA). Although many aspects of the agreement remain unimplemented, and both Sudan and South Sudan continue to be shattered by internal conflicts, the CPA terminated Africa's longest civil war and led to the secession of South Sudan on 11 July 2011.² In contrast, on 5 May 2006, the Sudanese government and the Darfurian rebel group, the Sudan Liberation Movement/Army – Mini Minawi (SLM/A-MM) signed the Darfur Peace Agreement (DPA). The DPA did not end fighting in Darfur. The conflict continues more than a decade after the agreement was signed.³

In this article, we consider a peace agreement to be successful if it ends fighting between the conflict parties. Previous research on the success of peace agreements has primarily been devoted to examining dynamics between primary conflict actors while actors at other levels of analysis have not been sufficiently considered. This gap in previous research does not match the experiences of mediators, who often emphasize that negotiations with stakeholders at various levels are crucial for the outcome of peace agreements. The diplomat Chester Crocker, for example, argued that the Tripartite Accord that ended the war in Namibia was a result of “the right alignment of local, regional, and international events – like planets lining up for some rare astronomical happening.”⁴ Likewise, Jan Eliasson, former UN special envoy to Darfur, asserts that “to solve this conflict a solution is needed at several levels: within the resistance movements, within the Sudanese government, between the movements and the government, among the neighbouring states...and within the United Nations and African Union. Thus, peace in Darfur is so elusive because simultaneous solutions at several levels are needed.”⁵

To achieve a comprehensive understanding of why peace agreements fail or succeed we argue that stakeholders at three levels of analysis need to be studied. First, at the *local level*

it is important to understand how a peace agreement affects various communities. Second, at the *national level* interactions between – and within – the warring parties needs to be scrutinized. Third, at the *international level* it is important to consider both regional and global stakeholders. We thus present a holistic framework for explaining success or failure of conflict resolution efforts. A comprehensive perspective is beneficial, because although theories specified at either the local, national, or international level might all be valid, these theories are inherently limited because they do not consider factors at the other levels. Our choice to use a comprehensive approach, instead of a more parsimonious theory that could generate more specific hypotheses, is motivated by the lack of previous studies that offers a framework for considering the full complexity of outcomes of peace agreements.

The CPA and DPA include numerous similar provisions (such as political, military and economic power sharing, security sector reforms, and elections) which makes them an interesting comparison. However, the agreements are far from identical; a main difference is that the CPA stipulates autonomy and a referendum on secession. In addition, the outcomes of the two agreements are not completely independent from each other. In fact, the CPA limited the concessions that Khartoum were willing to provide to the Darfurians in the DPA.⁶ Hence, while comparing two cases in the same country means that some contextual circumstances remain constant, it is also true that the cases can influence each other. We will therefore examine potential connections between the two peace processes.⁷ The empirical analysis builds on interviews carried out during more than a year of field research in Sudan and South Sudan, complemented by conversations with key informants in Addis Ababa, Nairobi, The Hague, and Stockholm.

This article proceeds as follows. First, we briefly review previous research on peace agreements and explain the merit of a level of analysis framework to study whether peace agreements succeed or not. Next, we present the case studies focusing on dynamics at our three

different levels of analysis. The final section concludes that factors at the local, national and international level all explain why the CPA terminated the North-South war while the DPA did not end fighting in Darfur.

Peace Agreements and Level of Analysis

Following the publication of *Man, the State, and War* by Kenneth Waltz in 1959, International Relations scholars have employed a level of analysis approach to study violent conflict.⁸ This early work primarily focused on interstate conflict and heavily emphasized the structure of the international system as a determinant of war, rather than other levels such the state and the individual.⁹ After the end of the Cold War, the interest in civil wars increased and the level of analysis approach has as a result also been used to examine wars within states.¹⁰

Despite the prominence of the level of analysis framework in research on the causes of war, the conflict resolution research field scantily uses this approach. Instead, this literature primarily examines the interaction between warring parties. Numerous studies focus on how third parties can increase the costs of continued war for the conflict parties through applying pressure and increase the benefits of peace through providing inducements.¹¹ Many of these studies assume that conflict parties are homogenous actors that make cost-benefit analyses based on the actions of their enemy and third parties involved in mediation.¹² Another strand of research focuses on the provisions of peace agreements to explain the outcome of these accords. This literature can be broadly divided into two different focus areas. A first set of studies addresses how security guarantees and security sector reform can overcome commitment problems.¹³ Walter, for example, finds that agreements with third party security guarantees are 20 percent more likely to be implemented.¹⁴ A second set of studies emphasizes how power sharing can overcome distribution problems.¹⁵ Hartzell and Hoddie find that peace agreements without any power-sharing provisions are 420 percent more likely to fail.¹⁶

Another research strand emphasizes the discrepancy between the positive short-term effects of mediation and the negative long-term effects on peace agreement duration. Mediators that use leverage are particularly likely to mediate peace agreements that will break down in the future.¹⁷ Mediated agreement are likely to break down because mediators often provide incentives to adversaries to make peace, but that mediators are often unable, or unwilling, to sustain these incentives over an extended period of time.¹⁸

Although the conflict resolution literature predominantly focuses on interactions between primary conflict parties, some studies emphasize stakeholders at other levels of analysis. These studies, however, commonly only consider actors at one of these levels in isolation. Studies considering the local level have illustrated intricate connections between communal conflicts and civil war.¹⁹ In addition, peace processes where civil society groups are involved are more likely to lead to durable settlements.²⁰ Other studies have found that if the warring parties consist of different factions, it hampers the prospects for conflict resolution.²¹ In addition, spoilers might use violence to derail the peace process and about 12 percent of all peace agreements are terminated by spoiling.²² Finally, research examining the international dimensions of civil wars has found that the resolution of the conflict is much more likely when the external dimensions of the conflict have been settled. Conflict parties often receive external support such as troops, funding, and military equipment. When external actors shift their focus from supporting one of the conflict parties to mediating they can play a constructive role in the peace process.²³

The literature thus clearly suggests that actors at different levels of analysis influence peacemaking processes in civil wars. Yet few studies have examined the impact of these different levels in a single study. Indeed, the conflict resolution literature is primarily focused on specific aspects of peacemaking while more holistic approaches are scant. In the next section, we examine the CPA and the DPA from a level of analysis perspective.

The Comprehensive Peace Agreement, 2005

In 1983, a group from southern Sudan in the national army formed the SPLM/A and launched a rebellion. Some factions of the SPLM/A aspired to an independent South Sudan while its leader, John Garang, fought to establish a socialist united 'New Sudan' which would end the persistent domination of Sudan's peripheries by a small elite in Khartoum. Ethiopia, Egypt, Uganda, the US, Nigeria and the Carter Center all launched unsuccessful peace initiatives. In 1994, the Inter-Governmental Authority on Drought and Development (IGAD) started a mediation process. After a decade of negotiations, the CPA was signed on 9 January 2005. Factors at the local, national, and international level were all important for why the agreement succeeded in ending the North-South war.

The Local Level

At the local level, the relatively peaceful relation between Dinka and Nuer (Southern Sudan's two largest ethnic groups) when the CPA was signed was important for the agreement's outcome. This relation has repeatedly shifted back and forth from relatively peaceful to hostile with periods of intense fighting. During the North-South war, Khartoum supported various militias to fight against the SPLM/A. Garang was a Dinka and some non-Dinka communities perceived SPLM/A as a Dinka movement, which contributed to Khartoum's success in recruiting militias from these communities. Khartoum's divide and rule strategy meant that much of the fighting in the war stood between Southerners, which polarised relations among South Sudan's communities. Inter-communal fighting was particularly intense after SPLM/A split in 1991, as most Dinka supported Garang, while the Nuer primarily favoured his rivals.²⁴ In 2002, the factions reunited, which improved Dinka-Nuer relations that remained relatively peaceful for over a decade until a full-fledged civil war broke out in South Sudan in December 2013.²⁵

The rather tranquil Dinka-Nuer relations during CPA's implementation period, 2005-2011, were crucial for the agreement's success, since fighting between the groups could have undercut the agreement. In fact, the danger of jeopardizing the CPA motivated the two communities to maintain a working relationship since they shared the goal to achieve independence. It was widely believed that Khartoum might use Dinka-Nuer fighting as an excuse to withdraw the opportunity for Southern Sudan to secede. In addition, Garang's death seven months after the signing of the CPA, terminated the vision of a united Sudan and political elites in Southern Sudan – although commonly very divided – were united in striving for independence. This contributed to relatively peaceful Dinka-Nuer relations, since competition between political elites often causes inter-communal conflicts in South Sudan.²⁶ The moderately peaceful Dinka-Nuer relations thus contributed to CPA's success in ending the North-South war as it helped to keep South Sudan more united, which, in turn, made it more difficult for Khartoum to exploit divisions in order to disrupt the CPA.

The National Level

At the national level, three factors were particularly important for the outcome of the CPA (i) the unity of SPLM/A, (ii) the strong position of relatively moderate leaders within the Sudanese government and (iii) the relative power parity between the conflict actors.

In August 1991, SPLM/A split after two of its prominent leaders, Riek Machar and Lam Akol, broke away.²⁷ Khartoum strongly supported Garang's rivals and these factions fought each other fiercely throughout the 1990s and early 2000s. In January 2002, however, the groups reconciled after several years of mediation efforts by South Sudanese churches and diplomatic efforts by the United States. The unification improved SPLM/A's military capacity, which was crucial for Khartoum's signing of the CPA.²⁸

The SPLM/A remained relatively united during the implementation of the CPA, even after Salva Kiir assumed leadership when Garang died.²⁹ Importantly, Machar, one of the architects behind the 1991 split, remained loyal to Kiir to ensure implementation of the CPA. In fact, a “remarkable display of unity by southern Sudanese of all tribes and political persuasions” characterized South Sudan’s political landscape before the referendum.³⁰ The Juba Declaration, signed on 8 January 2006 by the SPLM/A and the South Sudan Defence Forces (SSDF), a collection of militias that fought on Khartoum’s side during the North-South war, was crucial for this unity. In fact, it has been argued that the Juba declaration was more important than the CPA in improving human security in South Sudan. The SSDF was perceived as a liability to the peace process and analysts feared that fighting between SSDF and SPLM/A could ruin the agreement. The Juba declaration, however, eased relations between these groups and most sections of the SSDF were incorporated into the SPLM/A, and then they embraced the peace process.³¹

A shift in power towards more moderate politicians within the government also contributed to the realisation of the CPA. While Omar al-Bashir was the official leader of Sudan after the 1989-coup, Sudan was, in practice, led by the hard-line Islamist Hassan al-Turabi. In December 1989, al-Bashir even swore an oath of allegiance to Turabi. Al-Turabi’s radical policies, including supporting the assassination attempt on Egyptian President Hosni Mubarak in Addis Ababa in 1995, meant that Sudan was regionally and internationally isolated throughout the 1990s. To break this isolation, al-Bashir tried to limit al-Turabi’s power in 1998 and in 1999 al-Turabi left the ruling party. This paved the way for pragmatists led by Ali Osman Taha, who became Khartoum’s main representative in the Naivasha negotiations. Taha was willing to conclude a deal with the SPLM/A in order to normalize relations with the international community, particularly the US.³²

During the period leading up to CPA's conclusion, and throughout the interim period stipulated in the agreement, a relative power parity existed between SPLM/A and the Sudanese regime. This increased the parties' commitment to resolve the conflict. Many mediators present in Naivasha stress that the negotiations started to gain momentum in 2002 because both sides realised that two decades of fighting had not brought any of them close to a military victory.³³ Commenting on a SPLM/A attack in September 2002, Chief mediator, Lazaro Sumbeiywo, notes that "neither delegation was really willing to run away"³⁴ because they wanted the negotiations to succeed. In addition, both Taha and Garang realized that the alternative to a peace agreement would be armed fighting in many years to come.³⁵

The conflict parties' power parity also ensured that neither of them reneged on the CPA. The CPA consolidated the military dominance of the SPLM/A in Southern Sudan. Rather than integrating the southern rebels into a national army, as was done after the 1972 Addis Ababa Agreement, the CPA guaranteed a separate southern armed force. The number of fighters in the SPLM/A grew from around 30,000 in 2004 to around 230,000 at the time of the referendum.³⁶ Hence, if the government would not accept the outcome of the referendum, Khartoum would be confronted with a SPLM/A force of a size that it had never faced before. In addition, the Darfur rebellion (and a smaller insurgency in Eastern Sudan) meant that Khartoum could be confronted with a three front war should it renege on the CPA.³⁷

The International Level

At the international level, three factors were particularly important for why the CPA terminated the North-South war. First, since the SPLM/A rebellion started, Sudan had strained relations with several of its neighbours, and fought proxy-wars with Uganda, Eritrea and Ethiopia. From 1999 onwards, however, relations between Sudan and these countries improved. The start of the Ethiopia-Eritrea war in 1998 meant that the leadership of these two countries wanted to

improve relations with Sudan. Diplomatic relations were restored in 1999, and the regime in Khartoum agreed with its counterparts in Asmara and Addis Ababa to abstain from undermining peace and security in each other's countries.³⁸ The Sudan-Uganda relationship also improved in 1999, after the conclusion of the Nairobi Agreement, which stipulated that Uganda should stop supporting the SPLM/A and Sudan should end its support to Ugandan rebel groups.³⁹ Hence, the relationship between Sudan and its neighbours was rather mended by early 2000s.

Second, the international community, most notably the US, shifted its policies towards Sudan and started to emphasize constructive engagement. In fact, peace in Sudan became a foreign policy goal when George W. Bush took office in January 2001. A few months later, Sudanese and US officials agreed, at a secret meeting in Nairobi, that Khartoum would – in return for a normalisation in relations – provide intelligence on terrorist networks (including al-Qaida) which had been operating in Sudan throughout the 1990s. The US commitment to this deal grew even stronger after the 9/11 attacks.⁴⁰ The Bush administration was also strongly involved in attempts to end the North-South war and President Bush called President al-Bashir a dozen times during Naivasha negotiations.⁴¹ The US also formed a partnership with the UK and Norway – later known as the Troika – that agreed to pressure the conflict parties to compromise.⁴² Chief mediator Sumbeiywo used the Troika to break deadlocks. For instance, he requested that US Secretary of State Colin Powell put pressure on Taha after he threatened to withdraw from talks with Garang in late 2004. Such pressure from the US was instrumental to persuade Khartoum to sign the CPA.⁴³

Third, international actors involved in the Naivasha process was engaged in resolving disputes during the interim period, which contributed to avoiding a return to war. In particular, there was strong international pressure on the parties to accept any outcome of the

referendum.⁴⁴ The referendum was peaceful and close to 99% voted in favour of independence, which was realised 9 July 2011.⁴⁵ Next, we examine the Darfur Peace Agreement.

The Darfur Peace Agreement, 2006

In 2003, as negotiations were ongoing in Naivasha, two rebel groups – the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) – started a violent insurgency in Darfur, Sudan's westernmost region. The rebellion sought to radically change how Sudan was governed and mitigate Darfur's marginalization.⁴⁶ One reason as to why fighting broke out at this time was the progress made in Naivasha from 2002 onwards. Darfurian elites worried that an agreement, which divided power between Khartoum and Juba, would leave them in an even more precarious situation. In addition, the SPLM/A's achievements in the peace negotiations emboldened Darfurian groups to take up arms against Khartoum.⁴⁷

International efforts to stop the fighting in Darfur began in 2003 when Chad organized several failed mediation efforts. In 2004, the African Union (AU) assumed the role of official third party of the Darfur peace process and the first round of AU-mediated negotiations – later known as the Abuja peace process – began in Addis Ababa in July 2004. After several rounds of negotiations in Abuja, the seventh and final session started on 29 November 2005. This round resulted in the signing of the DPA on 5 May 2006. However, the DPA was signed in a context that constituted a perfect storm of local, national, and international conditions that made the conclusion of a durable peace agreement virtually impossible.

The Local Level

Violent conflict in Darfur did not start with the 2003-insurgency. The region has experienced local communal conflict – primarily over grazing, water, and local political influence – for

centuries.⁴⁸ In these conflicts, the government generally sided with Arab pastoralists while it disfavoured non-Arab communities like the Fur, Zaghawa and Masalit. These communities formed self-defence forces that later started attacking government targets.⁴⁹ Not only was the communal dimension a major trigger of the war, it also undermined the prospects for the termination of the fighting. In particular, three different dynamics at the local level contributed to DPA's failure.

First, Darfur's communities were more polarised than ever when DPA was signed. The government, and its affiliated militias, had committed gross atrocities and this was fresh in the minds of victimized communities who were unwilling to make concessions to communities, or actors, perceived as their enemies. In addition, millions of Darfurians lived in humiliating conditions in IDP-camps after being forced to leave their traditional areas, which increased their rejection of the DPA.⁵⁰ The DPA was thus highly unpopular among Darfur's non-Arab communities like the Fur, Zaghawa and Masalit, who had suffered most in the war. The bitterness among Darfur's population was exacerbated since there had been no real attempts to reconcile communities.⁵¹ The DPA included a Darfur-Darfur Dialogue, which sought to overcome grievances between Darfur's various communities, but this provision was regarded as a sham since Khartoum firmly controlled the process.⁵²

Second, the DPA did not address many of the root causes of the conflict in Darfur. Land is fundamental in Darfur as it constitutes the preeminent economic asset and has a strong emotive aspect for Darfur's various communities.⁵³ Darfur is divided into various *Dars* (homelands) and groups with established land-rights are privileged compared to groups without such rights. The regime in Khartoum recruited militias from groups without land rights by promising them land assets, which contributed to the cleansing of certain areas. Nevertheless, the agreement did not address the critical issue of land, which contributed to the widespread rejection of the agreement.⁵⁴

Third, the DPA was also disliked among Arab communities who felt that the government had manipulated them and turned them into scapegoats for the situation in Darfur. In particular, the communities that contributed to militias perceived the disarmament of Janjaweed (stipulated in the DPA) as a betrayal.⁵⁵ In their view, they had just followed governmental orders and therefore fiercely resisted any disarmament.⁵⁶ In addition, the Arab communities were frustrated that they were not represented, and hence their interest – land rights in particular – not looked after, in the Abuja negotiations.⁵⁷

Most Darfurians thus detested the DPA and leaders perceived as being pro-DPA lost their support, which decreased the incentive for Darfurian rebels to sign, or implement, the agreement.⁵⁸

The National Level

At the national level, internal politics of the warring parties (particularly tensions within the rebel movements) and lack of power parity between the warring parties, contributed to DPA's failure. The JEM and the SLM/A were initially relatively unified, but in late 2004 tensions arose within the SLM/A, when the movement's secretary Minni Minnawi, challenged Abdul Wahid's leadership. These tensions delayed negotiations scheduled for early 2005 because SLM/A requested time to overcome these problems. These efforts, however, failed and the Wahid–Minnawi tensions increased and three delegations: two SLM/A factions and JEM represented the Darfurian rebels when negotiations resumed in June 2005.⁵⁹

During the subsequent negotiations, the third parties prioritized getting Minnawi to sign an agreement, because they believed that his group was the most powerful.⁶⁰ During the final days of the Abuja process, the mediators assured Minnawi a prominent position in the government if he signed and threatened him with sanctions and ICC indictment if he refused.⁶¹ Minnawi still had reservations and at the final meeting in Abuja, US Deputy Secretary of State,

Ambassador Robert Zoellick, allegedly told Minnawi, “Have no doubt where I stand. I am a good friend and I am a fearsome enemy.”⁶² Minnawi signed the DPA the next morning.

In contrast to Minnawi, Khalil Ibrahim (JEM) and Abdul Wahid refused to sign, arguing that the agreement contained insufficient guarantees on the demobilisation of the Janjaweed and did not offer sufficient compensation.⁶³ After Minnawi signed, he was accused of having signed for personal political gain and many of his fighters abandoned him to join JEM, SLM/A-Abdul Wahid, or started new factions. Hence, few rebel fighters on the ground were committed to the DPA. Minnawi stayed with the government until 2010 when he resumed rebellion against Khartoum.⁶⁴

Another negative factor for DPA was that the balance of power in al-Bashir’s regime had tilted in favour of hardliners less prone to make concessions on Darfur.⁶⁵ One important reason for this shift was unmet promises by the US to normalise relations with Sudan after the Naivasha agreement.⁶⁶ Taha was blamed for this and power shifted towards hardliners, such as presidential advisor Nafie ali Nafie, who perceived involvement of Western countries as destabilising and self-destructive. Khartoum appointed Majzoub El Khalifa – known for his unwillingness to compromise – not Taha, as their chief mediator.⁶⁷ Sudanese leaders anticipated that, regardless of the situation in Darfur, US would lift sanctions and remove Sudan from the list of countries supporting terrorism because of concessions made in the CPA.⁶⁸ Yet, US refused to do so arguing that the situation in Darfur did not merit normalised relations.⁶⁹ Khartoum therefore perceived it unlikely that the US would keep any future promises. Consequently, when US used the prospect of normalised relations in Abuja, the regime disregarded it, which strengthened those opposing dialogue with the Darfurian opposition.⁷⁰

One manifestation of the hardliners strong position was that Khartoum made very few concessions during the negotiations.⁷¹ This may have motivated the mediators to push for an

agreement favourable to the government. Indeed, when the mediators distributed a draft peace agreement on 25 April 2006, Khartoum's delegation immediately accepted it.⁷² Unsurprisingly, the rebels did not accept the document, but requested more time to review it. This demand was rejected by the mediators.⁷³ Instead, international pressure to force a breakthrough increased and the rebels were under immense pressure to sign.⁷⁴

Another factor that contributed to DPA's failure was the lack of power parity between the government and the Darfurian rebels. In the beginning of the war, the Darfurian rebels were relatively successful on the battlefield. On 25 April 2003, the SLM/A and the JEM conducted a successful attack on the El-Fasher airbase, which supplied the rebels with weapons and established them as a viable threat to Khartoum.⁷⁵ The rebels' military accomplishments continued in 2003 and they were much more successful on the battlefield than the government had anticipated.⁷⁶ However, the regime's use of Arab militias in a brutal counterinsurgency campaign changed the rebels' fortune on the battlefield from early 2004 onwards.⁷⁷ When negotiations led by AU started in July 2004, most external observers perceived a military victory for the rebels as highly unlikely. There was, however, a strong discrepancy between the military reality on the ground and perceptions among Darfurian rebel negotiators in Abuja as most rebel leaders still perceived the rebels to be in a strong military position, which made them reluctant to make any concessions.⁷⁸ Mediators involved in the Abuja process stress that much of their efforts were aimed at trying to convince the rebels that they should accept a negotiated settlement rather than continue fighting.⁷⁹

The International Level

Conditions at the international level also contributed to DPA's failure. This was partly the result of miscalculations of global actors, but more importantly because Chad was not interested in a peaceful solution at the time.

The conflict in Darfur was initially largely ignored by the international community. In fact, the US and the UK allegedly tried to avoid discussion about Darfur during the Naivasha negotiations fearing that it might undermine the North-South peace process.⁸⁰ One US official supposedly told Khartoum that Washington would “accept a military solution to Darfur, if it was a quick, surgical approach.”⁸¹ The fear that the war in Darfur would undermine the Naivasha process thus meant that the UN, the AU and the US wanted the Sudanese government to fix the crisis in Darfur as soon as possible.⁸² Despite the general lack of international interest in Darfur, Chad (motivated by security concerns and large influx of Darfurian refugees) tried to resolve the crisis.⁸³ Although this effort failed, it paved the way for the deployment of an African Union peace mission in July 2004.⁸⁴

When it became apparent that Khartoum failed to defeat the Darfurian rebels, the US interest in the negotiations mediated by Chad increased.⁸⁵ In addition, the worsening humanitarian situation in Darfur became increasingly visible and in March 2004, a senior UN official publicly stated that ethnic cleansing was taking place in Darfur.⁸⁶ A large public campaign pressuring western governments to act in Darfur followed and in late 2005, the US started pushing for a greater role in the Abuja process.⁸⁷ However, a quick-fix mentality characterized this involvement and the international actors pressured the rebels to sign an agreement that they – and their communities – strongly disliked. One JEM leader reflects

“by the end of the Abuja negotiations we thought of the international players as an extension of that old colonial way of looking at us as some people incapable of thinking and acting in a responsible way. Yet, they were the people who would try to cajole us by using carrots and sticks in order to move us to their imposed solutions.”⁸⁸

While the US increased their mediation efforts, Chad’s interest in Darfur had altered and they now sought to destabilize the situation. In the early stages of the conflict, the Darfurian rebel movement had received little support from Sudan’s neighbouring countries. In fact, the allegiance of Idriss Déby, President of Chad, initially lay with the Sudanese government – in

spite of Déby being Zaghawa like many of the Darfurian rebels. While Déby supported Khartoum during the first two years of the conflict, many Zaghawa generals within the Chadian army sympathised with their ethnic kin in Darfur and provided Darfurian rebels with weapons. Khartoum interpreted this as double-dealing and started to support Chadian rebels in retaliation. This, as well as pressure from Zaghawa generals within his army, led Déby to start supporting JEM that was dominated by Zaghawa.⁸⁹ The Chadian support significantly increased JEM's military strength, which made JEM's leadership less interested in signing a peace agreement. As observed by Alex de Waal,

“When the Darfur Declaration of Principles was discussed in June 2005, JEM had led the way in formulating an agreed text. Six months later, JEM was uninterested in a peace agreement. Peace in Darfur required peace between Sudan and Chad. At this time, however, proxy war – N'Djamena supported Darfurian rebels and Khartoum supported Chadian rebels – characterized the Sudan-Chad relation. This contributed to DPA's failure to terminate fighting in Darfur since it emboldened JEM and made them less interested in peace.”⁹⁰

Conclusion

This article set out to examine two Sudanese peace agreements: the CPA that ended the North-South war and the DPA that failed to stop fighting in Darfur. We argue that a level-of-analysis approach – taking into account actors at the local, national, and international level – helps to understand why the CPA succeeded and the DPA failed. Indeed, major factors at all these three levels contributed to the success of the CPA. At the local level, the relationships between South Sudan communities were relatively peaceful when the CPA was signed, as well as during the interim period. This local state of affairs was a result of the southern shared desire for independence, which, in turn, contributed to a collective commitment to the implementation of the CPA. At the national level, the SPLM/A was relatively united during the Naivasha process and during CPA's interim period. Likewise, moderate factions within the government of

Khartoum held the upper hand. In addition, relative power parity existed between the two primary warring parties. At the international level, regional actors did not try to disrupt the negotiations but were actively engaged in the process and global actors – the US in particular – were determined to reach a solution. All these factors contributed to CPA's success in terminating fighting.

The contrast to the DPA is striking. At the local level, the split between Darfur's communities was larger than ever before and they strongly rejected the DPA. Importantly, the gross atrocities committed during the war constituted an open wound for many communities in Darfur. At the national level, heavy fractionalization characterized the rebels and the balance of power within the regime in Khartoum had tilted in favour of hardliners. In addition, no hurting stalemate existed between the government and the rebels because the government was much stronger than the rebels were. To make things worse, conditions were not conducive at the international level either, regional actors like Chad supported the rebels and global actors as the US misread the situation.

In addition to examining these different levels, it is important to study potential linkages between these levels. We identify three particularly important connections. First, an important association between the national and local level in Darfur is that the DPA was highly unpopular among Darfur's communities. Hence, not signing – like Abdul Wahid and Khalil Ibrahim did – was a good way of keeping legitimacy among the Darfurians. By contrast, people in South Sudan were eager to halt the fighting and the aspiration for independence was widespread. Southern leaders thus did not need to resist the CPA in order to keep their legitimacy among the communities. Second, a connection between the international level and the national level is that when the CPA was signed, all neighbouring countries to Southern Sudan were interested in peace in Sudan, which increased the incentives for the government and SPLM/A to sign. In Darfur, however, the story was very different as Chad supported JEM, which influenced them

not to sign. Third, a significant link between the national and the international levels is how Khartoum perceived the international community. At the Naivasha negotiations, the Sudanese government was willing to make concessions to the international community because it hoped that it would mend relations with global actors like the US. However, at the time of the conclusion of the DPA, Khartoum was disenchanted that the international community had not normalized relations with Sudan, which made Sudanese leaders less willing to compromise, as it believed that no matter what it did, Sudan should continue to be isolated by the international community.

To deepen the understanding of these two agreements, we will next highlight three important connections between them. First, the conclusion of the CPA constrained what the Darfurians could achieve in Abuja. The rebels hoped that inclusion of SPLM/A in the national government would help them, but this anticipation vanished in January 2006 when SPLM/A asserted that the CPA would not be revised.⁹¹ Khartoum was willing to allow power sharing between the SPLM/A and the Darfurian opposition, but rejected to give up any of their positions. Second, the CPA also made the Darfurian rebels demand of separation of religion and the state impossible since preserving Sharia laws in northern Sudan was an important aspects of the CPA. Third, since the southern Sudanese had not received any direct compensation, SPLM/A strongly opposed direct compensation for the Darfurians. This was unacceptable to Abdul Wahid.⁹² Hence, the CPA and DPA are entangled and the government's lack of compromises, following the conclusion of the CPA, contributed to Darfurians detest for the DPA.

Our comparison also revealed an important difference between the content of the two agreements. While the CPA addressed the prime grievance in South Sudan, – independence – the DPA failed to consider the essential issue of land rights. In South Sudan, the desire for independence – shared across various constituencies – had a unifying effect that contributed to

CPA's success as it made it more difficult for Khartoum to recruit militias during the interim period.⁹³ In contrast, DPA's lack of resolving the land issue had a fragmenting effect on Darfur's communities that contributed to continued fighting.

This article illustrates that a third party not only needs to mediate between the conflict parties, but also has to consider how to reconcile different communal groups, pay attention to the internal politics of the conflict parties, manage countries in the region, and actively engage the international community. Clearing hurdles increase the prospects for the conclusion of a durable peace agreement. These dynamics are in line with what practitioners sometime describe as peace processes gaining momentum. Hence, civil wars are generally very complex and consist of several parallel conflicts rather than just two actors fighting. To match this complexity, there is a need for more future studies that use a level of analysis approach to analyse conflict resolution efforts.

¹ Adam Azzain Mohammed inspired us to examine Darfur from a level of analysis approach and we greatly appreciate our numerous discussions with him.

² Yet, the signatories' relation is far from peaceful. Some clashes took place during CPA's interim period (2005-2011) and in 2012, Sudan and South Sudan fought each other in a border dispute. Yet, none of these incidents has led to a return to war.

³ Mohammed, *Evaluating the Darfur Peace Agreement*; Duursma, *Mediation with Muscles or Minds?*

⁴ Zartman, *Ripe for Resolution*, 234.

⁵ Jan Eliasson, interviewed 24.05.2011, Stockholm.

⁶ Brosché and Rothbart, *Violent Conflict and Peacebuilding*

⁷ I. W. Zartman, "Comparative Case Studies," *International Negotiation* 10, no. 1 (2005): 8.

⁸ Waltz, *Man, the State, and War*.

⁹ For example see: Waltz, *Theory of International Politics*

¹⁰ See: Brown, *Causes and Implications of Ethnic Conflict*; Posen, *The Security Dilemma and Ethnic Conflict*; Levy, *International Sources of Interstate and Intrastate War*.

¹¹ Rothchild, *Managing Ethnic Conflict in Africa*; Beardsley et al. *Mediation Style and Crisis Outcomes*.

¹² Duursma, *A Current Literature Review of International Mediation*.

¹³ See for example: Walter, *Committing to Peace*; Fortna, *Does Peacekeeping Work?*

¹⁴ B. F. Walter, *Committing to Peace: The Successful Settlement of Civil Wars* (Princeton: Princeton University Press, 2002), 83.

¹⁵ See for example: Sisk, *Power Sharing and International Mediation in Ethnic Conflicts*; Hartzell and Hoddie, *Crafting Peace*.

¹⁶ C.A. Hartzell and M. Hoddie, *Crafting Peace: Power-Sharing Institutions and the Negotiated Settlement of Civil Wars* (Pennsylvania: Pennsylvania State University Press, 2007), 82-83.

¹⁷ K. Beardsley, *The Mediation Dilemma*, Cornell Studies in Security Affairs (Ithaca, N.Y.: Cornell University Press, 2011); D. Quinn et al., "Crisis Managers but Not Conflict Resolvers: Mediating Ethnic Intrastate Conflict in Africa," *Conflict Management and Peace Science* 30, no. 4 (2013).

¹⁸ Beardsley, *The Mediation Dilemma*.

¹⁹ Brosché and Elfversson. "Communal Conflicts, Civil War and the State."

²⁰ Desirée Nilsson, "Anchoring the Peace: Civil Society Actors in Peace Accords and Durable Peace," *International Interactions* 38, no. 2 (2012).

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- ²¹ For example, see: Stedman, *Spoiler Problems in Peace Processes*;
- ²² Andrew G. Reiter, "Does Spoiling Work? Assessing the Impact of Spoilers on Civil War Peace Agreements," *Civil Wars* 17, no. 1 (2015).
- ²³ I. Svensson, *International Mediation Bias and Peacemaking: Taking Sides in Civil Wars* (New York: Routledge, 2014).
- ²⁴ Brosché and Rothbart, *Violent Conflict and Peacebuilding*, 94
- ²⁵ Brosché and Höglund, *Crisis of Governance in South Sudan*.
- ²⁶ Brosché, *Masters of War*. See also: LeRiche and Arnold, *South Sudan: From Revolution to Independence*
- ²⁷ See: Akol, *SPLM/SPLA: The Nasir Declaration*.
- ²⁸ Enough Project, *The Answer to Darfur*.
- ²⁹ Lual Deng, interviewed 3.02.2015, Addis Ababa.
- ³⁰ Young, *The Fate of Sudan*, 291.
- ³¹ Young, *Emerging North-South Tensions*; LeRiche and Arnold, *South Sudan: From Revolution to Independence*.
- ³² Burr and Collins, *Sudan in Turmoil*; Johnson, *Waging Peace in Sudan*, 14.
- ³³ Lazaro Sumbeiywo, IGAD's Chief mediator in Naivasha, interviewed 01.02.2015, Addis Ababa; Luca Zampetti, Italian observer to the Naivasha negotiation, interviewed 04.02.2015, Addis Ababa; Jan Pronk, UN Special Representative to Sudan 2004-2006, interviewed 01.06.2015, The Hague.
- ³⁴ Lazaro Sumbeiywo, IGAD's Chief Mediator in Naivasha, interviewed 01.02.2015, Addis Ababa
- ³⁵ Ibid.
- ³⁶ The SPLM/A expanded its size by recruiting militias and former rival rebel groups. See: John Snowden, "Work in Progress: Security Force Development in South Sudan through February 2012," *Small Arms Survey, HSBA Working Paper* 27, (2012).
- ³⁷ A. S. Natsios, *Sudan, South Sudan, and Darfur: What Everyone Needs to Know* (Oxford: Oxford University Press, 2012), 183.
- ³⁸ Iyob and Khadiagala, *Sudan: The Elusive Quest for Peace*, 113.
- ³⁹ Neu, *Restoring Relations between Uganda and Sudan*.
- ⁴⁰ Gabrielsen Jumbert, How Sudan's 'rouge' state label shaped US responses to Darfur; Cockett, *Sudan: Darfur and the Failure of an African State*, 156-61.
- ⁴¹ Natsios, *Sudan, South Sudan, and Darfur*, 169.
- ⁴² Iyob and Khadiagala, *Sudan: The Elusive Quest for Peace*
- ⁴³ Natsios, *Sudan, South Sudan, and Darfur*, 169.
- ⁴⁴ Rosalind Marsden, interviewed 21.02.2015, Oxford.
- ⁴⁵ LeRiche and Arnold, *South Sudan: From Revolution to Independence*, 23.
- ⁴⁶ Flint and de Waal, *Darfur: A New History of a Long War*, 81.
- ⁴⁷ el-Battahani, *A Complex Web: Politics and Conflict in Sudan*, 13.
- ⁴⁸ Brosché, *Masters of War*.
- ⁴⁹ Maitre "What Sustains 'Internal Wars'"; Flint and de Waal, *Darfur: A New History of a Long War*, 68-70; Brosché and Rothbart, *Violent Conflict and Peacebuilding*, 53.
- ⁵⁰ Elhadi Idriss Yahya, telephone interviewed 31.01.2015; Abdulaziz Juma, telephone interviewed 11.02.2015.
- ⁵¹ Abdullahi El-Tom, Senior Member of JEM's Executive Board, interviewed 22.02.2015, Oxford.
- ⁵² Khalil el-Amin, University of Khartoum, interviewed 5.12.2007, Khartoum.
- ⁵³ Abdul-Jalil and Unruh "Land Rights under Stress in Darfur"; Tubiana "Darfur a war for land"
- ⁵⁴ Mohammed, *Evaluating the Darfur Peace Agreement*.
- ⁵⁵ De Waal, *Sudan: Darfur*.
- ⁵⁶ Communities victimized by Janjaweed attacks, in contrast, perceived Khartoum's lack of commitment to disarmament as a crucial flaw of the DPA.
- ⁵⁷ Arab rebel sympathizers and Arab neutrals from Darfur interviewed November-December 2007, Juba/Khartoum
- ⁵⁸ Yahia Bashir, senior member of the SLM/A Abdul Wahid, interviewed 20.02.2015, London.
- ⁵⁹ Toga, 231.
- ⁶⁰ Flint and de Waal, *Darfur*, 230.
- ⁶¹ Ibid., 208.
- ⁶² Hilary Benn, interviewed 21.11.2014, London. See also: De Waal, *Darfur's Deadline*, 273.
- ⁶³ Ibid., 274.
- ⁶⁴ Brosché and Rothbart, *Violent Conflict and Peacebuilding*, 68.
- ⁶⁵ Maitre, B. R. "What Sustains 'Internal Wars'?"
- ⁶⁶ Natsios, *Sudan, South Sudan, and Darfur*, 169.
- ⁶⁷ Flint and de Waal, *Darfur*, 191-92.
- ⁶⁸ Natsios, *Sudan, South Sudan, and Darfur*, 169.

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- ⁶⁹ Cockett, *Sudan*, 225.
- ⁷⁰ Flint and de Waal, *Darfur*, 191.
- ⁷¹ See: De Waal, *Sudan: Darfur*.
- ⁷² Flint and de Waal, *Darfur*, 211; Toga, The African Union Mediation and the Abuja Peace Talks, 240.
- ⁷³ Nathan, "The Failure of the Darfur Mediation, 498.
- ⁷⁴ Hilary Benn, interviewed 21.11.2014, London.
- ⁷⁵ J. Flint and A. de Waal, *Darfur: A New History of a Long War* (London: Zed Books, 2008), 120-121.
- ⁷⁶ Ibid.
- ⁷⁷ V. Tanner and J. Tubiana, *Divided They Fall: The Fragmentation of Darfur's Rebel Groups*. *Hsba Working Paper No. 6* (Geneva: The Small Arms Survey, 2007), 24.
- ⁷⁸ M. El Khalifa, *The Conflict in Darfur and the Peaceful Negotiated Settlement in Abuja [Internal Government of Sudan Document]*.
- ⁷⁹ Mulugeta Gebrehiwot Berhe, interviewed 13.02.2015, Addis Ababa; Lauri Nathan, interviewed 23.06.2016, Basel.
- ⁸⁰ Cockett, *Sudan*, 180.
- ⁸¹ Ibid.
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- ⁸⁴ Beswick, Peacekeeping, Regime Security and 'African Solutions to African Problems'.
- ⁸⁵ Flint and de Waal, *Darfur*, 143.
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- ⁸⁹ International Crisis Group, *Darfur's New Security Reality*.
- ⁹⁰ De Waal, *Sudan: Darfur*, 292.
- ⁹¹ Hottinger, 48.
- ⁹² Alex de Waal, interviewed 03.09.2014, Boston; Lual Deng, interviewed 03.02.2015, Addis Ababa.
- ⁹³ South Sudanese scholar, interviewed 6.04.2013, Juba.

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