

A consensus has emerged that “spoilers”—factions or individuals who resort to violence to derail peace processes—pose the greatest threat to negotiated peace accords.¹ Spoiler violence has challenged peace processes in Angola, Cambodia, Liberia, Northern Ireland, Israel-Palestine, Sierra Leone, and recently in Darfur. The failure of peace processes has been devastating. In Rwanda, for example, the failure of the Arusha Accords triggered an anti-Tutsi genocide that resulted in the deaths of some 800,000 people. In Angola, some 300,000 civilians were killed after Jonas Savimbi’s UNITA faction rejected the terms of the 1991 Bicesse Accords. And in the Darfur region of Sudan, as many as 100,000 civilians have been killed or displaced from their homes since the collapse of the 2006 Darfur Peace Agreement (DPA). The violent blowback from the DPA continues to ravage Darfur.

¹ A growing literature investigates spoilers. See Stephen John Stedman, “Spoiler Problems in Peace Processes,” *International Security* Vol. 22, No. 2 (1997), pp. 5-53; Kelly M. Greenhill and Solomon Major, “The Perils of Profiling: Civil War Spoilers and the Collapse of Intrastate Peace Accords,” *International Security* Vol. 31, No. 3 (2007), pp. 7-40; Wendy Pearlman, “Spoiling Inside and Out: Internal Political Contestation and the Middle East Peace Process,” *International Security* Vol. 33, No. 3 (2009), pp. 79-109; Andrew H. Kydd and Barbara F. Walter, “Sabotaging the Peace: The Politics of Extremist Violence,” *International Organization* Vol. 56, No. 2 (2002), pp. 263-296; Ethan Bueno de Mesquita, “Conciliation, Counterterrorism, and Patterns of Terrorist Violence,” *International Organization* Vol. 59, No. 1 (2005), pp. 145-176; Michael Doyle and Nicholas Sambanis, *Making War and Building Peace: United Nations Peace Operations* (Princeton, NJ: Princeton University Press, 2006), pp. 257-280; Michael G. Findley, “Spoiling the Peace or Seeking the Spoils? Civil War Outcomes and the Role of Spoilers,” unpublished Ph.D. dissertation, University of Illinois, Urbana-Champaign, 2007; Suzanne Werner and Amy Yuen, “Enforcing Peace: Suppressing Extremists without Losing the Moderates,” in Alex Mintz and Bruce Russett, ed., *New Directions for International Relations: Confronting the Method-of-Analysis Problem* (Lanham, MD: Lexington Books, 2005); John Darby, *The Effects of Violence on Peace Processes* (New York: United States Institute of Peace Press, 2001); Edward Newman, and Oliver Richmond, eds., *Challenges to Peacebuilding: Managing Spoilers During Conflict Resolution* (New York: United Nations University Press, 2006). A closely related literature examines the success and failure of peace processes. See Roy Licklider, “The Consequences of Negotiated Settlements in Civil Wars, 1945–1993,” *American Political Science Review*, Vol. 89, No. 3 (September 1995), pp. 681-690; Chaim Kaufmann, “Possible and Impossible Solutions to Ethnic Civil Wars,” *International Security* Vol. 20, No. 4 (Spring 1996), pp. 136-175; Alexander B. Downes, “The Holy Land Divided: Defending Partition as a Solution to Ethnic Wars,” *Security Studies*, Vol. 10, No. 4 (Summer 2001), pp. 58-116; Alexander Downes, “The Problem with Negotiated Settlements to Ethnic Civil Wars,” *Security Studies* Vol. 13, No. 4 (Summer 2004), pp. 230-279; Nicholas Sambanis, “Partition as a Solution to Ethnic War: An Empirical Critique of the Theoretical Literature,” *World Politics*, Vol. 49, no. 4 (July 2000), pp. 437–483; Page Fortna, *Peace Time: Cease-Fire Agreements and the Durability of Peace* (Princeton, NJ: Princeton University Press, 2004); Rui J.P. and Barry R. Weingast de Figueiredo, “The Rationality of Fear: Political Opportunism and Ethnic Conflict,” in Barbara F. Walter and Jack L. Snyder, ed., *Civil Wars, Insecurity, and Intervention* (New York: Columbia University Press, 1999); Charles King, *Ending Civil Wars*, Adelphi Paper 308 (Oxford: International Institute for Strategic Studies [IISS]/Oxford University Press, 1997); Caroline Hartzell, “Explaining the Stability of Negotiated Settlements to Intrastate Wars,” *Journal of Conflict Resolution* Vol 43, No. 1 (February 1999), pp. 3–22; Hartzell, Matthew Hoddie, and Donald Rothchild, “Stabilizing the Peace After Civil War: An Investigation of Some Key Variables,” *International Organization* Vol. 55, No. 1 (Winter 2001), pp. 183–208; Bumba Mukherjee, “Why Political Power-Sharing Agreements Lead to Enduring Peaceful Resolution of Some Civil Wars, but Not Others?” *International Studies Quarterly* Vol. 50 (2006), pp. 479-504; Philip Roeder and Donald Rothchild, ed., *Sustainable Peace: Power and Democracy after Civil Wars* (Ithaca, NY: Cornell University Press, 2005).

What causes spoiler problems? Previous research links spoilers to the motivations, relative power, or internal structures of would-be spoiler factions.² According to the “motivations” argument, spoilers threaten to ruin the peace because their worldviews, thirst for power, or greed renders them unwilling to implement a peace accord.³ According to the “relative capabilities argument,” spoilers ruin peace processes and fight for better terms when they have the physical power and will to do so.⁴ According to the “internal structures” argument, spoilers emerge when weak factions in groups that lack an institutionalized system of legitimate representation disagree with the policies of a peace accord.⁵ Without an alternative means to challenge the dominant faction or to compel a favorable position in peace negotiations, these factions have an incentive to return to violence.

This paper demonstrates that in an important set of cases, an alternative approach has more explanatory power than theories centered on motivations, relative power, or internal structures. I argue that when government decision makers perceive the costs of both peace and non-participation in peace processes as higher than the costs of continued war—a strategic scenario not uncommon for governments of weak and failing states—they attempt to manipulate peace processes to their own advantage by co-opting certain insurgent factions in peace agreements while excluding others, in the process “creating” spoiler problems.

In this scenario, the benefits of co-opting part of the opposition are many. A government that manages to bring some, but not all, of the opposition into a peace accord can expect to decrease the chances of an enduring yet costly peace, avert the costs of non-participation in a peace process, and improve the chances of achieving a low-cost battlefield solution. As the below case studies of the Sudan peace processes demonstrate, perpetuating

² Stedman, “Spoiler Problems in Peace Processes”; Greenhill and Major, “The Perils of Profiling”; Kydd and Walter, “Sabotaging the Peace.”

³ Stedman, “Spoiler Problems in Peace Processes.” For more on insurgent and terrorist motivations, see especially Stathis N. Kalyvas, *The Logic of Violence in Civil War* (New York: Cambridge University Press, 2006); Max Abrahms, “What Terrorists Really Want: Terrorist Motives and Counterterrorism Strategy,” *International Security* Vol. 32, No. 4 (2008), pp. 78-105.

⁴ Greenhill and Major, “The Perils of Profiling.”

⁵ Pearlman, “Spoiling Inside and Out,” pp. 85-86.

violent conflict by creating spoilers can, ironically, be a political survival strategy for weak and desperate regimes.

The article proceeds as follows: First, I lay out my explanation of spoiler problems in peace processes. Second, I describe alternative explanations and discuss each alternative's observable implications. Third, I describe the methodology used in this paper. Fourth, I provide detailed case studies of Sudanese government strategy in the North-South peace process and in the Darfur peace process that demonstrate how the government's divide-and-rule strategy has undermined peace and stability in Sudan, created so-called "spoilers," and imperiled the prospects of future peace building in Sudan. Fifth, I conclude the article by discussing my framework's policy implications.

Manipulating the Peace: How and When Governments Create Spoilers in Peace Processes

How do governments create spoilers in peace processes? One answer is that they co-opt an insurgent faction or sub-faction. Doing so leaves any remaining insurgent factions—the "spoiler(s)"—outside of any peace agreement and increases the insurgency's remnants' vulnerability to renewed counterinsurgency operations. This strategy is intended to weaken and fracture the remaining opposition, sow distrust among opposition leaders, create or exacerbate infighting among or within remaining opposition factions, and shield the government from international disrepute.⁶ When the militant Albanian Kosovo Liberation Army (KLA) began a violent insurgency, for example, Yugoslavian president Slobodan Milosevic entered negotiations with the Democratic League of Kosovo (LDK), the main non-violent Albanian political party. This polarized the Albanians, dividing them between LDK and KLA and buttressing Milosevic's strategy of isolating the KLA and annihilating it militarily.⁷

⁶ "Turned" moderates might also serve as informers against the militant organization and provide valuable intelligence that can lead to enhanced countermeasures. See Bueno de Mesquita, "Conciliation, Counterterrorism, and Patterns of Terrorist Violence."

⁷ Tim Judah, *Kosovo: War and Revenge* (New Haven, CT: Yale University Press, 2002).

How do governments co-opt factions as part of a divide-and-rule strategy? Most scholarly treatment of this phenomenon focuses on the targeted co-optation of “moderates,” usually ideologically defined.⁸ The popular notion of “moderates” in violent opposition movements usually assumes an exogenous, rigid set of beliefs or goals among one or more subsets within the opposition. The nature of these factions’ beliefs or goals, in turn, determines whether governments can successfully “flip” them. These assumptions are problematic. Although a government might have a better probabilistic chance of co-opting a faction that has a pre-existing moderate ideology than one that is committed to extremism, numerous puzzles emerge. For example, some governments never make a meaningful attempt to co-opt putative moderate factions; others try, but fail, to co-opt so-called ideological moderate factions; still others manage to co-opt factions whose beliefs are extreme. Although co-opting ideological moderates is an attractive proposition in theory, ideology itself fails to explain why so-called moderates defect at one time but not at another when their preferences, ideas, and beliefs remain fixed. What explains this puzzle?

I argue that the governments manage to flip insurgent factions under particular strategic conditions. Ideology plays only a secondary role. Other factors are necessary to explain co-optation and, consequently, “spoiling” behavior in peace processes. I argue that the interaction of a government’s expected battlefield capabilities and pre-existing fragmentation within an insurgency combine to explain these phenomena. The government’s expected costs of not signing an agreement also affect these outcomes.

More specifically, my argument is that government-created spoilers are likely to emerge when three conditions are satisfied: (1) government decision makers expect to have a military advantage in renewed counterinsurgency operations or prefer protracted low-level insurgency

⁸ See, for example, Arjun Chowdhury, and Ronald R. Krebs, “Making and Mobilizing Moderates: Rhetorical Strategy, Political Networks, and Counterterrorism,” *Security Studies* Vol. 18, No. 3 (2009), pp. 371-399; Max Abrahms, “Why Democracies Make Superior Counterterrorists,” *Security Studies* Vol. 16, No. 2 (April-June 2007), pp. 243-244; Mia Bloom, *Dying to Kill: The Allure of Suicide Terror* (New York: Columbia University Press, 2005), pp. 96-100; Daniel A. Byman, *The Five Front War: The Better Way to Fight Global Jihad* (New York: Wiley, 2008), chap. 7.

to an enduring peace; (2) government decision makers face international pressure to sign a peace agreement; (3) the government's opposition has visible pre-existing divisions or weak in-group policing.

The presence of these conditions creates an environment in which divide-and-rule politics played out under the pretense of a formal peace process (1) is a government's and an opposition faction's best option and (2) is relatively easily attainable for both the government and the faction.⁹ In short, when the above conditions are met, governments and insurgent factions will agree to a "peace" that sets the stage for a new phase of war.

The Expectation of Military Advantage

According to a recent study of 90 counterinsurgency campaigns since 1945, these campaigns' mean duration is 14 years.¹⁰ Why do campaigns of insurgency and counterinsurgency so often become protracted? One reason is that most guerrilla insurgencies have large aims. They want to take over the existing government, secede from an existing state, or gain regional autonomy. Most governments strongly prefer not to make the concessions that insurgencies seek. Fundamental disagreement over the distribution of national assets, domestic governance, or political rights, along with commitment problems that frustrate efforts at civil war termination, go far in explaining why insurgencies last so long—governments have an incentive to fight rather than to settle.¹¹

⁹ Put differently, the first two conditions create an incentive for government spoiler creation and the third condition creates an opportunity. The confluence of the three conditions explains the emergence of government-created spoilers. For example, between 2000-2005, during the Naivasha and Machakos negotiations between the Sudanese government and the Sudan People's Liberation Movement/ Army (SPLM/A), the government tried, but failed, to split the SPLM/A, arguably due to the group's strong in-group policing. See Douglas Johnson, *The Root Causes of Sudan's Civil Wars* (Oxford: James Currey, 2003), pp. 178-180; International Crisis Group, "Power and Wealth Sharing: Make or Break Time in Sudan's Peace Process," ICG Africa Report No. 55 (December 2002), p. 11; International Crisis Group, "Dialogue or Destruction: Organizing for Peace as the War in Sudan Escalates," ICG Africa Report No. 47 (June 2002), p. 6.

¹⁰ Seth G. Jones, *Counterinsurgency in Afghanistan* (Santa Monica: RAND Corporation, 2008), p. xii.

¹¹ On commitment problems and civil war termination, see especially Barbara F. Walter, "The Critical Barrier to Civil War Settlement," *International Organization* Vol. 51, No. 3 (1997), pp. 335-364; Barbara F. Walter, *Committing to Peace: The Successful Settlement of Civil Wars* (Princeton, NJ: Princeton University Press, 2002). For an empirical examination of how the stakes and structure of insurgency leads to

Two potential military scenarios make a divide-and-rule strategy attractive to government decision makers.

First, government decision makers are likely to pursue a divide-and-conquer strategy when they believe that co-opting a part of the opposition will lead to the insurgency's subsequent defeat. When a government can co-opt an insurgent faction at a reasonable cost, government armed forces can often isolate and target remaining insurgent factions more efficiently.¹² In numerous important counterinsurgency campaigns, such as the British campaigns in Rhodesia and Kenya, the American campaigns in the Philippines, and the Indian campaign in Kashmir, "turned" factions have played a decisive role in helping government forces identify and capture or kill remaining extremists.¹³ Insurgent factions who defect during peace processes can serve the same function in renewed counterinsurgency operations.

Second, government decision makers are likely to pursue a divide-and-rule strategy when they believe that co-opting a part of the opposition will marginalize remaining militants at an acceptable cost, that is, a lower cost than they believe that settling with the entire insurgency would require. Although total victory in renewed counterinsurgency operations is the most preferred goal of co-opting opposition factions, government decision makers should pursue a divide-and-rule strategy when they expect the cost of peace to be high, and when they expect that peeling away a part of the opposition will limit the remaining militants' capabilities such that continued war against a weakened adversary is preferable to continued war against the entire opposition. In northeastern India, for example, relatively unthreatening, low-intensity conflicts have persisted in the wake of settlements in Nagaland in 1975 and in Bodoland in 2003.

protracted campaigns, see James D. Fearon, "Why Do Some Civil Wars Last So Much Longer Than Others?," *Journal of Peace Research* Vol. 41, No. 3 (2004). For a formal statement of why governments fight rather than settle, see James D. Fearon, "Fighting rather than Bargaining," paper presented at the annual meeting of the American Political Science Association, Chicago, IL (August 2007).

¹² See Ethan Bueno de Mesquita, "Conciliation, Counterterrorism, and Patterns of Terrorist Violence: A Comparative Study of Five Cases," unpublished working paper, University of Chicago.

¹³ Lawrence E. Cline, "Pseudo Operations and Counterinsurgency: Lessons From Other Countries," Strategic Studies Institute (June 2005). Accessible online at <http://www.blackwaterusa.com/btw2005/articles/080105counter.pdf>. See also Paul Staniland, "Between a Rock and a Hard Place: Insurgent Rivalry and Ethnic Defection in Kashmir and Sri Lanka," unpublished manuscript, Yale University, 2009.

Exploiting insurgent factions to weaken the opposition's capabilities can simultaneously mute anti-government threats and enable the government to avert the full costs of a robust negotiated settlement.

International Pressure

Although governments can and have pursued a divide-and-rule strategy in the absence of international pressure, weak governments are more likely to do so when under international pressure.¹⁴ In what might otherwise be a stable equilibrium, outsiders can unintentionally hasten spoiling behavior. When outsiders can credibly impose costs for failing to reach an agreement, reluctant combatant parties—parties to the conflict who expect to be able to revise the situation to their own advantage after international pressure dies down—have an incentive to remain in a peace process but to manipulate it internally. Diplomatic coercion can bring parties to the negotiating table and result in a signed peace accord—absent third-party intervention, combatant parties are significantly less likely to attempt to sign or implement a peace accord.¹⁵ Yet in some cases, the absence of third-party intervention could be a positive factor, reducing the chances that defections will occur and that renewed conflict will be increasingly likely to be protracted.

Despite empirical evidence to the contrary,¹⁶ most international peace builders believe that negotiated settlements can create stability at the national and regional level, ameliorate humanitarian crises, create preconditions (e.g., compromise among militant groups) for democracy, and serve as a “solution” to civil war that is less risky and expensive than military intervention and more humane than non-intervention. For these reasons, there is now

¹⁴ This insight builds on Kelly Greenhill's analysis of the problem of armed group fragmentation for third-party intervention in Burundi. Greenhill suggests that negotiating with one group over others could have induced resentment among excluded factions and encouraged them to retaliate against the third party. See Kelly M. Greenhill, "Mission Impossible? Preventing Deadly Conflict in the African Great Lakes Region," *Security Studies* Vol. 11, No. 1 (Autumn 2001), p. 119.

¹⁵ Walter, *Committing to Peace*.

¹⁶ Donald Rothchild, "Power Sharing as an Impediment to Peace and Democracy," in Philip G. Roeder and Donald Rothchild, ed., *Sustainable Peace: Power and Democracy after Civil Wars* (Ithaca, NY: Cornell University Press, 2005) pp. 29-50; Duffy Toft, "Peace Through Security."

significant pressure to end civil wars by negotiation.¹⁷ Historically, civil wars were fought to the finish, with one side defeating the other on the battlefield. During the Cold War, only 13 of 61 civil wars, or 20%, ended as a result of a truce or settlement. After the Cold War, however, 38 of 54 (70%) civil wars have ended in a negotiated settlement.¹⁸

Governments are in a unique position to manipulate international pressure to resolve conflicts by negotiation. For any deal to succeed, government consent is necessary: redistributing national assets, changing laws, and amending constitutions requires government approval. Consequently, international mediators and negotiating teams must craft agreements to which governments will assent. Given governments' general preference to avoid large-scale concessions, mediators are pressured to craft "lowest common denominator" agreements that could appeal to governments and any insurgent factions who might join. These agreements are unlikely to satisfy insurgent factions with maximal demands. Yet if the government and at least one opposition faction assent to a deal, the basis exists for a formal agreement. Mediators can then seek buy-in from remaining factions, but a peace accord can be signed and potentially implemented without the remaining factions. This kind of agreement places pressure on remaining factions either to join the agreement and compromise their ideals, on which their popular support often depends, or to remain outside the agreement and be viewed as a "spoiler" while risking permanent exclusion from government concessions.

¹⁷ Insider accounts of peace negotiations in Rambouillet, Dayton, Abuja, Naivasha, and Lomé, which sought to resolve the civil wars over Kosovo, Bosnia, Darfur, the Sudanese north-south civil war, and Sierra Leone, respectively, are filled with stories of mediators and international officials intimidating, yelling at, and making coercive threats to reluctant combatant parties. For descriptions of such pressure, see John L. Hirsch, *Sierra Leone: Diamonds and the Struggle for Democracy* (Boulder, CO: Lynne Rienner, 2000); Abiodun Alao and Comfort Ero, "Cut Short for Taking Short Cuts: The Lome Agreement on Sierra Leone," *Civil Wars*, Vol. 4, No. 3 (2001), pp. 117-134; Ivo H. Daalder, and Michael E. O'Hanlon, *Winning Ugly: Nato's War to Save Kosovo* (Brookings Institution Press, 2001). Lise Howard goes so far as to argue that a "norm" of negotiated settlement now exists. See Lise Morje Howard, "The Rise and Possible Demise of the Norm of Negotiated Settlement," paper presented at the annual meeting of the American Political Science Association, Chicago, Illinois (2004); Page Fortna, "Where Have All the Victories Gone?: War Outcomes in Historical Perspective," paper presented at the annual meeting of the American Political Science Association, Chicago, Illinois (2004).

¹⁸ Fortna. "Where Have All the Victories Gone?", p. 4.

Pre-Existing Divisions and In-Group Policing

A divide-and-rule strategy is only possible when an opposing faction is both willing and able to switch sides. Defection from insurgencies that have strong pre-existing ethnic, religious, or ideological bonds or well-established hierarchical control is difficult.¹⁹ Defection from insurgencies that have pre-existing divisions, rifts, or decentralized control, is easier and more likely.²⁰ Insurgent divisions are most obvious when groups are separated into independent movements with independent aims. In these cases, governments might be able to play factions off each other during negotiations, as the Sudanese government did during the North-South Peace Process.²¹ In other cases, governments identify and manipulate internal factions within insurgencies, as the Sudanese government did during the Darfur Peace Process.²²

For insurgent groups, internal fragmentation increases the chances that a faction will defect to the government's side. Disputes within the opposition can lead to factional infighting and compel threatened leaders to bring their followers to the government's side for protection, as various Kashmiri and Sri Lankan faction leaders have done over the past three decades.²³ In other conflicts, such as the Liberian and Sudanese civil wars, the government has used bribes or access to commercial opportunities to induce faction leaders to defect.²⁴ The effects of defection

¹⁹ On pre-existing social ties and defection, see James D. Fearon and David D. Laitin, "Explaining Interethnic Cooperation," *American Political Science Review*, Vol. 90, No. 4 (December 1996), pp. 715-735; Roger Petersen, *Resistance and Rebellion: Lessons from Eastern Europe* (New York: Cambridge University Press, 2001); Elisabeth Jean Wood, *Insurgent Collective Action and Civil War in El Salvador* (New York: Cambridge University Press, 2003). On hierarchical control in insurgencies, see Patrick Johnston, "The Geography of Insurgent Organization and Its Consequences for Civil Wars: Evidence from Liberia and Sierra Leone," *Security Studies* Vol. 17, No. 1 (2008), pp. 107-137.

²⁰ On the negative impact of decentralization on conflict resolution in Colombia, see Kent Eaton, "The Downside of Decentralization: Armed Clientelism in Colombia," *Security Studies* Vol. 15, No. 4 (October-December 2006), pp. 533-562.

²¹ Deborah L. West, "The Sudan: Saving Lives, Sustaining Peace," Belfer Center for Science and International Affairs Intrastate Conflict Program and World Peace Foundation Report Number 42 (Cambridge, MA: The World Peace Foundation, 2006), pp. 18-19.

²² Alex de Waal, ed., *War in Darfur and the Search for Peace* (Cambridge, MA: Harvard University Press, 2007).

²³ Staniland, "Between a Rock and a Hard Place." For a more general theory of government-dissident cooperation and conflict, see Stephen M. Shellman, "Process Matters: Conflict and Cooperation in Sequential Government-Dissident Interactions," *Security Studies* Vol. 15, No. 4 (2006), pp. 563-599.

²⁴ In Liberia, the Central Revolutionary Council (CRC) broke away from Charles Taylor's National Patriotic Front (NPFL) in 1994 and became an anti-NPFL liaison with the main incumbent authority at the time, the West African regional ECOMOG peacekeeping force. See Stephen John Stedman, Donald

ripple through the opposition: If the government co-opts one faction, it reshapes the conflict and negotiation environment in which all other factions operate, increasing the level of risk that they face, threatening the alliances that have been built, and sometimes leading others to defect. Because defection has negative consequences for remaining insurgents, opposition movements try to prevent factions from being co-opted, or by engaging in “in-group policing.”²⁵ Not all insurgent groups can successfully police defection. Some lack sufficient resources. Others are organized in a way such that factions operate relatively autonomously from each other and are thus difficult to control. In these decentralized insurgent groups, defection is both easier and less costly.²⁶ Governments are able to co-opt factions from groups that are weak and less able to punish defection.

Alternative Explanations

Personalities, War Aims, and Spoiler Emergence

Stephen John Stedman first developed the literature on spoilers in his 1997 *International Security* article “Spoiler Problems in Peace Processes,” in which he argued that spoilers emerge to sabotage peace processes largely because of elites’ motivations, aims, and personalities.²⁷ Stedman developed a typology that categorized spoilers as “limited,” “greedy,” or “total.”²⁸ He conceived of “limited” spoilers as actors whose aims can be met. “Greedy” spoilers are opportunistic actors whose aims expand and contract depending on the bargaining situation. “Total” spoilers are extremist actors whose “all-or-nothing” aims cannot be incorporated into a negotiated peace.

Rothchild, and Elizabeth M. Cousens, *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder, CO: Lynne Rienner, 2002), p. 602. In Sudan, the Minni Minawi and many other minor commanders defected from the coalition of Darfur insurgent movements to join the government. See below.

²⁵ On in-group policing, see Fearon and Laitin, “Explaining Interethnic Cooperation.”

²⁶ See Johnston, “The Geography of Insurgent Organization,” pp. 108-116.

²⁷ Stedman, “Spoiler Problems in Peace Processes.”

²⁸ Stedman, “Spoiler Problems in Peace Processes,” pp. 6-12.

Stedman's typology emphasizes the personalities of group leaders.²⁹ The typology de-emphasizes structural variables such as relative power or the presence or absence of a "hurting stalemate," which political scientists commonly cite as important explanatory variables.³⁰ Stedman's typology also fails to fully specify how spoilers' decisions depend on their beliefs about the nature of the strategic environment. Rather than focusing on how combatant parties' actions depend on their beliefs about the capabilities and intentions of their adversaries, he focuses on how their own histories, beliefs, and goals independently influence their decisions. From this perspective, mediators must diagnose combatant parties' true preferences and devise strategies based on these exogenous factors, not the strategic environment of the peace process.³¹

Stedman's theory is not predictive, so observable implications do flow directly from it. However, assuming that combatant parties' aims are largely exogenous, we can deduce combatant parties' "type" from their leaders' personalities, character, and past experiences. Based on these factors, group leaders can be labeled, *ex ante*, as potential "limited," "greedy," or "total" spoilers. To test the spoiler theory in case studies, histories and descriptive research can provide insight into whether leaders' predicted behavior in peace processes is consistent with their actual behavior.³²

Relative Capabilities and Spoiler Challenges

Kelly Greenhill and Solomon Major argue balance-of-power configurations determine whether spoilers ruin the peace. Based on the premise that the prevailing opportunity structure, which is determined by the relative power of combatant parties, is the primary determinant of

²⁹ See, for example, Stedman, "Spoiler Problems in Peace Processes," p. 10.

³⁰ Greenhill and Major, "The Perils of Profiling"; I. William Zartman, "The Timing of Peace Initiatives: Hurting Stalemates and Ripe Moments," *The Global Review of Ethnopolitics* Vol. 1 No. 1 (2001), pp. 8-18.

³¹ Suzanner Werner's research suggests that the strategic environment in which negotiations occur is more important than actors' exogenous aims. See Suzanne Werner, "Negotiating the Terms of Settlement: War Aims and Bargaining Leverage," *Journal of Conflict Resolution* Vol. 42, No. 3 (June 1998), pp. 321-343.

³² Although this is an imperfect method of evaluating Stedman's argument, it serves as a suitable first-cut attempt to apply his argument to cases outside the sample used in his study.

spoiler challenges,³³ Greenhill and Major argue that “the degree of spoiler behavior one witnesses at any given time—limited, greedy, or total—is largely a reflection of the probability that a given actor assigns to the likelihood that he can unilaterally alter the situation on the ground and the level of risk he is willing to assume to do so, rather than a fundamental difference in type.”³⁴ In other words, “Every real or potential spoiler will be as greedy as he thinks he can afford to be.”³⁵ This argument maintains that in potential spoiling situations, the causal mechanism operates in reverse of Stedman’s model.³⁶ As Greenhill and Major put it, “the type of spoiler does not determine the kinds of outcomes that are possible; instead, the kinds of outcomes that are possible determine whether spoilers emerge at any given time.”³⁷

The “relative capabilities” theory generates two testable implications. First, the strongest party to any conflict will be the most likely to spoil the peace and the weakest parties are the most likely to sue for peace. Second, groups will ratchet up or down its war aims following positive or negative changes in the balance of power when their decision makers know that the group has become stronger or weaker. When adversaries or mediators do not recognize these new demands, the relatively strong party will return to war to force the other actors’ hand.³⁸

³³ Greenhill and Major, “The Perils of Profiling,” p. 8.

³⁴ Greenhill and Major, “The Perils of Profiling,” p. 11.

³⁵ Greenhill and Major, “The Perils of Profiling,” p. 11.

³⁶ Between these two positions, Marie-Joelle Zahar has suggested the need for spoiler research that integrates groups’ diverse motivations and the structural environment in which they operate. See Zahar, “Reframing the Spoiler Debate in Peace Processes,” in John and Roger Mac Ginty Darby, ed., *Contemporary Peacemaking: Conflict, Violence, and Peace Processes* (New York: Macmillan, 2003).

³⁷ Greenhill and Major, “The Perils of Profiling,” p. 8.

³⁸ From a bargaining perspective - the theoretical framework that guides much of Greenhill and Major’s argumentation - this raises questions about why a shift in the relative power would not simply change the terms of a peace deal rather than the probability that a deal could be agreed to and implemented. That is, if all parties seek to agree to an optimal deal and to avert the costs of continued fighting, then the weaker side should recognize its own military inferiority and agree to a deal in which assets are distributed roughly proportional to the balance of power. This would not be the case if parties disagreed about or did not know what the balance of power was, if there was mutual distrust about each party’s relative power or intentions, or if there was an indivisible issue at stake. It also raises questions about why mediators would ever push hard for actors to sign a peace agreement in situations where there is an imbalance of power. For a fuller theory of bargaining and war, see James D. Fearon, “Rationalist Explanations for War,” *International Organization* Vol. 49, No. 3 (1995), pp. 379-414.

Internal Contestation and Spoiler Problems

Wendy Pearlman argues that spoiler emergence depends on the nature of a combatant party's internal structures and contestation.³⁹ Two factors matter. First, spoiling becomes more likely when at least one party to a conflict lacks an institutionalized system of legitimate representation. Lacking a legitimate institutional mechanism for non-violent intra-group representation, sub-factions within armed groups will attempt to influence the armed group's policies. Policy disputes are amplified around peace negotiations. An agreement that disfavors one faction's preferred policy position but favors another's could impose costly consequences on the losing faction. Second, spoiling becomes more likely when the balance of power within a combatant party's community favors a faction's rival. Weak factions are often denied participation in peace negotiations. They stand to lose their position within a national community's political hierarchy if their rivals and the government reach an agreement. Spoiling behavior is likely when a weak faction expects that violence will increase its future access to the resources necessary to compel a preferable policy.⁴⁰ A faction's decision can depend on the popularity of the peace process among its target audience—often its national community. A peace process' unpopularity among this audience can encourage the faction to spoil the peace. In this situation, spoiling the peace can ironically increase the faction's popularity and, consequently, help to attract the resources it needs to compel a preferable policy.⁴¹

The internal contestation model advances the following observables: When spoilers emerge, they will be weak factions from undemocratic groups or communities that lack a well-established policy-making process.

³⁹ Pearlman, "Spoiling Inside and Out."

⁴⁰ Pearlman, "Spoiling Inside and Out," pp. 82-86.

⁴¹ A corollary to this proposition is that a sub-faction might refrain from spoiling a popular peace process despite opposing it. Spoiling a popular peace process would potentially reduce the sub-faction's popular support and decrease its ability to achieve its objectives.

Methodology and Case Selection

The empirical section of this article focuses on tracing the processes of spoiling in each case with an eye to the mechanisms proposed by the above arguments.⁴² My small-*n*, case-based research design cannot generate precise quantitative estimates of the effect of *x* on *y*, but it does allow me to examine, in greater depth than a quantitative approach could, the extent to which the mechanisms and implications of each theory map onto a particular set of cases. I probe my theory with a paired-comparison study of two Sudanese peace processes—the so-called “North-South” peace process and the Darfur peace process. The Sudanese peace processes are examined for three reasons.

First, a single-country approach can control for unobserved heterogeneity that undermines causal inference in cross-national research. In a single-country study, the researcher can hold constant country-level factors constant while making fine-grained observations on the factors of interest. Examining the over-time dynamics of more than one peace process within the Sudanese context permits explanatory leverage and yields confidence in the findings’ internal validity.

Second, the dominant theories of spoiler dynamics cannot explain the outcomes of either Sudanese peace process. Studying cases that deviate from existing arguments is an excellent means of developing or refining theories.⁴³ Contrary to the relative capabilities thesis, for example, the strongest insurgent movement in the country remained cohesive throughout the formal negotiations of the North-South process and has cooperated in implementing a peace accord, while weaker factions that were excluded from the peace process continue to fight. And contrary to the motivations thesis, a Darfur faction leader who was widely regarded as the most

⁴² Alexander L. George, “Case Studies and Theory Development: The Method of Structured, Focused Comparison,” in *Diplomacy: New Approaches in History, Theory, and Policy*, ed. Paul Gordon Lauren (New York: Free Press, 1979); Alexander L. George, and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge, MA: MIT Press, 2005), chap. 10.

⁴³ Stephen Van Evera, *Guide to Methods for Students of Political Science* (Ithaca, NY: Cornell University Press, 1997), p. 70; Ronald Rogowski, “How Inference in the Social (but not the Physical) Sciences Neglects Theoretical Anomaly,” in *Rethinking Social Inquiry: Diverse Tools, Shared Standards*, ed. Henry Brady and David Collier (Lanham, MD: Rowman and Littlefield, 2004).

opportunistic among several, signed the Darfur Peace Agreement, while the less opportunistic Darfuri leaders continued to fight.

Third, these cases are relevant to policy. The need to make or broker peace in fragile or failing states is urgent. The policy challenges that are illustrated in the Sudanese cases are common in other at-risk countries: a weak, corrupt state apparatus viewed by a large portion of its citizens as illegitimate; endemic sectarian violence pitting Islamic extremists against secular Muslims and Christians; ethnic, clan, and racial violence; land disputes and claims of autonomy or secession; and major power involvement intended both to make peace and advance major power states' strategic interests at the lowest cost possible. Given the nature of these challenges, understanding the complex dynamics of negotiations in Sudan should interest those who advocate internationally sponsored negotiations between national governments and insurgencies in Afghanistan and elsewhere.

Manipulating the Peace in the Sudan

This section applies the insights developed above to two Sudanese cases: The North-South peace process and the Darfur peace process. In each case, the Sudanese government responded to international diplomatic pressure and domestic military pressure by manipulating the goals of peacemakers and co-opting some insurgent factions while isolating others. In the North-South process, the government bargained hard to exclude relevant factions in Darfur and in eastern Sudan while it negotiated a settlement with the SPLM/ A. In the Darfur process, African Union mediators who came under heavy pressure to produce a peace accord crafted an agreement that was favorable to the government but held little appeal to insurgent factions with maximal demands. In both cases, the government expected to increase its chances of defeating remaining "spoilers" while managing international pressure to cooperate in the peace processes. The government successfully undermined both peace accords, hindered the implementation of the accords, and continued its pursuit of a low-cost military solution to its insurgency problems.

The North-South Peace Process

Since it began in 2000, the Sudan peace process, which later came to be called the North-South peace process, aimed to end the nearly two-decade civil war between the government and the SPLM/ A, in which as many as two million southern Sudanese civilians were killed. Peace talks failed to progress until after September 11, 2001, when the United States took a more active interest in ending the conflict. At the same time, the government's war costs were accumulating and the SPLM/ A had made key military advances. The government became more willing to negotiate when these factors aligned. The government and the SPLM/ A signed successive agreements on various aspects of a settlement, including the June 2002 Machakos Protocol, the October 2002 "Agreement on the Ending of Hostilities," and the November 2002 "Memorandum of Understanding."⁴⁴

Meanwhile, civil war had erupted in the Darfur region of western Sudan, where guerrilla movements were attacking government outposts and garrisons.⁴⁵ The Darfur opposition had long embraced a non-violent strategy; the roots of the Darfur insurgencies lay in the self-defense militia that local African leaders had formed during the 1980s in response to violent incursions by nomadic Arab tribes armed by Khartoum and Libya.⁴⁶ Although there was sporadic localized violence in Darfur during parts of the 1980s and 1990s,⁴⁷ there was no significant anti-government rebellion. The African population in Darfur had been led to believe that the results of the "Sudan" peace process would include nationwide benefits for repressed minorities in all of the country's peripheral regions—including Darfur.⁴⁸ Yet as the peace process moved forward, Darfurians came to understand that they would be excluded; a

⁴⁴ Gerard Prunier, *Darfur: The Ambiguous Genocide* (Ithaca, NY: Cornell University Press, 2005), p. 90.

⁴⁵ There was a concurrent set of smaller local rebellions in eastern Sudan around this time. For comparative purposes, I focus on the Darfur case to show how the government's strategy impacted conflict-resolution efforts and subsequent fighting. Many of these insights also apply to the conflicts in the east.

⁴⁶ Julie Flint and Alex de Waal. *Darfur: A Short History of a Long War* (New York: Zed Books, 2005).

⁴⁷ Ali Hagggar, "The Origins and Organization of the Janjawiid in Darfur," in de Waal, ed., *War in Darfur and the Search for Peace*, p. 117.

⁴⁸ Johnson, *The Root Causes of Sudan's Civil Wars*, pp. 137-141. SPLM/ A leader John Garang had earlier insisted that any peace include all of Sudan's marginalized groups as part of what he called a "New Sudan." See Johnson, *The Root Causes of Sudan's Civil Wars*, pp. 141-142.

continued policy of non-violent resistance would yield no dividends.⁴⁹ Under this belief, local leaders in Darfur switched to a violent strategy.⁵⁰

The Darfur insurgents timed their initial attacks in 2002 and 2003 to coincide with key moments in the North-South peace negotiations. One Darfur politician put it simply: “you have to carry arms to be included.”⁵¹ Analysts agreed that the insurgents’ decision to rebel was directly linked to its exclusion from the North-South peace process. Scott Straus wrote: “Darfur...was never represented in the IGAD discussions, and the Darfur insurgents decided to strike partly to avoid being left out of any new political settlement.”⁵² Lee Seymour argued: “For the rebels in Darfur, the talks provided an impetus for expanding the war in order to fight their way to the negotiating table.”⁵³ International Crisis Group field researchers likewise observed that “rebels in Darfur, not participants in the IGAD peace talks, concluded that they had to fight lest decisions on power and wealth sharing for the entire country be taken without them.”⁵⁴

Now facing a nationwide, three-front counterinsurgency, the Sudanese government was faced with a decision about how to manage escalating domestic military pressure and rising international diplomatic pressure without compromising its national primacy. Even though the GoS preferred a military solution, Khartoum no longer had a reasonable chance to contain all of its insurgencies. Meanwhile, the US had escalated pressure on the GoS to settle with the SPLM/A. One observer of the ongoing peace negotiations in Naivasha, Kenya, said, “Naivasha

⁴⁹ On the logic of non-violent resistance, see Erica and Maria Stephens Chenoweth, “Why Civil Resistance Works: The Strategic Logic of Nonviolent Conflict,” *International Security* Vol. 33, No. 1 (Summer 2008), pp. 7-44.

⁵⁰ Various types of conflict had been endemic in Darfur since the mid-1980s, including tribal clashes, land disputes, Darfur’s status as a staging ground for Libyan military operations in neighboring Chad, banditry, a short-lived rebellion, and counterinsurgency by the Sudanese armed forces and their proxy militias. Although there had been persistent conflict for more than two decades, until 2003 fighting was largely local. The renewed fighting that began in 2003, however, was led by well-organized groups with national aims and ties that cut across cleavages. See de Waal, “Darfur, Sudan: Prospects for Peace,” *African Affairs* Vol. 104, No. 414 (2005), pp. 127-135.

⁵¹ “War Spreads,” *Africa Confidential*, April 4, 2003.

⁵² Scott Straus, “Darfur and the Genocide Debate,” *Foreign Affairs* Vol. 84, No. 1 (2005), pp. 123-33.

⁵³ Lee Seymour, “Conflict in Darfur and Regional Security in the Greater Horn,” in David Black and Paul Williams, ed., *The Darfur Crisis and International Society* (n.d.), p. 17.

⁵⁴ International Crisis Group, “Darfur Rising: Sudan’s New Crisis,” *Africa Report* No. 76, (March 2004), p. i.

began to turn into a strange theatre where the actors appeared driven to compromise more by American pressure than by any inner conviction that peace should actually be negotiated.”⁵⁵

To retain its national majority political status, Khartoum’s strategy was to negotiate a settlement with the southern Sudanese and to pursue a military solution to opposition from Sudan’s other minority populations.⁵⁶ Although prescient analysts predicted that excluding other Sudanese minority movements from the peace process would fail to produce an enduring peace,⁵⁷ the Sudanese government made clear that its willingness to negotiate at Naivasha was conditional on the exclusion of these movements.⁵⁸ If outsiders refused this condition, Khartoum threatened to deny international actors their primary objective in Sudan: a solution to the North-South conflict.⁵⁹

As little domestic or military leverage as the GoS had, its threats to abandon North-South alarmed international peace builders. As a result, ensuring Darfur’s exclusion from the process was easy. Besides, the other parties at Naivasha—the SPLM/A and international mediators—lacked a strong interest in demanding Darfur’s inclusion.⁶⁰ What was most important for all involved was resolving North-South: For the SPLM/A, including other movements threatened the movement’s progress toward achieving the primary goal of its twenty-year struggle, self-determination for southern Sudan;⁶¹ for the international delegation,

⁵⁵ Prunier, *Darfur: The Ambiguous Genocide*, p. 89.

⁵⁶ Sudan experts uniformly agree that at this point Sudanese government believed that it could defeat the remaining insurgents militarily. See Flint and de Waal, *Darfur: A Short History of a Long War*; Prunier, *Darfur: The Ambiguous Genocide*; Nathan, “The Making and Unmaking of the Darfur Peace Agreement.”

⁵⁷ International Crisis Group, which provides much of the best analysis of the Darfur war, was the foremost proponent of a nationwide peace process. See, for example, International Crisis Group, “Darfur: Towards an Incomplete Peace,” Africa Report No. 73, December 2003.

⁵⁸ Johnson, *The Root Causes of Sudan’s Civil Wars*, pp. 141-42.

⁵⁹ Flint and de Waal, *Darfur: A Short History of a Long War*, p. 129.

⁶⁰ Seymour, “Conflict in Darfur and Regional Security in the Greater Horn,” pp. 17-18.

⁶¹ Although the SPLM/A publicly supported a unified opposition against Khartoum, minority groups in Darfur suspected that the SPLM/A was using them instrumentally to increase pressure on the government to negotiate with it. See International Crisis Group, “Darfur Rising,” pp. 8-10.; Julie Flint, “Darfur’s Armed Movements,” in Alex de Waal, ed., *War in Darfur and the Search for Peace* (Cambridge, MA: Harvard University Press, 2007), p. 150.

including other movements threatened any potential North-South agreement. As a result, all parties in Naivasha willfully neglected the nascent insurgent movements.⁶²

Khartoum's strategy was not lost on the insurgencies in Darfur. In October 2003, Minni Minawi, the leader of the SLA's Zaghawa wing, explained his understanding of the GoS' strategy: "The government is negotiating with the south because of pressures from the international community and military pressure in the south, in the west, and in the east. A peace accord with the SPLM/A will be a way for the government to regroup to suppress the other marginalized areas, including the west and our movement in particular. We want a comprehensive peace for all of Sudan."⁶³

This confluence of interests made it possible for the government of Sudan to manipulate the peace in a way that facilitated its own political survival and escalated war against Darfur's insurgencies.⁶⁴ In exchange for a North-South agreement, international actors agreed to sponsor a separate Darfur peace process, which would commence after the North-South process was finalized.

United Nations Under-Secretary-General for Political Affairs Kieran Prendergast rationalized the decision as follows:

"We had a growing debate about the balance between Darfur and the business of concluding the Comprehensive Peace Agreement, the Naivasha talks. I took advice from those who understood the situation there better than I did, and the argument was always that if you could conclude the Comprehensive Peace Agreement, then that would provide a model which would enable you to settle the political side of the Darfur problem ... because the Comprehensive Peace Agreement would provide a sort of model

⁶² Flint and de Waal report that for a few months in the summer of 2004, American and British diplomats considered seeking a quick peace agreement in Darfur before completing the Naivasha process. This led to negotiations in Abuja, which resulted in several ceasefires that were almost immediately violated. Seeing that no quick fix was possible, the diplomats abandoned any plan to seek an agreement in Darfur before completing the Naivasha process. Flint and de Waal, *Darfur: A Short History of a Long War*, p. 128-29.

⁶³ International Crisis Group, "Sudan: Towards an Incomplete Peace," p. 19. This is consistent with evidence presented in Prunier, *Darfur: The Ambiguous Genocide*, p. 106.

⁶⁴ M.W. Daly, *Darfur's Sorrow: A History of Destruction and Genocide* (New York: Cambridge University Press, 2007), p. 272.

laying out the possibility of wide-ranging autonomy for the various unsettled areas of Sudan.”⁶⁵

The problem with this plan was that there was no credible indication that Khartoum would accept wide-ranging autonomy for other areas of Sudan. Instead, Khartoum was escalating the war against the Darfur insurgencies, and by extension, the Darfur African population. Defeating Darfur’s insurgencies before the end of the North-South process in order to avert future pressure to accommodate Darfur became Khartoum’s priority.⁶⁶ Due to the time constraints imposed by the drawing down of the Naivasha negotiations, a quick victory would require an especially bloody counterinsurgency that would indiscriminately kill a massive number of civilians. By July 2003, the government had armed and trained local Arab Janjaweed militias who would commit most of the Darfur atrocities over the next nine months, killing at least 100,000 during that time.⁶⁷ To buy time for its military campaign in Darfur, the GoS allegedly prolonged the North-South negotiations. In January 2004, for example, the Sudanese delegation at Naivasha left for a pilgrimage to Mecca; although the pilgrimage can be completed in a few days, the delegation failed to return for weeks.⁶⁸ While the negotiations were stalled, the government’s armed forces and Janjaweed proxy militia intensified their campaign in Darfur, launching new ground offensives and undertaking daily aerial bombardments of villages.⁶⁹

⁶⁵ Kieran Prendergast, interview on PBS Frontline, June 29, 2007. Accessible online at <http://www.pbs.org/wgbh/pages/frontline/darfur/interviews/prendergast.html>.

⁶⁶ For example, historian Gerard Prunier writes that “The GoS had clearly decided on a military solution to the crisis, counting on being able to crush the insurrection fast enough for it to be over before the delicate process of bringing the SPLM/A into Khartoum could take place.” Prunier, *Darfur: The Ambiguous Genocide*, p. 97; Flint and de Waal corroborate this interpretation: “(Sudanese government decision-makers) thought it would be a quick fix, like the suppression of Daud Bolad’s (leader of an earlier Darfur insurgency that was quickly defeated by government forces) incursion of 1991.” Flint and de Waal, *Darfur: Short History of a Long War*, p. 117.

⁶⁷ The political threat that caused Sudanese mass killing is consistent with Benjamin Valentino’s broader strategic theory of mass killing. See Benjamin Valentino, “Final Solutions: The Causes of Genocide and Mass Killing,” *Security Studies* Vol. 9, No. 2 (2000), pp. 1-62.

⁶⁸ Prunier, *Darfur: The Ambiguous Genocide*, p. 111.

⁶⁹ Human Rights Watch, *Darfur Destroyed: Ethnic Cleansing by Government and Militia Forces in Western Sudan* (Washington, D.C.: Human Rights Watch, May 2004).

United Nations officials were apparently aware of the government's stall tactics. But they were unwilling to jeopardize the North-South process despite the fact that the government was manipulating the peace negotiations to escalate military operations in Darfur. Mukesh Kapila, the UN Humanitarian Coordinator in Sudan, alleges that Sudanese government officials privately admitted they were delaying the North-South process in order "to have a lasting solution in Darfur" before they would sign a North-South agreement and the international community "could force them to stop."⁷⁰

The Sudanese government's divide-and-rule strategy ultimately succeeded at preventing an inclusive national peace process but failed at defeating remaining insurgents on the Sudanese periphery. The GoS and the SPLM/A finally signed the Comprehensive Peace Agreement (CPA) on January 9, 2005 after almost five years of negotiation. The CPA included provisions for a transitional government that would include SPLM/A representation, as well as a referendum on southern Sudanese independence in 2011. It was silent on the status of Darfur, where armed insurgency and government mass killing continued.

Alternative theories provide limited explanatory leverage over the spoiler problems that have ravaged Darfur and other regions of Sudan since the initial stages of the North-South peace process. Stedman's theory finds the most support. SPLM/A leader John Garang, despite his unrelenting pursuit of self-determination for southern Sudan and Sudan's other marginalized peoples, does not fit Stedman's ideal-type definition of a greedy or total spoiler. He was not determined to destroy Khartoum militarily. Because he was of reasonable character, Stedman's model would likely predict that he would sign if his aims were met. Indeed, this is what happened.

Greenhill and Major's theory finds less support in the North-South case. Their argument implies that if any faction would remain at war, it would be the strongest.⁷¹ This did not

⁷⁰ Mukesh Kapila interview, PBS Frontline, accessible online at <http://www.pbs.org/wgbh/pages/frontline/darfur/>.

⁷¹ To be sure, Greenhill and Major argue that groups will spoil to the extent that peace accords do not represent their *influence-weighted preferences*, which is not synonymous with the claim that the strong will

happen. In the North-South process, the SPLM/ A was by far the strongest faction. It was strong enough to continue fighting indefinitely, as it had done since 1983, but it was willing to sign a negotiated settlement despite misgivings about the government's commitment to its promise of a 2011 referendum on southern independence.

Pearlman's theory finds some support in the SPLA case. All of the involved insurgent movements lacked a legitimate means of representation; indeed, resorting to arms was the surest way to lay claim to authority in southern, western, and eastern Sudan. Moreover, her theory correctly predicts that the weakest parties would be excluded from the peace processes and consequently be likely to act as spoilers. However, applying her argument to this case is difficult because the insurgent factions did not come from the same national community, nor were they competing for the same bases of support. The SPLM/ A represented southern Sudan's black African Christians and animists; the Darfur factions represented western Sudan's black African Muslims. And within the Darfur opposition movements, the SLM/ A factions sought to represent Darfur's secular Muslim community, while the JEM faction represented the Darfur Islamist community. Intercommunal divisions between these communities, which pre-dated the war and the peace process, were more important than intracommunal power struggles of the type theorized by Pearlman.

The Darfur Peace Process

For Khartoum, the strategic environment in which the Darfur process occurred was similar to the North-South process: the GoS was fighting a protracted war against multiple insurgent groups; it preferred a military solution; and there was significant international pressure to reach a peace agreement. The main difference between the strategic environments in

fight and the weak will not. In their model, strong groups can be co-opted with sufficient inducements or pressure from international actors, while weak groups might continue to fight if peace accords do not offer them the consideration to which they believe their power and resources entitle them. Although their argument is persuasive, identifying a group's preferences, which are likely endogenous not only to their capabilities but also to a host of non-constant factors within the peace process itself, is challenging. While acknowledging the complexity of Greenhill and Major's model, I focus on groups' observable capability to act as spoilers.

North-South and Darfur was that all of the major Darfur insurgencies were recognized as legitimate participants in the process. As it had during North-South, the GoS pursued a divide-and-rule strategy. But its tactics in Darfur differed. Attempting to exclude the participation in the process of recognized Darfur insurgent movements was not possible. To pursue the divide-and-rule strategy, GoS tactically manipulated pre-existing insurgent divisions and co-opted some factions in a shallow peace accord that other insurgent factions refused to sign.

The government faced considerable international pressure to sign a Darfur Peace Agreement. After the CPA was finalized in January 2005, the UN declared a goal of achieving peace in Darfur by the end of 2005.⁷² Peace negotiations between government and insurgent representatives began promptly in Abuja, Nigeria, but the Sudanese government's armed forces and their allied Janjaweed militia continued to pursue a military solution in Darfur. Talks stalled. Under African Union mediation, six rounds of negotiations failed by November. The meager results of these negotiations consisted of a vague "Declaration of Principles," and a ceasefire agreement that all parties were routinely violating. As the year's end approached, international actors renewed their diplomatic pressure to reach an agreement. A December 2005 deadline was announced.⁷³ But the December deadline passed without an agreement and negotiations lagged into January.⁷⁴ During this period, UN, AU, and EU officials repeatedly lamented the lack of progress in the Darfur process, saying "the patience of the international community is running out," but they failed to follow through on their threat to end the peace

⁷² Jan Pronk, Weblog nr. 1, November 1, 2005, accessible online at <http://www.janpronk.nl/weblog/english/november-2005.html>.

⁷³ Laurie Nathan, "The Making and Unmaking of the Darfur Peace Agreement," in *War in Darfur and the Search for Peace*, edited by Alex de Waal, Cambridge, MA: Harvard University Press, 2007, p. 247. Nathan, "The Failure of Deadline Diplomacy for Darfur," *Royal United Services Institute for Defense and Security Studies* Vol. 151, no. 4 (2006).

⁷⁴ In early 2006, British foreign secretary Jack Straw visited the negotiations in Abuja and admonished the parties for not meeting the December 31 deadline. In January, UN envoy Jan Pronk proposed a new deadline of February, which was adopted by AU Commissioner for Peace and Security Said Djinnit. In March, the AU Peace and Security Council called for the agreement by the end of April. The UN Security Council endorsed this date as the final deadline. See Nathan, "The Making and Unmaking of the Darfur Peace Agreement," p. 248.

process.⁷⁵ British Foreign Secretary Jack Straw, whose government was one of the main funders of the Abuja process, warned the parties in February: "The international community has poured a lot of money, time, and effort into the talks. Our patience is not unlimited. If the parties do not reach an agreement here soon, we, with the AU, will need to start looking at the alternatives."⁷⁶

For the Sudanese government, the international environment again favored a strategy of manipulation. Since the peace processes' international stakeholders needed a peace accord more than the government did, the Sudanese delegation held an advantage. In order to get the GoS' approval, mediators would have to craft a shallow accord that would leave many fundamental issues unresolved. This accord would set the stage for the war's next stage.

The GoS' manipulation was clever. Through direct contact with insurgent commanders and delegates themselves, the GoS delegation was able to collect high-quality information about fractures within insurgent leadership and about which factions might be willing and able to defect. For example, the GoS' lead negotiator, Majzoub al-Khalifa, occupied himself during the Abuja negotiations by compiling a dossier on every known member of the Darfur resistance. Based on this information, al-Khalifa reportedly attempted to calculate the price of each individual in order to pick off commanders one-by-one.⁷⁷ Al-Khalifa's sleuthing revealed which insurgent commanders or delegates were seeking positions in the army or the government, which were looking for commercial opportunities, and which would be content with a cash payment. When the endgame was played and militant leaders had to decide whether to support a peace accord, the GoS delegation used this information to get buy-ins from likely defectors.⁷⁸

⁷⁵ Such comments are attributed to, among others, Said Djinnit in African Union, "The AU Commissioner for Peace and Security meets the Sudanese Parties and the International Partners," press release no. 29, Abuja, February 10, 2006; and Hilary Benn, UK Secretary for International Development, in *Africa Confidential* 2006, p. 4. Quoted in Nathan, "The Making and Unmaking of the Darfur Peace Agreement," p. 248.

⁷⁶ Jack Straw, "Darfur at the Crossroads: Foreign Secretary's Speech to the Peace Talks on Darfur, Abuja, February 14, 2006." Accessible online at http://www.britainusa.com/sections/articles_show_nt1.asp?d=7&i=41020&L1=0&L2=0&a=40978.

⁷⁷ See Alex de Waal, "Darfur's Elusive Peace," in Alex de Waal, ed., *War in Darfur and the Search for Peace* (Cambridge, MA: Harvard University Press, 2007), p. 382.

⁷⁸ de Waal, "Darfur's Elusive Peace," pp. 382-383.

Like the Sudanese delegation, the AU mediation team probed each insurgent faction's minimum demands. After a new peace-agreement deadline was set for April 30, 2006, AU mediators engaged in private meetings with the government and insurgent delegations, giving the mediation team a good idea of each actor's minimum settlement terms. Although internal memoranda of these meetings are unavailable, the sequence of events, and the eventual outcome of the peace negotiations, is consistent with the hypothesis that the GoS delegation calibrated its maximum settlement terms with the minimum terms demanded by any of the insurgent movements. The government delegation communicated these terms to the mediation team, which could then draw up a peace agreement to which the government and at least one insurgent faction would assent.

The AU mediation team produced such an accord, the Darfur Peace Agreement (DPA). The DPA included provisions for limited wealth redistribution (\$30 million), the disarmament of the Janjaweed, and limited power sharing. The DPA failed to address larger fundamental political provisions such as the national presidency, the future political status of Darfur, and the representation of Darfurians in the legislature and the civil service.⁷⁹ The agreement met few, if any, of the political aims demanded by JEM and Abdel Wahid Mohammad al-Nur's Sudan Liberation Army-Abdel Wahid (SLA / AW). The DPA was more attractive to a third insurgent faction, Minni Minawi's Sudan Liberation Army-Minni Minawi (SLA / MM), which earlier in the negotiations had splintered due to a leadership dispute with Abdel Wahid. AU mediators had targeted Minawi as the key to the DPA. Because the SLA / MM was considered the strongest insurgent faction in Darfur, Minawi's assent would deliver security to key regions of Darfur and reduce remaining insurgent capacity such that any subsequent insurgent violence would not threaten the agreement.⁸⁰ On May 4th, Minawi assured American diplomat Robert Zoellick, who had flown to Abuja to finalize the agreement, that he would sign the accord. The SLA / AW

⁷⁹ Dawit Toga, "The African Union Mediators and the Abuja Peace Talks," in Alex de Waal, ed., *War in Darfur and the Search for Peace* (Cambridge, MA: Harvard University Press, 2007), pp. 235-36.

⁸⁰ See direct quotes to this effect by the AU chief mediator in Alex de Waal, "Darfur's Deadline: The Final Days of the Abuja Peace Process," in Alex de Waal, ed., *War in Darfur and the Search for Peace* (Cambridge, MA: Harvard University Press, 2007), p. 272.

and JEM delegations rejected the proposed agreement. Zoellick scolded Abdel Wahid, saying “I conclude that you are not serious about an agreement. Going forward, we are parting ways for good. If you think there is an alternative, you are dead wrong. And I mean *dead* wrong The decision you are taking today is a decision that cannot be undone.”⁸¹ Zoellick also tried to make the holdout factions fear the consequences of not joining the DPA. In the media, he announced that he was unconcerned that the SLA/AW and the JEM factions had rejected the proposed agreement since they would have to join or face the consequences when the strongest faction—Minawi’s—signed.⁸² Other international stakeholders pressured the holdout factions by reminding them that they would be remembered as the groups that permitted continued genocide against their own civilian populations. For example, Nigerian president Olusegun Obasanjo, who was part of the AU mediation team, berated JEM leader Khalil Ibrahim, who had refused to sign: “You must take responsibility for what happens in Darfur. Go. Leave See what will happen!”⁸³

On May 6, Minni Minawi’s SLA/MM and the Sudanese government signed the DPA. Abdel Wahid and Khalil Ibrahim did not. Both rebel leaders said that they had sought an agreement that would satisfy the needs of their constituencies and that they were convinced that the DPA would not.⁸⁴ Yet their non-signatory status was viewed internationally as evidence of their villainous greed, not as a sign of a flawed peace deal. At the DPA signing ceremony, Zoellick laid the seeds of this idea, calling non-signatory factions “outlaws to the process.”⁸⁵ *The New York Times*’ front-page story on the DPA failed to discuss government manipulation of the deal but warned that “both of the smaller groups have the ability to be spoilers by continuing to

⁸¹ de Waal, “Darfur’s Deadline,” p. 277.

⁸² Lydia Polgreen and Joel Brinkley, “Peace Talks on Darfur Extended for 2 Days: Sudan Accepts Deal, but Rebel Groups Object,” *The International Herald Tribune*, p. 1.

⁸³ de Waal, “Darfur’s Deadline,” p. 275.

⁸⁴ Mediators left the DPA open so that non-signatory movements could later sign a “Declaration of Commitment.” Although this clause was intended to bring in the non-signatory movements and allow a more comprehensive peace, it ended up further dividing the movements. An hour after SLA/MM signed, for example, SLA/AW’s lead negotiator Rahman Abdel Musa and thirteen delegates signed the DPA in defiance of Abdel Wahid, leaving SLA/AW divided, weakened, and lacking incoherent leadership structure for renewed military operations.

⁸⁵ de Waal, “Darfur’s Deadline,” p. 277.

fight.”⁸⁶ Another analyst referred to the non-signatory factions’ behavior as “strategic victimhood,” suggesting that “put simply, the rebels were willing to let genocide continue against their own people rather than compromise their demand for power.”⁸⁷

From the Sudanese government’s perspective, the DPA was a success: It had successfully divided the insurgent movements, bringing the strongest movement to its side and isolating the remaining insurgents internationally and militarily. Ironically, however, *contra* Stedman’s spoiler model, Minni Minawi, the leader of the lone signatory faction, was “greedier” than the leaders of the non-signatory “spoilers.”⁸⁸ One member of the AU mediation team wrote of the SLA / AW: “Abdel-Wahid, whose community and forces were being hammered by the Janjaweed, the government, and Minawi (who had ordered his fighters to begin offensive operations against SLA / AW during the peace process), was the only leader who keenly wanted a settlement. He was therefore well placed to seize the initiative in the talks and occupy the high ground internationally as a leader desirous of peace. He did not exploit this potential and ended up being seen by the AU and its partners as the main spoiler . . . for all his weaknesses, though, Abdel Wahid was not an opportunist.”⁸⁹ Likewise, because JEM had a relatively small number of fighters and made relatively high demands, its stance was never taken seriously during the Darfur peace process. Mediators rather miscalculated that moving forward with the peace process could pressure JEM to join, or that peace could be made without JEM’s buy-in. The result of their inability to address the political concerns of the relevant parties ended up failing to bring the civil war in Darfur closer to a resolution and contributing to the conflict’s escalation in 2006.

Neither does Greenhill and Major’s theory fare well in the Darfur case. In Darfur, the strongest faction was Minawi’s SLA / MM. The SLA / MM had the capability to continue fighting

⁸⁶ Lydia Polgreen and Joel Brinkley, “Largest Faction of Darfur Rebels Signs Peace Pact,” *The New York Times*, May 6, 2006, p. A1.

⁸⁷ Alan J. Kuperman, “Strategic Victimhood in Sudan,” *The New York Times*, May 31, 2006.

⁸⁸ For the best description of the Darfur insurgent leaders’ personalities, leadership styles, and local standing, see Julie Flint, “Darfur’s Armed Movements.”

⁸⁹ Nathan, “The Making and Unmaking of the Darfur Peace Agreement,” p. 258.

in pursuit of better settlement terms, but it did not. Minawi's faction was instead the only signatory faction among the insurgents. Greenhill and Major's theory would also predict that the weakest faction, JEM, would be the most likely to sign because of its inability to make compelling demands. Yet to the contrary, JEM was the faction that most resolutely rejected the settlement, opting instead for continued insurgency.

Pearlman's theory finds more support in the Darfur conflict but again cannot be neatly applied because of differences in the structure of the groups involved in the conflict. The Darfur insurgent movements are profoundly undemocratic, leading to numerous leadership disputes and splits among rival leaders, most notably between Minawi and Abdel-Wahid. However, this split was overdetermined by numerous other factors that have little to do with the group's lack of institutionalized representation mechanisms, including pre-existing ethnic, clan, and political differences and disputes, the fact that these commanders' cooperation in the SLM/A started out as a marriage of convenience rather than as a communal struggle, and persistent mutual mistrust among the ethnic-based insurgencies that each was exploiting connections to external actors to the detriment of the others. Even under a strong assumption that having legitimate institutionalized mechanisms of representation helps to resolve internal disputes, imagining a counterfactual scenario in which these groups did not fracture is difficult.

Conclusion and Implications

The argument advanced in this article identifies a set of conditions that combine to undermine international peacemaking in weak or failing states and explains patterns of success and failure in Sudan's peace processes since 2000. "Spoiler" problems in Sudan cannot be understood without reference to a manipulative government strategy that plays on the vulnerability of international actors tasked with brokering peace accords and insurgent factions that stand to lose if they do not cooperate with the government. The strategy has successfully alleviated international pressure on the government while simultaneously undermining the chances of implementing a costly, unwanted comprehensive peace agreement and improving the

prospects of future counterinsurgency operations. In the North-South process, international pressure to broker an agreement with the SPLM/A led to willful neglect of government atrocities in Darfur. Although the Sudanese government did not split the SPLM/A into multiple factions, it isolated the Darfur insurgencies outside the peace process as “spoilers” who could be addressed militarily. When the government’s attempt at a military solution in Darfur failed and international pressure to settle the war by negotiation increased, the government again sought to co-opt part of the opposition in a negotiated settlement and isolate remaining factions as “spoilers” who could be addressed militarily. In each case, international pressure for an agreement led mediation teams to play into the government’s strategy by offering an agreement to which the government would likely agree but to which only insurgents with relatively modest objectives would assent, thereby creating “spoiler” factions who would have to be addressed militarily.⁹⁰

From the government’s perspective, the divide-and-rule strategy has been successful. The non-signatory groups have splintered into as many as a dozen factions, diminishing their capabilities and causing insurgents to fight amongst each other rather than to engage in concerted anti-government offensives. From the perspective of regime survival, the extreme fragmentation of the Darfur tribes means that a unified Darfur opposition will likely fail to emerge ahead of national elections, improving the government’s chances of remaining in power despite its chronic weakness and unpopularity.

My argument has key implications for peacebuilding, counterinsurgency, and war termination.

For international peacebuilders, the theory and evidence presented here strongly suggests that any agreement which excludes relevant factions, whether because the government sought to marginalize them or because they could not be brought in on agreeable terms,

⁹⁰ Nigerian president Olusegun Obasanjo, who was part of the AU mediation team and keenly aware of dilemmas faced by governments trying to contain armed insurgencies, implicitly admitted that this was part of the mediation team’s calculations as they drafted and amended the DPA. See his quotes in de Waal, “Darfur’s Deadline,” pp. 277-278.

threatens to ignite recurring conflict. The lesson of the Sudan peace processes is that the recurrence of conflict is not always an indicator of failure; in certain conflicts, relevant actors who appear to negotiate in good faith are instead actively undermining efforts to make peace. Understanding relevant actors' incentives for a "partial peace" is necessary to combat manipulative strategizing that produces continued conflict in the wake of a signed peace accord. This is especially important because the dynamics described in this article can hinder future efforts to resolve conflicts. Any faction excluded by government manipulation has good reasons to distrust both the government and its collaborators in the future. When a government has a reputation for acting in bad faith, convincing remaining members of an opposition movement to subject themselves to the vulnerability attendant to disarmament and demobilization is difficult. The dynamics described above can also sabotage the international community's credibility to resolve conflicts. This can play into the government's divide-and-rule strategy.

Although the present analysis is confined to formal peace processes, my argument's logic offers insight into debates about counterinsurgency strategy and effectiveness. Divide-and-rule can be a key element in weakening or defusing insurgent threats. In counterinsurgency campaigns in Iraq and Afghanistan, the U.S. and its allies face insurgencies prone to divide-and-rule. These organizations are built on loose coalitions and intertribal networks whose vulnerabilities can be manipulated with proper dosages of coercion, conciliation, and concessions. Even though the doctrine laid out in the Army and Marine Corps' Counterinsurgency Field Manual emphasizes the importance of winning hearts and minds through the provision of local security, co-opting al-Qaeda in Iraq sub-factions in Anbar province has been central to American counterinsurgency there since 2006 and is a potential strategic option in Afghanistan.⁹¹ As attractive as the short-term benefits of co-opting militant factions can be, however, American decision makers must weigh the potential long-term costs

⁹¹ The U.S. Army and Marine Corps, *The U.S. Army/Marine Corps Counterinsurgency Field Manual* (Chicago, IL: University of Chicago Press, 2007); Fotini Christia, and Michael Semple, "Flipping the Taliban: How to Win in Afghanistan," *Foreign Affairs* Vol. 4, No. 88 (July/August 2009).

of dividing the opposition while failing to resolve the fundamental political issues that drive armed conflict.

Finally, my findings also have an implication for civil war termination. War termination scholars have emphasized third-party intervention as a critical factor in resolving the commitment problems that limit warring parties' own ability to settle internal war by negotiation. My findings do not contradict this idea, but they suggest that special attention to the *quality* of third-party intervention is important in explaining whether an enduring peace agreement can be reached. As the empirical section illustrated, a third party's own ability or inability to credibly commit to enforcing of a peace agreement can be as important as the commitment problem posed by the absence of a third party. In the Sudan, third-party diplomatic intervention and security guarantees in both the North-South process and the Darfur process were relatively weak. Instead of resolving the commitment problem between the government and the rebels, the international community's lack of credible commitment has permitted government manipulation and exacerbated conflict in Darfur. If international actors want to build a sustainable peace in Sudan and elsewhere, a deeper international commitment will be necessary.