

Divide Et Impera? The Effects of Inter-Rebel Fragmentation on the Types of Concessions in Civil War Negotiations

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Abstract

Why do some self-determination movements manage to achieve autonomy, while others fail to extract such salient concessions during peace negotiations? Although one would expect supporters of the self-determination movement to unite in their struggle against the incumbent regime, recent literature has demonstrated that they tend to fight each other just as often as they fight the government in their competition for political relevance. Yet, little has been done to explain the effects such infighting has on the peace negotiations. Based on the comparison of the cases of Southern Sudan and Darfur, this study shows that more cohesive movements are able to extract much more salient concessions that address the conflict's master cleavage and reflect the characteristics of a club good. The findings further suggest that fragmented movements tend to be paid off rather than yielded to by the incumbent government, thus rendering the achievement of peace utterly unattainable. Future research will have to examine whether these findings hold an explanatory power in contexts outside of Sudan.

Key Words: fragmentation, self-determination, negotiations, rebels

Table of Contents

Abstract	2
List Of Abbreviations	4
I. Introduction	5
II. Literature Review	7
Fragmentation.....	7
The Effects of Fragmentation on Peace Negotiations and Concessions	9
III. Theoretical Framework	12
Definitions and Operationalization of Variables	12
Independent Variable.....	12
Dependent Variable.....	12
Important Definitions and Concepts.....	12
Hypotheses and Causal Mechanisms	13
The Logic of Payoffs.....	13
The Logic of Conceding.....	14
IV. Research Design	16
Methodology	16
Case Selection	16
Data	17
Limitations of the Research Design	17
V. Southern Sudan: The Plague of Initials?	18
Rebel Fragmentation in Southern Sudan	19
Abuja Talks (1992-1993).....	22
Khartoum Peace Agreement (1997)	23
The Importance of the Comprehensive Peace Agreement.....	25
The CPA.....	26
The Three Contested Regions	28
Conclusion	28
VI. Darfur: Divided They Fall	29
Rebel Fragmentation in Darfur	29
Negotiated Peace: Dream or Reality?	32
Darfur Peace Agreement (DPA) of 2006.....	33
The Doha Agreement	35
Conclusion	37
VII. Cross-Case Comparison And Alternative Explanations	38
The Logic of Payoffs.....	38
The Logic of Conceding.....	39
VIII. Conclusion	42
IX. Reference List	44

List Of Abbreviations

DUP	Democratic Unionists Party
UDSF	South Sudan United Democratic Salvation Front
SSIM	South Sudan Independence Movement
GoS	Government of Sudan
GoSS	Government of South Sudan
SAF	Sudan Armed Forces
EDF	Equatorial Defense Force
SSIG	South Sudan Independents Group
SPLM/A	Sudan People's Liberation Movement/Army
CPA	Comprehensive Peace Agreement
IGAD	Intergovernmental Authority on Development
NIF	National Islamic Front
SLM	Sudan Liberation Movement
JEM	Justice and Equality Movement
DPA	Darfur Peace Agreement
LJM	Liberation and Justice Movement
DDPD	Doha Document for Peace in Darfur
GNU	Government of National Unity

I. Introduction

“...the war, like the country, was not one, but many: a violent ecosystem capable of generating endless new things to fight about without ever shedding any of the old ones”

- Deborah Scroggins, Journalist (2004)

Ending violence in civil wars is usually quite difficult. Putting an end to the war itself is even more so. Since the end of World War II civil wars have taken a dominant position in the typology of armed conflicts. In terms of sheer volume, civil wars have been about three times as frequent as interstate wars in that period (Christia, 2008). Not only are civil wars significant in their quantity, but they also tend to be persistent and recurrent, resulting in cycles of protracted violence and mutinies (Seymour, Forthcoming). Numerous factors increase the difficulties associated with reaching a negotiated agreement in civil wars, including issue indivisibility, power asymmetries, opposing identities, information problems, and spoilers. Moreover, the complexity of civil war settlement is further explained by the simultaneous presence of what Kalyvas (2003) calls ‘master cleavage’, the overarching grievance on which the conflict is based, its dominant discourse, alongside numerous and diverse underlying causes – local and private cleavages – which are often either completely or partially unrelated to the master cleavage. These Byzantine complexities of the micro-level civil war dynamics obfuscate our understanding of civil wars and limit the scholarly research agenda.

In the past, research had focused on the non-state side in civil wars as a unitary actor. Recent works, however, have shifted their focus towards a more detailed, micro-level examination of non-state actors, concentrating on inter-rebel fragmentation as an important variable in itself. The multitude of actors caused by inter-rebel fragmentation tends to complicate the negotiation process, significantly extending its length (D. E. Cunningham, 2006) and making the achievement of an implementable agreement close to impossible. The logic suggests that stronger, more unified rebel movements seeking self-determination and posing a bigger challenge to the incumbent government in terms of material resources and bargaining power, would be able to force the concessions from the government more frequently than the weaker, more fragmented movements with numerous individual factions. However, the reality suggests otherwise. Why, then, do we observe smaller ethnic factions of the movement receive significantly more concessions than the unified ones? Is there anything about the types of the concessions they receive that makes them more attractive to the individual factions, but not the bigger movement itself? This study aims at addressing these issues in the context of an ethnic self-determination movement by examining the following question: *How does fragmentation affect the types of concessions made by the incumbent government to the rebel factions in the civil war peace negotiations?* Based on the comparison of two cases of violent conflict in Sudan, that of Southern Sudan and Darfur, I will argue that the more cohesive movements are able to extract concessions related to the shared overarching

goal of the movements, reflected by the characteristics of a club good. More fragmented movements, however, tend to be able to receive payoffs, or private goods, as their concessions form the incumbent regime.

Apart from its theoretical importance, the effects fragmentation may have on the types of concessions the rebel movement receives in the course of civil wars have major practical and policy implications. Firstly, understanding the range of acceptable outcomes before the start of negotiations has significant affects on the willingness of the parties to come together for negotiations. Additionally, it affects their use of tactics during the bargaining process. Such understanding is essential for the successful civil war settlement through negotiations, rather than the use of violence. Secondly, the knowledge of the motives driving the choices at the bargaining table are a necessary attribute for future successful implementation of the negotiated agreements, regardless of the nature of the internal conflict. Therefore, a more thorough examination of fragmentation, negotiation outcomes and their relation to the conflict's master cleavage allows for better policy instruments to be used in conflict termination and transformation. If we are to understand the conditions under which civil wars can be terminated, it is crucial that we probe into the motivations behind the processes that take them there.

The next chapter represents a review of relevant literature, followed by the theoretical framework in chapter 3 and research design in chapter 4. Chapters 5 and 6 will focus on the analysis of the two cases followed by the discussion of the cross-case analysis and alternative explanations in chapter 7. The last chapter will conclude the findings and suggest possible avenues for future research.

II. Literature Review

In the past, the standard approach to the study of civil wars had been focusing on civil war duration (Elbadawi & Sambanis, 2000; Fearon, 2004), onset (Collier & Hoeffler, 2004; Fearon & Laitin, 2003; Harff & Gurr, 2004; Petersen, 2002; Posen, 1993; Toft, 2003), termination (Hartzell, 1999; Kaufmann, 1996a, 1996b; Licklider, 1993; Sambanis, 2000; Stedman, 1997; Walter, 1997), recruitment patterns (Arjona and Kalyvas 2004; Humphreys and Weinstein 2006) and the role of ethnicity (Brubaker & Laitin, 1998; Kalyvas, 2003; Kaufmann, 1996a; Petersen, 2002; Sambanis, 2000), especially in relation to the ethnic nature of civil wars in 1990s. The main focus of the literature on civil wars has, therefore, been the state- and country-level attributes, much less focused on the non-state side. The most influential large-N research of violence in civil wars tends to ignore the fragmentation within non-state actors whatsoever (such as Collier & Hoeffler, 2004; Fearon & Laitin, 2003). Such a focus has led to a failure to grasp the complexity of internal inter-rebel and rebel-state interactions. Recently, the scholarly interest has started to regard non-state actors not as coherent and unitary challengers of the state, but rather as a shifting set of actors with a shared central identity, yet malleable allegiances and commonly divergent interests (Bakke et al., 2012; Pearlman & Cunningham, 2012). Such malleable alliances and often conflicting interests, which represent the division other than the conflict's 'master cleavage' (Kalyvas, 2003), can explain much of the violence in the civil conflicts that is attributed to the non-state actors infighting. Such violence is often associated with the inter-rebel fragmentation. However, violence is not the only aspect of a conflict that is affected by these internal conflict dynamics.

Recent literature points to the central role that fragmentation plays in civil wars. A number of studies have investigated the link between fragmentation and the durability and likelihood of peace agreements (Atlas & Licklider, 1999; D. E. Cunningham, 2006; Johnston, 2007; Nilsson, 2008), violence onset (Lawrence, 2010; Pearlman, 2008), its targets and types (Weinstein, 2007), and various organizational properties in rebel groups (Gates, 2002; Kenny, 2010; Sinno, 2010; Staniland, 2009). Often missing, however, is an account of whether and how fragmentation influences peace negotiations as such, and whether it has an effect on the types of agreements signed, regardless of their aims, be they ending violence *per se* or terminating civil wars. I will, therefore, first review the literature on the effects of rebel fragmentation, and then move on to the discussion of existing literature on peace negotiations in civil wars in relation to fragmentation and concessions.

Fragmentation

Among the existing studies that have moved beyond the assumption of a unitary non-state opposition side with homogenous preferences are those that mainly examine the use of violence by rebels, their strategic interaction with local communities and government's forces (K. G. Cunningham, Bakke, & Seymour, 2012; Fjelde & Nilsson, 2012; Kalyvas, 2006, 2008; Stedman, 1997; Varshney, 2003; Weinstein, 2007); governmental approach towards

fragmented groups and conflict resolution (Driscoll, 2012); alliance formation (Bapat & Bond, 2012; Nygard & Weintraub, Forthcoming) and spoiling behavior (Greenhill & Major, 2007; A. H. Kydd & Walter, 2002; Stedman, 1997). A few quantitative studies have begun to examine the effects of fragmentation on the dynamics of civil wars, underlying the “complex and ambiguous processes” of constant realignments between and within groups (Kalyvas, 2003: 475). One of the effects of such rebel group fragmentation is increased violence between the rebel groups and civilians due to the competition for resources and political relevance (K. G. Cunningham et al., 2012; Nygard & Weintraub, Forthcoming). K.G. Cunningham et al. (2012) point to the pattern of violence escalation due to the increase of the number of factions within the non-state groups (competition) and, thus, increased incentives to use riskier tactics. Fragmented rebel groups, they find, tend to use more violence in their struggle against the state than more cohesive groups. Moreover, the use of violence by these fragmented movements is not only directed at the state-side, but is often associated with civilians, and is used in various forms including rape, kidnapping of children to be used as soldiers or slaves, looting and razing villages (C. Metelits, 2009).

Logic suggests that instead of spending time and resources fighting each other and the civilians, rebel groups could benefit from increased chances of extracting concessions from an incumbent government, enhanced joint military and financial capabilities, and, thus, maximization of wartime returns through alliance formation. However, the examples of the Democratic Republic of Congo, Burundi, and Myanmar illustrate that instead of creating coalitions, rebel groups fight one another for control over lootable resources, loyalty of civilians, and access to strategically important territory (Fjelde & Nilsson, 2012). In the Liberian context, such fighting between 1991 and 1992 resulted in around 2,000 fatalities (Sundberg, Eck, & Kreutz, 2012). What then prevents rebel groups from forming alliances, which would make them a much more powerful enemy on the battlefield as much as at the bargaining table (D. E. Cunningham, 2006)?

Recent studies that have looked at alliance formation in civil wars have identified an important mechanism that prevents alliance formation – the commitment problem (K. G. Cunningham, 2011; Driscoll, 2012; Fearon & Laitin, 2007; Furtado, 2007; Nygard & Weintraub, Forthcoming; Walter, 1997). One way of looking at how commitment problem is applicable to alliance formation is the possibility of exploitation of the allies once the coalition is formed (Bapat & Bond, 2012). The lack of ‘good’ reputation and transparent structures, raising trustworthiness issues, prevents rebel groups from trusting each other “to form credible commitments” (Bapat & Bond, 2012). However, large-scale counterinsurgency operations force groups with relatively symmetric goals and asymmetric resource endowments to overcome the commitment problem in the face of an immediate threat (Furtado, 2007). Not only does the commitment problem complicate alliance formation within the non-state actors, but it also prevents rebel groups from negotiating with the government, since they do not trust the government to comply with the policy concessions and follow through with the agreement (Fearon & Laitin, 2007). Rebel groups themselves

frequently appear to be incapable of credible commitments due to the internal rebel fragmentation, rendering peace settlements much more difficult to achieve (D. E. Cunningham, 2006; Driscoll, 2012) and providing incentives for the state to act in the logic of ‘divide-and-rule’, e.g. fragmenting the rebel factions to make individual ones less significant (K. G. Cunningham, 2011).

Such a pattern points to the need to look beneath the conflict’s master cleavage in order to understand the motives of individual actors’ behavior in peace negotiations and the effects fragmentation has on the types of concessions rebel groups are able to force out of the government. While an emerging body of literature is focused on different causes and effects of rebel group fragmentation (Bakke et al., 2012; D. E. Cunningham, 2006; K. G. Cunningham et al., 2012; K. G. Cunningham, 2013; Driscoll, 2012; Findley & Rudloff, 2012; C. M. Metelits, 2009; Pearlman & Cunningham, 2012; Pearlman, 2008; Seymour, Forthcoming), its effects on the negotiation outcomes, and especially concessions, are less well-researched. Next section presents an overview of the existing literature on the effects of fragmentation on peace negotiations in general, and the role of concessions in particular.

The Effects of Fragmentation on Peace Negotiations and Concessions

Existing literature that looks into peace negotiations through the lens of fragmentation tends to focus on several main factors: commitment problems and credible guarantee (Bapat & Bond, 2012; D. E. Cunningham, 2006; Driscoll, 2012; Walter, 1997), veto players and difficulty of reaching compromises (D. E. Cunningham, 2006; Driscoll, 2012; Gurr, 2000; Nygard & Weintraub, Forthcoming), the role of concessions, especially as a tactic to limit the number of opponents (K. G. Cunningham et al., 2012; K. G. Cunningham, 2011) and the relative power distribution among the negotiating parties (Driscoll, 2012; J. Zartman, 2008). The problem of credible guarantee (Hartzell & Hoddie, 2007; Walter, 1997, 2002) is especially relevant for fragmented rebel groups, as their leaders cannot credibly commit to peace within the groups themselves, as well as to the state, providing the government with incentives to use violence instead. In fact, commitment problems within the rebel groups are as difficult to resolve as is the war’s master cleavage (Kalyvas, 2003). However, some argue that when facing an immediate threat of counterinsurgent actions from the state, rebel groups have incentives to form coalitions, thus overcoming the commitment problem and allowing for less chaotic peace negotiations (Bapat & Bond, 2012; Driscoll, 2012). Nonetheless, Walter (1997) states that another way to resolve a conflict with the problem of credible guarantee is third-party involvement in peace negotiations and enforcement. Such an argument is further supported by Bapat & Bond, as they discuss the logic of sponsorship¹ as an enforcement mechanism when rebels are faced with a powerful government (Bapat &

¹Bapat & Bond (2012) define “a state sponsor using Byman’s definition in *Deadly Connections*, which states that a sponsor is a state that provides intentional assistance to a terrorist group to help it use violence, bolster its political activities or sustain the organization.”

Bond, 2012). The sponsor then becomes a guarantor of credibility, improving rebels' bargaining position.

Existing literature tends to agree that the multitude of actors, so-called 'veto players', complicates the negotiation dynamics and prolongs the efforts (D. E. Cunningham, 2006; Nygard & Weintraub, Forthcoming). The reasons for extended negotiations in conflicts with a multitude of actors are the smaller bargaining range of acceptable agreements due to the diverging preferences, acute information asymmetries, incentives to hold out on the agreement to ensure a better deal, and constantly shifting alliances (D. E. Cunningham, 2006; Nygard & Weintraub, Forthcoming). However, when negotiations break down, the fighting resumes, thus imposing additional costs to be borne by all parties until either a military defeat or another round of negotiations. Thus, fragmentation of rebel movements tends to prolong the duration of a conflict quite significantly, which has an effect on how the concessions are perceived and made.

The strategic use of concessions as a negotiation tactic is an important variable in peace negotiations with multiple parties. K. G. Cunningham (2011) argues that fragmented rebel groups receive concessions at a higher rate than cohesive unitary groups, although such concessions are used as a bargaining tool rather than a conflict resolution mechanism. Concessions to the unitary groups tend to address the dispute's master cleavage much better, yet are used as accommodating strategy with the divided groups and aimed at revealing information about preferences as an alternative to fighting. Such a tactic is used as a substitute of the 'divide-and-rule' logic aimed at stirring further divisions of the non-state actors for an easier defeat of an internally weaker enemy. Concessions, then, represent not simply an outcome of negotiations, but also a part of the strategic bargaining process (K. G. Cunningham, 2011). Another way to look at concessions as a strategy in highly fragmented civil wars is through the logic of 'winning away pieces': the government has an incentive to reach partial agreement with individual factions in order to be able to concentrate its military capabilities on the remaining ones (Johnston, 2007). Although some argue that the government would be reluctant to grant concessions to the weaker groups to avoid legitimizing them (Bapat, 2005; Walter, 2002; I. W. Zartman, 1995), some evidence points to the contrary.

In a multiparty context, the government is likely to co-opt some of the rebel factions in order to decrease the number of enemies and win against a stronger opponent (Findley & Rudloff, 2012; Nilsson, 2010), who had been able to effectively mobilize supporters and pose a real threat to the government (D. E. Cunningham, Gleditsch, & Salehyan, 2009). The counterintuitive logic is that the multitude of actors increases the chances of the weaker factions to receive concessions from the government (Nilsson, 2010) as a way of reducing the number of battlefields. Additionally, the smaller factions might either align with other groups, or join in on the negotiated settlement, thus increasing their chances for concessions in comparison with stronger rebel groups. The warring parties find a way of dealing with this complexity that the rebel fragmentation creates by either building coalitions or reducing the

number of players (Nilsson, 2010). However, the potential of agreements with the weaker factions to effectively terminate the conflict remains unclear. One of the reasons for the lack of such clarity is the zero-sum nature of political relevance², which is often the core of the conflict's master cleavage. Such zero-sum nature significantly diminishes the individual share of benefits from concessions for each actor due to the growing number of negotiation participants, thus increasing the risk of spoilers returning to violent means for achieving their greater goals.

Although briefly discussed in some of the literature presented in this review, the direct effects of fragmentation on the negotiation outcomes, especially on the use and variation in the types of concessions yielded by the government, have been somewhat overlooked in the existing literature on the subject. When discussed, inter-rebel fragmentation is commonly understood to be an obstacle to success in peace negotiations (A. Kydd, 2003; Lilja, 2010; Regan & Aydin, 2006) or a way to terminate the violence, yet not effectively resolve the dispute (K. G. Cunningham, 2011; Fjelde & Nilsson, 2012).

The argument in this study, therefore, is based on the analysis of the types of concessions fragmented movements receive from the incumbent government in comparison with those that more unified movements are able to achieve in civil wars.

²“Politically relevant factions are those that other actors in the dispute must engage with, either militarily or politically. Political relevance refers to the position of the faction vis-a`-vis the state, rival factions, and the population it claims to represent.” (K. G. Cunningham, Bakke, & Seymour, 2012)

III. Theoretical Framework

Definitions and Operationalization of Variables

The terms ‘insurgents’, ‘rebels’ and ‘opposition’ are used in this research interchangeably. Although there are some distinctions between the terms, they do not represent a substantive enough difference for the purposes of this research. There is a major characteristic that ties these terms together, however: all the actors mentioned above contest government’s legitimate monopoly on the use of violence in the situations of internal violent conflict through the use of violent means to challenge the government’s authority (I. W. Zartman, 1995). Additionally, the terms ‘group’ and ‘faction’ are used in this study to identify the same concept – a group within a bigger movement that challenges government’s authority.

Independent Variable

The degree of fragmentation of non-state actors

Fragmentation refers to the existence of a multitude of relatively powerful and competing factions fighting with the incumbent government for independence on behalf of the bigger group they claim to represent. Such factions can be represented by paramilitary organizations, armed groups, political parties, or civic organizations (K. G. Cunningham et al., 2012). The relevance of the factions is defined by their relative power to challenge both the state and other factions (Bakke et al., 2012). The higher the number of factions of comparable power the rebel movement contains, the higher the degree of fragmentation in the movement is (Lawrence, 2010). The movement is considered cohesive if there is only one relatively powerful faction that contests the incumbent government. The movements examined in this research are of ethnic nature, seeking self-determination as their overarching goal.

Dependent Variable

The scope of agreement – refers to the extent that the concessions in the agreement satisfy the initial demands of the rebel movement(s). The author makes no requirement that the agreement should effectively terminate the conflict.

Important Definitions and Concepts

Rivalrousness – a characteristic of a good in economics, which reflects whether the consumption of a certain good by one person/group precludes its consumption by another person/group.

Excludability – a characteristic of a good in economics, which reflects whether one person/group must pay (monetarily or otherwise) for a good in order to use it.

Classification of goods according to exclusivity and competitiveness

	EXCLUDABLE	NON-EXCLUDABLE
RIVALROUS	Private Goods (e.g. future power distribution within the existing framework, or a newly created one, access to resources)	Common Goods (e.g. previously unavailable access to common-pool resources)
NON-RIVALROUS	Club Goods (e.g. federal autonomy with limited self-government)	Public Goods (e.g. complete autonomy, independence)

Hypotheses and Causal Mechanisms

The Logic of Payoffs

The degree of fragmentation has inevitable consequences for a movement that claims to be in pursuit of a collective interest of self-determination, as each group within the movement participates in “dual contests”: the contests with the state in pursuit of the common good for the group on behalf of which the faction operates *and* the contests with the co-ethnic factions within the movement in pursuit of private advantages (Bakke et al., 2012). The struggle over political relevance and material resources (the private advantages) within the rebel movement is concerned with private goods, such as material and power gains for the rebel leaders and their constituency (K. G. Cunningham et al., 2012; Fjelde & Nilsson, 2012). These benefits are rivalrous by nature, as their consumption by one group precludes their consumption by any other faction. The club good related to the self-determination goals of the movement, however, can be shared, as it benefits the larger group as a whole. Nonetheless, the existence of multiple factions within the movement itself suggests fundamental disagreements over these shared interests of this bigger group. If the main unifying factor linking the groups together is their mobilization “around a collective identity in the pursuit of interests particular to this identity and the shared interests and common fate it engenders” (Bakke et al., 2012), then the logic suggests that, when given an opportunity to negotiate, each group would prioritize the conflicting individual interests over the shared movement interest. Individual factions, therefore, would be more willing to accept concessions of a smaller scale that do not necessarily address the conflict’s master cleavage, but rather serve as a ‘payoff’ from the incumbent government to stop the immediate violence and neutralize the faction as a politically relevant contestant for power. In addition, the more factions there are, the smaller the potential concessions are, as there is only so much the government can offer. This limited pool of concessions (K. G. Cunningham et al., 2012) would, therefore, force the fragmented factions to readily accept the smaller concessions, rather than to continue fighting for the larger ones without any guarantee of success.

From the incumbent government's perspective, the logic of payoffs is quite intuitive. If we think of the government as a rational actor, its strategy towards the rebel movement follows two incentives: 1) minimization of the costs³ associated with the ongoing conflict, and 2) minimization of the salient concessions in order to retain as much power⁴ as possible (K. G. Cunningham, 2011). Realizing the existence of commitment problems that arise with the multitude of actors in civil wars, the government is less likely to give in to the larger demands that challenge its power due to the uncertainty associated with upholding 'their part of the deal'. Therefore, should the costs of continued fighting outweigh the costs of concessions, the government, as a rational actor, is expected to make concessions to the factions of the fragmented movements. The concessions in such a scenario do not challenge the incumbent government's power, but rather serve as payoffs to the factions. These concessions would not necessarily settle the dispute, but rather serve as a part of the bargaining process (Fjelde & Nilsson, 2012), a way of accommodating the factions in question. Concessions like these are, therefore, used to address the commitment problems; reveal information about the factions' preferences, as the factions are more likely to have the insider information from their co-ethnics than the government is; flush out the strategic separatists⁵ and strengthen the moderates in the movement. Indeed, research suggests that the more fragmented movements tend to receive concessions at a much higher rate than the more unified ones, and the more fragmented the movement is, the more likely the government is to concede to the weaker groups within it. Yet, these concessions are less likely to settle the disputes (K. G. Cunningham, 2011). I therefore hypothesize that:

H1: The more fragmented the rebel movement is, the more the concessions made by the incumbent government will be rivalrous and excludable in nature, therefore reflecting the characteristics of a private good.

The Logic of Conceding

Unified movements are generally accepted to represent stronger challengers to the incumbent government (K. G. Cunningham, 2011) as they tend to have stronger military capacities, public support and they don't suffer from commitment problems, which could hinder the negotiation efforts and limit the movement's bargaining power. As such, they are in a position to demand more from the government, and the concessions should be able to satisfy all the groups in the movement, including the potential spoilers (Nilsson &

³ Such costs can be diverse, from the number of deaths to diminished political support.

⁴ Fragmentation of the rebel movement may create even larger concerns with the loss of power, as accommodation strategies might set precedents for other potential challengers of the state (Toft, 2003; Walter, 2006).

⁵ Strategic separatists here refers to the factions that demand independence as their official bargaining offer, yet would be otherwise satisfied with much smaller concessions (K. G. Cunningham, 2011).

Söderberg Kovacs, 2011). Therefore, concessions are predicted to be relatively large⁶ and reflect the greater strength of the movement in comparison with the individual factions should they negotiate on their own. However large, the movement rarely receives exactly what it initially demands (the public good of independence) during the negotiations, as the government has an incentive to return to violence as an alternative to completely giving in to the movement's demands. The movement does, however, relatively often receive partial independence in a form of federal autonomy with more self-government for the regions in question, resembling the characteristics of a club good, which, although excludable to the members of a specific ethnic group the movement represents, is non-rivalrous. Such concessions to the more unified movements are much less frequent, but tend to address the conflict's master cleavage, and therefore, are more likely to resolve the dispute (K. G. Cunningham, 2011) as they satisfy more of the original demands of the movement. I therefore hypothesize that:

H2: The more cohesive the rebel movement is, the more the concessions made by the incumbent government will be excludable, yet non-rivalrous in nature, therefore reflecting the characteristics of a club good.

Both hypotheses in this research are built on several assumptions. The first assumption is that fragmentation is a dynamic concept, varying in its degrees and types as new groups are created and eliminated, alliances formed and dissolved, and power is dispersed across groups or concentrated within one faction over the course of the civil war (Bakke et al., 2012). Secondly, rebel leaders and incumbent governments are rational strategic actors, e.g. motivated not exclusively by common good or ideology, but also base their decisions on the cost-and-benefit analysis with an intention of profit-maximization and survival. The negotiation attempts in any conflict are not necessarily directed at addressing the conflict's master cleavage, but are often aimed at putting an immediate stop to violence in order to decrease the costs of protracted fighting. The final assumption in this research is that the demands of various factions within the movement may differ and sometimes conflict with the demands of other competing factions to some degree. However, all groups that claim to be representing the interests of the bigger group should represent an "overlapping, collective identity and pursue interests particular to it" (Bakke et al., 2012).

⁶ Large concessions represent a bigger piece of the initial demands

IV. Research Design

Methodology

Although useful to identify the links between dependent and independent variables, quantitative large-N statistical analysis does not represent a necessary tool to establish the cause and effect links (Mampilly, 2011). This study establishes the causal link between fragmentation and the types of concessions the non-state actors receive in the multiparty civil wars. Through two case studies, the author is able to identify plausible causal variables, which is essential to testing the theory on concessions as payoffs or a way to resolve the dispute as it applies to fragmented non-state actors and the government. Case study methodology is, therefore, the most useful for this research as it is simultaneously sensitive to data and theory (George & Bennett, 2005).

The method of analysis chosen for this study is process-tracing. Process-tracing, unlike statistical analysis and controlled comparison, forces the researcher to take equifinality into account, thus allowing for the consideration of alternative causal mechanism that could lead to the same outcome (George & Bennett, 2005). Unlike the controlled comparison, which requires the cases under investigation to be similar in every respect but one, process-tracing allows for the variables to be examined for causal significance within a single case, allowing the researcher to achieve a high level of conceptual validity (George & Bennett, 2005). This study investigates the causal mechanisms within two cases, thus process-tracing represents the best fitting methodology choice.

Although the chosen method has numerous advantages, there exist certain limitations with regards to the case study. Firstly, there is a potential for the case selection bias, present, along with the other systematic errors, in most studies of qualitative nature (George & Bennett, 2005). Secondly, the results of this research might be case-specific, thus not generalizable, and would need to be further tested on a larger number of cases. However, the aim of this research is theory-building, leaving the question of generalizability for further theory-testing studies.

Case Selection

The two cases analyzed in this study are Southern Sudanese second civil war and the second rebellion in Darfur. In choosing the case study, two criteria guide case selection. Firstly, the author selected the case of Sudan for a variation on the independent variable – the degree of fragmentation of the rebel movement within one case. Due to the time and resource limitations the second criteria is the availability of sources on the numerous negotiation attempts with some sort of an agreement that could provide information for testing the previously specified hypotheses.

On the one hand, Sudan is a unique case. Before the secession of South Sudan in 2011, the country represented Africa's largest state with the territory of 2.5 million square kilometers and the geography so diverse that it creates a serious challenge for establishing

authority over rebellious regions (Herbst, 2000). Ethnic diversity of the Sudanese people is extraordinary: 597 different ethnic groups speak 400 languages and dialects within the same country. On the other hand, however, Sudan scores high on the risk factors strongly associated with civil wars, such as weak statehood, rough terrain, political instability, a large population with a small military establishment, inconsistent democratic institutions and a war-prone, undemocratic neighbors, making it a typical war-prone state (Hegre & Sambanis, 2006).

The inclusion of both, Southern Sudan and Darfur allows for the variation in the degree of fragmentation of the rebel movements (the South Sudanese self-determination movement was much more cohesive in comparison with the more divided in aims and resources Darfur's rebels), while controlling for the state policy and similar counterinsurgency strategies (Seymour, Forthcoming). Controlling for these factors allows for a more clear identification of the causal relationship between the independent and dependent variables.

Data

The research is based on qualitative data. Various sources that provided a more detailed explanation of the conflicts' backgrounds, major players and the chronology of events. Among those were the Uppsala Conflict Database conflict profiles⁷, International Crisis Group reports⁸, Accord: an International Review of Peace Initiatives (online journal), scholarly journal articles, books, think-tank and NGOs' reports, newspaper articles, websites of relevant political organizations representing factions. Additional sources that allowed for the analysis of the concessions themselves were the peace agreements under investigation in this study.

Limitations of the Research Design

One of the main limitations of this research is that it is restricted to two case studies within one country, thus limiting the generalizability of results. However, the purpose of this study is theory-building, allowing for the developed theory to be tested later on a larger number of cases. Additionally, due to the language limitation, the author was only be able to access sources in English, which might have provided a biased and/or incomplete image of the case. Furthermore, the author had the final authority on the categorization of the concessions, thus allowing for other scholars to reach different results should the study be replicated. These limitations would have to be addressed in the future study of the effects of fragmentation on the types of concessions rebel groups receive in civil wars.

⁷ <http://www.pcr.uu.se/gpdatabase/search.php>

⁸ <http://www.crisisgroup.org/en/regions/>

V. Southern Sudan: The Plague of Initials?

In the 22 years of Africa's longest civil war, Sudanese government (GoS) and Sudan's numerous militia groups have gone through countless negotiation attempts in their search for peace. Some factors precluding the signing of a peace agreement include the remnants of the colonial pattern of administrative tribalism, effectively borrowed by the successive Sudanese governments, marginalization and exploitation of the oil-rich Southern periphery (LeRiche & Arnold, 2012), continuous use of the 'divide-and-rule' tactics (Harir & Salih, 1994), and GoS' use of proxies to fight its battles (Arnold, 2007). Some list the proliferation of named rebel groups that allegedly reflected the divided Southern⁹ political opinions (Johnson, 2003) among such factors as well. The complete breakdown of local conflict resolution mechanisms throughout the decades of war has led to the militarization of the small diverse communities in the South, causing the striving violent competition over economic and political power (Deng, 2010). The abundance of local actors inevitably caused the GoS and the Sudan People's Liberation Movement (SPLM)¹⁰ – the most politically relevant and significant rebel group in the south – to compete over the support of the local actors. Their tactics included offers of military backing and alliance, often through deliberately undermining the rural subsistence economy by using the asset-stripping tactics¹¹. Such deliberate actions, therefore, forced the local communities to rely on either side for survival (Johnson, 2003; LeRiche & Arnold, 2012). The existence of numerous local militias reflects the fragmented nature of the war, yet the case of Southern Sudan reflects the dynamic characteristics of rebel fragmentation. The analysis below demonstrates the change from high level of rebel movement fragmentation in the beginning of the war (associated with little progress towards a peace agreement, yet numerous smaller agreements with individual militia groups) towards more cohesion by 1997. Such a sequence of events created an appropriate environment for fruitful negotiations and the eventual signing of the Comprehensive Peace Agreement (CPA) which provided for a referendum on secession (**H2**), serving as a cornerstone of the agreement. Due to time and resource limitations, I will only look at major peace agreements, essentially excluding procedural

⁹ Southern Sudan will refer to the territory in Sudan that was contested and fought over, while South Sudan will refer to the newly established country by means of a referendum in 2011.

¹⁰ The SPLM is a political affiliate of movement, with the SPLA (Sudan People's Liberation Army) constituting its military wing. Colonel John Garang de Mabior served as a chairman of both, thus undermining the distinction. Due to the insignificance of the distinction for the purposes of this research, both terms are used interchangeably.

¹¹ The intention of the asset-stripping raids has from the very beginning of the war been not only to seize the assets in possession of the local population, but also to limit the potential resources for the opposing side, including the treatment of civilians as resources themselves, especially in the later stages of the war, when the SPLA gain control of more territory. However, assets stripped from the local population were often used as currency by Khartoum's southern guerilla allies (Johnson, 2003).

agreements, ceasefires, people-to-people reconciliations processes and factional talks from the analysis.

Rebel Fragmentation in Southern Sudan

Three simultaneous actions signified the abrogation of the 1972 Addis Ababa peace agreement, guaranteeing Southern autonomy, and the start of the second civil war in Southern Sudan. These were the ‘redivision’ of the Southern periphery into constituent parts, provinces and sub-regions; establishment of the September Laws, renewing and strengthening the imposition of *sharia* law in the whole of Sudan; and, especially significant for the southerners, their marginalization in the Sudan Armed Forces (SAF). Attempts by Khartoum to resettle Southern soldiers to the north also magnified the problem. The first ones to take up arms in resistance to the central policies of the Khartoum government in the late 1970s were the dissatisfied veterans of the first civil war – the *Anyanya II* movement – joint by the SPLA under the leadership of John Garang in 1983. However, competition within the two groups grounded in paranoia and individual ambition of the leaders (LeRiche & Arnold, 2012) led to the victory of the SPLA. Most of *Anyanya II* forces were absorbed by the SPLM, with the central government splintering the rest into Khartoum-supported militias (Arnold, 2007).

However, the Southern resistance movement did not stay cohesive for much longer. In 1991, two of the SPLA’s senior commanders, Lam Akola and Riek Machar, defected from the movement over the ruthless and autocratic leadership of Garang and the issues concerning Southern independence (Johnson, 2003; O’Ballance, 2000). In fact, Garang’s problem-solving mechanisms involved active abuse of human rights, recruitment of child soldiers and numerous raids with confiscation and destruction of local communities’ resources (Johnson, 2003; LeRiche & Arnold, 2012). Such actions contributed to the rapid proliferation of armed militias in the south, formed with a simple purpose of protecting themselves against the SPLA. These militias were formed among Mundari, Toposa, Bari, and other peoples in eastern Equatoria, the Fertit and even some Dinkas in Bahr el-Ghazal and Murle in southeastern Upper Nile. The members of these communities shared the anti-Muslim and anti-Arab sentiment with most other southerners. However, their main ideological difference with the SPLM was the rejection of the “New Sudan” concept, according to which Southern Sudan, although with much more autonomy and political representation, would remain a part of Sudan. This notion went against their undisputable support of the idea of Southern self-determination. Such militias were strategically used by the GoS as southerner ‘proxies’, a fundamental principle of Sudanese politics where northerners supply allies from the south to fight their “own-brother enemies” (Rogier, 2005: 12). For example, the GoS supplied Murle militias with weaponry to attack the communities (predominantly Nuer and Dinka) from which the SPLA drew support and recruited most of its forces (Johnson, 2003). However, with the limited scope, resources and forced affiliation with the GoS, the militias remained on the level of local organizations with the main objective of defending

their own communities (Young, 2003). By pursuing their own grievances with the SPLA forces and staying local they rendered themselves unable to challenge the GoS and, consequently, politically irrelevant.

Not long after their defection from the SPLA, Akola and Machar's ideological differences with Garang over the self-determination concept led to a brutal and widespread war between Nuers (from which the leaders drew their support) and Dinkas (predominantly associated with Garang's movement). The SPLA-mainstream (the Torit faction lead by Garang), being better supplied and more numerous, won the war, thus forcing Akola and Machar (the Nasir commanders) to seek the GoS support. However, soon after the agreement with the GoS was signed in 1992, Lam and Riek separated once again, this time each heading yet another faction of the Southern movement: SPLA-United stayed under the leadership of Akol, while Machar created the South Sudan Independence Movement (SSIM). Further fragmentation of the rebel movement happened with the Equatorians forming the Equatoria Defence Forces (EDF). All three groups (characteristically not clearly demarcated in terms of their ideologies, political grievances and territorial constituencies) were unable to sustain themselves in the fight against the SPLA. Looking for support, they signed a Political Charter with the GoS in 1996, consequently moving their headquarters to Khartoum. Their alliance with the government made them once again much less politically relevant as a potential challenger to the state. The factions were finally discredited upon the signing of the Khartoum Peace Agreement in 1997. The loyalties of individuals in the armed groups were typically transient and temporary. This becomes obvious from the fragmentation dynamics of the movement, based largely on individual ambition and exploitation of local diversity, rather than irreconcilable ideological differences. The pursuit of personal interest often trumped ideology (Young, 2006). Such a pattern suggests individual motives behind the negotiations with the GoS (**H1**). This characteristic provided plenty of opportunities for Khartoum to use the lack of loyalties to their advantage through manipulating actors in Sudan's Southern periphery, forcing them to fight the 'civil wars inside a civil war' (Arnold, 2007).

Interestingly, however, such trend eventually led to the revival of the SPLA-Torit as the main and only rebel group strong enough to challenge Khartoum, with a central role in the new national opposition (Johnson, 2003). The central paradox of the SPLM-United, like many other smaller factions, was their military alliance with the GoS, while the goal of the movement – Southern independence – was seemingly irreconcilable with those of Khartoum. The GoS categorically insisted on the idea of the Islamic state with the implementation of *sharia* law in the whole of Sudan in the late 1980s. Later in 1990 it hinted at a potential for a compromise in a form of independence for the Southern periphery, when no military headway benefitting the GoS was possible. The proposed independence, however, included a considerably smaller Southern territory than expected and demanded by the rebels, excluding all the oil fields, and thus rendering the

proposition unacceptable by any of the Southern factions (Johnson, 2003). As the break-away groups, including the SPLA-United, became tied to the government for their survival, each move they attempted on their own was restricted by their military alliance. This effectively limited any real moves towards the exercise of Southern self-determination, making them the GoS puppets and ultimately destroying their credibility and movements themselves. The 1992 Frankfurt agreement between the Nasir faction and the GoS, with no mention of Southern independence demonstrated this trend. Abuja talks in 1992-1993 in which the government gained an upper hand in relation to the continuation of sharia law imposition, Islam as the state religion and Arabic as the state language provide further evidence in support of such a claim (Raftopoulos & Karin, 2006).

Some argue that the GoS alliance with numerous militias in the south was not the only factor increasing the overall Southern movement cohesion and particularly SPLA's gains. An important aspect of such development was the constantly increasing military and political cohesion of the northern and Southern opposition groups under the umbrella of the National Democratic Alliance (NDA) (Johnson, 2003). Major northern political parties like Umma, Democratic Unionist Party (DUP) and National Islamic Front (NIF) were strongly opposed to Garang's idea of the "New Sudan" where the northern dominance would end through the restructuring of power relations in Khartoum. Nevertheless, several factors made the cohesion possible. International recognition of the southerners' right for self-determination as an integral part of democracy, and human rights to which NDA was committed influenced the movement. Additionally, Sudan's neighbors' insistence on a united movement and the SPLA's limited influence outside the south promoted such an idea. (Johnson, 2003; Young, 2003). Thus, by March 1996, the SPLA represented a relatively united, cohesive movement and a true representative of the Southern constituencies with the main objective of Southern self-determination.

However, for the sake of appearances and inclusion, in 1997 the GoS signed an agreement with 6 rebel factions as a political facade¹² and a way to neutralize the potential threat of those groups gaining more local support. The SSIM, EDF, SPLA-United and three smaller break-away groups (SPLA Bahr el-Ghazal Group, Bor Group, and South Sudan Independence Group), all of which were officially or unofficially dependent on Khartoum for their survival, signed the deal that promised a referendum on Southern self-determination after an interim period. Although the emptiness of that promise is as widely accepted today as it was in 1997 by the signatories, the agreement represents an interesting case for the analysis of the effects of fragmentation on the concessions in the second Sudanese civil war. The following section analyses the negotiation attempts between the government and the numerous rebel groups in the south leading up to and

¹² At this point, the headquarters of these rebel groups were situated in Khartoum, further proving the interdependence of the groups with the GoS and the political irrelevance of the agreements.

resulting in the signing of the Comprehensive Peace Agreement (CPA) in 2005 by the GoS and the SPLM, effectively putting an end to Africa's longest civil war.

Abuja Talks (1992-1993)

In 1992-1993 the GoS and the SPLM, including SPLM-United, gathered in Abuja, Nigeria in an attempt to reach a peace agreement. Although such was the official objective, Abuja talks turned out to produce much different outcomes than expected. Due to the split in the opposition movement, the GoS was able to keep its commitment to *sharia* law throughout Sudan and the Islamic state with Arabic as an official national language. These issues, on top of the ever so present quest for self-determination, served as stumbling blocks for the peace process at Abuja as much as anywhere else. Although the agreement did not address the conflict's master cleavage, the parties did manage to agree on a temporary arrangement with the specific provisions for equitable wealth sharing and decentralization of power (Raftopoulos & Karin, 2006). These concessions are somewhat reflective of a club good. Yet, upon a closer examination of the allocation of important local positions as a result of the arrangement, certain private motives behind the agreement become obvious. In addition, the lack of effective implementation indicates the lack of commitment from the government to uphold the deal, which in turn negates the seemingly salient concessions all together. This, in turn, negates the significance of talks in their relation to conflict resolution, and implies the smokescreen nature of the negotiations, thus discrediting their relevance to this research.

However, the split in the movement was evident as never before. Garang's strategy in overcoming that obstacle was his appointment of a Nuer, not Dinka¹³, commander Nyuon as a leader of the SPLM-mainstream delegation to the first Abuja talks in 1992. During the negotiation the commander and then Chief of Staff Nyuon received an offer of financial inducements from the GoS to leave the SPLA, which he accepted and resigned from his post right after the negotiations (Johnson, 2003). This allowed for the SPLA-United, with the support of the GoS, to further ignite the war between Dinka and Nuer, in an attempt to weaken the SPLA-mainstream. Although formally not part of the agreement, the financial inducements represent the characteristics of a private good that the negotiator was able to receive in a form of concession due to the internal split of the movement between the SPLA-mainstream and the SPLA-United, thus providing ground for establishing a pattern further demonstrated during the Khartoum agreement negotiations in 1997 (**H1**).

Although the talks in Abuja did not succeed in establishing a peace agreement, they did achieve one thing: through discrediting the SPLA-United as a legitimate representative of

¹³ Representatives of the Dinka tribe constituted the majority of the SPLM forces

its constituents due to its alliance with the GoS, the talks managed to create a more cohesive movement with a common unifying goal (Raftopoulos & Karin, 2006).

Khartoum Peace Agreement (1997)

By signing the Fashoda¹⁴ and Khartoum Peace Agreements in 1997 the GoS simultaneously achieved three goals. First of all, it neutralized 6 already largely associated with them factions of the Southern movement. Secondly, it created a military force consistent of the Southern factions large and strong enough to defend the GoS from the SPLM forces in the south, thus weakening the SPLM. Finally, the GoS created a new opportunity to exploit the oil fields in the northern part of the Southern Sudan. The agreement incorporated the general principles of Peace Charter signed a year prior to the Khartoum Agreement and specified the federal structure of Sudan with the creation of a new Coordinating Council for the Southern States (Johnson, 2003). Areas under federal control, according to the agreement, included national security and control of the armed forces. Limited control over economic development was allowed for the Southern Sudan, as long as it was in accordance with the federal planning. The concessions in regards to the political structure can, on the one hand, be characterized as a private good, as the new Coordinating Council positions would provide financial benefits to their holders that are both excludable and rivalrous. On the other hand, the Council itself is a club good, excludable to the Southern Sudanese constituents, yet non-rivalrous in nature. Given the patterns of political behavior and abuse of power in Sudan, combined with the severe limitation the Council's powers, the club good characteristics of its creation are relatively insignificant. Limited control over the economic development of Southern Sudan as another concession represents characteristics of a club good, as its benefits could only be enjoyed by the citizens of the Southern territories in question, yet the enjoyment of the gains from the control over economic development by one citizen of the Southern Sudan does not preclude their enjoyment by the other. However, given the limited scope and insignificance of the concession in comparison with the rest of the agreement, control over economic development was largely symbolic, and is, therefore, also insignificant.

Seemingly important, yet disqualified as such due to the lack of the intention on behalf of the government to implement the agreement and the irrelevance of the rebel groups as state challengers, is the promise of a referendum at the end of the interim period. While generally characterized as a club good, this promise did not constitute a real concession, as the GoS was never intent on holding a referendum in the south and used the concession as a façade while achieving its other goals.

The signatories of the agreements included the SSIM, the SPLA-Bahr el-Ghazal Group, the SPLM-United, the EDF, the SPLA Independent Group from Nuba Mountains, and

¹⁴ Fashoda Agreement was an addendum to the Khartoum Peace Agreement

the Bor Group, each included for the sake of giving the appearance of “embracing the plurality of Southern political opinion”, and operating under the umbrella of the new United Democratic Salvation Front (UDSF) (Johnson, 2003; Young, 2006). None of the groups, except for SSIM, had permanent troops in the South, excluding the government garrisons. Each, however, had political personnel in Khartoum prior to the agreement. The armies of all the factions, under the Khartoum Peace Agreement, were to be amalgated into the South Sudan Defence Force (SSDF), lead by Riek Machar.

Through the creation of the SSDF – government-allied forces in the south – the GoS neutralized their potential military threat and created a military under its control to protect its assets, especially those in the oil field in the south that the government received control¹⁵ over under the agreement (Arnold, 2007; Young, 2006). The formation of the SSDF served another important function: under the 1997 agreement, the government promised a referendum on unity or succession for the Southern Sudan after a vaguely formulated interim period, however without any intention of keeping the promise. Through the strategic use of Military Intelligence (MI), the agency that, for the most part, assumed responsibility for the SSDF control, the GoS worked to undermine the organizational development and, thus, power of the SSDF. The job was achievable precisely due to the local divisions and the individual ambition of local commanders, willing to carve out their semi-independent domains (Young, 2006). Without strong organizational structure, the SSDF (and UDSF, whose development was equally compromised by the GoS) was unable to implement many of the Khartoum Agreement’s provisions. This limitation included the referendum, which served as the cornerstone of the agreement and the answer to the master cleavage of the Southern Sudanese civil war (Young, 2006).

Interestingly, apart from the formal concessions the government yielded in negotiations¹⁶, a number of individual arrangements in relation to power sharing negotiated as a part of the Khartoum Peace agreement are relevant to the analysis of the agreement. Riek Machar, one of the key persons during the negotiations, formerly a commander of the SPLM and the leader of the SSIM at the moment of negotiations, established a regional government in Juba, of which he became the president. Under the agreement, he also became the commander-in-chief of the SSDF, an assistant to the president of the Republic of Sudan, and the head of the UDSF political party (Young, 2006). The positions, occupied by Riek Machar, offered him considerable power and

¹⁵ The GoS could exercise its control through the SSDF

¹⁶ Most of the concessions yielded by the government were small in scale and insignificant, failing to address the conflict’s master cleavage. Although the promise of a referendum was officially incorporated into the agreement, evidence suggests that all the negotiating parties were aware that the prospects of implementation of that promise were extremely low, especially because the major military and political challenger of the GoS – the SPLM – was not included in the negotiations.

access to material resources, reflecting the characteristics of private goods and serving as a sort of payoff for the conclusion of the agreement (**H1**).

Paulino Matieb, another chief negotiator on behalf of the South Sudan Unity Movement (SSUM), was appointed to the post of the governor of the oil-rich Unity State in Machar's government, against Machar's recommendation, yet with the GoS backing. Matieb also served as a chief of staff of the newly formed SSDF and the major-general of the SAF, being one of only four SSDF members to hold such senior rank in the national army. Such promotions, as a result of the Khartoum agreement, are also characteristics of private goods, as their benefit to Matieb are undeniable, and no one else would be able to enjoy the gains from the positions as long as Matieb occupied them (**H1**). Lam Akol, another signatory to the Khartoum Peace Agreement, served as the transport minister in Machar's government after it was formed, thus receiving private benefits from the agreement.

The Khartoum Peace Agreement, therefore, represented a major farce, a hollow document that neither involved the true challengers of the governments (which at that point was the SPLM faction), nor truly addressed the issues most salient to the Southern opposition (Ofuho, 2006). If, however, the signatories are to be considered politically relevant, then their fragmentation and internal divisions within the movement are to be blamed for weakening their bargaining position and, consequently, allowing them to only negotiate private payoffs, rather than achieve true Southern autonomy from the central government. The GoS achieved its two major goals during the negotiations: it weakened the threat of the SPLM and received an opportunity for the exploitation of the oil fields, both accomplished through the creation of the SSDF.

The Importance of the Comprehensive Peace Agreement

In 2005, the CPA, negotiated between the GoS and the SPLM with the involvement of international mediators under the auspices of the Intergovernmental Authority on Development (IGAD), served as a 241-page document that ended Africa's longest civil war. In retrospect, CPA secured independence, oil revenues for the South, and a large enough army to serve as a deterrent to the potential northern aggression (Natsios, 2012). The negotiation process, however long and painstakingly slow, involved separate negotiations of each agreement to be later included in CPA. The intention of the agreement was not simply to silence the guns, although much to that effect, but rather to transform Sudan into a just country where all the marginalized people have an equal say in how the country is run and the way its resources are allocated. As such, the CPA represented the "cornerstone of the first mutually-agreed secession in Africa" (Rolandsen, 2011). Whatever the forces that brought the agreement into existence, each party had a different agenda for agreeing to come to the negotiation table. For the GoS, the CPA (and the interim constitution it brought about) was caused by the need to bring a politically and militarily powerful rival into a coalition in order to deal with other rebels,

especially the ones in Darfur that were putting more and more pressure and costs on the GoS, through further agreements later (el-Battahani, 2006). It also served as a way to bring stability to Sudan and consolidate all the resources on the ambitious development projects of the GoS (Curless & Rodt, 2013), such as the dam building program (Verhoeven, 2013). For the rebels, the CPA was the opportunity to realize the ambition of its own state, be it independent or within a federal system with much autonomy for the south, with the possibilities of economic development, namely such resources as land and water (Curless & Rodt, 2013).

Apart from the obvious significance of the agreement, it also represents an important case study for the ability of a cohesive movement to extract salient concessions of the club good nature from the incumbent government, as opposed to the fragmented opposition in pursuit of the same goals (H2). The following section describes the types of concessions the SPLM was able to receive in negotiating the CPA.

The CPA

Machakos protocol¹⁷, signed by the GoS and the SPLM in 2002, was the first, and many would argue, the most significant development in the process of ending the civil war. Whereas the previous peace initiatives were hindered by internal divisions and disputes among the rebel groups themselves, now the SPLM embodied a truly cohesive movement, representing the whole of Southern Sudan and contested areas of the Nuba Mountains, Abyei and Southern Blue Nile, providing the movement with a much stronger negotiating position (Rogier, 2005). Not only was the movement internally cohesive, but it also had the international support of Eritrea, Kenya, Ethiopia and Uganda, as the potential of an independent South Sudan as a buffer state was quite alluring for the neighboring countries (Høigilt, Rolandsen, & Falch, 2010). GoS' preoccupation with power struggles and internal strife, economic crisis and international isolation (Carney, 2007; International Crisis Group, 2002) had significantly weakened its bargaining position prior to negotiations. The SPLM, however, more cohesive than ever with the backing of African neighbors, and the involvement of troika led by the US, international recognition and support of the principle of self-determination, increased its likelihood of extracting concessions from the GoS. Engagement in talks, therefore, became the matter of survival for the GoS leaders (Rolandsen, 2011). Such dynamics allowed for a breakthrough in the negotiations: the protocol finally addressed the conflict's master cleavage in the form of two most salient issues – separation of state and religion and Southern self-determination.

¹⁷ Machakos Protocol is a part of the CPA.

Under the protocol, a six-year interim period was to be established¹⁸, after which Southern Sudan would hold an internationally monitored referendum on unity or succession from Sudan. During the interim period, Southern Sudan was to be governed by the newly-formed Southern Sudanese government (GoSS), as well as equitably participate in the national government of Sudan. A new, decentralized system of government was to be established, with the Government of National Unity (GNU) at its center and the split 70:30 in representation, favoring NCP in the northern states, and the SPLM in the southern part of the country. The first of two Vice-Presidents was to be the chair of the SPLM. The imposition of *sharia* law, one of the issues that ignited the conflict in the 1970s, was to only be implemented in the northern Sudan, with parts of the constitution being re-written so as to allow for non-Muslims throughout the country to be exempt from *sharia* law. Although the agreement promised a referendum on possible succession, the implementation of peace, according to the protocol, was to be conducted so as to promote the unity of Sudan over southern independence. Even though granting the right to self-determination was politically costly the GoS, it was the only way to guarantee sharia law in the northern Sudan (Rolandsen, 2011). Under the security arrangements, the SPLA was allowed to keep its army separate from the SAF, partially to guarantee the implementation of the agreement, and partially to ensure the South's ability to defend itself should the agreement not be implemented. However, both parties were to equally contribute to the 'joint integrated units' stationed in Southern Sudan, three contested areas and Khartoum. Should the referendum reveal the vote in favor of unity, the troops were to be completely integrated into the national army. Acceptable for the GoS, the agreement was a clear victory to the SPLM, as there was no military leverage over the south that Khartoum would be able to use in the future (Rolandsen, 2011). The main part of the wealth-sharing arrangement was that the GoSS received 50% of all oil revenues, and that the transfers were to be made directly without Khartoum's intervention in order to avoid corruption and potential theft.

The promise of a referendum on succession, reduced implementation of *sharia* law and creation of a separate GoSS army all reflect the characteristics of a club good, as they are excludable to the Southern Sudanese only, yet the benefits from these concessions can be enjoyed by all Southern Sudanese without precluding the consumption of one by another. Creation of the GoSS, however, partially reflects the common characteristics of a private good. It benefits certain high-ranking rebel leaders through providing them with an access to resources in the public office, yet it also created the political institution in the area where the Southern Sudanese citizens could address their grievances and demand their resolution, thus making it a club good. In addition, equitable participation in the national government, the chair of the SPLM becoming the Vice-President of Sudan and the receipt of the 50% of the oil revenues directly to Southern Sudan are clear examples

¹⁸ The interim period was dated from 9 July 2005

of private goods that were included in the CPA. The only truly public good, which, in theory, was supposed to be non-excludable to a certain ethnic group, but rather enjoyed by all the Sudanese citizens without precluding consumption by one another was the creation of a more decentralized and democratic GNU.

The pattern described above strongly suggests the validity of the argument, that a more cohesive movement is able to extract concessions that reflect the characteristics of a club good, such as the exercise of the right for self-determination, exemption of the southerners from the *sharia* law and the ability to maintain its own army (**H1**).

The Three Contested Regions

In the month following the signing of Machakos agreement, the SPLM pushed for separate negotiations in the three areas: Abyei and two administered regions, Southern Kordofan and Blue Nile. Each of the areas status was negotiated separately in accordance with the GoS request, with each negotiating team coming directly from the area in question. Such conditions divided the groups into three from the GoS and three from the SPLM, thus downplaying the SPLM's status as a truly national movement and preventing it from challenging the GoS from a stronger position (Matus, 2006). Under such circumstances, the SPLM had to yield salient concessions in regards to the Nuba Mountains and Southern Blue Nile and their participation in the Southern referendum. Under the agreements, Southern Kordofan absorbed the Nuba Mountains based on its boundaries prior to 1974, while Southern Blue Nile became the Blue Nile state. Abyei, however, was accorded a special administrative status during the interim period, with the participation in the Southern referendum on the matter of either maintaining the special status, or becoming a part of Bahr al-Ghazal (Warap) state. Appropriate wealth-sharing arrangements were also included for each of the three regions. Abyei, therefore, received two club goods (the special status and a promise of a referendum) along with the private good of wealth-sharing arrangements, while Nuba Mountains and Blue Nile were mostly given the private goods in the form of financial contributions.

Conclusion

The case of Southern Sudan provides ample evidence in support of the argument that as the movement fragmentation decreases, its chances of winning over concessions that address the conflict's master cleavage and its underlying causes increase. Unable to achieve an implementable agreement with concessions representing club goods during the peaks of rebel fragmentation, the SPLM did manage to sign a deal with the government that guaranteed its right for self-determination once the smaller groups united into one. The case, therefore, is in line with both **H1** and **H2** of this study.

VI. Darfur: Divided They Fall

From the very beginning of the rebellion, Darfur's opposition lacked a unified movement with a charismatic and capable leader, as well as both military and political structures, like the SPLM/A. However, such fragmentation was not the only factor that stood in the way of achieving a peace agreement between the Darfur insurgents and the GoS. The rebel's understanding of the struggle for liberation was justified and fought for on the basis of a political agenda. The underlying causes for their constituencies are rooted in a much more tangible issue, namely the control of resources necessary for their future survival (Sørbø & Ahmed, 2013). Khartoum, realizing the difference in perception, had repeatedly played on it to weaken the rebel groups that refused to sign peace agreements. The government did so by offering rebel leaders numerous financial bargains, such as jobs, money and supplies to separate from the rebel militias with which they were associated. The described trend contributed to the development of the patronage networks throughout Sudan. As a result, the groups that formed from such divide-and-rule tactics were lacking any political agenda, yet equipped with captured weapons (Natsios, 2012). The existence of such 'agendaless' militias perfectly reflects the nature of Darfur within-rebel fragmentation dynamics. In Darfur, no cohesive movement, regardless of the local and international attempts, was possible or existed at any point in time. The analysis below demonstrates that no vital changes occurred during the war as the fragmentation levels increased or decreased, and at no specific time was the Darfurian rebel movement cohesive enough to extract truly salient concessions of the club good nature (**H1**). Due to time and resource limitations, I will only look at major peace agreements, essentially excluding procedural agreements, ceasefires, people-to-people reconciliations processes and factional talks from the analysis.

Rebel Fragmentation in Darfur

The recent armed conflict in Darfur, commonly referred to as the 'third rebellion', began with the intensification of the attacks of the Fur villages by Janjawid, government-affiliated Arab militias, under the command of Sheikh Moussa Hillal. Moussa Hillal served as the commander of a hardline Arab faction in Darfur in exchange for a generous land contribution by President Bashir at the expense of one of the three tribes in the rebellion. He was responsible for the recruitment and mobilization of the Um Jalal clan to raid and attack the rebellious villages (Natsios, 2012). The anti-GoS violence was ignited by the increased Janjawid violence¹⁹ and the lack of democratic institutions to

¹⁹ For decades largely nomadic ethnically Arab groups had attacked the traditionally farming African communities in Darfur for grazing and water, often triggering violence from both sides. The attacks of 2002 constituted a significant increase in the degree of violence, including severe rape of the women and murder of young men in the villages, often blamed on their affiliation with the GoS, who the government considers a threat to its power (Dagne & Everett, 2004).

redress the grievances. However, the reasons for two Darfurian movements – the Sudan Liberation Movement (SLM) and Justice and Equality Movement (JEM) – to launch attacks in 2003 against government installation, with which Janjawid is largely affiliated, were numerous and complex.

The underlying reason for the armed resistance was the struggle against the historic economic and political marginalization of Darfur (Dagne & Everett, 2004; Williams & Simpson, 2011) against the backdrop of growing tribal polarization due to the ongoing land dispute between the nomadic Arab camel herders and non-Arab farmers (mostly Fur, Zaghawa and Massaleit groups), whose land they wanted to use for grazing. Increased distribution of automatic weapons among the Arab militias (Flint & de Waal, 2005; Natsios, 2012) served as yet another contributing factor. Progressive desertification, drought, and increased property privatization made the competition for resources even more significant, allowing the GoS to use the local dispute and invoke otherwise insignificant ‘Arab’ and ‘African’ differences in pursuit of its own interests (Hottinger, 2006). In addition to the conflict’s master cleavage, local feuds had been heated by the “Arab Gathering” campaign in North Africa, promoting the rise of Arabs above African tribes, including Arab replacement of Darfur’s Fur governor, and the violent threats upon the denial of the Arab domination²⁰. Yet another destabilizing factor that spurred the armed rebellion in 2003 was the support of the SPLM from Southern Sudan. It was done in an attempt to create a second front in its war against the GoS to improve SPLM’s bargaining position and force Khartoum to yield more salient concessions (Flint & de Waal, 2005; Natsios, 2012). Ironically, the SPLM rebellion in Southern Sudan was the model of winning at the negotiation table with the support and pressure of the international community, rather than through battlefield victories, that the Darfurian rebels pursued to follow from the beginning²¹.

Relatively cohesive from the early on, with only two movements and two different ideological platforms, the rebel movement in Darfur achieved unexpected success within the first nine months of the rebellion. Of thirty-eight battles, rebels won thirty-four, leaving National Islamic Front (NIF) forces, internally in turmoil and under pressure to end the North-South conflict, victorious in only four (Dagne & Everett, 2004; Gramizzi & Tubiana, 2012; Natsios, 2012; Tanner & Tubiana, 2007). However, their success did not last long. What followed was a constant reconfiguration and realignment of the tribes. Such realignment was not grounded in significant political disagreements. Personal rivalries and inept, chaotic and violent leadership largely served as the basis for infighting and movement fragmentation. Constant competition between the aggressive younger

²⁰ Often referred to as “Arab Supremacy” (Natsios, 2012)

²¹ The rebellion in Darfur was indeed similar to the one in Southern Sudan in its grievances, the demanded reforms, violent response and the ‘divide-and-rule’ strategy of Khartoum, as well as the allies from neighboring countries and international attention.

rebels in their twenties with little combat experience and older rebel commanders previously trained in military tactics by the SAF (Natsios, 2012) also contributed to the problem. Fragmentation of the rebel movement, particularly along ethnic lines, became especially evident after the GoS and one of the factions of the SLM groups signed the Darfur Peace Agreement (DPA) in May 2006 (Campbell, 2008; Gramizzi & Tubiana, 2012; Tanner & Tubiana, 2007). Continued fighting was from now on characterized not only by ‘Arab’ versus ‘African’ disputes, but also ‘Arab’ versus ‘Arab’, as well as rebels against the NIF. The two groups – JEM and SLM-Walid – having refused to sign the deal in 2006, continued fighting the government, as well as each other, leading many commanders to defect and form their own militias (Gramizzi & Tubiana, 2012). At one point in time the rebel movement in Darfur consisted of 27 rebel groups, all claiming legitimacy as the representatives of Darfur numerous communities (Campbell, 2008; Natsios, 2012). During the North-South negotiations, Darfur rebel groups pressed to be included in the talks, given the similar nature of their grievances and demands. Having been allowed to participate on the condition of uniting with the SPLM²², however, they refused, wishing to keep their independence (Natsios, 2012).

There was another factor that promoted further fragmentation among the numerous rebel groups in Darfur. The internationalization of Darfur’s struggle has, on the one hand, reduced Khartoum’s ability to use brutal force, a tactic it had previously mastered during other uprisings, including the civil war in the south. On the other hand, by making maximalist demands at the expense of addressing the conflict’s master cleavage, the movement substituted local legitimacy for international connections, lowering the barriers of entry for new rebel groups and, therefore, promoting fragmentation²³ (Jumbert & Lanz, 2013).

However, closer to 2008 the GoS continued to inflict violence, yet not only upon the African militias, but the Arab groups as well. Previously loyal Janjawids became more reluctant to fight on behalf of Khartoum, thus forcing it to switch to the counter-insurgency strategy, exploiting the grievances between the different African tribes. Such a tactic, in turn, ignited the cycles of extreme violence that erupted later in 2010. The infighting further weakened the already fragmented and militarily (as well as politically) anemic movement, forcing it to coordinate and form alliances in order to survive (Gramizzi & Tubiana, 2012). Given the gross human rights violations and protracted

²² Garang was convinced by the previous experience with Khartoum that the only way to achieve serious concessions was to negotiate from a united position not to allow the GoS an opportunity to manipulate one faction against another (Natsios, 2012).

²³ The internationalization of Darfur’s problems and international attempts to foster unity caused the proliferation of what was later coined “hotel rebels”, who lived off the per diem in fancy hotels, travelling from one negotiation location to another, thus making fragmentation attractive for personal gains.

violence in Darfur caused by the third rebellion, the international community made numerous efforts to unite the movement for the sake of reaching an enforceable negotiated agreement, unlike the DPA signed in 2006. The result of these efforts was the creation of an umbrella organization – Liberation and Justice Movement (LJM)²⁴ – for the purpose of negotiating more flexibly in Doha, Qatar (Flint, 2010; Sørbo & Ahmed, 2013). The major trend towards unification, however, came in 2010 with the return of SLA-Minni Minawi (SLA-MM), the sole signatory to the 2006 DPA. Minni, having been promised numerous benefits, yet being dissatisfied with the loss of political influence, relevance and territory, brought with him troops and allowed for the splinter group leaders from other factions originally part of SLA and JEM to join (Gramizzi & Tubiana, 2012). His decision to leave the government might have been brought on by the aftermath of the 2010 elections in Sudan. However, it is likely that the pressure from the government to integrate his troops into the SAF, the key to implementing the DPA security arrangement (while no other part of the agreement was being implemented) was the major reason for rejoining the rebels (Williams & Simpson, 2011).

Having started yet another fragmentation during the talks in Doha, LJM became the sole signatory of the Doha Document for Peace in Darfur (DDPD) on 14 July 2011. JEM, having suffered numerous defections as well, remained relatively cohesive throughout the talks and later aligned with SPLM-N (particularly involving military coordination in South Kordofan) in yet another attempt to remain cohesive (Gramizzi & Tubiana, 2012). Having signed a separate Framework and Ceasefire Agreement (JEM Framework) in February 2010, it set up the roadmap for future negotiations with the GoS (Williams & Simpson, 2011). Although the progression from extremely fragmented to relatively cohesive is evident in the case of Darfur rebels, the level of cohesion at the moment of negotiations and the signing of numerous different agreements was low. Such a pattern allows for a thorough analysis of the effects of fragmentation on the types of concessions fragmented movements receive during negotiations.

Negotiated Peace: Dream or Reality?

From early 2005, after the insurgency in Darfur suffered from a serious military response from the GoS, a military victory by either side was highly unlikely. The SAF weren't trained to fight insurgency, as Khartoum had repeatedly relied on the divide-and-rule tactic in dealing with other civil wars. The rebels were too divided to represent a serious challenger to the government. The importance of a political settlement, not a battlefield victory, was therefore obvious, especially to those from the outside attempting to meddle

²⁴ By April 2010, LJM was already joined by a number of predominantly Fur rebel factions, previously affiliated with SLM-United; SLA-Abdel Shafi and SLM-Unity (Williams & Simpson, 2011).

in the conflict and lend a helping hand in its resolution. However, under the supervision of American, African and European diplomats, the first three efforts, alongside humanitarian intervention, to initiate a peace process in Darfur failed (Natsios, 2012). Although no direct approval from the international community was received, Darfurians' strife for self-determination and a more democratic state earned the rebel movement international attention and respect, and shifted the international bias in their favor (Sørbo & Ahmed, 2013). Severe humanitarian crisis and the realization of the necessity to unite the numerous rebel groups, led the outside interveners to foster cooperation through trying to bring all the factions together at conferences all around the world. The necessity became especially evident after a failed attempt to sign a Darfur Peace Agreement in 2006. Having succeeded in creating a relatively cohesive LJM umbrella group, another attempt at negotiation a solution was made in Doha in 2009-2011, the outcomes of which have been more than inconclusive. This section analyses the two major agreements that attempted to bring peace to Darfur, and how fragmentation affected the types of agreements that were eventually signed. Both agreements were widely characterized by exclusion and inter-rebel divisions, and none has been satisfactorily implemented.

Darfur Peace Agreement (DPA) of 2006

5 May 2006 was the day the first attempt at a politically negotiated agreement to end the conflict in Darfur failed. The agreement, negotiated with numerous rebel factions, including the most significant faction at the time – JEM – was signed, however only by one faction of SLA, the one under the leadership of Minni Minnawi. The agreement stipulated that its signatories would receive the fourth highest position within the national government of Sudan, and the new transitional authority, whose chairperson would serve as the Senior Assistant to the President, was to be established in Darfur. In addition, power-sharing arrangements included twelve seats in the National Assembly. On the state level (Darfur was at the moment divided into three states), the rebels would receive the positions of one of the three governors, two of eight state ministers in each state and the deputy governor of each other state. Numerous other small details as to the distribution of votes and commissioners were included in the agreement, alongside with the promise of a referendum to decide on the whether to establish a single government for the Darfur region, uniting the three existing states, or to leave the current status quo. The wealth-sharing section of the agreement included the monetary contribution by the Government of National Unity (GNU) to Darfur in a form of reconstruction and development (Darfur Reconstruction and Development Fund). However, the agreement lacked the greater financial commitment to compensate the victims in Darfur, and more specific and clear-cut promise of wealth transfer from Khartoum (International Crisis Group, 2007). Lastly, the security arrangements included the integration of rebel armies into the Sudanese army and other security institutions, with the signatories' leaders represented in the leadership positions of the SAF. Having been negotiated on the last days of bargaining, the proposed security arrangements did not satisfy the JEM and the

SLA. The reasons for dissatisfaction were the vagueness on the implementation, insignificant role in the security institutions and the lack of guarantees that the militias, affiliated with the government and involved in regular violent attacks on the rebel movement, such as Janjaweed, would effectively disarm (Hottinger, 2006). The non-signatory parties were also opposed to the possibility of maintaining the status quo of the three states, demanding the unification of Darfur into a single region. The reasons for such demands lay in the political weight of the region being lessened by the division, as the territory occupied 20% of Sudan's overall area, yet constituted only 2 out of 25 Sudanese states. On top of that, the rebels wanted to have the third highest position in the national government, that of Vice-President, and more representation in the state and federal structures.

On paper, the agreement constituted an admirable effort to resolve the conflict politically. However, many (including the negotiation participants) claimed the effort wasn't sincere and the government was not intent on implementing all the provisions of the agreement except for the parts that made the rebel groups militarily weaker and unable to challenge the government. One of the leaders of the SLA, Abdul Wahid Nur, publicly announced, upon the advice of numerous advocacy groups, his refusal to sign the agreement, and then indeed did not sign the document. (Natsios, 2012). Many claimed that due to the internal divisions within the SLA, should one leader sign the agreement, the other would definitely not (Tanner & Tubiana, 2007), thus ensuring the agreement was insignificant. In rejecting the agreement, the non-signatory groups argued that the protocols on wealth and power sharing did not adequately address the conflict's root causes, while the proposed security arrangements severely limited their direct participation (Sørbø & Ahmed, 2013). Aspiring to achieve the CPA of their own, the Darfur rebels were severely limited by the provisions in CPA regarding the power distribution between the National Congress Party (NCP) and the SPLM. Moreover, the CPA did not represent a truly negotiated agreement. The parties made no efforts to accommodate and forge common ground; neither did they attempt to collaboratively solve the problem. While trading accusations and reiterating their own demands, the parties were striving to gain military advantage over each other, thus using negotiations as a smoke-screen (Nathan, 2006). Internal divisions within the rebels constituted one of the largest obstacles to improving their bargaining position.

The agreement, even though only signed by one group, effectively neutralized that group, making it politically and militarily irrelevant in the competition for power. In return for his signature, Minni Minawi, in accordance with the agreement, became the Senior Assistant to the Sudanese President, which in theory made him the fourth highest executive in Sudan. In a place where public office represents a source of income as it does in Sudan, this position reflects the characteristics of a private good and serves as a payoff for the commander of one of the numerous divided factions of the movement (H1). Minni represented only 10% of the population of Darfur and was aware that the

other groups would not sign the deal, thus making the payoff logic more obvious. Moreover, following the DPA, Minni received munitions, weapons, and vehicles from the GoS (Tanner & Tubiana, 2007), all of which represent the goods that can be used for private gains (**H1**). During the negotiations, a groups of six non-Fur Abdel-Wahid delegates signed the DPA, however not aligning themselves with Minni, bur rather through forming the Front for Liberation and Rebirth, a group affiliated with the GoS and largely sponsored by it (Tanner & Tubiana, 2007). Being politically inconsequential, the group simply serves to demonstrate the importance of personal payoffs exercised by the GoS as a negotiation tactic.

Other provisions of the agreement can also be characterized as payoffs, providing sufficient evidence for the first hypothesis (**H1**). Such provisions include the security arrangements that clearly benefitted the GoS over the rebels, yet provided selected rebel leaders with high-ranking positions. Another example is the establishment of the commission to oversee the wealth transfer from Khartoum in a country coined with corruption and the lack of accountable institutions. Yet another provision, the referendum on the status of Darfur, demands a more detailed inspection. In comparison with the referendum on independence in Southern Sudan, which is clearly excludable to the citizens of Southern Sudan, yet can be enjoyed by everyone without restrictions to any other member of the club, the referendum of Darfur's status reflected different characteristics. Given the inevitable dependability of the region on Khartoum regardless of Darfur's status, any resources directed into the region would have to be shared with the citizens of Sudan currently residing in Darfur. Provided that residency is a fluid notion, and that border control is inapplicable within a country regardless of how many regions it is comprised of, anyone willing to enjoy the resources of the Darfur region (be it one or three states) could potentially come and enjoy them, making the good rivalrous. In addition, due to the lack of excludability of the good to the Darfurians, the promised referendum falls under the common good category. Moreover, provided that the referendum would only affect the weight of political representation of the Darfurians, it would either increase or leave the amount of private benefits the representatives could derive from the high positions in the public office the same, essentially not changing the situation on the ground. The whole agreement, therefore, provides plenty of evidence to support the argument that the more internally fragmented to movement is, the more (although not completely) the concessions the rebels in the movement receive reflect the characteristics of a private good (**H1**).

The Doha Agreement

The Doha Document for Peace in Darfur (DDPD) represents the latest attempt of the GoS and the rebel groups to achieve peace through political channels. Having been signed by the GoS and the newly formed umbrella group – the LJM – on 14 July 2011, the agreement has already been violated through the use of violence and lack of

implementation. According to the UN reports, violence has persisted and the number of internally displaced people as a result of such violence is increasing by the hour. Although attempts were made to include the two most politically and militarily relevant rebel groups, the LJM and the JEM, into the agreement, the JEM did not sign the agreement. The refusal to sign it once again demonstrated how divided the Darfur rebel movement has been from the very beginning up until today. Given the stronger negotiating position of the government, it was not going to yield more concessions, or even the equivalent of what it had previously offered at its weakest point in 2006, thus significantly limiting the range of possible agreements (Sørbø & Ahmed, 2013).

While the JEM had previously signed an agreement with the GoS in 2009, the agreement fell apart due to the lack of trust between the parties and actual support for the agreement, rendering the agreement insignificant for the purposes of this study (Natsios, 2012). However, the significance of the JEM framework was in that it fostered, albeit limited, alliance formation between the Fur factions. It did so by creating the sense of urgency for other movements and the feeling of a closing window of opportunity with the need to present a united front. Thus, only hours before the JEM signing ceremony the LJM was created (Williams & Simpson, 2011). Some argue that it the JEM framework represented the GoS attempt to influence the 2010 elections through signing an agreement that would guarantee the cessation of hostilities and allow for the elections to take place. Any more substantial proposals by the Darfurian rebels were rejected or postponed, as Khartoum had no intention of making any progress with the comprehensive negotiations, hoping for an alternative set of Darfurian negotiation partners after the elections (Enough Project, 2010). This hope, however, was never fulfilled.

Although currently signed by only one rebel group, the mediators of the Doha talks intended for the DDPD to be signed by all rebel groups later on. However, at the time of the writing, this intent has not been fulfilled. The provisions of the DDPD include the creation of a compensation fund for the victims as a part of quite vaguely formulated wealth-sharing arrangements, appointment of the Darfurian Vice-President, establishment of the new Darfur Regional Authority, further representation at the national and regional levels, and a referendum on the permanent status of Darfur within Sudan. While not an addition to the DPA, the DDPD did not serve as a substitute for it either, thus binding the new signatory group to an agreement, parts of which were already promised to the JEM earlier in 2006. In addition, the agreement provided for the rebel group army integration into the SAF. In essence, there was not much truly significant difference between the DPA, which after being signed was repeatedly violated and never completely implemented, and the DDPD, the implementation of which is rather questionable to this day. The agreement without a doubt reflects the much stronger position of the GoS, and the lack of salient concessions on its part. The major difference in the outside factors, however, is that in 2006, both the GoS and the rebel movement

were limited in their options for addressing the conflict's root causes due to the provisions of CPA, thus rendering any demands for complete autonomy or independence impossible to achieve. At the time of negotiations over the DDPD, however, South Sudan had already voted for the establishment of an independent South Sudan, thus illuminating any daunting prospects of another conflict becoming violent over the agreement should political rearrangement at the national level appear on the agenda.

Like most of the DPA, many of the relevant provision in the DDPD reflect the characteristics of a private good. Such provision include the establishment of a compensation fund, nomination of a Darfurian Vice-President and a number of high ranking position in the public office on the national and regional levels. The establishment of a regional authority reflects the characteristics of a private and club good at the same time. The promise of a referendum, however, represents a common good, the same way it did in the DPA. All in all, the high movement fragmentation, which is characteristic of the Darfur rebel movement throughout the conflict, has significantly affected the types of concessions the rebels were able to receive from the GoS. Most of the concessions discussed above represent the features of private goods, thus supporting the first hypothesis (**H1**).

Conclusion

The case of Darfur represents a textbook example of rebel movement fragmentation, and provides sufficient evidence in support of **H1**. As demonstrated by the agreements analyzed, the fragmented opposition, while unable to extract salient concessions reflecting club goods characteristics, was successful in receiving payoffs from the government on numerous occasions. On average, the concessions received by the fragmented groups addressed neither the conflict's master cleavage, nor its underlying causes. When it did, the agreements were never implemented, and there is enough evidence to suggest they were deliberately intended so. The frequent financial contributions from the GoS to the rebel leaders, however, make the case of Darfur a perfect example of **H1** of this study.

VII. Cross-Case Comparison And Alternative Explanations

In the preceding sections, two different cases that illustrate the variation on the independent variable – fragmentation – under research in this study were presented. The case studies of Southern Sudan and Darfur provide observable support for both of the hypotheses, which is illustrated with a brief cross-case comparison below.

The Logic of Payoffs

H1: The more fragmented the rebel movement is, the more the concessions made by the incumbent government will be rivalrous and excludable in nature, therefore reflecting the characteristics of a private good.

Both cases provide sufficient support for the argument that more fragmented movements tend to receive payoffs in a form of private goods during the peace negotiations. The Darfur rebel movement remains fragmented until today, offering more substantive evidence in support of the claim. Early negotiation attempts with the Southern Sudan movement also prove the trend. It becomes clear from both cases that there are several mechanisms that translate fragmentation into private goods as concessions. Such are the weakness of the movement's negotiating position, the multitude of contestants for the lucrative positions of power and government's ambition to neutralize the contestants by discrediting them through GoS affiliation. Abuja talks, the Khartoum agreement, the DPA and the DDPD all portray the way of individual ambitions and pursuit of personal gains trumping the shared movement goals when given the choice of a more artificial agreement with private benefits over no agreement whatsoever. In other words, it demonstrates the payoffs to the individual rebel group members directly or indirectly through the wealth and power-sharing arrangements. All analyzed agreements, with an exception of the CPA, fail to truly address the conflicts' master cleavages, regardless of their nature. In numerous cases, such as the Khartoum agreement, the DPA and the DDPD, the government's logic was based on the idea of neutralizing the rebel factions by affiliating them with the GoS with no intention of implementing any political arrangements after the agreements were signed. The concessions, therefore, served as payoffs to the rebel leaders for their intentional affiliation with the GoS. Upon signing of all three agreements, the rebel armies (the most essential tool in contesting the government) were either officially incorporated into the GoS forces, or, through the provision of necessary equipment and ammunition, became their extensions by default. By signing the agreements the signatories became puppets in the hands of the central government, dependent on it for military support, thus rendering themselves politically irrelevant. The government was able to minimize the cost of fighting the conflict through the creation of proxies to fight on its behalf. In addition, as proven by the aftermath of the agreements, the government deliberately never implemented any of the provisions representing salient concessions on its behalf.

Other research outlined earlier in this study suggests some possible alternative factors that could explain the pattern. While commitment, credible guarantee and spoilers problems (K. G. Cunningham, 2011; Driscoll, 2012; Fearon & Laitin, 2007; Furtado, 2007; Nygard & Weintraub, Forthcoming) do explain the reluctance to sign a more comprehensive agreement addressing the conflict's causes, they fail to explain the logic behind signing the agreements that clearly benefitted the rebel leaders over the movement goals. The existence of veto players (D. E. Cunningham, 2006), and their importance are only consistent with the findings on the conclusion of the agreement itself, not its nature and contents. The government's logic behind the use of the divide-and-rule tactic is consistent with logic of "winning away pieces": Khartoum kept paying off the smaller rebel groups in order to neutralize them as viable contesters for power (Johnston, 2007). However, when examined alongside the fact that the GoS often created the smaller militias itself, the logic loses its explanatory value.

Another factor – international pressure – that might seem to serve as an alternative explanation for the types of concessions the movements would receive in negotiations also fail to explain this pattern. The amount of international attention and pressure on the GoS to stop the violence and negotiate peace agreements in both Southern Sudan and Darfur was relatively at the same level. Such pressure should have resulted in more comprehensive agreements addressing the conflicts' master cleavages and followed by the agreement implementation. Moreover, factors like the allegations of genocide, the issuance of the ICC warrant for the arrest of the Sudanese president, the general global recognition of the right to self-determination and sympathy to the Darfurian population and cause should have influenced the process of negotiations. The Darfur insurgents, according to this logic, should have received much more salient concessions reflecting the characteristics of club goods and addressing the conflict's master cleavage. However, the reality proves otherwise. Therefore, the significance of rebel fragmentation for the types of concession they are able to extract during the negotiations is further strengthened, while the alternative explanation fails to provide a viable description of the pattern.

The Logic of Conceding

H2: The more cohesive the rebel movement is, the more the concessions made by the incumbent government will be excludable, yet non-rivalrous in nature, therefore reflecting the characteristics of a club good.

The case of Southern Sudanese CPA provides sufficient evidence in support of this hypothesis. Although all attempts to negotiate a peace agreement prior to the CPA were characterized by the payoffs and failed attempts to stop the violence on account of rebel movement fragmentation, the CPA provisions, for the most part, represent the characteristics of club goods. The mechanism at work here is the popular support of the movement by its constituents and its increased military capacity, transformed into

bargaining power at the negotiation table, as predicted by previous scholarly inquiry (D. E. Cunningham, 2006; Nygard & Weintraub, Forthcoming). The SPLM included all of the previously rivalrous rebel groups into one politically and militarily significant faction through the pulling of resources and identifying a shared goal. It was further able to avoid the potential spoilers problem, thus guaranteeing the SPLM's commitment to the cessation of hostilities and the CPA implementation.

Although alternative explanations might be somewhat satisfactory, they cannot fully account for the club good characteristics of the concessions yielded by the GoS in negotiations. The international pressure, especially that of the US offering the "carrot" of taking Sudan off the terrorism-affiliated countries list, could have affected the decision of the GoS to negotiate and satisfy more of the SPLM's demands. However, provided that similar international pressure existed prior to the CPA negotiations and later on during the conflict in Darfur, yet did not yield the same results, its relevance is seen to be insignificant in comparison with that of the movement's cohesion.

Another alternative factor potentially contributing to the explanation of the signing the CPA by both parties is the increased violence in Darfur and Khartoum's urge to settle the Southern problem in order to "free up resources to ensure societal control" in the rest of Sudan (Verhoeven, 2013: 120). While partially accountable for the signing of the agreement *per se*, the resource argument fails to explain the club good characteristics of the GoS' concessions. The Southern problem, apart from taking up quite a considerable area of Sudanese territory, was also associated with the oil-rich fields, from which Khartoum had been receiving benefits, albeit disturbed by the military activities, prior to the agreement. The government, therefore, would only be willing to negotiate with the South, provided that the solution of the Darfur crisis would be much less costly due to the lack of oil resources, if the movement was military strong and no military victory was possible. The strength of the SPLM movement is largely associated with its cohesion, therefore providing support to the cohesion argument presented in this research. As predicted by other research, a unitary group was indeed more likely to achieve an agreement addressing the conflict's master cleavage (K. G. Cunningham, 2011).

The last alternative factor that could have had an impact on the GoS' willingness to grant the salient concessions of the club good nature is the oil exploitation in Sudan, and its dependency on the Southern Sudanese oil fields. Indeed, the government would be willing to resolve the issues in the South preventing it from fully controlling the oil fields, thus granting more concessions on other issues at the table. However, in negotiating the distribution of oil-related benefits, the government agreed to grant the GoSS 50% of the revenues (Tellnes, 2006), constituting a very large amount that had not been predicted by the mediators. Moreover, the agreement on a referendum after the interim period itself increased the risk for the GoS of losing all the oil fields upon Southern Sudan's succession. Therefore, while the oil fields exploitation was definitely one of the factors

that affected the GoS willingness to achieve an agreement fast, it does not account for the types of concession the GoS yielded in the negotiations themselves.

In general, the findings of the case studies analyzed above are consistent with the predicted logic. Moreover, while previous studies fail to provide entirely satisfactory explanations of the mechanisms that lead from the movement fragmentation to the types of concessions it is able to receive during negotiations, the findings are in line with their predictions on accounts of why fragmentation happens, why agreements with fragmented groups are hard to achieve and how fragmentation is often used as a counterinsurgency tactic (Furtado, 2007).

VIII. Conclusion

Fragmentation is an inevitable dynamic of many, if not most, civil wars. The findings above contribute to understanding the consequences fragmentation has on the peace negotiations, specifically its effects on the bargaining strength of the movement and its ability to extract concessions of a certain kind. As predicted, the more fragmented movements were found to be able to receive concessions of private nature as a means of paying off the rebel leaders in an attempt to neutralize them as contesters for power. More cohesive movements, however, achieved significantly more autonomy through extracting concessions with the characteristics of a club good. Such findings suggest that fragmentation has a negative effect on the attainment of a viable peace agreement that is aimed at ending the conflict and resolving its underlying issues. Policy and research implications of these findings are undeniable.

First, the findings suggest that rebel fragmentation has a significant negative effect on the ability of the overall movement to achieve the goals, which serve to address the underlying causes of the conflict. Fragmentation leads to the ability of the government to neutralize the threat of rebel challengers for power through the offers of financial and other inducements associated with the private gains for the rebel leaders. The findings also suggest a prominent role such understanding of the fragmentation effects plays in the incumbent government's strategies towards dealing with the rebellions. The consistent and prevailing tactic of divide-and-rule has been exercised by Khartoum for decades in both Darfur and Southern Sudan. The tactic seems to have produced the desired results in the case of Darfur, keeping the movement fragmented and weak, unable to extract truly salient concessions that address the conflict's master cleavage. However, the use of similar tactics in Southern Sudan failed to produce the same results, leaving the dilemma to be investigated within the framework of future research.

Secondly, this research indicates the strong association of rebel movement cohesion with its ability to achieve the goals of exercising the right of self-determination and other gains reflecting the characteristics of a club good. Cohesion strengthens the movement's bargaining position and reduces the potential spoilers-associated uncertainty about the implementation phase. It, therefore, fosters the movement to achieve more than a fragmented movement dealing with the similar counterinsurgency response would. This has important policy implications for the incumbent state in its attempts to maintain or restore its territorial integrity, and in managing its expectation in relation to the peace negotiations. However, the concessions in any agreement cannot be analyzed outside of the context in which they are made and the parties they involve, thus implying the potential importance of international pressure on not only the negotiations, but also the rebel movement fragmentation itself.

Thirdly, this study contributes to the understanding of the violent behavior of the rebels, and especially the motives behind it. Findings suggest that the levels of fragmentation

and violence are positively correlated. Due to the zero-sum nature of political relevance and economic gains, including those from the international community, fragmentation becomes alluring as the barriers to entry the rebellion become less and less significant. With such multitude of violent actors, concessions that serve as payoffs are used as negotiation tools, rather than a conflict-resolution mechanism. The policy implications of this finding, supported by previous research, are indisputably significant.

The case studies of Darfur and Southern Sudan in their strive for self-determination indeed provide compelling evidence demonstrating the effect of fragmentation on the types of concessions rebel movements receive during the peace negotiations. The cases also demonstrate the dynamic nature of fragmentation and its negative effects on the civilian population, in line with the results of the previous scholarly inquiry. However, no firm conclusions can be made on just these two cases positioned in the same Sudanese context. Future research on the effects of rebel fragmentation on peace negotiations has to examine a broader range of cases to test whether the findings of this study hold under different conditions.

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