

Making Peace Gambles Work: The Oslo Accords, the Sudanese “Comprehensive Peace Agreement” and their “Spirals of Insecurity”

Abdelwahab El-Affendi*

Abstract

The Oslo Accords of 1993 promised to bring peace between Israelis and Palestinians, and the Comprehensive Peace Agreement of 2005 promised the same for the Sudanese. These were different agreements designed to deal with different problems in different contexts. But they did reflect a specific approach of liberal peacebuilding that generated almost identical problems. This paper attempts to examine the parallels in the way the two agreements faltered and unravelled, producing what one commentator described as “spirals of insecurity”, becoming the trigger for new rounds of conflict. It argues that the problems do not lie merely in the gradualism and ambiguities of the two agreements, as many have argued regarding the Oslo Accord, but additionally in the continued commitment of the protagonists to mutually exclusive and fervently espoused objectives, thus hampering the cooperation demanded by a gradualist approach. I conclude that in cases where such deep commitments to irreconcilable objectives persist, the gradualist approach should be significantly modified to take account of realities.

Keywords: Oslo Accords, Sudan, “spirals of insecurity”.

Introduction¹

On the eve of the fifth anniversary of the signing of Sudan's Comprehensive Peace Agreement (CPA) on 9 January 2010, the sentiments universally expressed were those of panic rather than celebration, in a marked contrast to the euphoria which greeted the

* Dr El-Affendi is a Reader in Politics at the Centre for the Study of Democracy, University of Westminster and coordinator of the Centre's Democracy and Islam Programme. He is also currently an ESRC/AHRC Fellow in the RCUK Global Uncertainties Programme (<http://www.rcuk.ac.uk/research/ccprog/security.htm>).

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signing of the agreement in Nairobi in 2005. The two peace partners, the dominant National Congress Party (NCP) and the former Southern rebel movement, Sudan People's Liberation Movement (SPLM), traded accusations over responsibility for the relative lack of progress. Ten international aid agencies issued a warning of the high risk of sliding back into conflict unless concerted international action was urgently taken. Already the number of victims of the low intensity conflict in the South (over 2500 in 2009) has surpassed the toll of the conflict in neighbouring Darfur, even though the South was supposed to be at peace.²

A few days later, in the context of an apparently unrelated conflict, former Israeli Defence Minister Moshe Arens published a scathing assessment of the Oslo Peace Process. Writing in the daily Haaretz, he opined:

It is now close to 17 years since Israel's ill-fated decision to recognize the PLO as the legitimate representative of the Palestinian people and the Oslo Accords. Despite the accords, or possibly because of them, during those years much blood has been shed and no significant progress was made toward peace between Israelis and Palestinians.³

Arens put the blame squarely on the Palestinians, arguing that the problem was that Israel had offered too many "far-reaching concessions", which only encouraged the Palestinians to ask for more. This position is consistent with the general view of the right wing of Israeli politics, where the view is that Oslo was an error from the start, and "doomed to failure", not only due to the duplicity of the Palestinians, but also due to the naïveté and self-delusion of the Israeli Left.⁴

Others argued that the failure was caused by the flaws of the deal itself, which in turn mirrored the imbalance of power between the two sides. Following the collapse of the Soviet bloc, which left the US (Israel's staunch ally) as the world's sole superpower, and the 1991 Gulf War in which the PLO backed the losing side, the stateless (and now friendless) Palestinians did not have much bargaining leeway. As a result, the Oslo Accords were no more than "an instrument of Palestinian surrender, a Palestinian Versailles".⁵ Rather than being a genuine peace agreement, the accords were "a plan to institutionalize the Israeli occupation".⁶

The shortcomings of the CPA, which are less drastic than the utter disaster of Oslo, have also occasioned a stampede to apportion blame. The NCP was awarded the lion's share of the blame for its "intransigence", but the incompetence of the SPLM and the

² Mike Pflanz, "Sudan Faces Return to War," *The Daily Telegraph*, 07 Jan 2010, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/sudan/6947057/Sudan-faces-return-to-war.html> (accessed on 16/01/2010).

³ Moshe Arens, "A Road Map Leading Nowhere," *Haaretz*, 12 January 2010, <http://www.haaretz.com/hosen/spages/1142057.html> (accessed on 1/17/2010).

⁴ Ofira Seliktar, *Doomed to Failure?: The Politics and Intelligence of the Oslo Peace Process* (Santa Barbara, CA: ABC-CLIO, 2009).

⁵ Edward Said, "The Morning After", *The London Review of Books*, Vol.15 No.20, 21 October 1993 pp.3-5, <http://www.lrb.co.uk/v15/n20/edward-said/the-morning-after> (accessed on 1/17/2010).

⁶ Adam Hanieh and Catherine Cook, "A Road Map to the Oslo Cul-de-Sac," *Middle East Report Online*, 15 May 2003, <http://www.merip.org/mero/mero051503.html> (accessed on 1/25/2010).

inaction of the international community were also found to have contributed to the crisis.⁷ The agreement itself was described as “narrowly focused and exclusionary”, causing the “undemocratic approach of the peace process and its failure to resolutely commit to democratic transformations in both the north and south of Sudan [to] seriously undermine the objective of a sustainable peace”.⁸ Echoing Arens’ point on Oslo becoming a threat to peace, it has been argued that “the biggest threat to the peace in Sudan is posed by the CPA and the process that gave rise to it”.

Instead of facilitating the achievement of a comprehensive peace in Sudan the CPA has posed a major barrier to reaching agreements elsewhere in the country. And instead of strengthening the Sudanese polity by building peace, the mother agreement and its offspring in the east and Darfur are not solving the problems that gave rise to the conflicts in the first place and in addition are at the least facilitating, and arguably encouraging, the dismemberment of the country.⁹

In this paper, we argue that the lack of success is due to the fact that the protagonists remained committed to deeply held and irreconcilable objectives, which the agreements did not address precisely because they were too difficult to address. While tactical cooperation and the very process of working together could help generate goodwill and reconcile differences, this approach could be counterproductive in cases like these, where the structure of the two agreements took the form of a high-stakes gamble on the outcome of future processes that theoretically remain open, but on which participants pin conflicting hopes. As interim arrangements that had postponed crucial decisions in the hope that changing circumstances and mutual confidence could facilitate a resolution to the contentious issue on which the accords maintained a studied silence,¹⁰ the deals provided motives for the parties to withhold, rather than offer, cooperation. Each hoped that the implementation of the accords would shift things in its favour. As a result, the “peace deal” in both cases turned into a new arena of conflict, as the two sides battled over interpretations of the agreements, seeing in the interim arrangements as an opportunity to maximise gains and outmanoeuvre their supposed “peace partners”.

It is precisely because the conflicts appeared intractable that the parties (and the mediators) opted for an interim solution, which avoided the thorny issues in the hope that the momentum of peace, and in particular the “peace dividend”, would work magic in bringing the two sides closer. The interim period was supposed, in both cases, to create a more favourable atmosphere that could make the conclusion of a “final status” deal easier. The agreements were thus “open ended”, leaving most of the contentious issues out, and

⁷ The International Crisis Group (ICG), “Sudan: Preventing Implosion,” *Africa Briefing* N° 68, Nairobi/Brussels, 17 December 2009, pp.8-9.

⁸ John Young, “Sudan’s Peace Process: Laying the Basis for Future Conflict,” Paper presented at the Conference on the Current Peace and Security Challenges in the Horn of Africa, organized jointly by Centre for Policy Research and Dialogue and InterAfrica Group, March 12-13, 2007, Addis Ababa (proceedings available at: <http://www.cprdhorn.org/PeaceandSecurityintheHorn.pdf>), pp.108-9.

⁹ Young, “Sudan’s Peace Process”, p.124.

¹⁰ Avi Shlaim, “The Oslo Accord”. *Journal of Palestine Studies*. 23 (1994), p.34.

clothing the texts into “constructive ambiguity”, enabling both sides to interpret key phrases in ways protective of their core interests.¹¹

However, as the rival protagonists continued to harbour conflicting objectives, with each trying to steer things in the opposite direction to their partners, it became progressively more difficult to reach a final agreement than was the case before.

The concept of “ripeness”, which analyses the appropriate timing for launching peace initiatives in relation to objective/perceptual criteria of “the parties’ perception of a Mutually Hurting Stalemate (MHS), optimally associated with an impending, past or recently avoided catastrophe”¹², (and its modifications, such as the theory of “readiness”, which factors in motivational push and pull elements of fear of ‘catastrophes’ and optimism about outcomes)¹³, are only partially relevant to this point. For one thing, “theory of ripeness is available to explain the initiation of negotiation”,¹⁴ and does not cover outcomes.

However, the debate over intractability can shed some light on the questions raised here, especially in relation to continued commitment to “polarised solutions” (in spite of the negotiated agreements), threatened polarised identities, and “entrapment” (being locked in by the dynamics of the conflict like in a quagmire).¹⁵ However, our current discussion is restricted to evaluating the suitability of “open-ended gradualism” and the reliance on “constructive ambiguity” for resolving a certain type of intractable conflict, ones where commitment to contradictory and highly cherished objectives has not been addressed by the peace deals.

The Oslo Promise

When they were announced, both agreements were greeted as small miracles which defied all expectations. The Oslo Accords came first, and were a shock and surprise even to the Americans, who heard about them first only two weeks before the signing ceremony President Bill Clinton presided over at the White House on September 13, 1993.¹⁶ In spite of serious efforts over the years, the Israeli-Palestinian positions appeared unbridgeable. The Palestinians were adamant that they wanted a restoration of their full rights, including the

¹¹ Orde F. Kittrie “More Process than Peace: Legitimacy, Compliance and the Oslo Accords”, *Michigan Law Review* 101(2003), p.1663,

¹² I William Zartman, “The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments”, *The Global Review of Ethnopolitics*, 1 (2001), p.8.

¹³ Pruitt, D.G. “Whither ripeness theory?” *Working Paper no. 25*, (Fairfax, Virginia: George Mason University, Institute for Conflict Analysis and Resolution, 2005), www.gmu.edu/departments/ICAR/wp_25_pruitt.pdf

¹⁴ I. William Zartman, “Ripeness: The Hurting Stalemate and Beyond”, in Paul C. Stern and Daniel Druckman (eds.), *International Conflict Resolution After the Cold War* (Washington, D.C.: National Academy Press, 2000), p.241.

¹⁵ I William Zartman, “Understanding Intractability”, in Crocker, C. A., F. O. Hampson, and P. R. Aall (eds.), *Grasping the nettle: Analyzing cases of intractable conflict*. (Washington, DC: United States Institute for Peace, 2005), pp.247-264.

¹⁶ Charles Enderlin, *Shattered dreams: the failure of the peace process in the Middle East, 1995-2002*, (trans. Susan Fairfield). (Oxford: Blackwell, 2003), p.xiv.

right of return for all refugees since 1948 and their descendants, the restoration of lost property and adequate compensation. They also wanted a separate Palestinian state on all the lands occupied since June 1967, including East Jerusalem. The Israelis showed no inclination to admit Palestinians back into "Israel proper", and were equally reluctant to grant the Palestinians a separate state on the 1967 territories. Israel had already annexed Jerusalem and declared it the "eternal and undivided capital of the State of Israel". Since then, successive Israeli governments have been busy chasing Palestinians out and bussing Jewish settlers in. It would be a very brave Israeli Prime Minister who would even signal a readiness to compromise on this issue. But even in other less symbolically charged West Bank areas, aggressive settler communities have been gobbling up large chunks of territory, with full government support. It would also be an extraordinarily courageous Israeli politician who could defy the increasingly influential settlers and signal intent to return territory to the Palestinians.

In light of this, the announcement of the Oslo Accord was a pleasant surprise to most concerned (and a nasty one for the hardliners on both sides), greeted with near-universal jubilation. One commentator described the deal as "the mother of all breakthroughs in the century-old Arab-Jewish conflict in Palestine", adding that future generations "will look at Monday, 13 September 1993... as one of the most momentous events in the twentieth century history of the Middle East".¹⁷ The Nobel Peace Prize was precipitately awarded to the key protagonists.

Prior to the secret Oslo talks, Israelis would not even talk to the "terrorist" Palestinian Liberation Organisation (PLO). When the upheavals wrought by the end of the Cold War and the Iraqi invasion of Kuwait forced the US-led anti-Iraq coalition to offer some concessions to Arab public opinion, the resulting Madrid peace conference of 1991 did not include the PLO. The Palestinians were represented by interlocutors from the occupied territories who attended as part of the Jordanian delegation. The right-wing regime of Prime Minister Yitzak Shamir (as later admitted) had no intention of seeing those talks to a successful conclusion, and every intention of stalling as long as possible so as to accelerate settlement construction to make peaceful return of territories to Palestinians practically impossible.¹⁸

An important change occurred with the election of the left-leaning coalition under Labour party leader Yitzak Rabin in 1992, a political shift which coincided with deep rethinking and a lively debate about Israel's options.¹⁹ The rethinking was influenced by global and regional upheavals accompanying the end of the Cold War, and the eruption of the

¹⁷ Shlaim, "The Oslo Accord", p.24.

¹⁸ Maryon J. Aronoff and Yael S. Aronoff, "Domestic Determinants of Israeli Foreign Policy", in Robert Owen Freedman, ed. *The Middle East and the Peace Process: The Impact of the Oslo Accords* (Gainesville: University of Florida Press, 1998), p.11.

¹⁹ Aronoff and Aronoff, "Domestic Determinants," pp.26-27.

Palestinian *intifada* in 1987, developments which convinced many in Israel that the occupation was unsustainable in the long term.²⁰

To the PLO, which was facing isolation both internationally and within the Arab world following its support for Saddam during the Gulf crisis, the Oslo initiative offered a welcome lifeline. Just as Israel came under heavy pressure from the Bush administration to show seriousness in seeking peace, the PLO was starved of funds and diplomatic support, and deeply worried about losing its role as the main Palestinian representative to new forces that began to emerge and grow inside the Palestinian territories. Here, the interests of the PLO and Israel converged, as both saw in the new emerging Palestinian groups, in particular the radical Islamist Hamas, a common threat.²¹

However, while both sides were desperate for a deal, neither was in a position to offer major concessions. The four major sticking points (Jerusalem, the refugees, borders and the settlements) were all left for the "permanent status negotiations" to be commenced during the agreed five-year interim period, and no later than the third year. Meanwhile, a "process" was set in motion, whereby a Palestinian authority would be set up, with limited powers to deal with security and civil affairs in selected areas of the Occupied Territories. The Israelis hoped that the holding of elections and the direct confrontation with the hardliners would help empower more "moderate" elements within Palestinian opinion. Success in containing violence would convince more Israelis to support the peace process and make the offer of further concessions more palatable. The more "moderate" Palestinian leadership would presumably make fewer and less taxing demands, to which Israeli opinion would be more amenable. The Israelis also calculated (rightly, as it turned out) that the peace deal would end Israel's regional isolation and improve its diplomatic relations with the rest of the world.

For the PLO, the agreements brought instant international recognition, actual power on the ground and generous funding to enable it to continue with its policy of cooptation and patronage. It hoped that the interim period would bring virtual control over the Occupied Territories, and make the prospects of an actual Palestinian state more realistic. Improved relations with the Israelis, solid Arab support and international pressures would force Israel to offer the concessions needed to make that state a reality.

In this regard, the contradictory expectations from the process meant that the "peace partners" were from the beginning destined to pull in opposite directions. The structure of the interim period demanded that each side should assist the other in reaching a mutually acceptable solution, but it also created the temptation, even imperative, for each side to work to undermine its "peace partner" by pushing its own agenda by creating "facts on the ground".

²⁰ Aronoff and Aronoff, "Domestic Determinants," p.12. Shlaim, "Oslo Accord," pp 27-28; Herbert C Kelman, "Some Determinants of the Oslo Breakthrough", *International Negotiation* 2(1997), pp.187-189.

²¹ Joel Beinin, "The Demise of the Oslo Process," *Middle East Report*, March 26, 1999, <http://www.merip.org/mero/mero032699.html><http://www.merip.org/mero/mero032699.html>, (accessed: 1/25/2010); Kelman, "Some Determinants of the Oslo Breakthrough", p.187.

Relying on "readiness theory", Dean G Pruitt contends that the key factors at play referred to a situation where "a party will move toward resolution of a heavily escalated conflict (entering negotiation, making concessions, etc.) to the extent that it is (a) motivated to to achieve de-escalation and (b) optimistic about finding mutually acceptable agreement that will be binding on the other party."²² In the specific case of Oslo, "motivational ripeness" (the desire to end conflict), was assisted by a weakened and threatened PLO, and an Israel equally alarmed by the cost of containing the *intifada*, and both seeing in Hamas as a common threat. Sources of optimism came from the election of a relatively conciliatory Labour government in 1992, which was also encouraged by the PLO's isolation, but also by the positive outcome of the initial Oslo contacts.²³

However, while it is true that both sides were motivated by escaping what each perceived as an "impending catastrophe", this analysis does not explain why both sides later permitted the agreement itself to turn into such a catastrophe.

The CPA and its Discontents

The CPA was also an internationally acclaimed accord, which raised great hopes and then dashed them. It was described by an internationally mandated commission as "an extraordinary achievement", bringing to an end "one of Africa's longest running civil wars which had caused horrendous loss of life and untold suffering".

It comprises a number of interlocking texts, covering political, economic and security issues, unprecedented in the history of peacemaking in Africa in its complexity and comprehensive nature.²⁴

Prior to that agreement, the Sudanese conflict had similarly appeared intractable. The positions of the two main protagonists were diametrically opposed, mirroring deep divisions along religious, ideological and ethnic identity issues. The regime in Khartoum was committed to an aggressive Islamization and Arabization project for which it brooked no opposition and for the sake of which it saw no sacrifice as too big to make. The rebel Sudan People's Liberation Army/Movement (SPLA\M) was not only committed to reversing those Islamization policies, but it was also fervently committed to its own aggressive project of secularization and "Africanization". Its view was that the dominant Arab-Islamic elite had imposed on the African majority an unwelcome Arab-Islamic identity, which must now be rejected in favour of a more authentic indigenous African identity.²⁵ The two stances appeared as irreconcilable as any.

²² Dean G. Pruitt, "Ripeness Theory and the Oslo Talks", *International Negotiations* 2 (1997), p.239.

²³ Pruitt, "Ripeness Theory", pp.243-4.

²⁴ Assessment and Evaluation Commission, Mid Term Evaluation Report Submitted Pursuant to the Comprehensive Peace Agreement. JULY 2008, p.7.

²⁵ Francis Deng, "Southern Sudan and the Cultural Change of Governance", paper presented at the Conference on the current Peace and Security Challenges in the Horn of Africa, organized jointly by Centre for Policy Research and

Here again, the changing local and international atmosphere forced the antagonistic sides to compromise. And the dynamic worked in paradoxical ways. It was against the background of the accession of George W. Bush and his neoconservative allies to the White House and the trauma of 9/11 that the US administration took a proactive role in the process which pushed the Islamist regime and the southern rebels towards an agreement. But the process had in fact started in early 2000, when intelligence cooperation between Sudan and the US started in earnest. This was occasioned by the August 1998 bombing of a pharmaceutical factory in Khartoum in retaliation for the terrorist bombing of US embassies in Kenya and Tanzania earlier that month. The Clinton administration then argued that the factory was owned by Osama bin Laden and produced chemical weapons. Both assertions turned out to be false and the US realised what a huge gap it had in its intelligence on Sudan. As a result, it reluctantly took the offer of Sudan for intelligence cooperation and set up CIA and FBI stations in Khartoum from March 2000.

The Bush administration inherited this incongruous relationship, and it was crucial in eliminating Sudan from the list of suspects of 9/11. In fact, the US had backed a UN Security Council resolution ending diplomatic sanctions against Sudan which had been imposed in 1996 after accusations of complicity in an attempt to assassinate Egyptian President Hosni Mubarak in Addis Ababa in June 1995. The new resolution was due to be voted on in the week of September 10, and was eventually endorsed before the end of the month. Earlier that month, President Bush had appointed former Senator (and ordained Episcopal priest) John Danforth as his envoy to Sudan. Danforth managed, within months, to broker a ceasefire in the Nuba Mountains area, and put in motion the process which accelerated negotiations. The US was joined in this by Britain, Norway and Italy, who worked in tandem to breathe life into the faltering peace process then sponsored by the IGAD regional organisation.²⁶

The breakthrough was helped by a shift in US policy from a determination to topple the regime in Sudan towards a policy of containment. This shift was influenced by a number of considerations. First, the regional alliance on which the US relied to pressure the regime had collapsed by 1998, as Ethiopia and Eritrea went to war and Uganda got embroiled in the conflict in neighbouring Democratic Republic of Congo (DRC).²⁷ Other developments convinced both the SPLA and the US government of the need to work towards a peaceful solution. One factor was that Sudan had succeeded by 1999 (in spite of US opposition and sanctions) to produce and export oil (mainly from the South), making the SPLA and its allies

Dialogue and InterAfrica Group, 12-13 March, Addis Ababa (proceedings available at: <http://www.cprdhorn.org/PeaceandSecurityintheHorn.pdf>), pp.92-95.

²⁶ Ann Kelleher, (2006) "A Small State's Multiple-level Approach to Peace-making: Norway's Role in Achieving Sudan's Comprehensive Peace Agreement", *Civil Wars* 8 (2006), pp.295-6; ISS (Institute of Security Studies), *The Sudan-IGAD Peace Process: Signposts for the way forward*, African Security Analysis Programme, paper 86, March 2004, pp. 4-6. Further insight and an authoritative insider view is provided in Hilde F. Johnson, *Waging Peace in Sudan: The Inside Story of Negotiations That Ended Africa's Longest Civil War* (Brighton: Sussex Academic Press, 2011).

²⁷ Abdelwahab El-Affendi, "The Perils of Regionalism: Regional Integration as a Source of Instability in the Horn of Africa?", *Journal of Intervention and Statebuilding* 3(2009): pp.1-9.

fearful that the regime could now afford to persecute its war more vehemently, but also offered an incentive to make a deal so as to share in this new found wealth.²⁸

In addition, a split within the regime in late 1999 saw its strong man and its key Islamist ideologue, Dr Hassan Turabi, toppled from power. This increased expectations within the region and internationally that the regime would now tone down its Islamist ambitions and become more pragmatic, thus making the US and other international actors, and also the SPLA, more inclined to do business with the regime.

Probably the most decisive factor in creating the "ripening" moment was the shift in the US stance, and some of its key allies, from an implicit support for regime change in Sudan towards engagement with Khartoum and taking a sustained interest in the peace process. This has, in turn, led to creation of a "Troika" made up of Norway, Britain and the US, which worked behind the scene (often without full consultation with other allies, in the interest of secrecy and efficiency). This alliance mobilised significant diplomatic, political and financial resources and constant pressure on parties to move towards peace and overcome obstacles to agreement.²⁹

The CPA was the outcome of all these convergences, and its signing in Nairobi, Kenya, on January 9, 2005 was understandably welcomed by all. And here, not even the most extreme of extremists voiced open hostility, though some expressed a number of reservations. The CPA stipulated a six year interim period, during which the ruling NCP was to share power with the SPLM. The latter was to have what amounted to sole control of the South, under a secular system, while also acting as a junior partner in the Government of National Unity (GoNU). Other actors were given minor roles, and all were supposed to work for a genuine democratic transition, which started with the promulgation of an interim constitution (done in 2005) and the amendments of laws to extend and enhance freedoms.

Of the six separate CPA protocols, laboriously negotiated over many years, the core document was the Machakos Protocol, signed in July 2002. It stated the length of the interim period, provided for autonomy for the South, equitable power-sharing at the centre and the right to vote in an internationally monitored referendum either to confirm Sudan's unity or vote for secession. The Power Sharing Agreement signed in May 2004 allowed the NCP to control 52% of seats in the GoNU, with 28% going to the SPLM and the rest to other political forces. The SPLM Chairman is the First Vice President nationally and constitutes, with the second Vice-President and the President, the institutions of the Presidency. The SPLM chairman additionally heads a separate Government of Southern Sudan (GoSS), in which the SPLM control 70% of seats in the government and legislature, with 15% to the NCP and 15% for

²⁸ Timothy Carney, "Some Assembly Required: Sudan's Comprehensive Peace Agreement", *United States of Peace Special Report*. SR 194. November, 2007, pp.4-6; Jostein Tellnes, "The Unexpected Deal: Oil and the IGAD Process". *Conciliation Resources* (<http://www.c-r.org/our-work/accord/sudan/oil-igad.php>).

²⁹ Johnson, "Waging Peace in Sudan", pp.24-34.

other Southern parties. In state governments in the North, 70% go to the NCP, 20% for other northern parties and 10% for the SPLM.

The Wealth Sharing Agreement, signed in January 2004, allocated 50% of oil revenues from fields in the South allocated to the GoSS and 50% allocated to the national government. The South will have a banking system run according to conventional interest-based norms, while the North will continue to run its current "Islamic Banking" regime.

The Abyei Protocol, signed in May 2004, accorded that border region a special administrative status during the interim period, with a referendum at the end to determine whether to remain in the North. A special commission is to determine the region's boundaries. A similar protocol signed in May 2004 accorded the states of Southern Kordofan and Blue Nile a special status. Their administration was run jointly by the NCP (55%) and the SPLM (45%), with governorship rotating between the two partners.

The Security Arrangements Protocol signed in September 2004 provided for a permanent cessation of hostilities and a full withdrawal of the national army from the South within two years. Joint Integrated Units (JIUs) of 37,000 soldiers were to be set up, with equal numbers from the Sudan Armed Forces (SAF) and the SPLA. They were to be deployed to sensitive areas commonly stationed, but with separate command and control structures. The SAF and the SPLA were to continue to function as separate armies with both considered part of Sudan's National Armed Forces. A special UN mission was set up to monitor the ceasefire and support implementation of the CPA's provisions.

In spite of its specific and detailed provisions, the implementation of the agreement depended on the two sides cooperating on multiple tasks and working together towards a common purpose. But like Oslo, it also offered incentives to withhold cooperation and work to undermine the "peace partners", an option both resorted to frequently.

The Objectives of Peace

Even before they began to falter, the Oslo Accords have been subjected to close scrutiny in a series of studies, which started by exploring the wonders of the miraculous breakthrough and then focused on the lessons of failure. But from the beginning, it was clear that, in spite of declaring an end to the conflict on the basis of mutual recognition of "legitimate rights", with the implementation of UN Security Council resolutions 242 and 338 as the bottom line, nothing concrete was agreed, other than that the Palestinians should give up violence.³⁰ The expectation of the Palestinians for a separate state was only explicitly recognised in the Roadmap brokered by the US in 2003, but the concept still entailed no specific commitments from Israel. The unarticulated, alternative for the two-state solution was to have one state for the two peoples. In the case of the CPA, the objective was the

³⁰ Kittrie, "More Process than Peace", p.1688.

opposite: to create conditions favourable for the maintenance of a united democratic (preferably secular) state, but with the reserve option of creating two separate states if that did not work.

However, in both cases, the miracle was achieved at a price: none of the main protagonists had given up one inch on its main policy commitments. In Oslo, the Israelis did not concede anything on the settlements, Jerusalem, borders or the right of return. Neither did the Palestinians. In the Sudanese case, both sides declared victory. The NCP expressed elation that the agreement legitimized its hold on power and conceded that Islamic *Shari'a* laws were to remain in force in the North. The SPLA hailed the agreement as a triumph for its "New Sudan" project and the first step towards actualizing it, starting with full autonomy for the South and the start of a political process put would ultimately create a secular, democratic, multicultural state in Sudan.

And herein lies the secret of both agreements: the institution of a "process" to compensate for the absence of substantive agreement. There was to be, as Kittrie succinctly put it, "more process than peace". In both cases, the ultimate resolution of the remaining intractable differences was left to mechanisms and processes to be negotiated in due course. In both cases, each side gambled that the mechanisms would bring about an outcome more favourable to its position, and in fact began to work in that direction. In the case of Oslo, the processes included more negotiations, but also some experimental arrangements on the ground. In the Sudanese case, the mechanisms included, in addition to experimental arrangements, the reform of state institutions, including the setting up of a bewildering number of commissions. International monitoring and arbitration and, ultimately, elections and referenda, were also involved. In spite of expectations to the contrary in the Sudanese case, endless rounds of negotiation and renegotiation (and further mediation) proved unavoidable.

Parallels and Contrasts

There were a number of significant differences between the two processes. For one thing, in the Sudanese case substantive agreements have been reached on a significant number of issues, in contrast to the Oslo deal which skirted around the core substantive issues and was in effect "an agenda for negotiations, governed by a tight timetable, rather than full-blown agreement".³¹ Thus the element of a gamble was that much smaller in the Sudanese case. No less significant was the fact that in the Sudanese case, the underdog has secured sizeable international sympathy and support, and also enjoyed significant popular support within the country, including the North, the natural constituency of its opponent. The SPLM had also secured undisputed control of its "territories" in the South, with minimal oversight from the central government.

³¹ Shlaim, "The Oslo Accord", p. 33.

By contrast, the Palestinian underdog continued to be disadvantaged in that area, with minimal support even among its Arab backers. Palestinian control over allocated territories was nominal, even in areas where they were supposedly in control, as the PNA remained legally, economically and militarily subject to Israeli hegemony. The situation has been exacerbated by deep and damaging divisions within the Palestinian camp, making it even less likely that significant outside pressure would be brought on Israel to yield on some of the remaining issues.

An important contrast can also be seen in how respective constituencies viewed the agreements. In the case of the CPA, the endorsement was near unanimous among all sections of the population, and international support was overwhelming. For the Oslo Accords, international acclaim notwithstanding, there were sizeable rejectionist constituencies in both camps, and they kept growing. Religion was invoked, as both Hamas and Jewish hardliners expressed the view that it was against religious teachings to cede any territory.³² In both camps, voters gave overwhelming support to the hardliners.

However, in both cases the fact that the parties continued to view the "peace" process as a gamble with very high stakes created a very dangerous situation. As both sides remained committed to their entrenched and divergent positions, peace became in fact war by other means.³³ On the Israeli side, and for major actors on the international community, the hope was that the peace process was going to tame the more extremist actors and promote moderation in both camps. As Palestinians begin to reap some peace dividends in economic prosperity, freedoms and self rule, extremist groups such as Hamas, Islamic Jihad and other radicals would lose support. The newly instituted Palestinian National Authority (PNA) was expected to take a more active role in suppressing these groups; in fact, this was its *raison d'être* from the Israeli point of view. The Israeli establishment was only persuaded to (very reluctantly) embrace the "terrorist" PLO because that increasingly ineffective organization was being supplanted by the more aggressive new Islamist groups.³⁴ The "sacrifices" made in this regard would only be justifiable if the PNA became more effective than Israelis have been hitherto in countering the radical threat. Once this is done, Israeli public opinion could be in turn persuaded of the benefits of peace.³⁵

However, the shape of the final settlement remained elusive. The Israelis hoped to get away with minimal territorial concessions, keeping Jerusalem and most settlements, while conceding little with regards to the right of return. The Palestinians could conceivably have bargained the right of return for significant territorial concessions, even though this would have been difficult to sell to the refugees who may then simply form another PLO to represent

³² Charles Enderlin, *Shattered Dreams: The Failure of the Peace Process in the Middle East, 1995-2002*. (trans. Susan Fairfield), (Oxford: Blackwell, 2003), p.2.

³³ Marwan Bishara, "The Oslo Process: War by Other Mean". *Global Dialogue*, 4 (2002) (<http://www.worlddialogue.org/content.php?id=234>).

³⁴ Beinun, "The Demise of the Oslo Process".

³⁵ Aronoff and Aronoff, "Domestic Determinants," p. 23.

them. However, any Israeli government would face considerable difficulties with regards to either concession. Israeli politicians continued to vie with each other over who has the clearest "red lines" beyond which he will brook no compromise. And these usually incorporated all the points of contention.³⁶

Dramatic Reversals

In both cases, the tragic and sudden demise of key architects of the peace deal drastically affected further developments, albeit in different ways. The assassination of Rabin by a Jewish extremist in November 1995 was in itself a reflection of the intensification of opposition to the deal, and a warning shot to his successors about the deep divisions that began to appear in Israeli society. Rabin's violent demise in effect blew away what little chance the agreement had in bringing about peace. The sudden death of SPLA leader Colonel John Garang in a helicopter crash in July 2005 (less than three weeks after assuming his post as First Vice-President on July 9) had a less drastic impact on the peace process itself, but has certainly affected the dynamics of implementation. It may be difficult to gauge the overall impact of Garang's demise, but as a visionary with a strong personality, he would certainly have been more combative and assertive than his soft-spoken and unassuming successor, Lt. Gen. Salva Kiir Mayardit. In that case, the agreement would have probably run into major troubles earlier, which means that Garang's departure may have saved the CPA from a fate similar to that of Oslo. Garang's legacy thus remains ambiguous.³⁷

As things stand, Lt. Gen. Mayardit has been accused by supporters and critics from the opposition of having conceded too much to the NCP, in particular with regards to pushing through democratic reforms. However, Mayardit's conciliatory approach did not prevent serious and repeated clashes with the SPLM's peace partner, including a full scale war over the Abyei enclave in May 2008. The conflict was only partially resolved by resort to international arbitration the following year. Prior to that, deep differences prompted SPLM ministers to walk out of the GoNU in October 2007 and stay out for nearly three months. A subsequent six-week boycott of parliament only ended in mid-December 2009 after demands speedy passing of key laws before the parliament's final recess were acceded to. In both cases, the tactic worked and the NCP gave the SPLM what it wanted with regards to southern issues, but it stood its grounds on such issues as the repressive National Security Act.

On balance, a delicate equilibrium was established, resulting in a division of a sphere of influence, with the SPLM being more or less in complete control of the South, while the NCP dominated national politics and most of the north. In this regard, the NCP has achieved its key objective of remaining entrenched in power, while the SPLM has secured autonomy for

³⁶ Ariel Sharon, "Six Red Lines for Peace", *The Jerusalem Post*, July 21, 2000.

³⁷ Deng, "Southern Sudan"; John Young, "Garang's legacy to the peace process, the SPLM/A & the south", *Review of African Political Economy* 32 (2005), pp. 535

the South. However, the objective of building a democratic order which could keep Sudan united appears more elusive than ever. This trade-off was inherent in the CPA, which appeared to make unity conditional on successfully establishing a multicultural democratic system. However, the NCP has done its best to minimize the cost to itself of any democratizing concessions, thus inevitably pushing the SPLM to espouse secession. This division of spheres of influence was entrenched even more when the NCP won the overwhelming majority of elected posts in the April 2010 elections, with the SPLM doing the same in the South, amid widespread accusations of rigging by opponents who boycotted the elections. The SPLM withdrew from presidential elections, alleging unfairness, but secured the presidency of the South.

Despairing of bringing the change it had hoped for peacefully, the SPLM increasingly drifted towards a secessionist agenda. In December 2009, it came out in favour of secession openly for the first time, a position which was overwhelmingly endorsed in the referendum which was finally held on January 9, 2011, against overwhelming odds. The NCP-dominated government in Khartoum has indicated that it will accept the outcome, which means that the South will officially secede on July 9. A few contentious points remain, including borders, the sharing of oil (which is mainly in the South but is exported through the North), the sharing of the country's foreign debt, the citizenship status of Southerners in the North and vice versa and the disputed Abyei enclave. The latter is the flash point most likely to re-ignite the war.

In the case of Israel, the murder of Rabin had much more drastic consequences. His successor as interim Prime Minister, Shimon Peres, tried to cultivate a comparable, but rather unconvincing, image of a "tough guy", and as a result embroiled himself in two disastrous military campaigns, one against Hezbollah in Lebanon and the other against Hamas in the Occupied Territories. The Lebanon campaign ended into a horrific massacre of civilians and helped legitimize Hezbollah through the April Cease-fire Understanding, guaranteed by the US, the UN, the EU, France and Russia. The assassination of Hamas's "bomb-maker" Yahya Ayyash in January 1996 had even more disastrous consequences, provoking a series of retaliatory suicide bombings in February and March which all but blew the Oslo Accords off the water.

Thus Peres' manoeuvres, calculated to win him the 1996 elections, had the opposite effect, sweeping into office Benjamin Netanyahu, who never concealed his opposition to the Accords and immediately started doing everything he could to dismantle them. But even before Netanyahu came to power, Peres has practically suspended and even began to reverse the Oslo process. Not only did he stop planned redeployment from Hebron, but he instituted draconian "total closures" of the Palestinian areas, turning the whole of the Palestinian population into virtual prisoners in their villages and neighbourhoods.³⁸ From that

³⁸ Mark Rosenblum "Netanyahu and Peace: From Sound Bites to Sound Policies?", In Robert Freedman (ed.) *The Middle East and the Peace Process: The Impact of the Oslo Accords*. Gainesville, FL: University of Florida Press, 1998), pp. 35-80.

moment on, the Oslo process has been going downhill, as the two sides went into a spiral of conflict and violence.

Anatomy of Failure

Both agreements have turned into a bitter disappointment, with the Oslo Accords turning into a veritable disaster for the Palestinians, and the CPA threatening to be so for the Sudanese. While the AEC's interim assessment of the CPA's implementation was largely positive, with some key reservations, other observers were not that upbeat. A former US ambassador to Sudan commenting at a stage when the CPA's more problematic aspects became evident concluded that:

Hope is waning that the CPA will pave the way to a modern, united Sudan with a government responsive to all its peoples. The SPLM/A leadership is focusing on developing the South rather than creating a national political movement.³⁹

Dr Francis Deng, a prominent Sudanese intellectual writing around the same time, was equally sceptical.

While the CPA has stopped hostilities in the South and the border regions of Abyei, Nuba Mountains, and southern Blue Nile, and the DPA and the ESPA aim at doing the same in Darfur, these agreements have not effectively addressed the national identity crisis and the marginalization of the non-Arab regions. It is also becoming obvious that their implementation is seriously flawed in both pace and content. What appears to be emerging is a pattern of containment in which the National Congress Party (NCP) continues to dominate the GNU and pursue its Arab-Islamic agenda, with minimum concessions for containment purposes.⁴⁰

John Young argued that the agreement had in fact provoked more conflict. Citing claims by rebels from Darfur that they had been motivated to take up arms by their perception of the exclusive nature of the CPA, which only allowed belligerents a real share in power, he concluded that the agreement had failed even in achieving the minimal goal of stopping violence.

As 2009 drew to a close, the International Crisis Group (ICG) came up with another sombre assessment.

Sudan is sliding towards violent breakup. The main mechanisms to end conflicts between the central government and the peripheries – the Comprehensive Peace Agreement (CPA), the Darfur Peace Agreement and the East Sudan Peace Agreement – all suffer from lack of implementation, largely due to the intransigence of the National Congress Party (NCP).⁴¹

Even now, after January referendum has been successfully organized, fears of renewed violence still persist as the two partners continue trade accusations.

³⁹ Carney, "Some Assembly Required", p. 1.

⁴⁰ Francis Deng, *Sudan at the Crossroads*. MIT Center for International Studies Audit of the Conventional Wisdom, March 2007, pp. 3-7.

⁴¹ (ICG), "Sudan: Preventing Implosion", p. 1.

The Oslo process has turned into an even more of an unmitigated calamity, with millions of Palestinians under siege in Gaza, and many others suffering elsewhere in the occupied territories. One of Israel's most extreme right wing coalitions is currently in power, and the prospects for progress look dim. The Palestinians remain divided and so are the Israelis. Those calling for peace and compromise remain lone and isolated voices, and politicians on both sides do not have a viable peace formula to sell to their respective constituencies.

The diagnostic analyses of the failure ranged from the conceptual to the contingent. Most analyses ascribe the problem to the structure of the agreement, in particular its twin pillars of "constructive ambiguity" and "open-ended gradualism". The texts could not be pinned down for meaning, and the end result of the process was left deliberately indeterminate.⁴²

For some, a fundamental conceptual error where the conflict "was construed and treated as an interstate conflict", thus overlooking the complexities inherent in inter-group conflict, was responsible for the simplistic approach adopted.⁴³ For yet others, the core fault of Oslo was its "liberal" assumptions about the benefits of mutual recognition, building of trust, and the benefits of cooperation and integration. In this view:

By contrast, Oslo enthusiasts, like the Israeli writer Amos Oz, the process has never failed because it has never been tried. In contrast, others espousing a "Realist" stance argued that the problem was not with implementation, but with the very "liberal" ethos of the agreements. From this Realist perspective, the liberals have wrongly misconstrued mutual recognition as indication that the conflict was now "ripe" for resolution, while in reality a shift in the balance of power had forced the parties to negotiate, without signalling readiness to reach a settlement or even shift from a zero-sum game to a cooperative relationship, thus making "constructive ambiguity" in fact destructive.

In fact, the problem with mutual recognition within the Oslo Process was that it contained "destructive ambiguity." This ambiguity masked large gaps in each side's conceptualization of what mutual recognition meant in practice. Rather than providing reassurance that the zero-sum game was over, "destructive ambiguity" heightened the sense of threat to the core objectives of both sides and thus contributed to the development of a "spiral of insecurity" based on mutual suspicion rather than mutual trust.⁴⁴

According to this view, the solution should be to institute separatist, rather than integrationist policies, starting with a physical separation even without overall agreement.

From the opposite side of the spectrum, it has been argued that it was precisely the skewed balance of power which meant that this was not an agreement between equals, but

⁴² Kittrie, "More Process than Peace"; Kelman, "Some Determinants of the Oslo Breakthrough".

⁴³ Barak, Oren, "The Failure of the Israeli-Palestinian Peace Process, 1993-2000", *Journal of Peace Research* 42 (2005), p. 733.

⁴⁴ Rynhold, "The Failure of the Oslo Process", p. 10.

a cooptation of the Palestinians as auxiliaries in their occupation, making the accords "neocolonial –in fact... *strictly colonial-* arrangement".⁴⁵ The Roadmap, devised by the US and other international actors in 2003 reproduced the flaws of the Oslo Accords by stipulating a tortuous process which puts the burden on the Palestinians to safeguard Israel's security while the occupation continues.⁴⁶

The role of outsiders is also seen as an important factor. While many in the policy community see the role of international actors (and in particular the US) as crucial, others see it as counterproductive, comparable to an "addictive drug".⁴⁷ The perceived Western and US pro-Israeli bias has also been a source of anger in the region. In the Sudanese case, the US role in the design and pushing through of the CPA has also been blamed for what some see as its fundamental flaw: that it has prioritized "negative peace" over democracy in order to serve American security interests. Citing the work of Alejandro Bendana, John Young argues that the international input in peace-making tends to

typically marginalise critically aggrieved parties, give short shrift to human rights abuses, project a narrow conception of democracy, and are principally designed to suppress violence, rather than give due attention to the underlying causes of the violence.⁴⁸

It was this narrow concern with security and the suppression of violence, critics argue, which enabled the NCP to manipulate the process and stall on the demands of the democratic transformation.⁴⁹ The international community has also been blamed for failing to honour its pledges for post-peace reconstruction, which impacted the crucial "peace dividend".

One can add that the international community, having put its faith in electoral processes which should presumably herald a democratic transition, appears to be hanging onto something akin to a superstition. Were the NCP regime to embrace the democratic process seriously that would be akin to committing suicide. The regime stands accused of egregious human rights violations, including crimes against humanity and even genocide in Darfur. Its leader, Lt. Gen. Omar Hassan al-Bashir, is wanted by the International Criminal Court on an indictment relating to Darfur. The opposition makes no secrets of its grudges against the regime and its desire for retribution when in power.

At the same time, the NCP is firmly in control of the army, police and intelligence forces, while many of its adherents (who include tribal militias) are "armed and dangerous". It would thus be naïve to believe that the NCP would enthusiastically democratize, meekly

⁴⁵ Tikva Honig-Parnass and Toufic Haddad (eds) *Between the Lines: Readings on Israel, The Palestinians and the U.S. War on Terror* (Chicago, IL: Haymarket Books, 2007), p. 39.

⁴⁶ Hanieh and Catherine Cook, "A Road Map to the Oslo Cul-de-Sac".

⁴⁷ Leon Hadar, The Real Lesson of the Oslo Accord: "Localize" the Arab-Israeli Conflict. *Cato Institute Foreign Policy Briefing*, May 9, 1994. (<http://www.cato.org/pubs/fpbriefs/fpb-031.html>) (accessed: 30/1/2010; 9:16:21 PM).

⁴⁸ Young, "Sudan's Peace Process", pp. 108-9. Cf., Alejandro Bendana, *What Kind of Peace is Being Built? Critical Assessments from the South*, January 2003., Ottawa: IDRC).

⁴⁹ ICG), "Sudan: Preventing Implosion", p. 2.

hand over power to their enemies and prepare to travel to The Hague to face the ICC. This is a consideration the international mediators appeared to completely disregard, having failed to negotiate the consequences of handing over power, in case the democratic transition works.

Narratives of Insecurity and Vindication

It could be concluded from this analysis that what is common to the Oslo Process and the CPA are the features of open-ended gradualism and deliberate ambiguity. As has been mentioned, these features were crucial to get the two sides to reach agreement in the first place. However, they were also the very features which caused the agreements to unravel, since the open-endedness meant that there was everything to play for. As some commentators noted, this made the deals like a proposed cease-fire, triggering a feverish competitive scramble by both sides to improve their positions at the expense of their rivals when the conflict resumes.⁵⁰

These are important and valid points, but they do not exhaust the parameters of the problem. It is true that gradualism would have worked only if there was agreement on an eventual destination for the process, or a reasonable prospect for agreeing on such a destination. However, if the prospects for such an agreement were dim, then cloaking the differences in studied ambiguity and supposed gradualism would be tantamount to self-deception. And if it is known that the attachment of the parties to conflicting goals is practically non-negotiable, then the peace "gamble" in this regard starts to look more like a Russian roulette, where the stakes are life itself.

Any peace venture is in a sense a gamble: one takes a chance that former enemies could turn into partners who could be trusted, and that one's core objectives would be better served by peace than war. There is also an element of a gamble in any democratic process: one is always uncertain what the outcome of elections or other processes would be. However, in neither case can it be a "winner takes all" gamble. It had to be, as democratic theoreticians argue, a form of "bounded uncertainty". There are limitations within which the democratic process is allowed to fluctuate, determined by the basic rights of the participants and their vital interests.⁵¹ This is especially so since conflicts erupt when groups believe that their vital interests are under threat. It is thus unlikely that people who are ready to fight and die to achieve certain objectives would then agree to gamble them away and leave them at the mercy of a process with indeterminate outcomes.

The first rule of any viable peace process is thus to remove insecurity-generating uncertainties and commit all sides to a process that will not impact negatively on their vital

⁵⁰ Kittrie, "More Process than Peace", p. 1693.

⁵¹ Phillip C. Schmitter, "Some basic assumptions about the consolidation of democracy", In Takashi Inoguchi *et. al.* (eds) *The Changing Nature of Democracy* (Tokyo: United Nations University., 1998), pp. 24-29.

interests or core values. This is something that both the Oslo Accords and the CPA failed to do. Both agreements failed to resolve the fundamental disagreements dividing the conflicting parties. Instead, they created a sort of "pre-peace" wilderness where the antagonistic parties were supposed to cooperate in spite of their conflicting agendas. The paradox was that as both processes unfolded, the uncertainty and insecurity for both sides increased, as each side proceeded to secure what it felt was its vital interests. The veritable "spiral of insecurity" in fact produced the certainty of negative consequences for both sides, provoking from each even more hostile conduct.

This problem is inherent in the nature of those conflicts, where the protagonists are so deeply and unshakeably attached to their positions on ethical, and even existential, grounds that these positions are practically non-negotiable. For the Palestinians the right to return back to their homeland from which they were violently and unjustly evicted seems incontestable. It is a fundamental right in international law, it is constituent of Palestinian national identity and also is backed by religious vindication. For the Israelis, the dual imperatives of divine vindication of the Jewish right to the Holy Land and the need for protection after the Holocaust self-evidently trump the niceties of international law and other considerations.

In Sudan, the ruling Islamist group could not negotiate away its Islamic commitments which are the very grounds of its self-justification. In practical terms, it cannot also afford to lose power and allow its leaders to face certain prosecution and its followers to face persecution and loss of privileges, unless some firm assurances of the type offered to South African whites in the post-apartheid era are on the table. Similarly, the Southern rebels and their backers have resolutely refused to become "second class citizens" in a state dominated by Islamist ideology.

In both cases, the opposing camps are strongly attached to narratives of vindication which portray their position in categorical ethical terms of national rights and religious commitments. These narratives are buttressed by narratives of insecurity of an endangered community facing national humiliation or even genocide. For Israeli Jews (and coincidentally also for Southern Sudanese) the threat comes from hordes of "Arabs" and fanatical "Islamic militants" who, if they were to have their way, would exterminate or enslave the non-Muslims and non-Arabs. For the Palestinians and Sudanese Islamists, the enemy is imperialism in collusion with Zionism (or the other way round), which poses a mortal threat to the autonomy and existence of Arabs and Muslims.

The situation is exacerbated by the facts that, in all camps, there is an increasingly powerful militant constituency which seeks to play up the narratives of insecurity and brandish the narratives of vindication in order to undercut those willing to make compromises, thus making matters even more difficult. Militants on both sides were so strongly motivated that they were prepared to go to any length to make their point, as happened with the murder of Rabin, the attack on Palestinian worshippers in Hebron in 1994, and the Hamas attacks from

1996. They have also shown that they could mobilise electoral support that the Israeli anti-Oslo camp did in 1996 and again in 2001, and as Hamas did in 2006.

The ensuing deadlock can be broken in one of two ways, and ideally a combination of the two. The first is to generate creative ideas and successfully sell them to key actors. This is precisely what happened in the case of Sudan, where the progress towards a solution started with a report published by the Washington-based Centre for Strategic and International Studies (CSIS) in February 2001. Concluding that the Clinton administration policy which prioritized containment and favoured regime change in Khartoum had practically failed, and with oil shifting the balance in favour of Khartoum, it was time to give priority to ending the war in the South on the basis of a formula of "One country, two systems" (an idea which echoes the formula adopted by China and Britain regarding Hong Kong in 1997). The report recommended that the incoming Bush administration should team up with the UK and Norway to give a powerful push to the peace process and abandon the idea of regime change.⁵² This is precisely what happened. But it only ushered in a partial agreement, which needed similar, but more radical, ideas.

However, the shift in perspective by mediators is not sufficient to affect things on the ground, especially when the protagonists are so deeply attached to their respective positions as to make external intervention ineffective. In this regard, it might in fact be useful to harness the narratives of insecurity themselves to bring about change. While Israelis traumatized by memories of the Holocaust live in fear of being overwhelmed by their Arab neighbours, many in Israel fear that continuing to hold to the Palestinians territories could "destroy" the Jewish state from the inside, giving it a Palestinian majority. This was what motivated Rabin and Peres to explore the Oslo option in the first place. So did the spectre of endless conflict within the state raised by the *intifada*. This spectre was raised again by Israeli Defence Minister Ehud Barak who warned Israelis in a speech at a security conference in early February 2010 that failure to make peace with the Palestinians would mean that either Israel would lose its Jewish identity or become an apartheid state.⁵³ It is to be recalled similar invocations of dire security threats were behind decisions by fairly hawkish Israeli leaders to withdraw from Sinai (1982), Lebanon (2000) and Gaza (2005). Similarly, worries by the Sudanese regime about possible aggressive US policies after 9/11 must have strongly influenced its decision to go along with American peace proposals starting from early 2002.

Conclusion

Ripeness theoreticians and other peace analysts recognize "true believers" as a special category of actors who may not be swayed by the cost-benefit calculus of "mutually

⁵² Francis M. Deng and J. Stephen Morrison (2001) *U.S. Policy to End Sudan's War* (Report of the CSIS Task Force on U.S.-Sudan Policy), (Washington DC: Centre for Strategic Studies and Research, February 2001).

⁵³ McCarthy, "Barak: make peace with Palestinians or face apartheid", *The Guardian*, 3 February, 2010.

hurting stalemates" and other adversities. In fact, they might find self-vindication in suffering and sacrifice, and continue fighting to the bitter end. However, given time and patience, "true believers (or their supporters" must eat too".⁵⁴ On the other side, it has been argued that all protracted conflicts do have a component of "true belief", involving existential issues (e.g. the physical survival of the community), or core identity issues, etc. "If protracted conflicts were not about such salient issues, then they would hardly protract in the first place."⁵⁵

From these converging perspectives, it can be surmised that high-stakes "true believer" conflicts are different only in degree from other cost-benefit conflicts. Only the stakes are higher as is the pain threshold. I vividly recall how, while interviewing a senior Iranian cleric in London in 1988, I put to him a question about why the Iranian regime insists on continuing with its senseless war on Iraq regardless of its obvious futility. His answer was categorical. "For us," he said, "this is a holy duty. Even if all Iranians were to perish, we will never stop this war before victory." The interview was conducted on Tuesday. On Friday that same week, Ayatollah Khomeini gave his "cup of poison" speech in which he declared Iran's acceptance of UN proposals for a ceasefire. It would appear that even holy warriors can have second thoughts. They have to pay attention to costs, or else the conflict could take care of itself by becoming suicidal.

The Sudanese and Israeli-Palestinians cases do indicate that "true believers" do take costs into account, but they are also willing to push things to the limit and "go for broke" in gambling to win all. While all peace processes must have an element of gamble, including aspects of "constructive ambiguity" and gradualism, too high a dose of these components could backfire and make cooperation counter-productive for each side. In the Oslo processes, the Palestinians were supposed to cooperate to safeguard Israel's security, but if they did, they would lose leverage and watch the territory promised to them devoured by settlers. The Israelis were supposed to cede territory and control, but there was also a perception here that this would compromise security. And there was also the political insecurity of political leaders, who fear that offering concessions would be their downfall, thus creating another type of "entrapment". It was the same with regards to the CPA, where the two partners faced the same compounded insecurity challenges. The NCP wanted SPLM cooperation to achieve a peaceful transition to a united Sudan, which was to remain under its control. The SPLM, by contrast, saw Sudan's future as a secular state with a clear African identity; and if not, then it would opt for separation. While the two sides needed each other for pragmatic reasons, at least within a power-sharing arrangement that enabled each side to contain its own internal dissidents, their final objectives could not be more contradictory. To help the other side would undermine one's own power and sabotage one's core objectives.

⁵⁴ Zartman, "Ripeness", 239-40.

⁵⁵ Mitchell, Christopher R.. "Conflict, Social Change and Conflict Resolution. An Enquiry." In David Bloomfield, Martina Fischer and Beatrix Schmelzle, eds., *Berghof Handbook for Conflict Transformation, Dialogue No. 5.* (Berlin: Berghof Research Center for Constructive Conflict Management, 2005), pp. 1-23).

As a special category of "intractable" conflicts, those involving "true believers" must not be tackled through open-ended gradualism, as this could create temptations to pursue the conflict under a false peace umbrella, thus favouring the more powerful side and exacerbating the conflict. The temptation with such intractable conflicts is understandably to aim lower: to find a half-way house with a "road map" to the ultimate objectives. The low expectations of these strategies of "conflict transformation", de-escalation, piece-meal progress, etc.,⁵⁶ can only work if the two sides are agreed on the ultimate objectives and do not intend to use the interim procedures to change the rules of the game. But it is precisely in such conflicts that one should resist these temptations and opt instead for a twin strategy of creative proposals coupled with the harnessing of the very narratives of insecurity which underpin intransigence for the purposes of encouraging compromise. As Bar-Tal and his colleagues argue specifically with regards to the Israeli case, to break the deadlock, creative and novel thinking is essential in order to challenge entrenched beliefs and insecurities and transform thinking about the costs of the status quo.⁵⁷ The challenge is to prevent the launching of "spirals of insecurity", and build "pyramids of security" instead.

⁵⁶ Crocker *et. al.*, *Grasping the Nettle*; Louis Kriesberg, Terrell A. Northrup, Stuart J. Thorson, *Intractable conflicts and their transformation*, Syracuse, NY: Syracuse University Press, 1989; Peter T. Coleman, "Paradigmatic Framing of Protracted, Intractable Conflict: Toward the Development of a Meta-framework-II", *Peace and Conflict: Journal of Peace Psychology*, 10 (2004), pp. 197-235.

⁵⁷ Daniel Bar-Tal, Eran Halperin, and Neta Oren, "Socio-Psychological Barriers to Peace Making: The Case of the Israeli Jewish Society", *Social Issues and Policy Review*, 4 (2010), pp. 63-109.