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The Game of Peace and Justice in Sudan

By Henrik Laugesen, Major

Brief



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Principal Acronyms and Abbreviations

AL	Arab League
AU	African Union
CPA	Comprehensive Peace Agreement
DPA	Darfur Peace Agreement
GoS	Government of Sudan
ICC	International Criminal Court
IO	International Organization
JEM	Justice and Equality Movement
NGO	Non Governmental Organization
OIC	Organization of Islamic Conference
UNAMID	United Nations African Mission in Darfur
UNMIS	United Nations Mission in Sudan
UNSC	United Nations Security Council

Introduction

On March 4, 2009, the International Criminal Court (ICC) released the long expected warrant of arrest for the Sudanese President Omar Al Bashir. Less than 24 hours later, the Government of Sudan (GoS) expelled a number of NGOs mainly working in the area of Darfur. Governments and organisations around the world have reached different results in their analysis regarding the impact of an arrest warrant on the stability- and especially the peace process- in Sudan. Since the indictment were announced in July 2008 by the ICC, countries like China (CH) and Russia (RUS), regional organisations like The Arab League (AL), The African Union (AU) and the Organisation of Islamic Conference (OIC) have warned against an early release of an arrest warrant. Basically they agree that justice should be served - but at the same time they argue - that the timing was wrong and the risk of hampering the fragile peace process is too high,¹ depending highly on the reaction from Khartoum. Opposite the United States (US), United Kingdom (UK), and France (FR) have argued that justice is a necessary brick on the path that leads to peace, and thus supporting ICC in their effort to establish sufficient evidence to issue an arrest warrant, and at the same time they incurred GoS to comply with the judge's decision and not do anything to jeopardise the fragile peace process. Today we have a slightly better knowledge, since we now witness the very first steps taken by GoS. But the interesting question is how GoS will act in the short to medium term view? Which kind of strategy are they adopting to navigate Sudan through the troubled waters ahead?

By mapping the political landscape before the release of the arrest warrant and by applying a game theoretical basis, this paper analyses the decision makers strategic options and choices, in the post arrest warrant environment to estimate if the consequences are reflected as a decline in cooperation with UN in implementing peace in present Sudan. This paper includes events until May 14, 2009.

The Game Theoretical Basis

To get the proper analytical grip, and to be able to handle all the different information and events in a structural way, I have chosen to use a game theoretical approach as the basic framework for this paper. Game Theory originates from the study of economics,² but has also been used in sociology and political science. Game Theory assumes that humans (decisions makers) are controlled by rational behavior, always trying to maximize their pay off. In the area of Game

(1) "Darfur End Game: Peace or Justice in Sudan" Dissent Magazine (on-line), February 17, 2009.

<http://dissentmagazine.org/online.php?id=207>, by Eric Reeves.

(2) The foundations of game theory were laid out in the classic book by John von Neumann and Oscar

Morgenstern, *The Theory of Games and Economic Behavior*, published in 1944.

Theory, "Prisoner's Dilemma" is probably the most famous game, and with a few additional adjustment of this game, it becomes suitable to identify and analyze how actors choose between possible strategies of cooperation and aggression. Inspired by the work of Thomas C. Schelling and Robert Aumann, presented in a Swedish article from 2005,³ I compose the basic framework for the analysis on the decision maker's strategic options and choices in the post arrest warrant environment, but first an introduction to the game.

The basic game consists of two players. Each player can choose to cooperate or to defect. Opposite to the game called "Prisoner's Dilemma" this game is extended⁴ and therefore played more than once (iterated games). That leaves the players with the opportunity to punish an opponent that does not cooperate.

	Defect	Cooperation
Defect	1,1	3,0
Cooperation	0,3	2,2

By deliberately choosing an aggressive strategy (defect) one player is able to reduce the opponent's pay off in the long run, which then makes the strategy non profitable. The short term gain from defection, today is more than outweighed by the gains obtained by long term cooperation. Since not all information are available for the players, the chance, or the risk if you like, of interpreting the opponent intensions wrong ads an amount of uncertainty to the game. Issues like trust and mistrust then suddenly becomes decisive factors in preparing the decisions maker's choice of strategy. The most effective strategy when entering the game is the "Tit for Tat" strategy.⁵ This strategy is simply to make peace on the first iteration of the game and after that, the player does what his opponent did on the previous move. A variation of this strategy is "Tit for Tat with forgiveness". When the opponent makes war, on the next move, the player makes peace anyway. This allows an escape from wasting cycles of retribution. "Tit for Tat with forgiveness" is best when information is missing or is incorrectly reported to the opponent.

Mapping the Political Landscape

As mentioned earlier, I will use this preliminary part of the paper, to map the political landscape until the issuing of the arrest warrant on the March 4, 2009. The purpose of this is to draw up the position of the two relevant actors who,

(3) *Kungl. Vetenskapsakademien*, Thomas C. Schelling and Robert Aumann's Contribution to Game Theory: Analyses of conflicts and cooperation, 2005.

(4) *Ibid*, p.13

(5) *Game Theory as a Theory of Conflict Resolution*. Anatol Rapoport. University of Toronto, 1974.

with their clash of interest, influenced the development during this period and thereby outline their role as players for the second part of this analysis.

To define the role as players (actors) in the game, it is not possible to draw from the school of realism, since international organisations like The United Nations Security Council (UNSC) do not normally qualify as actors. Furthermore I need to look at political dynamics inside as well as outside the actor. I therefore turn toward the base of the traditional liberal understanding of actors to full fill these demands. By adding a game theoretical framework it even becomes possible to focus on the political outcome of a certain act of a state or a "group of states". A player in this game is therefore a state or a group of states which – based on internal as well as external political dynamics – makes decisions that has an impact on one or more of the players.

The first competitor is GoS, which of course qualifies as a relevant actor since there would be no case at all without them. GoS is looked upon as a traditional liberal understanding which allows the involvement of internal dynamics if necessary.

The second competitor is UNSC. A decision requires support from 9 out of the 15 members, (consensus between the permanent members of the UNSC) to agree upon such a solution, which of course primarily directs the attention towards the five permanent members (P5), and their power to veto any substantive resolution regarding this matter. The council consists of states, and states are as mentioned earlier looked upon in a traditional liberal understanding. To understand the strategic choices of the council it is necessary to involve the international dynamics between the member states. The one major political issue during this period of time was whether or not a postponement⁶ of the arrest could gain the necessary political support. The P5 position in the relation to this issue automatically determines the council's strategy towards Sudan. In the following paragraph I therefore discuss each member state's position⁷ on this ICC postponement issue to finally identify the council's joint strategic start position. Following this and before the game begins, I outline the strategic options and decisions of GoS to determine their start position as well.

Permanent Members of the Security Council (Player No. 1)

Right up to the issuing of the arrest warrant on the March 4, 2009, China repeatedly announced their support to a diplomatic solution. One example was given by the Chinese ambassador Li Chengwen on the January 18, 2009,⁸ where he strongly argued for invoking article 16 of the Rome Statute. China has often

(6) Article 16 (Rome Statute) allows the Security Council to require the Court to defer from investigating a case for a period of 12 months.

(7) Only P5, no decision can be made in the council since they have the right to veto any proposal.

(8) <http://www.sudantribune.com/spip.php?article29914>

been blamed for not using the significant influence in Sudan with more weight. Last but not least this critic has been raised by the outgoing US special envoy to Sudan, Richard Williamson. On the other hand, China has a great economic interest in Sudan, which - in case of political instability - could be jeopardized. These factors could explain the often dual statements from China. It is therefore most likely that China would have supported a proposal for a postponement.

Right from the indictment was issued Russia has been open for a practical and diplomatic solution on the Article 16 suspension. *"If something of this sort is initiated, it's at least worth considering,"* Churkin said.⁹ Like China, Russia has increasing economic interests in Sudan, which - in case of political instability - also could be jeopardized. The Russian seems to have been loyal to that approach although some extra conditions have been added along. The Russian Foreign Minister, Sergei Lavrov argued *"We will base our decision on the need to ensure progress in a Sudanese settlement, including South Sudan and the problem of Darfur"*.¹⁰ Given the fact that the arrest warrant by the Russian is considered as a potential spoiler of the implementation of the Comprehensive Peace Agreement (CPA), and to some extent for business, it is most likely that Russia would have supported a proposal for a postponement.

United Kingdom has from the beginning had a more reserved approach toward a postponement of an arrest warrant. The British position originates from the significant involvement in the genesis of ICC in general. That leaves Britain with a dilemma. On the one hand they strongly support the issue of international Law and Order and to bring war criminals to court. On the other hand they also acknowledge that the price at stake might be too high. The British Prime Minister Gordon Brown therefore, like Russia, attaches certain demands to a feasible postponement:

"If you (Al Bashir, ed.) showed a willingness to really engage with the other two people who had been indicted who are still enjoying senior government jobs. If you really now turned around helped get UNAMID fully deployed and if you also engage in a no-hole barred effort with the rebel groups to do a peace agreement, then you would face a completely different environment in the UN Security Council" Brown added.¹¹

It is therefore fairly obvious that only if the situation in Darfur would stabilize - without knowing exactly to what level - and the government of Sudan would cooperate with ICC about handing over the indicted person, then Britain would consider supporting a proposal for a postponement. Since none of those unspecified demands was about to be fulfilled, it is not likely that Great Britain would have supported a proposal for a postponement.

France had been fluctuating in its strategy on the issue of postponement. In

(9) http://www.polity.org.za/article.php?a_id=138590

(10) <http://www.sudantribune.com/spip.php?article28017>

(11) <http://www.sudantribune.com/spip.php?article28664>

September 2008 the French ambassador to the UN was softening the French position by stating that the case against Ahmed Haroun and Ali Abdel-Rahman, also wanted by the ICC, could be tried internally. In December 2008 the French President Nicolas Sarkozy warned Al-Bashir that he had "little time" to take bold steps that brings peace to the war ravaged region of Darfur. *"Either he changes his attitude and the international community can hold discussions with him, or he does not change his attitude and will have to face up to his responsibilities, including before the International Criminal Court"* said Sarkozy in a speech to mark sixtieth anniversary of the adoption of the UN rights declaration.¹² It is therefore likely that a decision to support a proposal for a postponement would have depended on the development in the general situation in Darfur. It is - like with the Britain - uncertain to which level and to what extent the situation should improve to launch support for a postponement. Still, since none of those unspecified demands was about to be fulfilled, it is not likely that France would have supported a proposal for a postponement.

United States have been a supporter of the implementation of the CPA since the signing in 2005. However, the effect of the ideological approach meant that the relation between US and Northern Sudan has been problematic and the issues of Darfur have further complicated this relationship. Thus has the US been supporting the ICC indictment from July last year and also made it perfectly clear, that any attempt to table an article 16 solution, would be met by a veto. However, this "hard line approach", also indicated by the replacement of US special envoy to Sudan Andrew Natsios with Senator Richard Williamson, is in clear contrast with the fact that US itself has not ratified the Rome Statute. With the takeover by the Obama administration, at one point it looked like "smart" diplomatic efforts would overshadow the former ideological approach of the US foreign policy towards Sudan. This trend was supported by the early action of president Obama regarding Human Rights and Guantanamo and, to some extent, by appointing Richard Holbrooke and George Mitchell as special envoys to Afghanistan and the Middle East respectively. However, the United States did not alter its strategy on the postponement, arguing that the atrocities kept occurring in Darfur and that justice after all should go hand in hand with peace. It is not likely that US would have supported a proposal for a postponement.

From this discussion we are able to conclude that US, UK and France are the ones blocking for the necessary majority to invoke article 16. This also makes us able to primarily identify US, UK and France positions as the initial strategy for the UNSC and secondly as the acting part. In game theoretical terms UNSC has the options to cooperate or defect, but according to the UNSC rules of decision making, the UNSC ends up in a strategy of defecting.

(12) <http://www.sudantribune.com/spip.php?article28692>

Government of Sudan (Player No. 2)

Being the reacting part, the GoS appears to have monitored the behaviour of international players to optimize its own strategy on this issue. Heavy diplomatic activity was characterizing Khartoum in the month prior to the issuing of the arrest warrant. From Khartoum's point of view, those who made efforts to support the Government in the effort to postpone was recognized as reliable partners (AL, AU), while others again was observed as hostile with hostile intent (US, UK and France). Preparing the strategic reaction to UNSC lead, GoS has to take at least two options into consideration.

On the one hand the government values the utility to continue the cooperation with the international community, and avoid hampering the steep incline in growth Sudan has experienced since 1995. The primary concern is the expected impact of the economic decline, especially the decline in oil prices, but also a general stagnation in foreign direct investment. The best way for the political elite to handle this challenge is to keep the national political environment as stable as possible for foreign investors and avoid turmoil. This strategy is characterized by cooperation.

On the other hand, the GoS had made it perfectly clear that a decision involving an arrest warrant from the ICC will not be accepted, and is regarded as nothing but a tool used by the west to destabilize Sudan. GoS can therefore decide that the international community does not qualify as a vital partner in its survival. A gradual or drastically reduced level of cooperation with IO, INGO and NGO and in foreign direct investments will follow, and Sudan's future economic growth will rely entirely on the increasing investments from primarily China and, to some extent Russia.¹³ This strategy is characterized by defecting. In game theoretical terms GoS now also has the option to cooperate or defect.

Pre-game update

Until now this paper has been focusing on mapping the political landscape until the issuing of the arrest warrant on March 4, 2009. The purpose of this was to outline the position of the two relevant actors who, with their clash of interest, influenced the development during this period and thereby announce them as players for the second part of this analysis.

In the following paragraphs it is time to let the players take place at the game table, and then closely follow their moves by analysing their strategic consideration and choices in the light of the discussed game theoretical basis. Before the game begins, it is time for a quick update on the line of events that caused the game to begin in the first place.

Following the actual referral from the UNSC on 31 March, 2005 the prosecutor

(13) Malaysia and India has also increasing economical interests, however these countries investments are still too minute to be subject for this paper.

Luis Moreno-Ocampo received the document archive of the International Commission of Inquiry on Darfur. After thorough analysis the prosecutor concluded that the requirements for initiating an investigation were satisfied. On July 14, 2008, prosecutor of the International Criminal Court (ICC), presented *"evidence showing that the Sudanese President, Omar Hassan Ahmad al-Bashir committed the crimes of genocide, crimes against humanity and war crimes in Darfur."*¹⁴ The motives of the Sudanese head of state were *"above all, political"* the prosecutor declared. He (Omar Hassan Ahmad al-Bashir) used the *"alibi"* of counterinsurgency in order to try *"to end the history of the Fur, Masalit and Zaghawa people."* In fact, *"his intent was genocide"*.¹⁵ On March 4, 2009, the judges of the International Criminal Court (ICC) released the warrant of arrest for the Sudanese President Omar Al Bashir

Game No. 1, UNSC takes the lead.

As mentioned above, the International Criminal Court (ICC) released the long expected warrant of arrest for the Sudanese President Omar Al Bashir on March 4 2009. UNSC had been unable to agree on changing the strategy towards Sudan, so ICC carries on as requested. The disagreement in the UNSC was primarily caused by two issues.

First, UK and France did not find the effort of GoS to stabilize the situation in Darfur sufficient, although initiatives like the Doha meeting late February did address the very root causes of the conflict by initiating negotiations between GoS and Justice and Equality Movement (JEM). On March 5 a U.S. State Department spokesman Gordon Duguid issued a statement on the arrest warrant, saying *"the United States is strongly committed to the pursuit of peace in Sudan and believes those who have committed atrocities should be held accountable for their crimes."*¹⁶

Second, Obama's "Smart" diplomatic efforts had not yet overtaken the ideological approach of the US foreign policy towards Sudan, applied by the Bush administration. The inauguration of president Obama was only a month old, and although the political will was there, it had not penetrated the administration yet.

At that certain point of time, GoS was in no position to adopt an "aggressive" strategy (defect) for at least two reasons. First, GoS could not risk ruling out the hypothetical chance that the UNSC would change their strategy to cooperation in the last minute, and second, GoS would not take the unnecessary risk of damaging the goodwill as a co-operator achieved with AL and AU by being viewed upon as "aggressive". GoS's only option was to maximise the payoff by playing

(14) <http://www.icc-pi.int>

(15) <http://www.worldpoliticsreview.com/article.aspx?id=2471>

(16) <http://www.cnn.com/2009/WORLD/africa/03/04/sudan.president.darfur.charges/index.html>

the hand of "uncertain retaliation",¹⁷ threatening to let the situation "slip out of hand" if UNSC did not postpone the arrest warrant. During these circumstances, with great insecurity and lack of knowledge about the opponent's strategic intentions, GoS chose the best available - but also very risky- strategy, to cooperate - and lost.

From a game theoretical perspective this leaves UNSC with the highest pay off in game No. 1. The "hardliners" in UNSC had been holding on to the initial strategy, and the ball was now in the other courtyard. The reaction from the Sudanese President Omar Al-Bashir came immediately.¹⁸ ICC's decision to seek his arrest on war crime charges was referred to as a conspiracy aimed at destabilizing the country and disrupting peace efforts in Darfur. The United Nations and international organizations operating in Sudan were "*tools of the neo colonialism*" meant to bring Sudan and its resources under control. "*This is an attempt to get at Sudan,*" Al-Bashir said. It did not take long before rhetoric was replaced with action.

Game No. 2, GoS strikes back.

Had the previous game been the only game, it had been "game over" for GoS. But as mentioned in the presentation of the theoretical basis, this game is extended¹⁹ and therefore played more than once. That leaves the players with the opportunity to punish an opponent that did not cooperate, and that is exactly what GoS will do this second round. Al-Bashir's government retaliated immediately after the warrant was issued Wednesday, ordering the expulsion of 13 Non Governmental Organizations (NGO) from Sudan. Al-Bashir said the organizations aimed to disrupt peace efforts in Darfur and that every time his country reaches for a peace deal to end the six-year conflict it is hit with a new international decision against it.²⁰

In the light of the first round's mixture of hope and mistrust, the GoS now change the strategy to defect, still getting the best of "uncertain retaliation"²¹ that is keeping the opponent in uncertainty whether or not this move was the only move or the first step in a long line of aggressive actions, and they did that very well. On March 8, the president announced "*I have a message to all the diplomatic missions in Sudan, the non-governmental organizations and the peace-keepers,*" he said "*They have to respect the rule of the country. If anyone goes*

(17) Kungl. Vetenskapsakademien, Thomas C. Schelling and Robert Aumann's Contribution to Game Theory: Analyses of conflicts and cooperation, 2005, p 6.

(18) Seattlepi.com website 5/3/09 KHARTOUM

(19) See paragraph on The Game Theoretical Basis

(20) Seattlepi.com website 5/3/09 KHARTOUM.

(21) Kungl. Vetenskapsakademien, Thomas C. Schelling and Robert Aumann's Contribution to Game Theory: Analyses of conflicts and cooperation, 2005, p 6.

further than the rule of the country, we will kick them out directly."²² What we know now, but could only anticipate then were, that GoS was applying the most profitable strategy in game theory, "Tit for Tat" and as we are about to find out later on, with success. But first, let's have a look at how the reaction was on the other side of the table.

A change of strategy in UNSC would require a conciliatory change in the different positions obtained by the P5. But that was far from the case, and the disagreement between the two wings in UNSC had become even more evident. In the following days the UNSC failed to agree on a response to Sudan's move. France had suggested a non-binding statement that condemned Sudan's decision. However attempts to urge the council to act have been blocked by opposition from Sudan's council allied, China. The US Secretary of State Hillary Clinton announced that if Sudan's Bashir believed he had been wrongly charged for war crimes in Darfur he could *"have his day in court"*. She hoped there would be no additional actions of violence or punishment on the part of the Bashir government,²³ leaving Bashir the benefit of the doubt.

But not only from an empirical point of view was a UNSC change of strategy out of the picture, also from a theoretical point of view. Announcing a cooperative strategy at this point of time, would be handing over a victory to GoS on a silver plate. The game had reached point zero, exposing the worst relationship between Sudan and the "international community" in many years.²⁴ Before we have a look into how the players move on from here, it is time for a "time out".

Time Out

Game theory has this great advantage being able to present complicated political issues in a simple and understandable way. However, the danger of oversimplifying is always present and it has to be taken into consideration, when using this theoretical approach.

That means following the rules of the game strictly, changing the strategy at this point of time would not be favourable since it would hand over the victory to the opponent. The best strategy is therefore to defect, even though it will leave both players with the lowest payoff possible, - or is it? - The game still offers a double up on payoff in the long run, if the players chose to cooperate. Applying a rational perspective on the situation, it seems like there is an alternative strategy. As discussed in relation to the game theoretical basis, the short term gain from defection today is more than outweighed by the gains obtained by long term cooperation. But how do we move on from here? Since not all information

(22) Sudan Tribune 8/3/09(WASHINGTON)

(23) Sudan Tribune 4/3/09(WASHINGTON)

(24) The game had reached a "Nash Equilibrium" that is if no player has anything to gain by changing his own strategy unilaterally as described earlier in this paper

are available for the neither UNSC or GoS the risk of interpreting the opponent intentions wrong is very likely, which is why trust building measures becomes decisive factors in getting the decision maker to change his strategy and getting the game restarted. And that was in fact what happened.

Between the expulsion of the NGOs on March 5 and the first real opening in mid April, the GoS applied a "two sided" strategy. On the One hand GoS kept an uncompromising facade by using harsh rhetoric. GoS rejected all cooperation with ICC, calling the arrest warrant a "Tool of Pressure",²⁵ and they threatened to expel the French ambassador for supporting the Chadian operations in Sudan.²⁶ This side of the strategy was dominating the time just after the expulsion of the NGOs and on the surface it left an impression of a declining political environment and separation form the international society. On the other hand GoS had left the door ajar, ready to engage with any opening coming from the international society. As time passed by, cooperative initiatives, like the Doha meeting with Justice and Equality Movement, became more and more dominating, and the harsh rhetoric faded out replaced by more cooperative tones.

The cooperation with The United Nation was close to unaffected. CPA and the DPA timetable involving important preparation for election and publishing of the Joint Assessment Report²⁷ were carried through without significant problems. The UN implementation of the CPA's main issue suffered no impact. The Elections Commission's preparations for upcoming election had not been affected by the ICC decision. *"We have not been impacted by the ICC decision. Our work is continuing to prepare for elections,"* Elections Commission Deputy Chairman Abdullah Ahmed Abdullah said.²⁸ Regarding the impact on DPA the government engages in corporation with UN in finding a solution to the expulsion. The Humanitarian Aid Committee (HAC) and UN conducted a joint fact finding tour to Darfur, and later as mentioned published the Joint Assessment Report identifying the gaps created by the expulsion. The report identified certain gaps, however Undersecretary for Humanitarian Affairs (UHA), John Holmes later stated that there *"was no imminent humanitarian crisis in Dar Fur"*.²⁹ GoS officially supported implementation of the CPA and the DPA by working together with UN, not only in words but in action also. This is remarkable when taking into consideration that game number 1 and 2 will prove to be the most problematic games and therefore the greatest challenge to peace in Sudan.

The one event that perhaps became the most important trust building measures was when UN and GoS announced that *"the joint Sudan, UN and AU Needs Assessment Mission to Darfur shows that Darfur would not be affected by the*

(25) Nafi Ali Nafi, rejects tools of pressure, Egypt TV Channel 1, March 10, 2009.

(26) Sudanese Media Centre website, 9/3/09

(27) *Joint Assessment Report*, Cooperation between Humanitarian Aid Committee (HAC and UN).

(28) Al-Intibaha (news paper), form *Media Monitoring Report* March 12, 2009.

(29) Sudan Vision, May 11, 2009. Front page.

absence of the 13 INGOs ousted".³⁰ It was the first time since the expulsion of the aid workers that an international institution verified information on the situation in Darfur given by GoS. Therefore it cannot be excluded that this event was one of the reasons that John Kerry visited Sudan in mid April 2009, and thereby took the first step to change UNSC strategy towards GoS.

Game No. 3, UNSC "Change of Strategy"

*"Now it is my opportunity representing the U.S. Congress and U.S. Senate to be here to engage on humanitarian issues and obviously issues pertaining to the conflict"*³¹ This was the word of John Kerry when he arrived in Khartoum April 15th. The visit turned out to be a success and later in The Boston Herald Kerry stated *"GoS has signalled its willingness to come to the negotiating table"*. And he continued *"US must redefine its relationship to Sudan"*.

Regarding the conflict in Darfur, he added *"the violence of 2003 and 2004 has declined substantially, but the consequences of genocide remain unsolved"*. On April 20 the newly appointed Special envoy for Sudan Scott Gration characterized the conflict in Darfur as a "low intensity conflict" diverging from the old "genocide rhetoric". But what had happened? Why this sudden change? Is this a change in UNSC strategy towards Sudan?

Remembering US as being described as the toughest member of the hardliner wing toward Sudan in UNSC,³² this rhetoric certainly expresses a change. There are at least two reasons why change came at this point of time. First of all, the Obama administration changed US policy³³ not only towards Sudan, but towards all US former "enemies". A policy adjustment of this kind, takes time to penetrate from the top administration to the executing level, shaping the ideas into real diplomacy, and that is why this lead did not manifest itself earlier on. Second, the meeting between Kerry and GoS convinced the Obama administration that Sudan was willing to cooperate, trading peace in Darfur for lifting the economic sanctions on Sudan. That is - by the way - a clear indication of the GoS Strategy, acknowledging that the short term gain from defection today is more than outweighed by the gains obtained by long term cooperation.

As I have already made clear, a change of strategy in UNSC would at least require a conciliatory change in the different positions obtained by the P5. This is clearly not a change in the strategy of UNSC that involves a security resolution regarding a postponement of the arrest warrant, but it is a conciliatory change in

(30) Al-Rai Al-Aam, March 23 2009 (UN Media Monitoring Report, MMR). The newspaper is pro Bashir.

(31) Kerry told reporters after landing, according to Reuters April 15, 2009 (Media Monitoring Reports).

(32) See p. 6

(33) Obama administration applied what they called "Smart Diplomacy" as a replacement for a more ideological marked approach conducted by the Bush administration.

the positions obtained by one of the most persistence members of the P5, the US. There is now a majority in UNSC and knowing the traditional Trans Atlantic connection between US and UK, France could be isolated with its unclear statements about Darfur³⁴ and its support to Chad. I therefore argue that this game ends with a change in the political will within the UNSC changing the strategic approach toward Sudan from defect to cooperate.

Game No. 4, Ongoing.

This game number 4 is "ongoing" while this paper is undergoing its creation. That is why this paper only analyses the relevant events in the first half of the month of May. In the following paragraph I will argue that GoS is beginning to apply the most profitable strategy in game theory, the "Tit for Tat" strategy.³⁵ For GoS to fulfill this strategy, it needs to table a positive lead showing that the wish for cooperation is genuine. The lead should also present a fair match to the initiative introduced by the opponent in the previous game.

The first indication of such a thing was going to happen came on May 6, where a news paper article³⁶ described GoS as "*ready to cooperate with new organizations*" referring to the expelled NGOs. GoS demanded at the same time that any new NGO should "*commit it self to humanitarian principles*". This opening towards the international community and to the international NGO was followed on May 11 reiterating the statement. Finalizing a visit in Sudan, Undersecretary for Humanitarian Affairs (UHA), John Holmes expressed disappointment about the expulsion of the 13 NGOs, but at the same time he welcomed the initiative to expand humanitarian operations In Darfur.³⁷ The Sudanese Humanitarian Affairs Minister Harun Loual continued. "*New agencies will be invited and restrictions on travel and visa will be eased*"³⁸ This initiative matches the one introduced by the opponent in the previous game, in shape and content. Like in game No. 3, no real action was taken only show of good fait. The question now is however, if GoS will outgo their opponent by actually letting action follow words and send new NGOs to Darfur, or they will wait for a move from UNSC before themselves make the next move. To find out, we have to wait and see.

(34) See the discussion on France on page 6

(35) Game Theory as a Theory of Conflict Resolution. Anatol Rapport. University of Toronto, 1974.

(36) Sudan Tribune May 6, 2009. Front page.

(37) Khartoum Monitor, May 11, 2009. Front page

(38) Ibid.

Conclusion

This paper analyses the decision makers strategic options and choices in the post arrest warrant environment to estimate if the consequences are reflected as a decline in cooperation with UN in implementing peace in present Sudan. Governments and organisations around the world have reached different results in their analysis regarding this issue. I will divide my contribution in to three categories.

First, this analysis shows that the ICC consequences did not cause a decline in cooperation with UN in implementing peace in present Sudan. Even though GoS at one point of time did apply very harsh diplomatic sanctions toward 13 NGOs (game No. 1 and No. 2), this incident did not develop into a full scale international crisis with severer consequences for the implementation of peace. The analysis also provides us with an explanation why. The developing "cooperation strategy" applied by GoS which – to begin with - left an impression of a separation form the international society, had also left the door ajar ready to engage with any opening coming from the international society. The government engaged in confident building measures³⁹ whenever possible and slowly created an environment safe enough for the opponent to change his strategy to cooperation. That is why the consequences of the expulsion of the NGOs could be contained and dealt with separately, not interfering with the implementation of the peace process.

Second, was the issuing of the arrest warrant then a sensible thing to do, since it did not hamper the peace implementation? Did it serve a purpose? Again the analysis provides us with an answer. We have learned⁴⁰ that it is possible to engage in a constructive dialog with GoS in spite of the arrest warrant. The arrest warrant is not in the way for GoS to involve itself in bilateral cooperation or joint projects with UN, neither does it enhance them. For GoS the arrest warrant turned out to be indifferent in the short to medium term, but the long term impact has yet to be seen.

Third, will the UNSC - in the light of the changed environment – consider suspending the arrest warrant? It is not likely since it did not interfere with implementing peace in Sudan as described above. In stead it is more likely that the role of the UNSC is played down and succeeded by growing bilateral activities. We have seen that US has signaled the necessary political will to do so, but we still have not seen any action so far.

(39) See the discussion on page 13, "Time Out"

(40) From Game No. 3 and Game No. 4