

**ADDIS ABABA UNIVERSITY
SCHOOL OF GRADUATE STUDIES**

**PROSPECTS FOR THE INDEPENDENCE OF SOUTHERN SUDAN AND
ITS IMPLICATIONS FOR POLITICAL DEVELOPMENTS IN THE
HORN OF AFRICA**

**BY
ALENE KASSAW FENTIE**

**ADDIS ABABA
JULY 2011**

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APPROVED BY BOARD OF EXAMINERS

ADVISOR

EXAMINER

To the memory of my mother and sister

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ACRONYMS

ABC	-	Abyei Boundary Commission
BCM	-	Billion Cubic Meters
CFA	-	Cooperative Framework Agreement
CPA	-	Comprehensive Peace Agreement
CPC	-	Cease-fire Political Commission
EPLF	-	Eritrean People's Liberation Movement
FDRE	-	Federal Democratic Republic of Ethiopia
GONU	-	Government of National Unity
GOS	-	Government of Sudan
GOSS	-	Government of Southern Sudan
INC	-	Interim National Constitution
ISR	-	Islamic Charter Forum
JEM	-	Justice and Equality Movement
JIU	-	Joint Integrated Unit
NCP	-	National Congress Party
NIF	-	National Islamic Front
NPCC	-	National Population Census Council
OLF	-	Oromo Liberation Movement
ONLF	-	Ogaden National Liberation Front
RCC	-	Revolutionary Command Council of National Salvation
SAF	-	Sudan Armed Forces
SLM	-	Sudan Liberation Movement
SPLM/A	-	Sudanese People's Liberation Movement/Army
SSLM	-	Southern Sudan Liberation Movement
SSRA	-	Southern Sudan Referendum Act
SSRC	-	Southern Sudan Referendum Commission
TPLF	-	Tigray People's Liberation Movement
UIC	-	Union of Islamic Courts

Abstract

The Horn of Africa where Sudan is a constituent part is considered a hotbed of crises that have local and global dimensions marked by rebel activities, military coups, ethnic and racial insurgencies, human rights violations, state collapse, and terrorism. Countries in the region are buffeted by group identity espousing goals associated with the aim of either self-determination within an existing nation-state or at times aspiring for secession, which is a political problem hindering the process of forging a sense of national identity in post-colonial Africa. The quest for self-determination did not end up with the secession of Eritrea from Ethiopia in 1993 dubbed a 'last colony' in Africa. This is in view of the fact that other movements with a potential of fracturing territorial integrity of the states are emerging in the region as exemplified by the outcomes of the January 2011 self-determination referendum of Southern Sudan.

Although the Comprehensive Peace Agreement provides for the total transformation of Sudan and thus making 'unity attractive', this came to be elusive in view of the final outcome of the referendum attesting the overwhelming tendency of Southern Sudan to the 'new Southern Sudan' vision aimed at effecting separation. However, the secession of Southern Sudan brings forth several issues that affect not only the various parties in the Sudan but also neighboring countries in the sub-region. Among the issues that intertwine the countries in the region, the issue of the Nile, resurgence of political Islam and secessionism stand out as having profound resonance in the context of Southern Sudan's accession to independent statehood. These issues are probed thoroughly in the thesis through analysis of secondary sources and information obtained from pertinent primary sources.

Chapter I

Introduction

Background

Africa is considered as one of the world's zones of conflict characterized by wars, poverty, disease, and instability (Osaghae & Robinson, 2005:1). Particularly in the realm of conflict and peace, it has been an epicenter of various forms of conflict, including colonial wars, civil wars, and other episodes of violence.

It is unfortunate that while other parts of the world are increasingly moving towards stability and development, Africa has remained embroiled in conflicts of varying magnitudes. The post-cold war period proved to be marked by the continued prevalence and escalation of conflicts in the continent (*ibid.*). In this regard, the notorious genocide, and ethnic cleansing in Rwanda and to some extent Burundi, civil wars in Liberia, Sierra Leone, Democratic Republic of Congo, Sudan, Cote d'Ivoire and Somalia, minority uprisings in Nigeria, separatist agitation in Cameroon and Senegal, and local conflicts in Ghana, Zambia, Benin, and Kenya could be cited.

The Horn of Africa sub-region where Sudan is a constituent part is not an exception in this respect. The countries constituting the region are knit together by a common destiny of alternating conflict and cooperation (Mukwaya, 2004:35). It has been a hotbed of crises with local and global dimensions, which originate from state-based as well as society-based conflicts. This assertion is reinforced by intra- and inter- state conflicts as well as conflicts over grazing lands, water, and cattle rustling in Uganda, Kenya, Sudan and Ethiopia.

The region has been noted for the taking shape and escalation of violence marked by rebel activities, military coups, ethnic and racial insurgencies, human rights violations, drugs and arms trafficking, state collapse, and currently terrorism. This has induced scholars to label the region as an extension of the Middle East hot spot (*ibid.* 43).

This study is concerned with the examination of prospects for independence of Southern Sudan through the upcoming referendum in early 2011 as stipulated by the Comprehensive Peace Agreement of January 2005 and the implications thereof for the Horn of African sub-region.

1.1 Problem Statement

Africa has greatly suffered from the adversities of local as well as international conflicts. As Medhane (2004:1) stated, conflict remained endemic to the Horn of Africa, of which the situation in Sudan was and still is a case in point. Sudan, which means “land of the black people,” (Barber, 2008:5) is the largest country in Africa. It has 26 states comprising 175 different major tribes, and a further 325 smaller groups.

Although its peoples have been intermingled with Arabs and black Africans in its early history and lived side by side, the post-independence period witnessed major cleavages affecting political stability and national cohesion resulting from historical contradictions of which the most significant include Arabism and Africanism, Islam and Christianity, religion and politics, the system of rule, uneven development, distribution of wealth, and civil war. According to Johnson (2006:93), the post-independence history of Sudan has been dominated by long and recurrent bloody civil wars, like the First Civil War (1955-1972), the Second Civil War (1983-2005), and the ongoing Darfur crisis.

To remedy such tragic occurrences, a number of peace building initiatives have been attempted among which the most significant ones include the 1972 Addis Ababa Accord and the Comprehensive Peace Agreement (CPA) signed in Nairobi, Kenya on January 2005(*ibid.*). The latter is the most acclaimed peace accord which put an end to the 21 years of civil war between the Khartoum government and the Sudanese People’s Liberation Movement /Army (SPLM/A). It is stated that CPA has shown both slippages and progresses in its implementation. In view of the developments that accompanied the signing of the CPA, Southern Sudanese are expected to vote for independence rather than unity in the upcoming referendum (Martell, 2010: 18). With this in mind, this study seeks to examine the prospects for independence of South Sudan and investigate whether the move towards secession would have regional repercussions given the commonalities shared by the countries of the sub-region.

1.2 Objective

The objective of the study is to examine the prospects for the independence of Southern Sudan through the referendum in January 2011 as stipulated by the Comprehensive Peace Agreement of 2005, and investigate the implications thereof for the Horn of Africa sub-region. Thus, it elucidates the conditions that could render possibilities for the independence of Southern Sudan, and then investigates its implications for political developments in the sub- region.

1.3 Research Questions

The study is guided by the following sets of key research questions.

1. What is the socio-historical, political and economic context that resulted in the unfolding of the civil wars in Sudan?
2. What are the progresses and slippages of the Comprehensive Peace Agreement?
3. Are there outstanding factors that could trigger the civil war again?
4. What are the prospects for the independence of Southern Sudan?
5. What would be the political as well as socio- economic implications of Southern Sudan's independence for the sub-region?

1.4 Hypothesis

In view of the prevailing tendencies in South Sudan, it is highly likely that the people of the South could vote for separation and independent statehood through the January self-determination referendum, which could entail several implications for peace and stability in the sub-region.

1.5 Methodology and Methods

1.5.1 Methodology

The paper employs the qualitative research approach whose data collection and analysis techniques involve describing and contextualizing the problem in view of sub- regional political dynamics. According to Banks (2007: x), qualitative research is essentially used to approach the world 'out there', and to understand, describe and sometimes explain social phenomena 'from the inside' by using descriptive, explanatory and interpretive techniques.

Thus in this undertaking, attempt is made to make use of all these techniques in the course of data processing and analysis.

Following the descriptive design, it is intended to highlight the socio-historical, political and economic context that resulted in the outbreak of the civil wars in Sudan, and assess the prospects that pave the way for the emergence of South Sudan as independent state in the Horn of Africa. Banks (*ibid.*) also ascertains that not all human events or actions can be defined by description and narration and notes that the relevance of casual explanations and critical assessment in a research to provide many-layered descriptions and change the beliefs and actions of people is important. Thus, casual and critical techniques are sought to be used to investigate the implications of a would-be South Sudan state in the sub-region.

1.5.2 Methods

Secondary sources such as peer-reviewed journals, books, magazines, reports, and publications issued by international organizations on the subject are consulted as secondary sources of data collection. Moreover, unstructured interviews are conducted with officials of the Sudanese Embassy and the South Sudan Liaison Office in Addis Ababa to provide information and share their views with regard to the subject under study.

1.6 Relevance of the Study

This study is significant in the sense that it tries to delve into a new development in the Horn of Africa relating to the sub-regional dimension of conflicts and their implications for the broader region. Thus, it serves as a caveat for policy makers and general readers about the ramifications of secession and its implications for the sub-region with reference to the accession of South Sudan to statehood as a particular focus. Hence, it is hoped that the study could be a remarkable contribution to the understanding of the genesis of conflicts in general and the violent conflicts in Sudan in particular by investigating the conflict dynamics in the country and its eventual bearing on the Horn of Africa sub-region.

1.7 Scope of the Study

The study is limited to the examination of developments in Sudan following the signing of the CPA in 2005 and the January 2011 referendum in South Sudan by highlighting the possible implication of separation of the South for peace and stability in the sub-region.

1.8 Limitations

Due to the fact that the issue under study is a recent and ongoing one, it is somewhat difficult to get adequate reference materials on the theme. Besides, time constraints and limitation of resources could pose difficulties that prevent the collection and analysis of primary and first-hand information on the issue under consideration.

1.9 Structure of the Study

The paper comprises five chapters. The first chapter introduces what the study is about, the problem to be examined, the objectives, significance, methodology / method of the subject under study. Chapter two provides a highlight of pertinent reviews of the literature and conceptual framework relevant to the major theme of the study. The third chapter deals with the socio-historical, political and economic context that served as a basis for the unfolding of the civil war in Sudan, the actors, dynamics of the conflict and peace building initiatives to solve the problem. The fourth chapter examines the post- conflict dynamics focusing particularly on the progresses and slippages of CPA implementation. The fifth chapter investigates prospects for independence of Southern Sudan and its implications on the region in relation to issues of peace and security dynamics. The study ends with a concluding section that brings to light the major findings of the study in a manner that relates to the theme of the subject, namely prospects for the independence of Southern Sudan and the implications thereof for sub-regional peace and security.

Chapter II

Literature Review and Conceptual Framework

Introduction

In recent decades, a heated debate has been going on two contradictory pictures of the world. Proponents of globalization argue that the world is becoming smaller and that ‘the age of nation states is already passing,’ the reason of which is the globalization process, which transcends national identity and nationalism (Hopper, 2007:87). On the other hand, others depict the world as being a fantastically diverse place despite the homogenizing trend of globalization, and emphasize the desirability of turning the focus of attention from globalization to the world-wide tensions over terrorism, ethnic separateness, regional autonomy and political independence (Rowntree, Lewis, Price, Wyckoff, 2005:8).

Today most wars are fought within countries, not between countries. Particularly, in the wake of the Cold War, these conflicts are subsumed under the rubric of ‘insurgencies’, ‘ethnic unrest’, ‘nationalist movements’, or ‘tribalism’ (Nisbet, 1999:5). One of the insidious legacies bequeathed by the Cold War has been the resumption of ancient conflicts which are rooted in primordial issues of language, culture, race and religion, which have been smothered by the Big Power Consensus¹ on the fundamentals of detente and the world order system (McWhinney, 2007:8). As a result, multinational states, which are numerous vis-a-vis homogenous states, are buffeted by group identity with the aim of self-determination within an existing nation-state and at times even aspiring for secession, the political problem hindering the process of forging a sense of national identity in post-colonial Africa. Self-determination movements are more acute in the Horn of Africa. According to Medhane (2004:1), the sub-region has been emaciated by hard security issues such as sovereignty and self-determination. After a long civil war, Eritrea declared its independence in 1993, which was branded as a ‘last colony’ in Africa. However, similar ‘anti-colonial’ movements having a potential of fracturing the territorial integrity of states are exploding in the region. One example is the self-determination

¹The term ‘Big Power Consensus’ implies “the highly developed and nuanced tacit mutual understandings and reciprocal give-and-take” between the US and USSR during the Cold War, recognizing the “effective political hegemony of the block leader in relation to its own bloc and to political conflicts within that bloc and preaching the principle of non-intervention within the internal affairs of that other block” (McWhinney, 2007:8).

referendum of Southern Sudan, which is to take place in January 2011 as enshrined by the CPA. This chapter deals with literature review and conceptual framework by raising issues that are pertinent to the problem under investigation.

2.1. Literature Review

A few studies dealing with the civil wars including its causes, dynamics and actors, peace building initiatives, the CPA, and the post-referendum issues have been conducted so far. Thus, it is sought to review some of the existing relevant works critically and thoroughly so as to elucidate their significance to the theme of this study. A number of scholars have advanced divergent views and accounts regarding the context and responsible factors for sparking and perpetuating the conflict in the Sudan. On the one hand, Northern Scholars and elites attribute the problem of Southern Sudan to the British Colonial Administration, which according to them had created socio- economic disparity and political malaise that instilled a sense of distinctiveness between the Southern and Northern Societies (Al-Rahim, 1973: 29-45; Alier, 1973:11). Although Sudan emerged as an independent political entity after the end of colonial rule in 1956, it had been administered as two divided geographical regions pursuant to the ‘Southern Policy’ prior to this. Britain is accused of maintaining its colonial interests such as control of resources and the Nile, and facilitating the eventual integration of Southern Sudan with British East Africa by imposing a separate administration which severed all relations between the two regions, which finally posed structural tensions that hindered national integration (*ibid.*)

On the other hand, Southern Sudanese put forward a different explanation of the conflict in that they perceive the conflict as a struggle between two different races- ‘Arabs’ and ‘Africans’, (Edward & Idris, 2007:81). They argue that at the root of the conflict lies racial, religious, and cultural differences, which resulted in stereotype, discrimination, and marginalization. This was, however put aside by the SPLM/A later, which asserted that the problem is the Khartoum government itself that created political and economic contradictions with regard to Southern Sudan (Healy, 2008: 31). There are also writers that advance a panoramic analysis of the conflict. For instance, Healy (2008: 29-31), and Johnson (2004:34-44) in their works titled respectively *Lost Opportunities in the Horn of Africa: How Conflicts Connect and Peace*

Agreements Unravel, and *The Root Causes of Sudan's Civil Wars* enunciate that the conflict, which has been the preoccupation and the dominant feature of the political life for half a century, is basically a conflict in which national and sub-national forces came in to play. It has been the consequence of the interplay of several of factors rather than being the outcome of one factor. It was the political and economic issues that are essentially the main causes that fomented the conflict. Indeed, other factors such as religion and ideology are involved impacting on later developments to a limited extent. The historical contradiction that led to the subsequent political mishaps in the country resulted from the annexation of Sudan by Muhammad Ali, a Turkish Viceroy of Egypt who usurped ivory and slaves through mass massacre, armed robbery and fierce intertribal bullying which instilled a spirit of antimony and fear in the minds of Southern Sudanese (Ruay, 1994:33). The forced merger of the North and the South Sudan in to the fold of independent Sudanese nation-state and the ill-devised policies of the subsequent military and civilian regimes exacerbated the problem and engendered devastating civil wars between the two societies (Hamid, 1989:127). The immediate factor that led the two societies to the First Civil War was the imposition of Arabic language and Islam throughout Sudan during the Abbud regime (1958-1964) reinforced by killings and persecution, particularly against the Southern 'infidels', who responded forcefully through the Anya-Nya movement in the form of a struggle for secession (Girma, 1999:14).

To settle the conflict, two peace initiatives were attempted. The first was the Round Table Conference organized in Khartoum in 1965 by the care-taker government (1964-1969) in which the Northern and Southern delegates put forward their respective schemes for compromise. The latter set forth the principle of self-determination allowing the southerners to decide through plebiscite on the options of federation, unity, or separation. All of these were vehemently rejected by the Northern delegation, which proposed instead a scheme of 'Regional Government' where southern autonomous government would be established with executive responsibilities devoid of legislative power. To resolve the attendant deadlock a 12- member committee was established comprising the Northern and Southern delegations to search for compromise, which finally proved futile due to their disposition to the use of force as a way of advancing their positions. As a result, the civil war continued unabated until the 'Addis Ababa Agreement on the Problem of Southern Sudan' was signed between the Nuiamery regime and the Southern Sudan Liberation Movement (SSLM) in 1972, which was expedited by the good

offices of Emperor Haile Selassie I and the World Council of Churches. In the Agreement, it was stipulated that Southern Sudan was entitled with wealth-sharing and power-sharing benefits, and above all autonomy. Thus, the entire south would be a self-governing unit with its own legislative, executive and judiciary institutions; English would serve as the working language of the region; and the Anya- Nya army would be integrated into the national army and serve in the South as part of the national army (Wama, 1997:9).

However, the central assumption of the agreement to stall the quest for secession by limiting it to autonomy within the framework of national integration soon evaporated due to short-sighted measures taken by the government. With the view to curtail any unified Southern opposition, the government amended the national constitution in 1980 dictating the division of Southern Sudan into three provinces, which is contrary to the 1972 Addis Ababa Agreement. To make matters worse, the regime declared the imposition of *sharia* law in the country in 1983. What is more, following the discovery of oil near Benitu in Southern Sudan, the government maneuvered to subsume the area within the territory of North Sudan (Girma, 1999:17-21). The cumulative effect of these measures led to the abrogation of the 1972 Agreement and the resumption of another devastating conflict in the country spearheaded by the government and the SPLM/A, formed in 1983 in Ethiopia, under the leadership of Colonel John Garang Mabior (Wama, 1997:11).

While the civil war was going on, the civilian coalition government of Sadiq al-Mahdi was overthrown in a bloodless coup led by Ommar Hassan al-Bashir in 1989, which of course was a harbinger of continued conflict rather than peaceful ending of the conflict. The NIF regime, side by side with enforcing its Islamic agenda, strengthened its war efforts aimed at pulverizing the SPLM/A, but to no avail (Bizusew, 2004:52). Meanwhile, the impact of the war was devastating especially for the southern populace. The human cost of the conflict was so massive that about two million people mainly from Southern Sudan died; 5.5 million people mainly Southerners were displaced and more than half a million people fled seeking refuge in neighboring countries in Ethiopia, Uganda, the Congo and Central Africa Republic (Edward & Idris, 2007: 227-228).

This long standing conflict involved two main actors- the Khartoum government (NCP) and SPLM/A in direct confrontation, but as the conflict became internationalized external forces, in pursuit of advancing their agenda and interests, engaged themselves directly or tacitly in the conflict thereby making the conflict bloodier and more intricate (Hardallu, 2001: 261). This involvement of external forces had the effect of changing the dynamics of the conflict, and the balance of power between the NCP and SPLM/A and the peacemaking process. After a series of protracted efforts, the Khartoum government and the SPLM/A came in to negotiation and finally signed a historic peace document known as the Comprehensive Peace Agreement (CPA) in Kenya in 2005, which ended the 21 years of conflict (Johnson, 2006:93).

The CPA is an elaborate document that contains 260 pages with its protocols and annexes. It has been hailed as a serious and historic instrument that embodies provisions such as power-sharing and wealth-sharing provisions, which are deemed necessary to alleviate the real causes of the conflict (Healy, 2008: 36). The process leading to the signing of the CPA was so difficult that it took many years. Both the GOS and SPLM/A, without third party involvement, conducted several sessions of peace talks in Addis Ababa and Nairobi (1989), Abuja (1992 and 1993), and Nairobi again (1985-1995). The more concerted and regional approach to peacemaking effort was initiated in 1994 under the aegis of IGADD where the Declaration of Principles (DOP) was enacted by its members with the view to resolving the conflict in the country (see p. 38). It is a compendium of a series of six agreement signed in Kenya within five years between the GOS and the SPLM/A, such as the Machakos Protocol signed in July 2002, the Protocol on Security Arrangements signed in September 2003, the Protocol on Wealth- sharing signed in January 2004, the Protocol on Power- sharing signed in May 2004, the Protocol on the Resolution of Conflict in Southern Kordofan and the Blue Nile State signed in May 2004, and Protocol on the Resolution of Conflict in Abyei signed in May 2004. Johnson (2006:98) maintains that the Machakos Protocol above all represents the basis for the other Protocols to be signed, and is radical in that it comprises a broad framework setting forth the principles of governance, the transitional process and structures of government as well as the right to self-determination for the people of Southern Sudan, and on state and religion, which is deemed instrumental to transform the 'old Sudan' marked by tragedies and failures to transformation to the 'new Sudan', which is noted for advocating equality, democracy, peace, and justice to all Sudanese regardless of their difference (Ahmed, 2010:7-8).

Other protocols include those involving the wealth- and power-sharing provisions. Regarding wealth-sharing, the CPA provides provisions on land ownership and natural resources, oil revenues, and non-oil revenues. It requires that net revenues from oil reserves in Southern Sudan be apportioned equally between the National government and the government of Southern Sudan. Pursuant to the CPA, the National Petroleum Commission was established on 30 October 2005 that helped to formulate guidelines on the development of the oil sector and monitor their implementation. Under the terms of the agreement, at least 2% of net oil revenues is allocated to the region in which oil is produced; the remaining revenue produced in Southern Sudan are divided equally between the Government of National Unity (GONU) and the Government of Southern Sudan (GOSS), while the ones produced in Northern Sudan belongs to the GONU (Healy, 2008:32). According to the GOSS Ministry of Finance and Economic Planning, the national government has transferred \$669.92 million dollars to the GOSS in the first quarter of 2010 as its share of the oil revenue (UNMIS, December 2010:30). However, institutional delays and lack of transparency over revenues underpinned by disagreements over demarcation in oil- rich areas have been the main challenges against the applicability of pertinent provisions. Besides, the CPA failed to adequately address issues relating to the ownership of land and natural resources other than calling on the two parties to establish a process to resolve the issue. As per the wealth-sharing provision, the Bank of Sudan was restructured to accommodate a dual (Islamic and conventional) banking system in which a new Sudanese currency was launched in January 2007 (*ibid.*).

Apart from wealth-sharing provisions, the CPA embodies power-sharing provisions between the NCP and the SPLM/A, which is an important landmark creating a platform in which Southern Sudanese took part in governance for the first time in history (Healy, 2008:31). The CPA entitles the Southerners to establish their own regional government and participate in the GONU and empowered them to exercise powers other than those reserved to the GONU (national security, foreign policy and currency). As per the provisions, the seats of the National Executive, in the run up to national elections shall be allocated as 52% for the National Congress, 28% for the SPLM, 14% for other Northern political forces, and 6% for other Southern political forces (*ibid.*).

What is more central and critical is the CPA's requirement that the people of Southern Sudan enjoy the right to self-determination in which an internationally monitored referendum would be organized Jointly by the GOS and the SPLM/A at the end of the Interim period in January 2011. This is to allow Southerners to decide their future status by confirming unity or vote for secession. Although the process of the referendum has been slow due to political differences and basic logistics, the body in charge of overseeing the preparations- the Southern Sudan Referendum Commission (SSRC) was finally established in June 2010 pursuant to the 2009 Southern Sudan Referendum Act (UNMIS, December 2010:12). The SSRC is an independent organization formed in 2010 to organize and conduct the Southern Sudan referendum on self-determination as stipulated in the Machakos Protocol of the CPA with specific responsibilities involving among others (1) the referendum register (2) formulating rules and regulations (3) setting the referendum duration (4) sorting and counting the votes (5) postponing referendum procedures (6) cancellation of results, and (7) taking disciplinary measures on voters (UNMIS, October 2010:1). The Referendum Act stipulates that the referendum is valid if 60% or more of the total registered voters turn out to vote. If this is not met, there would be a repeat vote within 60 days, and a simple majority (50% plus 1 of the votes) shall decide the outcome of the referendum. On the basis of this, voter registration began on November 15 which would last 17 days, and the referendum is due to be held on 9 January 2011 which would last 7 days. As defined in the SSR Act 2009, the Southern Sudanese voting in the referendum are expected to meet certain eligibility criteria of (1) 18 years of age, (2) being of sound mind, and (3) having been registered in the Referendum Register (*ibid.*).

In the Interim period, important pillars of the CPA, including obligations and commitments specified thereof, have been put in place amidst political controversies and misgivings of the parties. Accordingly, the Government of National Unity and the semi-autonomous Southern Government were established in 2005, wealth-sharing between the North and South has been more or less in place; the Census was completed, and the April 2010 elections were carried out peacefully. Moreover, preparations for the referendum have been underway (Large, 2010:2-3). The CPA requires that Sudan shall organize a population census prior to and as a basis for 2010 elections and the 2011 referendum on the right to self-determination, which is important to decide the number of electoral constituencies and demarcate administrative boundaries besides determining the outcome of the 2011 referendum, and distribution of political power and

economic wealth in the country. The results of the April–May 2008 census show that Sudan’s total population in 2008 was 39, 154,490 (Northern Sudan 59.71%, Darfur 19.19%, and Southern Sudan 21.10%), which was categorically rejected by the SPLM/A (Darfur Relief and Documentation Center, 2010:12).

The other post-CPA development was the April 2010 national and regional elections in which 72 political parties competed in 6,502 polling stations. It was monitored by many local and international observers including the Carter Center, the African Union, and the European Union. The election in which 10.1 million people voted resulted in the triumph of the SPLM/A represented by Salva kiir, and the NCP represented by Omar Hassan al-Bashir. The final landmark stipulated in the CPA is the imperative to hold an internationally monitored referendum in Southern Sudan in January 9, 2011. So far, around four million people have been registered and the duration of the registration ends on 8 Dec. 2010. Although the SSRC on Dec. 6 requested a three week delay of the referendum date, the SPLM/A expressed its firm decision that the deadline of the referendum is non- negotiable (The Daily Monitor, December 2010:3).

Skeptics are wary of the vulnerabilities of the CPA in the course of its implementation, and some outstanding issues that could spark the conflict unless they are handled and resolved in a sober manner prior to and following the referendum. In the light of the reports that foreshadow the secession of Southern Sudan, panic and anxiety abound over whether the referendum could be administered timely and credibly, and a renewed warfare could take place (Africa Confidential, August 2010: 3). Particularly, if the South chooses secession, more sensitive issues could come to the fore such as the demarcation of the north- south border, the citizenship status of Southerners in the North and Northerners in the South, the division of national assets and debts, and sharing of oil revenues, which would determine its security conditions vis-à-vis the GOS (Martell, 2010:14). Allen and Schomerus in their research report titled *Southern Sudan at Odds with Itself: Dynamics of Conflict and Predicaments of Peace* (2009:30-32) show that except in areas with strong connections to the north, the majority of Southerners expect that “the referendum would result in an independent Southern Sudan.” Thus, the likelihood of an independent state of Southern Sudan with various implications for other countries constituting the Horn of Africa sub- region could be expected.

2.2. Conceptual Framework

The issue of self-determination is intrinsically related with intolerance towards exploitative and domineering circumstances. Its persistence has still been felt especially in poly-ethnic states even though its character has changed through time. New nations have risen to statehood out of the struggle for self-determination. The post-Cold War period is not an exception in the unfolding of new states. USSR, which had been one of the Super Powers, disintegrated into 15 new states. Yugoslavia also fractured into its constituent nations, so did Indonesia acknowledging the independence of East Timor in 2002. Recently, Kosovo issued a declaration of independence from Serbia in 2008. Presently, Sudan is also supposed to give birth to a new state in the upcoming referendum in 2011. Because of the factors that are dealt with subsequently, Southern Sudanese have been fighting against the Khartoum government with the aim of attaining self-determination.

There is a general tendency of defining the word self-determination, regardless of its varying and contending interpretations, as a principle that each nation has a right to independent statehood and determine its own political, economic, and cultural affairs. Nonetheless, Neuberger (1986:55) notes that although the principle has acquired universal acceptance, the interpretations to which it is subjected continue to be divergent and confusing. Thus, before venturing on a study of self-determination, it is imperative to ask what it is. Logically, the definition of a nation by dissecting it into its constituents in view of 'self' and 'determination' would be in order.

The 'self' refers to peoples or groups who are entitled to invoke and exercise the principle legitimately so as to decide on their affairs. In other words, it is a unit constituting the people who are the subjects and beneficiaries of the principle of self-determination (Sureda, 1973:108). It is a noble idea that it is the people that make use of the principle, but the question is who these 'people' are after all and what is going to define them? Regarding this, Buchheit (1978:1-2) ascertains that the people entitled for enjoying self-determination should, at a minimum, be discrete from the other selves. The first is that a group of people becomes a self as soon as it perceives itself as being distinct from others. This sense of communal identity could not, however, be the sole basis for claiming the right, since the term "people" tends to be

overlapping, unverifiable, and changeable. For instance, clubs, professional associations, religious societies and other groupings may perceive themselves as distinct in certain respects from the general population. However, it is absurd to argue that they should claim the right of self-determination or autonomy on account of their distinct selfness. What is more concrete source of evidence to ascertain a group's distinctiveness are the objective criteria that distinguish the group from the surrounding population. These criteria of selfness include elements of a religious, historic, geographic, linguistic, and racial character, which are verifiable and become a basis for the group as evidence of the self so as to assert the right to the process of self-determination. Besides, consideration of immeasurable factors that make up the psychological realities of a given situation is important. Neuberger (1986:20) here holds that the definition of the self is expedited and reinforced by the struggle against foreign rule. The American War of Independence can be cited as an illustration in this regard. The American colonists meet very few characteristics of distinctiveness in terms of culture, language, religion etc. vis-à-vis the English people. The justification for selfness was constructed primarily on the basis of a sense of injustice and oppression by the administration of the English colonizers. In this sense, the demand of people for self-determination is rooted in a wish to sustain security and comfort in a parochial environment and prejudice against aliens.

Now that a proper self is defined, what remains is the issue of what this self is entitled to do in light of the extent and scope of the self's putative right to this process. The idea of 'determination' involves basically questions relating to the nature of the determining process and the frequency with which it must recur (Buchheit, 1978:11). This is an open question for a wide range of demands and conflicts, including the establishment of federalism, some form of autonomy, absolute dictatorship, or complete independence, and what modalities to use so as to exercise it in terms of plebiscites, referenda, elections, coercion etc. Hence the notion of self-determination is fraught with varying and contending interpretations throughout history.

It is a widely held belief that the idea of self-determination as an international principle originated from the US President Woodrow Wilson's 14 principles (McWhinney, 2007:2). In fact, evidences indicate that its roots can be traced back to the Age of Enlightenment, during which legal scholars and Christian philosophers had been advocating the necessity and desirability of resisting tyrannical authority. Since then, the idea of self-determination had been

associated with notions such as natural rights, the rights of man, the sovereignty of the people, the social contract, the right of revolution against oppressive regimes as evidenced in the works of John Locke, Thomas Jefferson, Rousseau, and the revolutions of 1688, 1776 and 1789 (Neuberger,1986:3). Bokor- Szego (1970:11) also shows that the notion of self-determination dates from the period of the bourgeois revolution, which took place in Western Europe to facilitate the development of nations into a single state by demolishing internal divisions perpetuated by feudalism. The history of self-determination is also a product of the French Revolution, which was a struggle to assert the rights of man against any kind of domination (Sureda, 1973: 17). This was consolidated by the emergence of progressive forces like Russia, which was resolute for the recognition of the right of self-determination. As a result, the notion of self-determination gained legal standing in the UN Charter and became henceforth the recipe for people to invoke the principle in the event they desire to decide on their matters(*ibid.*:18).

However, critics exclaim that although the UN Charter and subsequent declarations accentuated the right of every people, nation and state to self-determination, it restricted the scope and extent of the right only to colonial entities thereby proscribing its application to poly-ethnic states which became members of the UN at the time of its establishment (Wiberg, 1983:48). From the outset the essence of self-determination was the right spurred by the need to topple down any form of tyranny and exploitation, and that only self-government by 'nations' was legitimate, which implies the illegitimacy of multinational states or empires as political entities arising out of conquest and expansion. Of course, this was morally upheld and later became legalized but within a limited scope of application exclusively to the peoples under European colonial rule. This has satiated, to a limited extent, the fervor of nationalists who sought the demise of colonialism. However, questions regarding the right of self-determination began to resurface again right after the period of decolonization because separatist movements within independent states threatened territorial integrity invoking national self-determination as a possible justification (Buchheit, 1978:7). Although the UN forbid the right of secessionist self-determination for the interest of maintaining territorial integrity of states and world order and laid correlative legal burden on plural ethnic states to exhaust all possible constitutional options for accommodating cultural diversity within the state to address the problem, the issue of self-determination continued to be a bone of contention between the status quo-oriented states and change-oriented nations (McWhinney, 2007:89-94).

In the course and process of exercising self-determination, the issue often considered is whether it is conducted peacefully or forcefully and what form it takes. Accordingly, if the political desires of the self are expressed through periodic elections, plebiscites, petitions, or other methods reflecting the wishes of the people in question, it is dubbed peaceful self-determination. In contrast, when attempt is made to forcefully assert self-determination by the population in a state, many varieties of self-determination could be identified depending on the size, motives, and success of the claimant (Buchheit, 1978: 13).

In the third world, distinction can be made between anti-colonial self-determination, which is the liberation of African and Asian non-self-governing territories from European colonial rule, and secessionist self-determination, which represents people's aspiration to break out of the post-colonial state and achieve liberation (Smith, 1991:69). It is also possible to identify economic self-determination, either external or internal which was a password of socialists that aimed for emancipation of the working class and the nation from exploitation by the capitalist owners of the means of production (Neuberger, 1986:7).

Although its content and character varied through time, the idea of self-determination arose basically as a protest against any form of domination and was built on the belief that the wishes of the people should become the basis of political, economic and cultural decisions. This being the general adage, most people tend to equate the principle and exercise of self-determination with the right of independence and secession. This idea was inculcated by the decolonization process, whereby most colonial entities preferred independence. According to Neuberger (1986:7), national self-determination since WWII paved the way for independence and secession, but in reality it has sometimes led to different patterns and formulas. Thus, there are considerable variations among the goals advanced by national "selves" in their exercise of self-determination. The goals pursued may be independence (Biafra), integration within a neighboring state, which is called irredentism (the Somalis in the Ogaden), or separation and establishment of a new state with parts of other states (the Bacongo in 1950s) (*ibid.*). In some cases, national "selves" may struggle for regional autonomy or a federal statehood (e.g moderate Southern Sudanese), or even a willed assimilation (diasporas in the USA). International status or condominium and association may also be sought by way of self-determination. Some "selves" in their struggle for self-determination sometimes pursue different goals. For instance,

Southern Sudanese nationalists and TPLF has been struggling to assert separatism, regional autonomy or federalism (*ibid.*).

With respect to the means of self-determination one also comes across differing issues. The modalities through which the goals of self-determination are to be fulfilled vary significantly from cases to cases. Historical experiences demonstrate that plebiscites were instrumental to the realization of self-determination. They were utilized particularly in Africa in the course of the decolonization process. For instance, using the service of plebiscites, British Togo united with Ghana in 1956, and Guinea declared its independence from France in 1958. But plebiscites are always accompanied by contending issues especially with regard to who is going to set the goals or options of self-determination. Should it be the UN observers as was the case in 1976 Djibouti plebiscite, or the administering power (France) as was the case in Djibouti in 1966, or should the plebiscite be conducted by neutral forces as Somali nationalists demanded in Djibouti? (*ibid.*:8).

In all, the methods used to put in place the right of self-determination depend on how it is upheld. If self-determination is an expression of will, then plebiscites, petitions, elections, or commissions of inquiry become the methods to ascertain this will. On the other hand, if self-determination is going to be determined by objective characteristics like language, race, and religion, then appropriate statistical data is compiled so as to discern what proportion of people belong to a particular race, religion or language (Sureda, 1973:294). What is more, if conditions do not allow for such peaceful exercise of self-determination, rebellion could be resorted to as an ultimate instrument of achieving self-determination.

Despite the fact that the nation state has been considered the ideal political model, centrifugal forces acting to weaken or even fracture an existing state driven by linguistic minority status, ethnic separatism, territorial autonomy, and disparities in wellbeing have risen. More troublesome questions relating to the principle of self-determination for separatist movements within independent states recurred in the wake of the decolonization process in 1960s and 70s. Today, in much of the world, the central question is whether centrifugal forces will increase in strength, and lead to new, smaller independent units (Rowntree *et al*, 2005:22). According to Heraclides (1991:21-22), the beneficiaries of self-determination are only those people who

were under European colonial rule. It is not the right of a nation, but the right of a colony to independence, or union with another state, and the right of a majority within a colony or a state. These colonies exercise this right once and for all, and never again, without disrupting the territorial integrity of the colonial in entity. And once a colony has become independent, self-determination means non-interference, and the exclusive right of a people to freely select their government. This restrictive definition of self-determination, which is at the heart of the UN Charter, is at odds with the earlier notion of self-determination which was in essence self assertion against any form of domination.

Thus, in addition to maintaining the international order through inter- and intra- state harmony, the afore-mentioned reasons account for the reluctance to accommodate the claims of secessionists within the principle of self-determination. In sharp contrast with this, the proponents of the right of secession hold that restrictions on the principle are after all made, not in consideration of peoples' wishes and desires, but on the basis of political and military considerations taken primarily to perpetuate existing exploitative patterns under the guise of territorial integrity and world order system (*ibid.*:17). They argue that the right of secession should be tolerated as an ultimate remedy in a situation of strident exploitation and oppression. In some instances, they set forth criteria for secessionists like democratic rights, racial and ethnic equality, the viability of the post- secession state, and the effects of secession on other states and world order, and the existing alternatives to secession (*ibid.*:30). Buchheit (1978:49) argues that secession can be justified if the overwhelming majority of the inhabitants of a region favor it and if independence is a *sine quo non* for the fulfillment of justice. Thus, secession should not be refused if the plea for it is vibrant and strong.

In relation to the above arguments, Cobban (1989:295) singles out the limitations of the application of self-determination. In light of division of sovereignty, considerations such as the problem of frontiers, multinational areas, the future of states, and national equality pose entanglement on the application of national self determination. Over the problem of frontiers, four principles have been deliberated on so far: historic rights, natural frontiers, strategic frontiers, and national self-determination. In borderlands and other areas where nationalities are intermingled national self-determination becomes pointless. The solution should rather include transfer of population, or establishment of an international authority with its own armed forces.

Moreover, since self-determination unfolds new nations, large or small, factors should also be taken into account relating to the viability of small states in economic, military and political respects in this system of global anarchy, where sovereignty is related to power. The principle of national equality under a condition of anarchy, even if it is assured within the purview of international law, the viability of small states is likely to hover in uncertainty.

In the exercise of self-determination, the decision of people or groups of people results in different forms of outcomes where the setting up of an independent state is of great significance. In the period from 1815-1980, at least 209 events in which new states came in to the world scene were observed (Wiberg, 1983:55). The post-Cold War period has also been spectacular in the creation of new states as in the case where USSR ceased to exist as a state, succeeded by 15 new states, and Czechoslovakia disintegrated in to the Czech Republic and Slovakia. Another Socialist state, Yugoslavia fractured in the midst of bloody conflict among its constituent ethnic groups. Although it was not accorded much recognition, Kosovo, which was part of Serbia, declared independence in 2008. Prior to this, East Timor achieved statehood breaking out of Indonesian rule after decades of civil war (Antonopoulos, 2010:120). This problem is more stringent in the Horn of Africa, where Eritrea seceded from Ethiopia in 1993. Similar separatist movements are also simmering in the region, the example of which is the struggle of Southern Sudan for self-determination.

This increasing upsurge of new states can be seen from the perspective of how they unfolded. According to Wiberg (1983:55), there are four modalities by way of which new states emerge. These are (1) decolonization, which gave birth to most of Asian and African states in two successive waves; (2) dissolution of empires, which unfolded the states which hitherto made up the Turkish and Chinese empires; (3) other dissolutions such as the collapse of the United States of Central America in 1939, and the creation of two Germanys; and finally (4) simple secession, which is prominent in Africa, Asia and Europe. Heraclides (1991:25) also adds other possibilities for the emergence of new states such as partition, which rely on mutual consent, acknowledgement of an already de facto independence, and merger of two or more units or states.

As a general rule of thumb, the UN Charter and other international organizations insist that a mere seizure of territory does not qualify one for statehood; the entity declaring independence should be a 'self-determination' unit i.e. a colonial territory. However, recognition of an entity by third states is by far the most important issue with regard to new states no matter which modality they come through. According to the declaratory approach, non-recognition doesn't imply lack of statehood. If there is a *de facto* control of a territory and its inhabitants by an organized government, the new entity can engage in inter-state transactions. Recognition is after all a political not a legal act. However, even if an entity bears the marks of statehood but is not a self-determination unit, states are obliged by international law not to render recognition to such entities. Any such recognition defies the principle of self-determination principle, and hence amounts to intervention in internal affairs of sovereign states (*ibid.*). The recent crisis of state succession in 1990s has brought certain changes with respect to recognition and state succession. In the era of globalization and regional integration, acts of recognition and its timing tends to be collective, made on a regional basis within international fora, and such collective actions of states should be based on the standards of good behavior that are to be met demonstrably, including legal principles and international acts having a *jus cogens* quality (McWhinney,2007:91-93). The emphasis now is hence on functional efficiency, practical incidents and participation in the increasingly interdependent world rather than abstract constructs of state sovereignty (*ibid.*).

Chapter III

Sudanese Civil War

Introduction

Since its inception as an independent state in 1956, Sudan has been embattled by violent and incessant rounds of civil wars during the last four decades. The first north- south conflict commenced a little before independence and continued until 1972 when the Addis Ababa Accord was signed between the government of Sudan and the Southern Sudanese Liberation Movement. After a period of respite lasting nearly a decade, however, the conflict resumed in 1983 and came to an end on January 9, 2005 with the signing of the CPA between the government of Sudan (GOS) and the Sudanese People's Liberation Movement/ Army/ SPLM/A.

Alier (1973:11) maintains that the North-South conflict “dates back to pre-colonial days and has roots in cultural, racial, and economic antagonisms” that have led to a state of conflict. Hardallo (2001: 260) and Collins (2008:I) also concur with the view that the genesis of the conflict is basically related to the interplay of a combination of historical, racial, economic, and political factors, some of which are found in the events of the last 200 years. Thus, for a thorough understanding of the conflicts, it is imperative to trace and examine its antecedents within the socio-historical, economic, and political context involving three historic periods of the Turco- Egyptian and the Mahadist rule (1821- 1898), the British Occupation (1898-1956), and the Post-independence period. This is followed by an analysis of the role of major actors and dynamics of the conflict, and the peacemaking endeavors undertaken to end the conflict.

3.1 Context

The Republic of Sudan is noted for its several interesting features one of which being its size and diversity. In terms of size, Sudan is the largest country in Africa with a total area of 967, 500 square miles bordered by Libya and Egypt in the north, Eritrea, Ethiopia, Kenya and Uganda in the east, Zaire in the south, and Central Africa Republic and Chad in the west. Its name, ‘Sudan’, which means the ‘land of the blacks’ is derived from the Arabic expression ‘Bilad al-Sudan’, which medieval Arabs used to denote the group of ‘Sudanic States’

stretching from the Red Sea to the Atlantic Ocean (Al-Rahim, 1973: 33). The massive landmass of the country provides a habitat for a multitude of diverse groups of people that are subsumed roughly within 600 ethnic and linguistic groups, which could be identified in geographic, religious, and racial perspectives (Collins, 2008:4). In the interest of brevity and clarity, two distinct factors are identified: the North inhabited by the majority of Arabs and Islamized non-Arabs such as the Beja and the Fur, and the South, where the majority of the people inhabiting it are considered Africans and traditionalist or Christians, constituting some 60 distinct groups of Western and Eastern Nilotes (Ruay, 1994:7). This plethora of linguistic, ethnic, and religious diversity associated with occurrences of slavery, and Islamization and Arabization in the past has resulted in a sort of contradiction in which Sudan found itself in the wake of its independence enmeshed in bloody and protracted conflicts (Collins, 2008:8).

Sudan is also interesting due to its history and geographical proximity to the Middle East. Historical sources attest that the 'Cushities' or 'Nubians' who are believed to have been the early inhabitants and ancestors of Northern Sudanese have successfully invaded Egypt under their eminent king *Taharqa* (668- 663 B.C) and formed the 25th Pharaonic dynasty that subsequently conquered Palestine, Syria and Arabia (Al-Rahim, 1973: 31). However, their reign began to crumble due to failure to resist foreign influence resulting in submission to foreign forces such as the Pharaohs, the Persians, the Greeks, the Romans, the Arabs, the Turks, and the British. Of these conquerors, Arabs emerged as successful in bequeathing enduring impressions that still feature in modern day Sudan. These Arabs entered Sudan via Egypt not in multitude, but in small groups and freely intermingled with the native population. As a result, Sudan was labeled as a 'microcosm' of Afro- Arab relations or a 'bridge'² between Arabs and Africans (Ruay, 1994: 12). In due course, the Arabs wielded power in the host territories by way of assimilation with the indigenous tribes in a vast territory of north, west and east Sudan. However, their influence still didn't pervade southern Sudan, which remained impervious to the Arabs and other foreign forces due to its hostile natural conditions (marshes,

²In this regard, Ali Mazrui contends that the use of the 'bridge' concept in the Sudan is ridiculous in that instead of "playing a role of uniting Black Africa with Africa north of the Sahara (Arabs) the country has widened the chasm between the two sectors of the continent. See Ali Mazrui (1969) *Violence and Thought*, Chapter on the Multiple Marginality of the Sudan (London: Longmans, pp. 163-183).

the Sudd, tropical diseases etc), and the resistance of its peoples to foreign interference in their affairs (*ibid*: 19).

The historical contradiction that laid the basis for the subsequent North- South tension emerged during the reign of Muhammad Ali, the Turkish Viceroy of the Ottoman Sultan, who sought and finally controlled the north and central part of the Sudan by supplanting the last Funji Sultan, Badi IV, in 1821 (Collins, 2008: 13). Mohammed Ali ordered his troops to advance deep in to the south so as to “secure a vast reservoir of almost untapped slave supply” which could be used to build a black army, and employed in large agricultural and industrial projects (Ruay, 1994: 21). He embarked on the task of exploring the source of the Nile, the life blood of Egypt, and the gold mines (Collins, 2008:13). At first, the Turco- Egyptians established their domicile at Khartoum, and then raided the south mainly in search of ivory and other wealth, which later became scarce in supply due to stiff competition of plundering. This forced the Arab traders to engage in slave-raiding and cattle-rustling as substitutes, accompanied by mass massacre, armed robbery and widespread inter-tribal fighting (Ruay, 1994: 33). These brutal practices not only created large-scale destruction and dislocation but also instilled a spirit of animosity and fear in the minds of Southern Sudanese.

Turco-Egyptian rule was terminated in 1885 by the strong national and religious movement spearheaded by Muhammad Ibn al- Sayyid Abdalla also called the ‘Mahdi’ who established a theocratic state. Unfortunately, Southern Sudanese fell victim once again to not only Islamization and Arabisation but also to continued slavery. The *ansars* (supporters of Mahdi) persevered in showing “contempt for the ‘infidel’ Southerners” and desired behind the reform of Islam to resume the slave trade, which was forbidden by the Convention for the Suppression of Slave Trade, signed between Britain and Egypt in August 1877 (Collins, 2008:22; Ruay, 1994: 25). Alier (1973:13) summarized the situation by stating that the Turco-Egyptian and Mahdi rule was a period during which Arabs infiltrated in to Southern Sudan to primarily secure ivory or slave, and secondly discover and control the source of the Nile whereby the resistance of Southern Sudanese faced several problems like cattle-rustling and burning of dwellings, occupation of land, and above all slavery.

The Mahdist state proved a threat to the British colonial scheme of controlling the whole stretch of territory from Cairo to Cape Town, which prompted the destruction of the Mahdist rule in 1898 resulting in the shaping of Sudan by annexing outlying territories. Having spent a few years in pacification, Britain instituted a separate system of administration based on a north- south geographical division until the 1947 Juba conference, which laid the foundation for integration of the two regions. In the course of its rule, Britain divided the whole Sudan into the North and South administrative regions on the basis of race pursuant to its divide-and-rule policy (Girma, 1999: 12). The British strove to accomplish their 'civilizing mission' in the north, while at the same time emphasizing that "the first requirement of the 'savages who inhabit this region' was law and order" through the force of iron. This was exemplified by the fact that during the first two decades of the occupation, significant development projects were undertaken in the north such as the Gordon Memorial College, the Gezira cotton irrigation scheme, the Sennar Dam, and Kitchene School of Medicine, among others, while the only thing the southerners benefited from was the abolition of slavery (Ruay, 1994: 35).

As a matter of fact, British rule was not qualitatively different from the previous ones in that it pursued a policy of neglect and discrimination because of the fact that while northerners accepted defeat, Southern Sudanese persevered with their resistance against British authority. As a result, the Northerners were awarded with economic and social development while Southerners were given nothing but negligence and indifference due to their obstinacy (Alier, 1973: 14). British rule was generally believed to have laid the foundation for conflict in the Sudan since its separate policies of development led to diverging identities for Northern and Southern Sudanese. The south was isolated from Arabic and Islamic influences and was open to Christian missionaries, which created not only religious but also socio- economic disparity between the south and the north (Girma 1999:12). Britain merged the two regions and granted independence despite the absence of a working constitution and national consultation on the modalities of integration regardless of the unequal economic, social and political disparity between the two regions (Johnson, 2004: 29). Having been lethargic to intense pressure from the Northern Sudanese and Egypt, Britain renounced its Southern policy in 1946 to the dismay of Southern Sudanese who feared the resumption of slavery and establishment of Islamic Arab culture (Girma, 1999:13). After preparations, the Sudan's Independence was officially and ceremoniously inaugurated on 1st January 1956 in the midst of mass applaunds and ruptures.

However, no sooner independence became a reality than it ushered in a political malaise characterized by factionalism and conflict rather than harmony and national cohesion.

In the post- colonial period, the causes of conflict between the North and South are a range of issues with regard to identity, economics and politics. The issue of identity is important to the conflict in Sudan because of the fact that political groups often splintered along ethnic lines. As Edward and Idris (2007: 234) enunciate, the problem in Sudan has underlying racial basis as the two societies of north and south perceive themselves as belonging to different groups. This often relates to political exclusion and inclusion based on these categories, which are institutionalized and manipulated by the government of Sudan through exclusion or integration, suppression of history, coercion to ensure conformity, and elimination of those who stand to resist (ibid.: 236- 237). Religion has also been a factor that aggravated the conflict though it was not a triggering factor from the outset. It became central in justifying wars especially with the revival of militant Islam in the North in the early 1990s (Medhane, 2004:5). The Northern elites have been keen to frame the national identity along Arab- Islamic lines in disregard to the demands and realities of diversity of the country. The southerners were forced to use Arabic as a national language and embrace Islam as a national religion at times through jihad (Alier, 1973: 16). The post-colonial civilian as well as military regimes continued to pursue the same policies of ensuring Islamization and Arabization to create a mystique of an 'Arab Nation', which consolidated the discontent of Southern Sudanese.

In economic terms, concentration of development projects at the center and marginalization in the South precipitated the conflict. As Markakis (1994:218) argues, the competition for resources, the unfair allocation of resources by the state, and economic concerns contributed to the conflict in the Horn of Africa in general and in Sudan in particular where inequalities in the distribution of resources ending up disproportionately in the center enraged the Southerners. The successive regimes reserved economic authority at the center to ensure the inflow of resources from the periphery. In the 1970s, the discovery of oil aggravated the course of the conflict as a result of the regimes attempts to plunder this resource and deny the Southerners ownership and benefit. Even worse the government tried to redraw the boundaries to subsume the oil fields within the territory of the north (Girma, 1999:17). Other economic factors such as withdrawal of water from the Sudd, and land expropriation have also contributed to the

conflict. The Neimeri government, in cooperation with Egypt, planned in 1977 to withdraw (additional 4.75 billion cubic meters) water by constructing a 360 mile canal between Jongolei and Malakal to solve Egypt's water problem. This resulted in anger and massive resentment among the southern Sudanese whose livelihood and ecological environment was threatened. Land expropriation was also rampant in the South as the government expanded large-scale mechanized farms by uprooting indigenous and pastoralist populations (*ibid*: 17-19).

The political context of the post-colonial state also contributed its share to the conflict. According to Deng (2008: 193-194), the political leaders of successive Sudanese regimes had three misplaced assumptions, which led to the marginalization of the south. First, the notion of self-determination was unwelcome and perceived to be at odds with territorial integrity of the country. The leaders were so intransigent and had strong belief in the use of force to quell the Southern 'rebels'. Secondly, the state was defined to be an Arab-Islamic one in denial of the interest of other non-Muslim and non-Arab peoples. And thirdly, they perceived themselves as leaders of the struggle against colonialism and are thus entitled to handle the affairs of state exclusively. The international politics of the Cold War and the interference of foreign forces, especially to secure water and oil were also contributing factors (Johnson, 2004: xvi-xvii).

In conclusion, the causes for the North-South conflict are diverse, and thus capitalizing on a single factor to understand or describe the conflict is misleading. Historical experiences, colonial rule, identity, governance failure, and regional and international interests contributed to the conflict.

3.2 Actors³ and Dynamics of the Conflict

As elucidated so far, North and South Sudan used to have no contact until 1821 when Turco-Egyptian forces annexed North Sudan. Then Egyptian Arab traders called *Jallaba* penetrated in to the south and usurped natural and human resources, not least ivory and slaves. This was a

³Actors' are parties such as individuals, groups, organizations, societies, regions, or states that are engaged in a conflict. See Dennis J. Sandole (2003). 'Typology' in ed. Sandra Cheldelin, Daniel Druckman, and Larissa Fast *Conflict: From Analysis to Intervention* (London: Continuum, pp. 39-87). In this section, only the GOS and the SPLM/A are considered as the main actors representing their societies in the North-South conflict among the multitude of other actors in the Sudanese civil wars.

new historical phenomenon in which oppression, exploitation and suppression of the south started (Ruay, 1994: 21). The Anglo- Egyptian joint rule also brought new policies, which instead of rectifying previous reprehensible experiences aggravated mutual hostility, by way of infusing divergent identities between the two societies. To make matters worse, Britain renounced its Southern Policy in 1946 as part of its preparation towards allowing for Sudan's independence. The British announced the merger of the two societies in 1947 in quite disregard to the palpable disparity between the two regions in cultural, economic, and political development, and above all the suspicion and apprehension of Southern Sudanese towards the northerners.

Since independence in 1956, the northern parties controlled the reins of state and manipulated it to the exclusive benefit of northern and central Sudanese elites. At the same time, a policy of national integration was launched through malicious measures such as Islamization and Arabisation, which further disillusioned and frustrated Southern Sudanese who were demanding the right to autonomy (Girma, 1991:13). In 1963 a full- fledged civil war broke out between the government and Southern Sudanese represented by the Anya- Nya Movement. The government having realized that it could not destroy the insurgents by the force of iron called for peaceful political negotiation. After two weeks of heated negotiations, the 1972 Addis Ababa Accord was signed, embodying important provisions such as wealth- sharing, security guarantees, and above all political autonomy (Wama, 1997:9). However, with mounting pressures from northern Islamic political forces and worsening economic crises, the government introduced *sharia* law and maneuvered to redraw the 1956 north- south border to engulf the territories of the North the oil rich areas of the south, which was contrary to the Addis Ababa Agreement (Girma, 1997:17). The disaffection of Southern Sudanese culminated in the establishment of the SPLM/A in January 1983 when Sudan entered into the second phase of its recurrent civil war. Unfortunately, the conflict has not always been between the government and the SPLM/A. Many actors including neighboring states, foreign governments, and rebel groups seeking to advance their own agenda and interest participated in the conflict (Hardallu, 2001: 260).

3.2.1 Domestic Actors

The second civil war that lasted between 1983 and 2005 entwined two major protagonists, namely the Khartoum government and the SPLM/A. The incumbent government of Sudan has historical roots in the Islamic movement which began in Egypt in 1820 in reaction to western economic and political domination (Girma, 1999: 25). The movement pervaded most Arab countries and gained foothold in Sudan in the 1960s when the Islamic Charter Forum (ISF), which evolved into a major political movement pressing for the adoption of Islamic constitution which was in line with *sharia*. The ISF has been working closely with the government of Sudan in the final years of Neiyri and strengthened itself with the establishment of National Islamic Front (NIF), which overthrew the democratically elected government of Sadiq al- Mahdi on 30 June 1989. Upon taking power, the NIF regime led by Lieutenant- General Omar Hassan al-Bashir and his 15 member Revolutionary Command Council of National Salvation (RCC) took stringent policy measures. These included among others, imposition of *sharia*, declaring the state as an Islamic Arab Republic, and arresting and punishing dissidents (Hardallu, 2001: 262). It soon began pursuing the SPLM/A which was perceived as a threat to Islamic state having consolidated its power and elicited weapons from Iran and Libya. However the NIF splintered in 1999 due to personal power struggle between al-Bashir and al-Turabi, which ended with the excommunication of al-Turabi (*ibid.*). This had far-reaching implications for the country's foreign policy and relations in that it ceased its extreme Islamic agenda and shifted its foreign policy objective towards maintaining the country's unity, improving its image through diplomatic engagement, and exploitation of oil (Bizusew, 2004: 65). Also partly due to war fatigue, the Bashir regime was forced to seek peaceful political settlement to solve the deadlock with SPLM/A, which started in 1990s and culminated in the signing of the CPA in 2005.

The other actor in the North- South conflict which is more successful than others is the SPLM/A. It has grown from small army units that mutinied against the government in 1983 to a broad-based movement now controlling Southern Sudan. Unlike the previous leaderships against the government, SPLM/A was able to achieve political unity and credible leadership not least because it represented all the major ethnic groups of Southern Sudan as well as appealing to marginalized northern Sudanese and vowing to fight for a 'New Sudan' in which democracy

and human rights to all nationalities, freedom to all religions, beliefs and outlooks would be ensured (Ahmed, 2010:6). In addition to attesting its apathy towards secession, it declared that the South is an integral and inseparable part of the Sudan and would fight for the total transformation of the Sudan (*ibid.*). This enabled it to gain popularity even among northern opposition groups such as the National Democratic Alliance. It has achieved several stunning battle victories against the government until the early 1990s when it lost the support of the Derg regime of Ethiopia. To the dismay of SPLM/A, the new EPRDF regime in Ethiopia began repaying its debt to the Khartoum government by withholding all sorts of support to the SPLM/A. Moreover, the SPLM/A suffered from severe internal divisions, which combined with the loss of support from neighboring countries, emaciated the capability of the SPLM/A/ (Collins, 2008:201). It soon, however, restored its unity and reversed military fortunes to its favor by achieving a series of victories over government force since 1996 (*ibid.*:245). Finally, the SPLM/A ended the war together with the NIF with the signing of the CPA in 2005, which enabled it to share power.

3.2.2. Regional Actors

Analysts in the realm of peace and security insist that the Horn of Africa must be seen as 'Regional Security Complex'⁴ where the security problem arising in each country has implications on the security of all (Healy, 2008:7). This is reinforced by Cliffe (1999:89) who elucidates that although conflicts in the Horn of Africa have internal origins, they are exacerbated by a pattern, which has become endemic since 1970s, of mutual intervention in which dissidents in each country receive support from regimes of other countries in the region. The conflict in Sudan is a typical example in this respect which was exacerbated by the vicious pattern of mutual intervention of the counties constituting the region.

⁴'Regional security complex' points to a region characterized by a certain pattern of security interactions and interdependence whether conflictual or cooperative in nature. It rebuffs the system level of analysis of international security for its obsession with systemic forces and super power rivalry as a source of security dilemma shelving aside security problems that issue from neighbors. Its tenet is that certain regions are more security interdependent than others where security problem of one country impact the security of another (Weis, 2009:57-60).

Egypt's relation with Sudan is long-standing going back to many centuries. During the Turco-Egyptian rule it controlled much of northern Sudan and penetrated deep into southern Sudan in search of slaves and ivory. Even in the wake of Sudan's independence, Egypt continued to have cordial relations, especially in the area of economic cooperation which was made possible by the post-colonial Sudanese regimes which are pro-Egypt in their orientation (Girma, 1999:32). However, the ascendancy of the NIF to power in Sudan in 1989 became a watershed in the country's bilateral relations with Egypt given the NIF's policy of militant Islamic stance (*ibid*). The two countries engaged in a polemic following the allegation that Sudan served as a conduit for arms to Islamic extremist groups in Egypt, notably al-Jamma al-Islamiyaa, which was suspected of attempting to assassinate President Mubarak while he was to attend the OAU summit in Addis Ababa in 1995. However, Egypt did not sever its relations with Sudan for it has a firm strategic foreign policy stance towards Sudan predicated on preserving the territorial integrity of Sudan, containing Islamic extremism within Sudan, and maintaining its interest in the use of the Nile (Nyaba, 2000:64). It has been pursuing mixed policies in its relations with Sudan of urging and at times intimidating SPLM/A to abandon its self-determination agenda, and at the same time restraining the government of Sudan especially with regard to its Islamic agenda. Throughout the peacemaking efforts between the government and the SPLM/A, Egypt was hindering the conclusion of any agreement that included the principle of self-determination. Having resented the signing of the CPA, "Egypt has done more to 'make unity attractive' than Khartoum (International Crisis Group, May 2010:9).

Ethiopia is also another actor in the sub-region that has been associated with the conflict in the Sudan. Its involvement in the civil war started when the conflict between the Khartoum government and the Anya-Nya movement escalated in the late 1960s and early 1970s in retaliation for Khartoum's support for the Eritrean Liberation Front that revolted against the abolition of the Eritrean federal status (Girma, 1999: 38). This tit-for-tat approach characterizing the relations of the two countries subsided for some time after the signing of the 1972 Addis Ababa Accord between the GOS and SSLM, mediated by Emperor Haile Sillasié I, who sought to weaken Eritrean rebel groups by supporting peace in Sudan. However, this rapprochement did not last long as tension resurfaced again following the emergence of SPLM/A in 1983. The Derg's regime, unhappy with Khartoum's support of EPLF and TPLF openly backed SPLM/A with military equipment and sanctuaries in the Gambella region. In

early 1990s following the collapse of the Derg regime, relations between the two countries improved as the new incumbent EPRDF regime expelled SPLM/A from its borders and banned any support to the movement temporarily. However, their relations reached its lowest ebb when Sudan allegedly masterminded the attempt of the assassination of Mubarak while he was to attend the OAU meeting in Addis Ababa in 1998. Their relations remained tense until 1998 when war broke out between Ethiopia and Eritrea. Moreover, the discovery of oil in Sudan appeared as a blessing in disguise for the two countries to improve peace and cooperation (*ibid*: 37). However, Khartoum has resented Ethiopia and other countries in the Region for endorsing the principle of self-determination in the course of CPA negotiations (International Crisis Group, May 2010:12).

In the first years after its independence, Eritrea had good relations with Khartoum, which granted recognition to Eritrea's independent status, immediately after EPLF captured Asmara (Cliffe, 1999:92). However, their relations cooled down when Eritrea accused Sudan of supporting Eritrean Islamic groups in 1993. The Khartoum regime's attempt of expanding its Islamic political ideology throughout the Horn of Africa polarized the countries in two groups- Sudan on the one hand, and Eritrea, Ethiopia, and Uganda on the other (*ibid*:96). Eritrea opened its borders to and backed both the SPLM/A and the National Democratic Alliance so as to counter Khartoum's support for the Eritrean Islamic Jihad and other forces. Following the outbreak of the war with Ethiopia in 1998, Eritrea strove to cultivate friendship with the Khartoum regime, and played a significant role within the framework of IGAD for peaceful solution of conflicts between the government of Sudan and the SPLM/A. In a recent talks with the SPLM/A delegation led by Salva Kirr in 2009, Eritrea made clear its position that the "secession would be 'unfortunate,' but "it would not oppose it" (International Crisis Group, May 2010: 16).

Since the inception of the Second Civil War in Sudan in 1983, Uganda has been a staunch supporter of SPLM/A particularly after 1990s. In addition to providing military equipment and safe haven, it was involved in direct confrontation alongside SPLM/A against Khartoum (Girma, 1999:39). In retaliation, Khartoum backed the Lord's Resistance Army. Today, it has strengthened its relations with Southern Sudan, which led the Khartoum regime to intensify its LRA backing and other rebel forces fighting Kampala such as West Nile Bank Front, and the

Allied Democratic Forces. In the same vein, Kenya has been supporting the SPLM/A especially after the withdrawal of SPLM/A from Ethiopia in 1991 (International Crisis Group, May 2010:1). In spite of this, Kenya was crucial in bringing the two protagonists- the GOS and SPLM/A to the table which finally resulted successfully in the signing of the CPA in 2005. Besides, Kenya has shown strong interest in the implantation of the CPA as a host and facilitator of its signing. However, Khartoum became suspicious of Kenya's Southern leanings and complained about Kenya's direct negotiations and contacts with the SPLM/A during the Interim Period (*ibid.*:2).

There are also international actors having a role of either peace breaking or peacemaking in Sudan. These notably include USA, European states, and to some extent China and Malaysia (Bizusew, 2004:63). During the Cold War, USA supported Khartoum to counter the support to the SPLM/A provided by USSR and the Ethiopian military regime. However, since the ascendance of NIF to power, their relations soured because of the extremist Islamist policy of the new regime, and allegations of human rights violations (*ibid.*) Following the 9/11 terrorist attacks and the production of oil, USA had modified its stance vis-à-vis Sudan and opted for active engagement. Together with UK, and Norway, USA was ultimately instrumental to the signing of the CPA in 2005. China and Malaysia have also involved in the political intricacies in Sudan especially in the oil sector. China has also been the chief arms supplies of Khartoum since 1971 which had complicated the North- South conflict. Oil revenues accrued from Chinese oil companies provided hard currency for arms purchases and domestic production of small arms in Sudan (Dagne, 2010:24).

3.3 Dynamics of the Conflict⁵

During the pre- independence negotiations, notably at the Juba Conference in 1947, Southern Sudanese reflected their fear and apprehension towards a united Sudan, which they thought would bring about slavery and domination (Alier, 1973: 18). In the mean time, under strong

⁵'Dynamics of conflict' is a term that maps out the various phases of a conflict ranging from genesis, maturation, and re/dissolution of a conflict. See Johan Galtung (1996), *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*. (London: Sage Publications).

pressure for independence from the northern political parties and Egypt, Britain renounced the Southern policy and merged the North and South Sudanese on the basis of federalism to respond to the Southerners' call for autonomy. However, with Sudan on its way to independence, northern political parties controlled the reins of power, and embarked on Arabisation and Islamization (Girma, 1999:13). Moreover, they reneged on their promise to put in place federal constitution that would allow Southern Sudanese to establish autonomous government. As a result, soldiers serving in the National Army's Southern Corps mutinied and began fighting the new regime at the centre. In 1958, in a bloodless coup, the civilian government was overthrown by general Abboud whose regime pursued a policy of cultural integration on the basis of Islam and Arab culture and declared that whoever desired to resist should quit the country. This forced Southern Sudanese to flee their homeland to neighboring countries where they established a military movement known as Anya- Nya (SSLM) (*ibid.*) By 1963, the conflict escalated in to a full-fledged civil war. Led by the erstwhile Lieutenant Joseph Lagu, SSLM accelerated the war in Southern region in the form of secession.

The failure of the government to dislodge the Anya- Nya Movement and resolve the country's economic problems enabled the Revolutionary Command Council (RCC) led by Colonel Jaafar Nimeiri to seize power. At first, the new military regime pursued the war effort to crush the Anya- Nya, but having recognized that it could not achieve it by the force of iron, it sought political settlement through negotiation. Thus, in 1972 the Addis Ababa Agreement was signed between the GOS and SSLM through the good offices of Emperor Haile Sillasie I (Girma, 1999:38). The agreement included power- sharing arrangements, and above all political and economic autonomy. However, in the face of increasing pressure from northern opposition parties, Neimeri took some measures, such as imposition of *sharia* law, and economic centralization, which are essentially contrary to the Addis Ababa Agreement. This triggered another round of civil war after the establishment of SPLM/A in 1983. The military success of SPLM/A and popular pressure in the north hastened the demise of Neimeri regime in 1985 (Collins, 2008:161).

The coming to power of National Islamic Front (NIF) in 1989 changed the political landscape in Sudan. It soon strengthened its efforts at enforcing its Islamic agenda, which became the central factor in the conflict. Besides, it made strong ties with Iran, USSR, and China to import

arms to reinforce its war efforts aimed at annihilating SPLM/A (El- Battahani, 2000: 163). In 1991, the SPLM/A split in to two factions – the SPLA- Mainstream led by John Garang, and the SPLA- United led by Riek Machar. This coincided with the temporary détente in the Horn of Africa in the wake of the Cold War, which was a significant incident for Khartoum to reinvigorate its position vis-à-vis SPLM/A (Cliffe, 1999:93). Another important landmark happened in 1998 when Ethiopia and Eritrea engaged in internecine conflict, which forced the two countries to rush to make peace overtures with Sudan.

Finally, the conflict came to an end with the signing of the CPA in 2005, which marked the most crucial milestone in the political development of Sudan. The process to reach at the agreement was so daunting that it took well over 10 years. It was initiated through IGAD in 1994 and supported by the friends of IGAD called the troika (USA, UK, and Norway), which finally came to fruition in 2005. Meanwhile, new fighting erupted not between the North and South Sudan, but within the North between the GOS and discontented and marginalized groups on the eastern and western parts of the country. Socio- economic and political marginalization laid the basis for the conflict in which the Justice and Equality movement (JEM), the Sudanese Liberation Movement (SLM), the Beja Congress, and Nubians took arms against the government. As Edward and Idris (2007:231) comment, this conflict is a point of departure from the earlier conception of the conflict because

it disrupts the prevailing, but simplistic, perceptions of civil strife there as a struggle between the North and South in which Arabs are pitted against Africans, or Muslims are raged against Christian and 'animists'. In other words, it marks the fragmentation of the North's supposedly unified Arab and Islamic identity.

3.4 Peacemaking Initiatives⁶

As enunciated in the preceding section, the merger of the North and South Sudan was effected on the basis of Britain's imperial interest and Northern Sudanese and Egyptian preferences.

⁶'Peacemaking' basically involves conflict settlement and conflict resolution through coercive or non-coercive means. i.e. it implies official conflict management involving only state and government actors that bring leaders of conflicting parties to negotiate cease-fire and a peace accord. It differs from peace-building in that the latter involves conflict transformation applicable during all phases of a conflict. See Johan Galtung (1996), *Peace by Peaceful Means: Peace and Conflict, Development and Civilization*. (London: Sage Publications).

This laid down the basis which created political mishaps hindering the goal of achieving national integration in the country.

On its way to independence, Sudan soon encountered a problematic political context when the apprehension and hostility of Southern Sudanese broke in to an open struggle after the mutiny of a faction of the army in 1955. Since then, Sudan has been battered by incessant and recurring civil wars, which were punctuated by several peacemaking endeavors designed to solve the problem. Significant advances in peacemaking were made by the 1972 Addis Ababa Agreement, and the 2005 CPA signed in Kenya as to be discussed further in this section.

Although there are divergent views as to what sparked off the crises in the country, there is one thing on which scholars concur: the post-independence Sudanese political regimes turned out to be insensitive through either neglect or manipulation, to the grievances and aspirations of Southerners which ultimately enmeshed the country in a state of intractable conflicts (Hamid, 1989:127). The successive regimes single-mindedly pursued an aggressive policy of Arabisation and Islamization using the reins of state power. In this respect, the military regime that stepped into power in 1958 led by General Ibrahim Abbud is notable in fomenting Arabisation and Islamization through a simplistic strategy of a force of arms, which not only alienated the South from the regime and Islam, but also galvanized Southern resistance and the quest for secession (Girma, 1999:14). In March 1964, while the civil war was underway, a new government was installed. At this time in point, it was hoped that moves to end the conflict had come. This turnaround led to the convening of the Round Table Conference in 1965, which served as an antecedent to the 1972 Addis Ababa agreement. At the conference, several schemes for compromise were put forward by both Northern and Southern delegates. On the one hand, Southern delegates proposed a principle of self-determination whereby Southern Sudanese could be entitled to choose from among the options of federation, unity with the north, and separation (outright independence). On the other hand, the Northern delegates vehemently rejected the federation and separation formulae set forth by the Southerners as sheer localism, and instead came up with a scheme of 'Regional Government' in which the Southern regional government was to be established with executive responsibilities devoid of legislative power (Ruay, 1994:117). To break the deadlock, a 12- member committee was established to look for grounds of compromise. By June 1966 the committee submitted its final

report on the basis of which preparations for implementation were launched. However, the effort remained in vain (*ibid.*:125). Both parties to the negotiation did not deter themselves from the use of force as a way of advancing their positions. Moreover, the government took a radical foreign policy of extending support to African liberation movements including secessionists of Zaire, Chad, Uganda, and Ethiopia, which exacerbated the dynamics of the conflict by way of a tit-for-tat response of intervention in the internal affairs of states in the region including Sudan (Hamid, 1989:129).

Amidst these, Colonel Jaafar Neimayri seized power in 1969. Initially, the Neimayri regime intensified the war effort to crush the Anya-Nya, but later having recognized that it could not achieve this by force sought peaceful settlement of the conflict, which paved the way for the 1972 Addis Ababa Agreement. The negotiation effort was expedited by external factors such as the World Council of Churches and the Ethiopian government of Haile Sillasié I (Girma, 1999:38). After a long deliberation, the 'Addis Ababa Agreement on the Problem of Southern Sudan' was signed on 27 March 1972 between the GOS and the SSLM (the political wing of Anya-Nya) thereby ending the 17 years of the first civil war that plagued the country. Under the Act, the entire South would comprise one region with a self-governing status, which provided for autonomy in social, economic, cultural, and educational fields; the army of Anya-Nya to be integrated in to the national army and serve in the South; English to be working language in the South, and Arabic remained the official language of the country. These steps were undertaken with the conviction that Southern Sudanese would quit their quest for secession and their regional aspiration for autonomy could be met within the framework of national integration. However, problems that spoiled the agreement resurfaced both from the agreement itself, and the government. On the one hand, the agreement was not in line with the existing national constitution in the sense that while the latter established a presidential form of administration in the country, the agreement provided for parliamentary system of government for South Sudan. Secondly, the agreement was from the outset not devised on the basis of exact statistics on which independent budget and tax could be pegged to South Sudan (Hamid, 1989:133). On the other hand, the government issued erroneous measures which finally generated a source of friction in north-south relations. The government amended the constitution in 1988 ordering the division of both North and South Sudan on the basis of the framework of regional government, which was conceived by Southerners as a ploy to diffuse a

unified Southern opposition by way of re-dividing the South in to three regions of Bahr El-Ghazal, Equatoria, and Upper Nile. To make matters worse, in 1983 Neimayri declared the imposition of Islamic *sharia* in the country. Moreover, following the discovery of oil near Benitu by Chevron Company, the government maneuvered to redraw boundaries so as to locate the oil rich areas of the South within the territory of north Sudan (Girma, 1999: 17-21). The cumulative effect of these measures not only enraged Southern Sudanese but also led to the mutiny of the southern army that fled to Ethiopia and formed the SPLM/A in 1983 under the leadership of Colonel John Garang Mabior (Wama, 1997:11).

While the civil war was going on, the civilian coalition government of Sadiq al-Mahdi was overthrown in a bloodless coup led by Omar Hasan al-Bashir in 1989, which of course was a harbinger of continued conflict rather than peaceful ending of the conflict. The NIF regime, side by side with enforcing its Islamic agenda, strengthened its war efforts aimed at pulverizing the SPLM/A, but to no avail (Bizusew, 2004:52). Overtime, war-fatigue forced the NIF and SPLM/A to start lengthy negotiations toward a settlement underpinned by international pressure and actors in the sub-region. The latter redefined IGADD's mandate and actively resorted to seeking the resolution of the conflict in Sudan (Cliffe, 1999:100).

Events leading to the signing of the CPA were initiated through the IGADD Declaration of Principles (DOP) in 1994 based on (1) the diversity of Sudan, (2) a political framework that could resolve the conflict and maintain the unity of the country, (3) the imperative for democratic and secular government, and (4) self- determination for the people of Southern Sudan (*ibid*). This initiative was reinforced by the support of the friends of IGAD called the troika (USA, UK, and Norway, later joined by Italy). All these and subsequent efforts culminated in the signing of the Machakos Protocol, which laid the foundation for other protocols on power-sharing, wealth-sharing, security arrangements and the three areas of Abyei, Southern Kordofan, and the Blue Nile. The CPA is considered to be a departure from previous agreements in the sense that it represents the most crucial milestone in the ongoing political development in Sudan. Thus, in the ensuing chapter a thorough analysis of the CPA is undertaken involving its trajectories, features and provisions, and the progresses and slippages in its implementation.

Chapter IV

The Comprehensive Peace Agreement

Introduction

The long-running Sudanese civil war, which had been the cause of massive catastrophe for over two decades particularly for the people of Southern Sudan, came to an end with the signing of the CPA in January 2005. The CPA was deemed the most crucial milestone in the political development of the Sudan in that it has set the stage for the transformation of Sudan from its tragic past, and enabling citizens to face a better future based on equality, democracy and justice. To this end, the CPA embodies salient provisions that are instrumental in addressing the root causes of the conflict and get rid of historical injustices, and calls on the signatory parties to commit themselves to its implementation. In this section, salient features of the CPA are enunciated with a particular focus on its origin, provisions, and implementation.

4.1. Origin of the CPA

The signing of the CPA is the outcome of protracted and long-winded peace talks involving various initiatives and actors. Of these the major ones are multi-track diplomacy⁷, track-two initiatives⁸, and the official conflict management system⁹. The latter that was carried out under the aegis of IGAD was more important than the first two initiatives in producing the CPA in 2005. IGAD's involvement in the peace process was driven by political developments in the globe following the end of the Cold War, during which the mandate of most African sub-regional organizations was expanded to address security issues in member countries. The impetus for such initiatives emanated from the motto of 'African solution for African problems' where indigenous African solutions and initiatives were sought to supplement the

⁷Multi-track diplomacy integrates track-one and track-two diplomacy so as to maximize their contribution to mediation and peacebuilding.

⁸Track-two diplomacy is that in which actors that do not represent governmental or international organization involve to facilitate conditions in which conflicting parties come up with their own solutions through seminars, workshops, consultations, civic education etc.

⁹Official conflict management is an outcome-oriented endeavor involving only state and government actors that bring leaders of conflicting parties to negotiate cease-fire and a peace accord. For all of these concepts, see Thania Paffenholz, *Community-based Bottom-up Peacebuilding: The Development of the Life & Peace Institute's Approach to Peacebuilding and Lessons Learned from the Somalia Experience (1990-2000)*, (Nairobi: Life & Peace institute, 2006).

usual Western-driven interventions in dealing with predicaments of security in the continent (Omeje, 2008:89). Thus, IGAD took up the task of resolving conflicts arising within and between its member countries. To this end, it facilitated the formation of the IGAD Partners Forum (IPF) consisting of 20 countries, the UN, the World Bank, and the European Union in pursuit of reinforcing the peace process aimed at stalling the conflict in Sudan.

Prior to IGAD peace process, the GOS and SPLM/A endeavored to stave off the conflict at various peace sessions, such as the Ambo meeting in Ethiopia in 1989, and the Mirgani-Garang Agreement in Kenya in 1989 (Girma, 1999:33). As the conflict intensified, third parties began to persevere with the peace process especially by Nigeria in 1992 where the GOS and SPLM/A deliberated on a wide range of issues. Efforts became futile due to the reluctance of the GOS to concede to the agendas of self-determination and separation of state and religion brought forth by the SPLM/A (Johnson, 2006:89).

The initial request for IGADD's mediation came from the GOS itself during IGADD's fourth summit held in Addis Ababa in 1993 where the leaders of Kenya, Ethiopia, Eritrea, and Uganda endorsed the peace initiative. In the 1994 session in Nairobi, these leaders came up with a draft six- point 'Declaration of Principles'(DOP), which was submitted to the delegations of the GOS and the SPLM/A for their consideration as a basis for future negotiations. The DOP requests the parties to resort to a peaceful resolution of the conflict on the basis of (1) the diversity of Sudan (2) a political framework that could resolve the conflict (3) the imperative for democratic and secular government, and (4) self-determination for the people of Southern Sudan within the framework of national sovereignty (Collins, 2008:95). However, the DOP was rebuffed by the GOS on the conviction that they were antithetical to the sacred mission of propagating Islam within and outside the country and Sudanese territorial integrity inherited from the forefathers (*ibid.*:196).

What was staggering was why the GOS took the initiative to the IGAD at the time when it had the upper hand over the SPLM/A, which was debilitated by internal factions. The initiative was driven by tactical considerations to escape the possible intervention of the US troops, which had been deployed in Somalia under the mandate of the UN humanitarian intervention (Bizusew, 2004: 45). The alienation of the GOS in the region and even by its Arab

sympathizers due to its radical Islamic agenda and support to Iraq during the Gulf War reinforced its peace overtures under the auspices of IGAD (*ibid.*).

A glimmer of hope appeared in the peace negotiations held since 2001 resulting from conflict dynamics and international pressure exerted on the two parties to be conciliatory and embark on compromise. In the aftermath of the 9/11 tragic incident demolishing the Twin Towers, US foreign policy embarked on active engagement in the IGAD peace process through carrot and stick diplomacy in tandem with the Troika and Italian proactive involvement (*ibid.*:52). The US Congress issued the Sudan Peace Act calling for sanctions if either of the two parties refused to participate in negotiations and reach an agreement. This made Sudan to normalize its relations with the US by way of cooperating in the fight against international terrorism and fostering peace in the South. The military success of SPLM/A was also important in this regard. It was able to reintegrate its factions in to its fold and inflicted stunning victories over the government, and obstructed the exploration and production of oil. As a result, the GOS and SPLM/A after five weeks of talks in Machakos, Kenya, signed a framework agreement to end the war in Southern Sudan on 20 July 2002. The agreement stipulated that the framework of democratic governance, equality and justice be instituted to rectify the grievances of the people of Southern Sudan by affirming the right of self-determination for the people of Southern Sudan so that they decide their future whether to remain in a united Sudan or opt for independent statehood in a referendum at the end of the interim period and that *sharia* remains to be limited to the North. The Machakos Protocol expedited the IGAD peace process in a manner unprecedented hitherto, but there were factors that slowed the pace of the subsequent negotiations. International observers became complacent in keeping the parties on the negotiation table no matter what the progress was. The details of the agreements were also complex and contentious, which were compounded by the unfolding of the Darfur crisis, which diverted the attention of the international community (Collins, 2008:264). In the end, the Machakos Protocol was transformed in to the CPA signed on 9 January, 2005 embodying other agreements such as the Agreement on Security Arrangements signed on 25 September 2003, the Agreement on Wealth-sharing signed on 7 January 2004, the Protocols on the Resolution of the Conflicts in Abyei, Southern Kordofan, and the Blue Nile signed in May 2004, and the Protocol on Power-sharing signed on May 2004. These were beefed up with annexes and modalities for their implementation.

4.2. Provisions of the CPA

The CPA is the composite of six agreements signed in Kenya within four years (from 2002 to 2004) between the GOS and the SPLM/A like the Machakos Protocol, the Protocol on Security Arrangements, the Protocol on the Resolution of conflict in the three areas of Abyei, Southern Kordofan and the Blue Nile. With regard to the provisions of the CPA, Johnson (2006:89) maintains that the Machakos Protocol represents the basis for the other protocols to be signed. It is a radical departure from previous attempts in that it comprises a broad framework setting forth the principles of governance, the transitional process, and structures of government as well as on right to self- determination for the people of Southern Sudan, and on state and religion. These were deemed instrumental to transform the 'old' Sudan to a 'new' Sudan noted for advocating equality, democracy, and justice to all Sudanese regardless of their differences.

Indeed, the Machakos Protocol is about the transformation of Sudan from war to peace, relief to development, authoritarianism to democracy and equitable sharing of resources (Large, 2010:1-2). Specifically, the Protocol calls for (1) democracy, accountability, equality, respect and justice for all Sudanese within a united Sudan, (2)self-government for the people of Southern Sudan, and participation in the national government, (3)self-determination in which the GOS and SPLM/A after the end of the interim period, jointly organize an internationally monitored referendum for the people of Southern Sudan to confirm unity or secession after the end of the Interim Period, and (4) establishment of independent Assessment and Evaluation Commission in charge of monitoring the implementation of the commitments stipulated in the CPA in the course of the interim period (CPA, 2005).

The CPA also embodies provisions on power-sharing between the NCP and the SPLM/A, which is an important landmark creating a platform in which Southern Sudanese could take part in governance for the first time in history (Healy, 2008:31). The CPA provides the people of Southern Sudan to establish their own regional government and local governments and participate in the Government of National Unity (GONU). They are also entitled to exercise powers other than those reserved for the GONU (national security, nationality, immigration, foreign policy, currency, national natural resources etc). As per the provisions, the seats allocated the National Executive in the run up to national elections shall be allocated as 52%

for NCP, 28% for the SPLM, 14% for other Northern political forces, and 6% for other Southern political forces (CPA:2005). Moreover, the CPA stipulated for the establishment of commissions such as National Constitutional Review Commission charged with the task of promulgating Interim National Constitution, which would serve as the supreme law of the country during the interim period, and the Southern Sudan Referendum Commission that monitors the January referendum on self- determination of the people of Southern Sudan. The CPA also stated that nation-wide census is to be undertaken as a basis for the subsequent national elections and referendum (Darfur Relief and Documentation Center, 2010:5).

Apart from the provisions on power-sharing, the CPA embodies wealth- sharing provisions relating to land ownership and natural resources and oil and non- oil revenues. Although the CPA does not thoroughly address the issues of land and natural resources, it provides for the establishment of a National Land Commission, and a Southern Sudan Land Commission to arbitrate contentions over such resources without contravening the jurisdiction of the courts (UNMIS, December 2010:19). The CPA is more pronounced with regard to oil revenues by stipulating guiding principles for the management and sharing of oil resources. It establishes the National Petroleum Commission to formulate policies and monitor their implementation. As per the provision, at least 2% of the net oil revenue is assigned to oil producing regions and the rest produced in Southern Sudan are apportioned equally between the GONU and GOSS, while the oil produced in the North belongs exclusively to the GONU (*ibid*:20). The CPA also provides for compensation for those whose rights are violated by oil contracts. Sharing of non-oil revenues between the GONU and GOSS from federal sources in the South such as customs and immigration, airport taxes etc. are also enshrined in the Wealth- sharing Protocol. Moreover, the CPA specifies tax level to each tier of government, and expresses the need for overcoming inequalities evident in the country through reconstruction and development funds and establishment of a dual (Islamic and conventional) banking system (CPA:2005).

The Protocol on the three areas of Abyei, Southern Kordofan, and the Blue Nile also constitute an essential part of the CPA. Abyei is a contested area situated between Bahr el- Ghazal and Southern Kordofan provinces and is tied up with both north and south Sudan in geographic, ethnic, and political factors. Considering this, the CPA gives the area its own special administrative status to be taken care of by a local executive council, whose members are

elected by its residents. As stated in the CPA, the onus of determining its boundaries rests on the Abyei Boundary Commission (ABC) to come up with 'final and binding' decision (UNMIS, December 2010: 23). Besides, the residents are entitled to cast their votes either to remain in the North or form part of Southern Sudan in the referendum due to be held simultaneously with the referendum for Southern Sudan. However, the populations of Southern Kordofan and Blue Nile State are given nothing but 'popular consultation' in which they reflect their judgment on the terms of the CPA (ISS, 2009:16).

The Security Arrangements Protocol of the CPA incorporates the provision requiring the establishment of a Ceasefire Political Commission (CPC) composed of senior military representatives from SAF and SPLA to supervise the implementation of the permanent ceasefire arrangements and implementation modalities. As per the Protocol, the troops of SAF and SPLA are to be redeployed along the line of the North- South border of 1 January 1956 (CPA, 2005). The Joint Integrated Units (JIUs) are also to be constituted out of the SAF and SPLA to act as a symbol of national unity and serve as a new National Army when the referendum affirms unity against Southern separation. The two parties are also duty bound to discharge the tasks of disarming, demobilizing or reintegrating other armed forces aligned with either of them, recognizing only the SAF and SPLA as legitimate armed forces in the country (ibid).

4.3 Implementation of the CPA

The implementation of the CPA has shown both progresses and slippages in the last six years of the interim period. In due course, there were several factors that reinforced timely and effective progress in some areas of the provisions of the agreement and in the mean time there were also considerable contingencies that threatened to unravel its potency at various levels of its implementation. The ensuing section delves exclusively into these issues.

4.3.1 Progress

Since the signing of the CPA in January 2005, important pillars including the obligations and commitments specified thereof have been enforced in stages albeit political controversies and misgivings between the parties regarding implementation of the CPA. In regard to power-

sharing aspect of the agreement, the Interim National Constitution, on the basis of the CPA and the 1998 constitution, came in to being on 9 July 2005 as a supreme law of the land prepared by the National Constitutional Review Commission consisting of 31 members from NCP, 17 from SPLM/A, 8 from other Northern political forces, and 4 from other Southern political forces. On the basis of the INC, the GONU was instituted with al- Bashir as President, John Garang¹⁰ as First Vice-President, and Ali Osman Taha as Vice President (UNMIS, November 2010:2). A month later, the National Legislature comprising Council of States, and the National Assembly was formed as envisaged in the CPA on 31 August 2005. The Council of States is composed of two members from each of the 25 states and two representing Abyei, while the National Assembly has 450 members from NCP (234 members), SPLM (126 members), Northern political forces (55 members), Southern political forces (27 members), and national personalities (8 members) as per the CPA power sharing formula.

The GONU formed the members of the National Elections Commission on 17 November 2008 to expedite preparations for the subsequent national elections, which are among the essential components of the CPA. Thus, with the aim of consolidating the country's democratic transformation and installing a responsible national government to oversee the upcoming referendum, national elections were carried out as stipulated in the CPA. By January 2010, voter registration and candidate nominations were completed in which 16.4 million voters were registered and 72 political parties contested fielding 12 candidates for the Office of the President, two for the President of GOSS, 189 for State Governorship, and 4136 for the National Assembly (*ibid*,10-11). The election was held from 11-15 April 2010, and after a week the commission disclosed the results, in which NCP candidate Omar al-Bashir was declared as elected securing 68.24% of the votes cast, and the SPLM candidate, Salva Kiir, maintained his incumbency as President of GOSS wining 93% of the votes cast in the region.

In the aftermath of the elections, conflicting reports were released by both domestic as well as international observer missions. The Carter Center and the European Union admitted that the election lacked international standards and was debilitated by procedural and technical

¹⁰ Following the tragic death of John Garang in a helicopter crash in 2005, General Salva Kiir Mayardit sworn in as the First Vice-President on 11 August 2005.

challenges, while the African Union appreciated the election for being peaceful and comprehensive for the first time in 24 years (New African, 2010:28-29).

The GONU also established the National Population Census Council (NPCC), which organized the national census from April- May 2008 to prepare the ground for the April 2010 elections and the 2011 referendum on self- determination of Southern Sudan and Abyei. The result dubbed ‘Sudan Census Priority Results’ was officially released showing that Northern Sudan accounts for 78.9% while Southern Sudan constitutes 21.1 % of the total population. However, the SPLM/A rejected the results as being ‘flawed and incredible’, and warned the GONU against using it as a basis for adjusting the power-sharing and wealth- sharing arrangements (Darfur Relief and Documentation Center, 2010:14).

As per the Machakos Protocol, the Southern Sudan Referendum Act was issued in 2009 which established the Southern Sudan Referendum Commission in 23 August 2010 to organize and conduct the Southern Sudan referendum, including conducting referendum register, formulating rules and regulations, setting referendum duration, sorting and counting votes, cancelation of results, and taking disciplinary measures on voters, among others (UNMIS, November 2010:1-2). The Referendum of Southern Sudan is a key milestone in the CPA marking the end of a six-year interim period in which the Southern Sudanese vote to determine whether the South remains an integral part of Sudan or becomes an independent entity.

The Referendum Act states that a simple majority (50% +1 of the votes) decides the outcome of the referendum, and 60% or more of the registered voters should turn out for the referendum to be valid, the failure of which results in a repeat vote within 60 days. On the basis of this, voter registration has begun on 14 November and ended on 8 December, 2010 in which a total of four million Southern Sudanese were registered to cast their votes on the historical day of 9 January 2011 (The Daily Monitor, 2010: 4). To this end, the European Union deployed 60 observers and the Carter Center fielded 16 long-term and 60 medium and short-term observers to monitor the referendum. The erstwhile Tanzanian President, Benjamin Mkapa, was appointed to lead a three member panel of the UN to monitor the referendum. Moreover, the referendum would also be monitored by observers from the AU and Sudanese civil society.

A great deal of progress has also been made with respect to the wealth-sharing protocol (Large, 2010:2). In line with it, oil revenue-sharing has been successful through the National Petroleum Commission, which was formed on 30 October 2005 as envisaged in the CPA. Oil revenue covers a large part of the budget of the GOSS- more than 98%, and the corresponding figure for the GONU being 60-70% as reported by the IMF (ISS, 2010:45). The Ministry of Finance and Economic Planning of the GOSS reported that it received \$669.92 million from the national government as its share of oil revenue for the first quarter of 2010 (UNMIS, December 2010:21). In addition, the Bank of Sudan was also restructured to accommodate a dual (Islamic and conventional) banking system and a new currency, the Sudanese Pound was introduced in 2007.

A more positive aspect in the security arrangements of the CPA has been the formation of Joint Integrated Units (JIUs), redeployment of forces, and the demining process. So far, there have been 32, 723 troops under the JIUs out of the mandated strength of 39,640 troops envisaged to form the core of a new National Army provided that the referendum confirms unity (*ibid*: 32). As required by the CPA, SAF was redeployed 100% out of Southern Sudan by July 2007, and all SPLA troops withdrew from Eastern Sudan, but in other areas it still remains unfulfilled due to delays in the forming of JIUs (*ibid*).

4.3.2 Slippage

Despite the progress and positive aspects, certain slippages and pitfalls could be discerned in the overall balance sheet of the implementation of the CPA. Its implementation has been far behind schedule in several respects, such as the population census and national elections, to mention a few. As stated in the Machakos Protocol, the national population census should take place within two years in the interim period (before 9 July 2007) as a precondition for undertaking subsequent national elections and the self-determination referendum of Southern Sudan. However, it was delayed several times on account of funding and capacity problems (Brosche, 2007:5). The national election was also deferred basically resulting from the delay of the national census. Such procrastination in implementation at times not only exacerbated the existing mistrust between the parties but also created a political crisis in which SPLM/A suspended its participation in the GONU in October 2007 protesting delays in several aspects

of the CPA such as border demarcation, redeployment, and transparency of oil revenues (Healy, 2008:32).

SPLM/A resumed its participation a month later and thus salvaged the CPA. Nonetheless, the CPA'S resilience frayed soon as a result of the NCP'S apathy to enforce the agreement, for it perceived that earnest implementation of the CPA meant shortening its longevity in power as well as loss of a third of its southern territory. This perplexity arises out of the content of the CPA itself in that its implementation leads to two contrasting outcomes of either maintaining unity of the country or allowing conditions for the possible separation of Southern Sudan (*ibid*: 33-34).

The CPA ended the long-running civil war in the Sudan through its power- sharing and wealth-sharing arrangements, which were antidotes to historical injustices that prompted and sustained the conflict. However, it is asserted that the CPA simply prescribes reforms that do not address underlying problems such as the question of 'what Sudan is'. This makes the country susceptible to war and disintegration in the future in that

Sudanese leaders in the North or South have not raised the question of how the issue of Sudanese identity might be addressed to create a more pluralistic system...as long as the South was able to vote to leave [through the upcoming referendum], the NCP was free to push its Arab-centered agenda in the rest of the country (Woodrow Wilson International Center for Scholars, May 2008:12).

Reports also evince that CPA'S implementation has been uneven across the provisions, which were subject to selective implementation on the basis of the two parties' volition. Those provisions focusing on the national government and requiring national level reform were frail being perceived as a threat to the NCP'S survival, while the southern-focused provisions were more or less upbeat. At worst, reforms in the transitional areas have been bleak (ISS, 2010:16). Of the three areas, Southern Kordofan, and Blue Nile States are granted only the right to popular consultations¹¹ through which their legislatures can reassess their political arrangements as per the CPA and raise their concerns for renegotiation. The issue is that while they endured the

¹¹Up until March, when this Thesis is close to completion, the conduct of popular consultations guaranteed in the CPA to the populations of Southern Kordofan and the Blue Nile State were not conducted as scheduled. Moreover, the Abeyei referendum, slated to be conducted simultaneously with the referendum of Southern Sudan remained elusive eclipsed by the post-referendum issues.

same problem as the residents of Abyei, they are given only popular consultation rights which are less defined and dubious whether these can address their grievances as much as the referendum entitled the residents of Abyei and the people of Southern Sudan. This being said, the situation of Abyei is even more serious and fragile as it is caught by contentious issues like oil revenue, and Misseriya and Ngok- Dinka tensions. Although the border has been determined by the Permanent Court of Arbitration in July 2009, the demarcation process on the ground has stalled (Amnesty International, 2010:2).

The implementation of the CPA has so far been encountered by several obstacles such as the lack of will on the part of the NCP, the lack of capacity on the part of the SPLM/A, and the lack of engagement by the international community (Brosche, 2007:1). The NCP has been reluctant to enforce the terms of the agreement in part because full implementation amounts to self-destruction resulting by removal of its oil rich areas of Abyei and Southern Sudan from its jurisdiction. The NCP also anticipated that the South would in any way vote for secession and thus no need to labor for its implementation (*ibid*: 8). This has negated the conviction upheld from the outset that the signing of the CPA would make unity attractive for the people of Southern Sudan. The SPLM/A also appeared less committed to implementing national aspects of the CPA and is supposed to be bidding time till the referendum (Woodrow Wilson International Center for Scholars, May 2008:13). Moreover, the SPLM/A has been handicapped by human and institutional capabilities to implement and monitor the provisions, ensure peace, and reduce corruption and mismanagement in its administrative domain.

Minimal propagation and dissemination of information to the public pertaining to the provisions and status of CPA's implementation as stipulated in it has also been a problem that inculcated the idea that the CPA is only a bilateral agreement between the NCP and the SPLM/A with no relevance to the democratization and equality of the whole Sudan embracing all Sudanese (Healy, 2008:35). From the beginning, the signing of the CPA was underpinned by the intention to build a 'new Sudan' on the basis of democracy, equality and justice to and by all Sudanese as envisioned by John Garang, who tragically died without carrying it through.

The problem has also been compounded by the diminishing of international support which hindered the strict observance of the CPA. The CPA was brought about by the active support of

the IGAD members and increasing pressure of Western powers. However, the situation following its signing was such that “international attention was almost wholly redirected to Darfur, and IGAD did little to follow up on the problems surrounding implementation (*ibid*: 36).

Last but not least, the death of John Garang in a helicopter crash on 30 July 2005 was an unfortunate incident that adversely affected the implementation of the CPA. The signing of the CPA was effected due partly to the determination of John Garang and his personal relationship with Ali Osman Taha. Moreover, his intention to build a reformed ‘New Sudan’ based on equality, secularism, and democracy gave him prominence not only in the south but also throughout Sudan (Brosche, 2007:4). His death left room for a secessionist fervor in the agenda of some influential members of the SPLM/A and evasion of the priority agenda of ‘making unity attractive’.

In a nutshell, the CPA has shown remarkable progress and is still on course enduring several obstacles that have threatened its potency at different times. Now the upcoming referendum, which is the final and the most critical provision, is thought to be the litmus test for its final and effective phase of implementation and whether the intended objective of its signing is fulfilled. Here, one can agree that the CPA is significantly different from the previous agreements as it, among others (1) provides for devolution of government functions and powers including fiscal revenue decentralization, (2) gives the people of Southern Sudan their first opportunity to exercise the right to self-determination, (3) has detailed implementation modalities for effective implementation, and (4) has a large array of international and national witnesses such as IGAD, the AU, the EU, the UN, the League of Arab States, Italy, the Netherlands, the UK, and the USA (Biong, 2007:5-24).

Chapter V

Prospects for the Independence of Southern Sudan and Its Implications for Political Developments in the Horn of Africa

Introduction

Post-colonial Sudan has been wrecked by protracted civil war driven by the interplay of several factors including identity, political marginalization, economic exploitation, and external involvement. Among the several peacemaking efforts, the CPA stands out as the most important accord that ended the long- running civil war and laid the basis for peace and democratic transformation of the country by rectifying the age-old grievances of the people of Southern Sudan who endured enormous suffering for several decades.

The CPA was designed in a way that accommodates diverse interests of the country by incorporating various provisions on security, wealth sharing and power sharing, which are considered to be the major sources of contradictions that sparked and sustained series of conflicts. Side by side with maintaining the country's unity, the CPA apparently provides a provision calling for undertaking an internationally monitored referendum in January 2011 in which the people of Southern Sudan express their wishes either to remain within a united Sudan or establish their own independent state. As a result, Sudan now finds itself at a significant historical crossroads regarding Southern Sudanese to decide on either unity or disintegration that gives birth to a new nation in the Horn of Africa. At present, there are indications that except in areas with strong connections to the north, the majority of southerners look forward to see the referendum that is likely to result in an independent Southern Sudan. This episode is expected to entail various implications for other countries constituting the Horn of Africa sub-region. With this in mind, the ensuing discussion assesses the prospects for the independence of Southern Sudan and looks in to its implications for the countries of the Horn of Africa with respect to peace and security. Besides, it elucidates in the context of Southern Sudan's independence, regional integration in the realm of trade and economic cooperation and certain structures of violence that have immediate post-referendum implications like issues of citizenship, human security, and identity.

5.1 Prospects for Independence

The year 2011 marks a significant historical juncture in the history of the Sudan in which the peoples of Southern Sudan decide the fate of the country in the manner that affirms one and united country or declare the split of Sudan in two different entities of Northern Sudan and Southern Sudan through an internationally monitored referendum held in January 2011. This right of self-determination for the people of Southern Sudan is enshrined in the legal framework of the Machakos Protocol, which states

...The people of the south Sudan have the right to self-determination inter alia, through a referendum to determine their future status... At the end of a six year interim period there shall be an internationally monitored referendum organized jointly by the GOS and SPLM/A for the people of South Sudan to confirm the unity of Sudan by voting to adopt the system of government established under the Peace Agreement; or to vote for secession.(Chapter 1 of the CPA).

In order to expedite the process and preparations for the referendum, the Southern Sudan Referendum Commission (SSRC) was finally formed in June 2010 pursuant to the 2009 Southern Sudan Referendum Act, which states that the Referendum is valid if 60% or more of the total registered voters turn out to vote shiest of which there would be a repeat vote within 60 days, and a simple majority (50% plus 1 of the votes) shall decide the outcome of the referendum.

Despite its provision on the referendum, the CPA clearly puts the objective of ending the conflict in the country by addressing the deep-rooted causes through a system of government and provisions that are expedient and acceptable to the two societies. This is stipulated with the view to making unity attractive especially for the people of Southern Sudan. However, as this aspiration for nation-wide transformation has become elusive, the people of Southern Sudan are expected to vote for secession during the referendum (Levy, 2010:7). As mentioned in the preceding chapter, the people of Southern Sudan launched their struggle for self-determination immediately after they were subsumed in the fold of the Sudanese nation state in 1956. Their struggle took the form of secession and continued until it was stalled by the 1972 Addis Ababa agreement. After a decade of respite, however the conflict resumed in 1983 due to a wide range of factors. The second Sudanese civil war (1983-2005) was not essentially a secessionist war

but one which was aimed at achieving a reformed Sudan in which democracy, equality, and freedom are respected not only for the people of Southern Sudan but also for all Sudanese.

Since the signing of the CPA, the issue of separation has been the source of contention and suspicion between the GOS and the SPLM/A. On top of a history of oppression and armed struggle, there has been a pronounced incongruence between the NCP's rhetoric for upholding the imperatives expressed in the CPA as a result of which violence in Darfur and Southern Sudan is perpetuated through pro-NCP renegade factions and militia (Perry, April 2010:18). This attests the fact that the NCP has not been working wholeheartedly for the 'new Sudan' vision thus prompting Southerners to redirect their attention to the 'new South Sudan' disposition aimed at achieving a separate statehood. Several factors indicate that secession has become virtually inevitable and that the priority objective of democratic transformation of united Sudan became a failed scenario as evinced by surveys and reports that we illuminate in the foregoing. The implementation of the provisions of the CPA were marred by mutual distrust and suspicion between the GOS and SPLM/A. For instance, the June 2010 election was not as free, fair and democratic as expected prompting the withdrawal of Yasir Arman, the SPLM/A candidate, from contesting for the office of the Republic signaling the disengagement of the SPLM/A from the national politics. Moreover, the SPLM/A appeared to be desperate about the transformation of national politics because of what is going on in Darfur, which has been under a state of emergency since 1989 (Darfur Relief and Documentation Center, 2010:36).

The bottom line is that although the CPA was supposed to be a vehicle for Sudan's transformation, in effect the goal of independence has risen putting an end to the unity-secession dilemma. One of the signposts in this regard is that the SPLM/A has interpreted the referendum as the 'final walk to freedom' or 'freedom through referendum'. In this vein, in September 2010, a new southern Sudanese national anthem was released exhorting southerners to sing "songs of freedom with joy for peace, liberty and justice, shall forever reign." (Large, 2010:6).

With regard to the likelihood of Southern Sudan's independence, Schemerus and Tim (2010:30) found out in their survey that the quest for independence of South Sudan was driven

by the fear that Islamization, inequality, and violence would be reinstated if unity became the outcome of the referendum. On the same issue, the Agency for Independent Media¹² (AIM) (December 2010:1-20) provided a detailed report titled *Public Opinion Poll on South Sudan Referendum: Unity or Secession*. The report outlined and tabulated the poll of 2,500 Southern Sudanese and encapsulated the reasons put forward for preferring secession. In this survey, AIM interviewed 2500 respondents from the ten States of South Sudan and from different countries for seven months (from June to November 2010) using semi-structured questionnaires. The findings illustrate the fact that 96% of the interviewees responded that they would vote for secession, while the rest opt for unity. Those preferring independence enumerated the following reasons for separation: to control their own resources without remote control from Khartoum and that a united Sudan is a postponement of future civil wars with northern Arabs and that there is no guarantee for averting future civil wars. Besides, it was stated that Khartoum have always failed to satisfactorily address issues of identity, equitable share of resources and power and that it is farfetched to stop imposition of Arabization and Islamization against the will of South Sudanese (*ibid.*:12).

Let us now examine these findings in relation to the Southern Sudan Referendum Act 2009. As per the Southern Sudan Referendum Commission, about 3900000 voters were registered (*ibid.*9). The Act requires that 60% or more of the registered voters must turn out to vote (i.e. about 2,340,000 voters) and 50% plus 1 of the votes decides the outcome of either unity or secession. According to this survey, the required minimum poll for secession of Southern Sudan amounts to 2140800 votes (i.e. 96% of the registered voters) against 89200 votes (i.e. 4% of the registered voters) for unity. This is assuming that 100,000 votes might be invalidated because of high illiteracy rate and other causes.

As expected, the unity scenario is least likely to happen. Even the President of the GOSS, Salva Kiir Mayardit, on 31 October 2009 urged Southern Sudanese to vote for secession saying “You

¹²The Agency for Independent Media is founded in 2006 as media and human rights networking agency operating in South Sudan with the view to working for the promotion and defense of general fundamental human rights, democracy, good governance, rule of law and the right of expression which inevitably requires press freedom. To view its recent survey, see www.gurtong.net/LinkClick.aspx?fileticket=iWnxRw2SKSI%3D&tabid

have the opportunity to choose between being free in our own nation or second class citizens in a unified country” (Said, February 2010:1). On the other hand, the overall opinion of Northern Sudanese diverges significantly from that of the Southern Sudanese. Some Northerners expressed that they are better off without the South and that secession would relieve them of a burden of administering the uncivilized region. Although President Omar al-Bashir expressed that he would gracefully accept the result of the referendum, this is not in accord with the attitude of the Northerners towards the referendum given the probability of loss of substantial resources such as oil. As Downe and Kennedy (November 2010:2) opined, the sentiment in the north toward the south is striking showing a “general level of ignorance and lack of empathy toward the Southern people”. In short, the possibility for making ‘unity attractive’ has been eclipsed by the discussion on the referendum and post-referendum issues regarding managing the process of peaceful separation and the stability of two independent Sudans. The rhetoric about the prospect of Southern Sudan independence¹³ is set to be settled until the last day of 14 February 2010.

5.2 Implications for Political Developments in the Horn of Africa

With the secession of Southern Sudan, several issues are expected to arise affecting not only the various parties in Sudan, but also the non-signatories to the CPA. Such issues include a new oil deal, the north-south border demarcation, citizenship rights, the Nile waters, and the impact on other secessionist movements in Africa, including Darfur. The latter two issues have regional dimensions impacting on regional politics, economics, and security. According to the report of the International Crisis Group (May 2010:1), the secession of Southern Sudan, peacefully or violently, affects the strategic interests of each bordering state including security dynamics, economic opportunity, competing ideologies, and personal relationships. Issues surrounding the security dynamics of the Horn of Africa involve oil, water, religion, tribal affiliations and support for cross-border insurgents, which intertwine the countries of the sub-region in the trap of mutual destabilization. In this respect, probing the implication of secession

¹³According to the report disclosed on 20 January 2011 by the Southern Sudan Referendum commission, the results mark the addition of a new and independent state of Southern Sudan in the membership of the AU. This also implies the fact that the Sudan is no longer regarded as a ‘bridge’ uniting Black Africa with Africa north of the Sahara (Arabs). The report indicates that 98.83 % of the voters chose secession while the rest opted for unity with the North. For full information, see <http://southernsudan2011.com>

of Southern Sudan on the security dynamics of the sub-region in relation to issues of the Nile, Islam, and secessionism is worthwhile.

5. 2.1 The Nile Issue

It is envisaged that the secession of Southern Sudan could further complicate the regional hydro-political setting of the Nile, which has already been characterized by a stark disagreement¹⁴ between lower riparian counties¹⁵ on the one hand and the upper riparian countries¹⁶ on the other, over the sharing of the waters of the Nile. Before looking further in to the implication, it is necessary to have a cursory view on the existing context of the basin for a thorough understanding of the issue at hand.

The Nile is the world's largest river that drains a catchment area of 3.1 million sq. km, which is equivalent to 1/10th of the African continent, along its 6825 km flow from Lake Victoria in Central Africa to the Mediterranean Sea (Ayebare, 2010:1). The river basin is replenished by two major tributaries: the Blue Nile and the White Nile. The latter is the source of most of the Nile waters and originates from Lake Tana in Ethiopia flowing with its tributaries southeast into Sudan, while the former rises at Lake Victoria in Central Africa and flows north to Khartoum where it meets the Blue Nile and finally empties in to the Mediterranean Sea via Egypt. The basin covers a vast swath of Northeastern and Central Africa, which has been ravaged by armed conflicts, state failure, severe drought and aid dependency. Currently, the Nile is undergoing two major transitions that could influence the hydro-political matrix of the basin: the January 2011 self-determination referendum of Southern Sudan and the signing process of the Cooperative Framework Agreement (CFA)¹⁷. In the light of the former, the Nile constitutes among the post-referendum agenda being negotiated by the NCP and SPLM/A.

¹⁴The main source of the disagreement stems from the 1929 and 1959 agreements made between the British and Egypt, and Egypt and the Sudan respectively. The lower riparians invoke 'historical and natural rights' while the upper riparians hold the 'equitable rights' doctrine in regard to the utilization of the Nile. See Yacob Arsano (2007). *Ethiopia and the Nile: Dilemmas of National and Regional Hydro-politics*. Zurich: ETH-Zurich.

¹⁵The lower riparian countries are Egypt and the Sudan.

¹⁶The upper riparian countries include Burundi, DRC, Ethiopia, Kenya, Rwanda, Tanzania, and Uganda.

¹⁷The Cooperative Framework Agreement is the outcome of a series of negotiations undertaken by all basin countries under the Nile Basin Initiative to forge an all-inclusive Nile Basin Commission in 2012 that would oversee joint utilization and management of the Nile waters in place of the 1929 and 1959 agreements

Thus far, the Nile issue has been a bone of contention between the lower and upper riparian countries because of two mutually exclusive interests in regards to regulation and utilization of water in view of contribution and use. On the one hand, the upper basin countries contribute 100% of the Nile waters. Lake Victoria in Central Africa and Lake Tana in Ethiopia are the sources of the Nile. It is estimated that the Ethiopian headwaters provide 86% of the annual volume of the Nile whereas the remaining 14% originates from the White Nile (*ibid.* 3). On the other hand, Egypt and Sudan being on the receiving side of the course of the Nile are the users of the entirety of the waters as though they were the exclusive owners of the river. What is more perplexing regarding the Nile issue is that unlike other river basins in Africa and elsewhere, the utilization and regulation of the Nile is lacking institutional mechanisms and mutually acceptable practices that lead to cooperation. Such inadequacy has compelled the riparian countries to rely on their unilateral capability to utilize the river (Yacob & Imeru, 2005: 15). This anarchic environment has engendered not only unregulated competition among the basin countries but also inter-state rivalry in the region to the extent of affecting the peace and security dynamics of the region. The problem essentially stems from the 1929 and 1959 Agreements that unfairly favor the lower basin countries of Egypt and Sudan.

In a protest against these ‘historical wrongs’, the upper riparian countries insisted the need for forging a new basin-wide agreement that would accommodate the interests of all riparian countries. The motivation for revisiting the existing arrangement is prompted by the fact that Egypt and Sudan have been exploiting the river regardless of the needs and circumstances of the other riparian countries. In this regard, the regional power dynamics played a crucial role in favoring the lower riparian countries. Egypt has been an aspiring hegemonic country in the region claiming to have relative superiority in technology, military, and financial capability, including more advanced diplomatic engagement with donor countries and organizations as opposed to the upper basin countries, which have been embittered by proxy wars, poverty, and drought (Africa Confidential, August 2010:2). However, this status quo would barely hold in view of the developmental needs of the upper riparian countries driven by climatic change and population growth (Asfaw, 2010:3). With the hope of settling such contradictions, the Nile basin countries have been engaged in negotiating the CFA, which is composed of 15 general principles and 39 articles.

As expected, this endeavor was vociferously rejected by Egypt and Sudan on the pretext that it contravenes their current uses and rights. They reiterated that the 1929 and 1959 agreements are ever valid and binding on all river basin countries under international law. The other basin countries¹⁸, namely Uganda, Ethiopia, Rwanda, Tanzania, and Kenya in defiance of the appeal of Egypt and Sudan proceeded to sign the CFA in May 2010 (Ayebare, 2010:4). The CFA is believed to set the stage for the establishment of the Nile Basin Commission in 2012 on the sixth signature to oversee the joint utilization and management of the Nile by forging new institutions in lieu of the 1929 and 1959 agreements. The signing of the CFA escalated tensions between Egypt and Ethiopia marked by exchange of firm and provocative statements, and the latter's reinforcement of diplomatic appeals to Burundi and Democratic Republic of Congo to join their ranks (Africa Confidential, August 2010:6).

This condition coincides with and could be further complicated by the likelihood of Southern Sudan's independence through the referendum, which is likely to reduce Cairo's and Khartoum's control of the Nile (*ibid.*). Southern Sudan is rich in water resources being a transit zone of both eastern and southern upstream sources of the Nile (Yacob, December 2010). In the course of the north- south conflict, no riparian state has been concerned with the potential implications of the signing of the CPA for the hydro-politics of the Nile. However, the referendum, which is the final item in the CPA implementation, alarmed some riparian countries, not least Egypt about the possible secession of Southern Sudan and its potential impact on regional hydro-politics. In view of Egypt's security politics, Southern Sudan's emergence is a threat to its vital interests. Among others, this might stultify its prospect of resuming the Jongolei canal project that was disrupted in 1983 by the civil war in Sudan. The project was intended to divert the course of the White Nile out of the Sudd swamp to augment and conserve as much as 4.75 billion cubic meters of water. Moreover, the emergence of Southern Sudan would also entail additional obstacle to its Nile control policy in the region (International Crisis Group, May 2010:11; Girma, 1999:17)

¹⁸Burundi has joined the five signatories by signing the deal thereby providing the way for the ratification of the CFA as a new treaty on the Nile and creating the Nile Basin commission, which would in the final analysis deprive Egypt and Sudan of their veto power. See 'Nile treaty set for ratification' *The Daily Monitor* (March 2-3, 2011, vol. xvi (049), pp. 1&4).

In the event of secession, Southern Sudan becomes the upstream to the would-be North Sudan and Egypt and at the same time downstream to the seven upstream countries. In view of this, what matters is Southern Sudan's future policy in determining what implications the policy would entail regarding the Nile. It is possible to identify two scenarios in this regard. In the first scenario, Southern Sudan might inherit the 1959 agreement on the "full utilization of the waters of the Nile" agreed between Egypt and Sudan claiming to have its share of 55.5 BCM and 18.5 BCM respectively. This implies that Southern Sudan would strive to share the 18.5 BCM of the water allocated as per the 1959 agreement reached between Sudan and Egypt. On the other hand, the second scenario may lead Southern Sudan to reject the 1959 agreement and thus articulate the issue of the Nile for a new allocation in tandem with the claim advanced by the seven upstream countries. Southern Sudan following its independence in July 2011 can accede to the CFA, which is currently open for signature until 13 May 2011.

It seems that the second scenario has become a matter of serious concern especially for Egypt. Its fear is that for historical or transitional political reasons "Southern Sudan would join the groundswell of states objecting to the standing agreements." (International Crisis Group, May 2010:9; Yacob, December 2010). This was precipitated by Southern Sudan's interest in using the Nile waters in order to boost its rain-fed agriculture and diversify its economic base away from oil to meet its development needs (*ibid.*:11). Apprehensive of this, it is said that "Egypt has done more to make unity attractive than Khartoum" (*ibid.*). However, anticipating the eventuality of independent Southern Sudan, Egypt took a pragmatist foreign policy move aimed at engaging the GOSS. It opened its Consulate at Juba in 2005 and offered development assistance in the form of power stations, clinics, schools, and technical cooperation on irrigation. Moreover, it pledged \$300 million for water and electricity development projects and planned to open a branch of Alexandria University at Wau (*ibid.*:10). In a nutshell, in the event of secession, both the upstream and downstream countries are expected to exert pressure on Southern Sudan to align with them in the squabble involving the upkeep or change of the status quo surrounding the controversies regarding the hydro-politics of the Nile.

5.2.2 The Islamic and Arab Factor

The likelihood of Southern Sudan's independence has also brought about fear that a stand-alone Northern Sudan might be enmeshed in the influence of Islamic fundamentalism (Davis, 2008:21). This apprehension is predicated on historical evidences and looming signposts. After the Arab-Israeli War of 1967, the Khartoum government embraced a more militant Islam in pursuit of propagating the ideals of Islam in the sub-Saharan Africa. Since then the tide of militant Islam has flowed and tensions in the region rose. More specifically, the civilian coalition government of Sadiq al-Mahdi forged close ties with Arab countries and sought their support in the form of money and arms for the defense of Islam and Arabism (*ibid.*:19).

There are also some indications that the government is taking some measures as part of its aspirations to create a kind of an Arab state following the outcomes of the referendum. In the first place, the government was able to salvage *sharia* as a source of legislation and regulation in the north during the CPA peace process, which is one of the factors that contributed to the failure of the CPA to address the issue of national identity in relation to *sharia's* application to the north, which tended to hamper the possible transformation of the country (Woodrow Wilson International Center for Scholars, 2008:12). Some are also suspicious of the fact that the Khartoum government has committed ethnic cleansing and allegedly genocide in Darfur to create an 'Arabic environment' in case of probable secession of Southern Sudan in the January referendum (DeMaio, 2010:35). Moreover, in the course of the north-south negotiation on citizenship issues the NCP warned that any person poised to vote in the referendum would lose his/ her citizenship rights in the north. This is believed to be part of Khartoum's campaign to create a true Islamic state after the referendum (International Crisis Group, November 2010:7).

These apprehensions have made the neighboring countries wary of the threat of militant Islam, not least Ethiopia and Egypt. It is reported that the Horn of Africa has become a hotbed of Islamic extremism that spilled over from the Arabian Peninsula via Yemen (Burgess, 2009:84). In early 1990s Osama Bin Laden was welcomed by Islamist leader Husein al-Turabi in Sudan. Islamic extremists have persisted among the Union of Islamic Court (UICs) in Somalia, who has been fighting the Ethiopians through alleged backing by Eritrea (*ibid.*:89). Thus, in the event of secession of Southern Sudan, it is no surprise that Ethiopia should calibrate its Sudan

policy. In the first place, Ethiopia and Sudan have a fundamental disagreement over the issue of religion in governance (secular or religious) and are suspicious of each other's support for opposition groups. Ethiopia has persistently sought a secular government in Khartoum and manipulated the existence of Southern Sudan to that end as a countervailing force to constrain the extremist tendency of the regime in Khartoum (Semir, 2010:106). Thus, North Sudan as a new separate entity would become a wholly Islamic state that might heighten the security predicament of Ethiopia where in recent years both Islamic extremism (*Wahabism*) and Orthodox Christian fundamentalism are growing by reinforcing each other (Burgess, 2009:84). It is remembered that on several occasions, Ethiopia has implicated Sudan for supporting a series of terrorist attacks including hotel bombings in Addis Ababa in 1996 (International Crisis Group, May 2010:13). The country has also been subject to a threat of Islamic irredentism. Being wary of Islamists coming to power in Somalia and fear of Somali irredentism, Ethiopia invaded Somalia in 2006 in support of Transitional Federal Government and ousted the UICs out of Mogadishu and Baidowa (*ibid.*). At this juncture, the concern for Ethiopia would be Khartoum's ability to lend support to opposition groups and other Islamic elements following the secession of Southern Sudan.

Similarly, Egypt has also been troubled by Islamic fundamentalism that interferes in its internal affairs. It is suspicious of fervent Islamic governments that could export ideas and lend support to Islamic groups operating in its territory. In this regard, it can be cited that the NIF government in Khartoum orchestrated assassination attempt on President Mubarak in Addis Ababa in 1995 while he was to attend the OAU Summit by extending support to Jama'at at Islamiyaa (Girma, 1999:32). Thus, Egypt has been pushing for a united Sudan for fear that secession could lead to instability that would again open the door to extremist elements in the region. Recently, it was reported that Israeli air attacks destroyed a weapons convoy near Port Sudan that was to be consigned to Hisbollah, which signifies Khartoum's connections with Islamic terrorists in the Middle East (International Crisis Group, May 2010:11). Thus, there fear that militant Islamism could gain ground in the Horn of Africa region in the absence of a moderating influence of Southern Sudan on the regime in Khartoum.

Apart from the Islamic factor, secession of Southern Sudan is thought to precipitate proxy wars among the countries in the region. Many aid workers and development experts have recently defined Southern Sudan as ‘pre-failed state’ to signify its prematurity for secession. Southern Sudan as a new country in the conflict-prone region of the Horn with clearly undefined borders, weak institutions and internal split could recreate the conditions for civil war and leads to regional instability as a hotspot of foreign intervention and proxy warfare (Perry, April 2010:19).

In this regard, Ethiopia should be vigilant to reduce its vulnerability to the fragilities in Southern Sudan lest it provides opportunities for Eritrea and Egypt to advance their ulterior motives. The conflict between Ethiopia and Eritrea remains the major stumbling block in the stabilization of the Horn of Africa. In the aftermath of their devastating conflict, both countries continued their feud through proxies in Somalia. Ethiopia alleges that Eritrea has armed and trained the UICs and other Islamic extremists to drive back the Ethiopian army from Somalia and the ONLF to create havoc in the country (Burgess, 2009:95). In its bid to control the Nile, Egypt also pursued both covert and overt strategies to destabilize Ethiopia. A 2006 UN report attests the fact that Egypt was involved in supporting UICs and al-Shabab militia elements that fought the Ethiopian army until 2008 (Bruno, 2011:5). In a recent interview with journalists over the issue of the Nile, Prime Minister Meles Zenawi has alleged that Egypt has incited and tried to manipulate anti- Ethiopian forces such as the ONLF and ‘Ginbot Sebat’ with the view to undermining Ethiopia’s effort to use the Nile waters (Zemen, September 2010:3).

5.2.3 Secessionism

By and large, the secession of Southern Sudan could have a significant impact on the Horn of Africa and beyond, particularly on centrifugal forces within other African countries and its possible effect on African unity. Pertaining to the referendum, Libyan leader Colonel Muammar Gaddafi warned that “what is happening in Sudan could become a contagious disease that affects the whole of Africa” and perceived this as a beginning of the crack in Africa’s map (Temin, 2010:1). Chadian President Idris Deby on his part chided “we all have a north and south. If we accept the breakup of Sudan, the domino effect will be inevitable and it will be a disaster for the continent.”(*ibid.*). These warnings and apprehensions have a resonance

for most of post-colonial states of Africa, not least the countries of the Horn of Africa, which in Clapham's words is a region which has been "so raven with secessionist, irredentist, regional, ethnic, and ideological conflicts combined with straightforward power struggles ..." (Weis, 2009:64). Indeed, statehood in the Horn is subject to a dynamic of integration and disintegration that has continued to debilitate the region for decades. In the region the state has been challenged in its territorial integrity the recent illustration of which is the secession of Eritrea in 1993 and the impending split of Southern Sudan. This points to the fact that conflicts in the Horn take the form of "wars with a Westphalian feel" (*ibid.* :66).

On the backdrop of the above-mentioned facts, it is assumed that the possible secession of Southern Sudan will have a lasting impact on the political future of other countries in the region. In this respect, we need to think of Somaliland, the Ogaden, and Darfur. In the context of the Southern Sudan's referendum, the African Union now finds itself in the dilemma of facing arrangements that will presumably split an African state. As part of its responsibility to facilitate the process of peace-building and development on the continent, it has to address internal conflicts that may lead to formation of new states. On this conviction, the AU backed the Sudan peace process and finally became one of the signatories to and guarantors of the CPA (International Crisis Group, May 2010:19). In this manner, the AU has to play two seemingly contradictory roles. On the one hand, it has an obligation to accomplish activities that could make unity attractive in keeping with its principle of territorial integrity. On the other hand, it has to ensure the conduct of the referendum as part of the implementation of the CPA, which might also lead to secession in Southern Sudan.

Being wary of the outcome of the referendum, the AU Commission Chairman, Jean Ping cautioned that Southern secession could set a dangerous precedent for the continent and leave a catastrophic scenario as a formidable challenge to its sacrosanct principle of *uti possidetis* (Latin for "as you possess"), which obliges member countries to respect the borders existing on their achievement of national independence (Temin, 2010:2). That being said, let us look in to some issues as to how the secession of Southern Sudan could be justified and whether it could set a new precedent for secessionism in the Horn of Africa.

There are several considerations that are put forward to justify the secession of Southern Sudan. First, the people of Southern Sudan are different people with differing ethnic, cultural, and linguistic features from Northern Sudanese, who follow Islam and consider themselves Arabs. My informant, Arop Deng Kuol¹⁹ opines about the importance of the secession that the people of Southern Sudan are different and thus separate countries will help them to live in peace. He added that the context of Southern Sudan is different and should deserve reconsideration in that the quest for secession is not tribal but racial. While other African countries gained independence, Southern Sudan found itself in another situation of colonialism under the Arabs. The vast majority of the problems in the dispute between the north and south have an underlying racial basis, which caused other political, economic, and social implications for the country. The Arabs' use of 'abeed' slang for the Southerners reminds them of the old days of the slave trade. Thus, this makes the right of secession of the South different from that of others such as Katanga, Somaliland, Darfur, Ogaden, and others which are tribal in nature (*ibid.*). Secondly, since the establishment of the nation-state of Sudan in 1956, the people of Southern Sudan have been denied basic rights including participation in governance and political autonomy. The rein of power has been the reserve of the Arabs, who fixated on assimilationist policy rather than encouraging diversity and integration. Even if the CPA set the stage for democratization of the country, it did not materialize as envisaged. Thus, the absence of political space that allow and promote integration in the country, compounded by memories of age-old grievances and atrocities left the people of Southern Sudan with the option of secession (*ibid.*). Lastly, but importantly, the right of secession for Southern Sudan is unequivocally incarnated in the CPA, which is guaranteed and supported by many countries and inter-governmental organizations such as the IGAD, the AU, and the Arab League, thus giving the right of secession significant international recognition and backing (*ibid.*).

On the other hand, the right of Southern secession is unjustifiable on several legal and non-legal counts. The non-legal argument holds that secession would divide the country in to two fragments, one or both of which would be severely crippled economically and scarcely able to

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survive as a viable nation. For the Northern Sudanese, secession of the South meant loss of access to oil reserves, fertile land, a considerable segment of the Nile waters, and curtailment of national sovereignty. It is estimated that oil accounts for 60% of the GOS revenue and has been an engine of the recent economic growth. In the same vein, the South is dependent on the North to export its oil, which covers 98% of the GOSS revenues (International Crisis Group, November 2010:8). Moreover, it is alleged that the South could fragment internally as the GOSS has already struggled to ensure order and avert inter-tribal conflict, which has recently consumed the lives of thousands. President of the GOS, al- Bashir, described the South as a 'pre-failed state in the making' given its landlockedness, underdevelopment, and inter-tribal conflict (Ashworth, 2010:16). Thus, for both North and South Sudan, secession does not appear sound and rational given its adverse effect on their viability.

Legally speaking, secession of Southern Sudan is also untenable within the purview of international principles of national sovereignty and territorial integrity as stipulated in the UN Charter, and the Constitutive Act of the AU. Husni Mustofa²⁰, another informant, opined that *uti possidetis* is the bed-rock principle of the AU, which obliges its members to respect borders existing on achievement of independence. That is why the AU on many occasions expressed its skepticism towards the impending referendum of Southern Sudan although it is duty bound by virtue of the CPA to respect the outcome of the self-determination referendum. The AU has been critical of the various secessionist movements that attempted to threaten the territorial integrity of its member countries. It has resisted Somaliland's quest for recognition for two decades. One also should think of Eritrea's troubled existence and international isolation despite its smooth secession from Ethiopia in 1993 (*ibid.*).

Analyzing the political situation of most of the countries in the Horn of Africa, Weis (2009:66) stated that "the trajectories of the different Horn states... were much too divergent and their societal bases too diverse for there to be a shared identity, or at least a mutually accepted notion

²⁰Mr. Husni Mustafa is a Diplomat at the Embassy of the Republic of the Sudan in Addis Ababa. E-mail: Husni75ir@yahoo.com. Phone: 0912708603. Interviewed at the Embassy of the Republic of the Sudan at 10 a.m 18 January 2011.

of what a state should be”. Burgess (2009:98) also noted that the Horn of Africa hosts two most likely cases of secession (Southern Sudan, and Somaliland) in the near future. Thus, it is imperative look in to whether or not the secession of Southern Sudan could set a precedent for other secessionist movements in the Horn of Africa, taking Darfur, Somaliland, and the Ogaden as case points among the plethora of secessionist movements in Africa such as Casamance (in Senegal), Cabinda (in Angola), Zanzibar (in Tanzania) and Western Sahara.

It is anticipated that in the context of Southern Sudan’s referendum, the claim of some Darfurian rebel leaders to self-determination is likely to increase. For one thing, before it was annexed and incorporated by the British in 1916 in to Sudan, Darfur was a former independent state with no connection to the Sudan Arabs. On top of that, it has barely received proportional share of economic and political rights in the central government since Sudan’s independence in 1956 and thus became one of the country’s most underdeveloped regions (DeMaio, 2010:30). Since the 1970s, Darfur has appeared on the political scene as a battleground between the ‘African groups (who are sedentary), and the Arab groups (who are pastoralists), the latter supported by the government. Crisis erupted in 2003 not due to the usual tribal animosity or resource conflicts, but due primarily to the Machakos peace process between the GOS and the SPLM/A, which they thought overlooked their grievances and interests in the negotiations. They thought that they would be further marginalized and as a result resorted to insurgency “as a viable strategy for addressing their problems”(ibid. :31).

At this point in time, Mr. Husni admitted that only a few radicals are openly canvassing secession of Darfur. But some analysts point out that in the context of the January referendum the claim for self-determination of Darfur would come to the forefront in the politics of Sudan in view of some developments in Khartoum affecting the situation in Darfur. The NCP is concerned that insurgents might coalesce at the behest of the SPLM/A and spread conflicts to the north. In this regard, Khartoum has leveled allegations that “Juba is hosting or supporting the JEM Darfur rebels” that refused to participate in the peace process taking place at Doha (International Crisis Group, 2010:8). Moreover, the political future of the NCP is threatened not only by the political forces that resented the existing center-periphery relations in the country but also by economic vulnerability of oil reserves appearing to be lost to an independent South. In September 2010, the SPLM/A presented itself as a mediator in the Darfur conflict though

this was rebuffed by the NCP. This is a signpost that an independent South would continue to interfere in the conflict as a peacemaker or peace breaker despite such rejections (Weber & Dargatz, 2010:10).

Somaliland's quest for secession and independent statehood is premised on its former colonial borders. During the period of colonization, Somaliland was under British colonial rule for over 70 years (1887-1960). Thus, it argues that its secession would be in line with colonial borders in the effort of the breakaway region's garnering recognition from the AU and the international community. On such grounds, "its independence would not be secession, but rather a reversion to sovereignty"(Flint, 1994:39). Despite the AU's resistance and refusal to non- recognition as a clan-based secession, the reality is that it has become a de facto state in the region since it withdrew from the rest of Somalia in 1991. According to reports, Somaliland has popular support for its declaration of independence on account of the ability of its leaders to avoid internecine conflict. It has also proved to be viable in the sense of at least providing basic governmental services to its population, and ensuring order by promoting democratic accountability blended with traditional mediation among the clan-leaders (Pegg, 1997:128). Moreover, it was able to reduce the level of hostility that it has faced from the international community by virtue of its unfaltering external diplomacy. Now, neighboring states, and Western countries including the US have forged close relations with Somaliland on regional issues. For instance, the US maintains interaction with the government via its Embassies in Djibouti and Kenya (*ibid.*). Thus, Somaliland have won grudging acceptance from the international community although it has not achieved *de jure* statehood. Its leaders recently said that the referendum in Southern Sudan has positive knock-on effects on Somaliland's quest for recognition. On the occasion of Sudan's referendum, the government of Northern Somalia has stepped up its efforts urging the international community in general and the AU and IGAD in particular to extend it *de jure* recognition. Hence, it views the outcome of the referendum as a significant precedent that should not be missed in the bid to assert its sovereignty (<http://english.alshahid.net/archives/17332>).

Ethiopia has also its own share of separatist movements, particularly OLF and ONLF. Most nationalists and liberation movements insist that the Ethiopian state is an authoritarian empire in which the Oromo and Somali people consider themselves as colonial subjects under the

Abyssinians, and sought self-determination as a way forward to stave off the Abyssinian colonial hegemony (Neuberger, 1986:87). In its recent attack, the ONLF has allegedly massacred nine Chinese oil workers and 65 Ethiopians as announced by the Ethiopian government in a protest against Eritrea's complicity and some disaffected local population (Burgess, 2009:93). Particularly, the ONLF continued to be the most active secessionist movement in the country with considerable support from dissatisfied local population and external forces such as Eritrea and Egypt (ibid.).

On top of that, the 1994 FDRE constitution provides the nations, nationalities, and peoples of the country with the right of self-determination including secession (Art. 39, pp.96-97). Here, the ethno-nationalists claim that the federal government is manipulating ethnic federalism to sustain its grip on power rather than responding to the grievances of the insurgents by availing more autonomy and political space. Moreover, the government is reported to have "kept a tight rein" on the federating regions, especially since the 1998-2000 war with Eritrea (Burgess, 2009:92). In a word, most polemics resent that the inclusion of secession as a panacea in a country in which biased political history, ethnic rivalry, weak central institutions aggravated by absence of political consensus among elites prevail would imperil the viability of the country as a nation state (Kaleab, March 2010). This would be compounded by the insurgencies of the OLF and ONLF, and the destabilizing agenda of Egypt and Eritrea against Ethiopia in relation to the issue of the Nile and the Ethio-Eritrea border dispute respectively.

That being said, some analysts maintain that the break-up of Sudan may not certainly lead to disintegration of other countries in the sub-region on two grounds. In the first place, the AU is critical of secessionist movements that attempt to threaten the territorial integrity of member countries. Among others, this explains why it has resisted Somaliland's assertions of sovereignty for two decades and expressed its skepticism towards the impending partition of Sudan. Secondly, the level of support and commitment of the SPLM/A far exceeds that of other secessionist groups in the region. Unlike other movements, it has fought for a longer period experiencing catastrophic hardships and as a result won self-determination as a necessary option and a way forward to end the conflict. Thus, without comparable long history, immense local support, and international backing and recognition that Southern Sudan enjoys, it is less likely that other secessionist movements could follow suit along similar path (Temin, 2010:3).

Apart from the aforementioned political implications for regional security dynamics, independent Southern Sudan is presumed to enhance regional integration and infrastructural development thereby facilitating conditions for promoting trade and economic cooperation in the Horn of Africa. The assumption is that for historical reasons, Southern Sudan would distance itself from Northern Sudan and join its East African neighbors so as to secure access to international trade. As such states in the sub-region consider the emergence of an independent Southern Sudan as a blessing that could augment their national development drives given its unexploited national resources and vast export market. This explains why several traders from Kenya, Uganda, and Ethiopia are rushing to Southern Sudan in search of job and investment opportunities (Sudan Tribune, January 2005:1). The signing of the CPA brought about relative peace in the region, which facilitated promising economic and trade relations between neighboring countries and Southern Sudan. The evidence is that the former are engaged heavily in Southern Sudan's private sector including construction, air transport, insurance, infrastructure development, and NGO sector to exploit the potentials that are made available as a result of the coming on the scene of a new economic partner. As International Crisis Group (May 2010:2-17) reported, neighboring states are supportive of Southern Sudan's independence in anticipation that this would boost regional trade by opening the door to formal treaties and accession to the East African Community (EAC) and Common Market for Eastern and Southern Africa (COMESA). This is reinforced by the fact that there are three major projects that have already been formulated to connect East Africa. These include a new sea port in Lamu along Kenya's Indian Ocean coast, railway network that would connect Juba to Kenya, Uganda and Ethiopia, and extension of the Trans-African Highway Network linking Southern Sudan to Kenya's Mombassa Port (*ibid.*: 3).

In addition to bilateral trade and economic cooperation between Ethiopia and South Sudan, the CPA has also facilitated the resumption of trade links along their common border after long years of obstruction resulting from the civil war in Sudan. The Gambella trading post, which is connected with Khartoum via the Baro-Akobo river route, augmented trade among borderland communities and became a source of customs duties on import and export for both the Gambella region of Ethiopia and Juba (Regassa, 2010:223). The reopening of trade in the area

also facilitated free movement of people whereby relatives separated during the civil war are able to reconnect and live together (ibid.).

Independence would also result in the enhancement of Southern Sudan's oil production and regional infrastructure. Since 2006, despite its feasibility within the remaining period of the CPA, the GOSS has been negotiating with Chinese and Japanese stakeholders in Sudanese oil sector to construct a 1,400 km oil pipeline worth \$ 1.5 billion that would link Juba to Lamu port on the Indian Ocean coast of Kenya so that its dependence on Northern Sudan could be reduced (Omeje, 2010:25). So far, both parties to the CPA apportion oil revenue 50-50 as per the CPA wealth sharing formula. Separation of Southern Sudan, however, would alter the existing arrangement which requires negotiation between the GOS and GOSS. In this regard, the challenge would be how to manage the oil economy including revenue sharing, rental tax on pipeline and transportation of oil for export given Southern Sudan's landlockedness. Moreover, separation of Southern Sudan would impact on regional management of and access to water resources such as the Nile, which is one of the post-referenda issues negotiated between the GOS and the GOSS and a bone of contention between upper and lower riparian countries of the Nile.

The separation of Southern Sudan is also tied with certain structures of violence that have immediate post-referendum implications particularly with regard to citizenship, human security, and identity. The issue of citizenship is being negotiated between the GOS and GOSS under the auspices of the AU along with other post-referenda issues such as border demarcation, national assets and debt, a new oil deal, and sharing of the Nile waters (Peace and Security Council Report, November 2010:4). Before the commencement of the negotiation on post-referenda issues, many Southerners living in the north feared that they would be persecuted and forced to return to the south. Apprehensive of this, many Southerners have already begun returning home anticipating that they would be second-class citizens in the north. In a recent negotiation on citizenship, both the GOS and GOSS agreed that "citizenship status of the people would not change" and "their rights remain intact anywhere in the country" until new nationality laws are promulgated in both the north and south following the expiry of the CPA in July 2011 (International Crisis Group, November 2010:7).

With regard to security, the African Union urged both the North and South to refrain from extending any sort of support to any opposition group or insurgency in their territories as required by the CPA. Both parties to the CPA have accused each other of supporting spoilers like renegade factions, the Lord Resistance Army in Northern Uganda and the Justice and Equality Movement in Darfur. The issue of identity requires sober treatment in the context of Southern Sudan's separation particularly in respect to its impact on human security. In its vast area of 638, 148 sq. km, Southern Sudan comprises ten states in three provinces of Upper Nile (Upper Nile, Jongolei, and Unity States), Bahr el- Ghazal (West Bahr el- Ghazal, North Bahr el- Ghazal, El- Buheirat, and Warab states), and Equatoria (Bahr el- Jebel, East Equatorial, and Western Equatorial states), in which diverse ethnic groups, the largest of which are the Dinka, the Nuer, and the Shilluk inhabit (Girma, 1997:1). What is manifest in Southern Sudan today is the division and factionalism among ethnic groups instead of a unified political identity that would lead to the forging of unity in the region. In the words of Branch and Mampilly (2005:4), "Southern Sudan itself is a politically contested space with no unified Southern Sudanese identity; what common identity does exist seems to be based primarily on common repression by, and resistance to, the Khartoum regime." It is worth remembering that during the internal split within the SPLM/A of the 1990s, more people died as a result of internecine conflicts than in the war with Khartoum in the same period (ibid.). This emanated from the fact that disaffected ethnic groups view the SPLM/A as a vehicle for entrenching Dinka domination.

For ages, the people of Southern Sudan have been victims of injustice perpetrated first by the Arab slave traders, then colonial rulers, and recently by successive Sudanese regimes. This common past has nurtured a growing sense of Southern nationalism consolidated by long years of endeavors aimed at liberation. However, inter-ethnic rivalry has threatened the peace dividend brought about by the CPA and made the identity of Southern Sudan fragile. This is attributed to the weakness of the SPLM/A to properly handle the issue of identity, which is compounded by the porous nature of its undefined borders. The local ethnic groups perceived that the leadership of the SPLM/A and GOSS has been dominated by the Dinka, who allegedly control the security and civil service sector disproportionately. This seems to have entrenched a sense of insecurity and apprehension among other ethnic groups and thus induced internal split

and factionalism in the ranks of the SPLM/A. Moreover, it is alleged that the SPLM/A has manipulated government institutions and government revenues to its own benefit rather than to the region as a whole (Wambugu, 2010:17) thereby leading to the taking shape of the perception that southern common identity is a product of shared experience of injustice and that the fledgling nation would cripple into internal fragmentation and civil war due to mutual rivalry for domination and fear of subjugation unless concerns associated with these are duly addressed.

The inability of the SPLM/A to strictly implement the CPA in the region was also an aggravating factor. As envisaged in the CPA, both parties were required to undertake repatriation and resettlement of Southern Sudanese refugees and disarmament of militia in Southern Sudan as measures for reinforcing and promoting peace in the region. However, this was not achieved satisfactorily. There were even certain instances where instability in Southern Sudan spilled over into the Gambella region of Ethiopia, Darfur, northern Uganda, and the Central African Republic due to the fluidity of borders and unchecked proliferation of arms in the region (Omeje, 2010:27). The spread of cattle-raiding into the Gambella region has fueled inter-tribal fighting causing unanticipated security problems in the area, which prompted both Ethiopia and GOSS to initiate security consultations on a monthly basis to monitor security threats along their common borders (International Crisis Group, May 2010:13).

Summary and Conclusion

Africa is considered as one of the world's conflict zones, characterized by colonial wars, civil wars, and other episodes of violence. Particularly, the Horn of Africa sub-region where Sudan forms a constituent part is notable in this regard. It has been a hotbed of crises with local and global dimensions marked by rebel activities, military coups, ethnic and racial insurgencies, human rights violations, state collapse, and terrorism.

It is paradoxical in the era of globalization, where the age of the nation-state is retreating, that conflicts rooted in primordial issues of language, culture, race, and religion are fought under the rubric of 'insurgencies', 'ethnic unrest', 'nationalist movements', or 'tribalism' with far-reaching consequences. As a result, multinational states are buffeted by group identity with the aim of self-determination within an existing nation-state and at times even aspiring for secession, and hence the political problem thereof hampers the process of forging a sense of national identity in post-colonial Africa. Self-determination movements are more serious in the Horn of Africa where the countries are embittered by hard security issues such as sovereignty and self-determination. The secession of Eritrea from Ethiopia in 1993 as a 'last colony' in Africa, and similar movements having the potential of fracturing the territorial integrity of states are exploding in the region as exemplified by the self-determination referendum of Southern Sudan.

Although self-determination has universal legal standing and acceptance, it has been subject to varying and contending interpretations. Particularly, who is to constitute the 'self' entitled to this right and what and to what extent this 'self' is allowed to exercise this right are the sources of the problem. As defined in the UN Charter, self-determination is applicable only to colonial entities under the classical colonial system and not poly-ethnic states that became members of the UN.

Despite divergent views and accounts, it is understood that the conflict in Sudan emanated from the interplay of several factors like political exclusion, economic marginalization, identity issues, and external interference. To remedy the problem, a number of peacemaking attempts like the 1972 Addis Ababa Agreement and the CPA signed in 2005 were made. The latter was

the most acclaimed peace accord that ended the long-running conflict in Sudan. The CPA appeared to be instrumental in addressing the root causes of the conflict through various provisions. However, its implementation has been a source of contention and suspicion between the GOS and the SPLM/A. In view of the post-CPA developments, the people of Southern Sudan voted for secession rather than unity in the January self-determination referendum. The objective of maintaining unity as envisaged in the CPA has become elusive and the GOSS has redirected its attention to the 'new South Sudan vision' as a basis for secession. As a result, Sudan now stands at a critical moment in its history.

With the secession of Southern Sudan, several issues are expected to arise affecting not only the various parties in Sudan but also the non-signatories to the CPA. Such issues include a new oil deal, the north-south border demarcation, citizen rights, the Nile waters, and the impact on secessionist movements in the Horn of Africa, including Darfur. The latter two have regional dimensions that impact on regional security dynamics, economic opportunity, competing ideologies, and personal relationships. Among the issues that intertwine the countries in the Horn in respect to regional security dynamics such as oil, water, religion, tribal affiliations, and support for cross-border insurgencies, the Nile issue, the Islamic and Arab factor, and secessionism are investigated in this research endeavor in the context of the likelihood of Southern Sudan's independence. This suggests the fact that there are other issues that future researchers would find imperative to probe more findings in the issue area under discussion.

Currently, the Nile issue is undergoing two major transitions that influence the regional hydro-political setting: the January 2011 self-determination referendum and the signing process of the CFA. In the first place, the Nile is already in a state of contention between the lower and the upper basin countries because of two mutually contrasting interests: contribution and use. While the upper riparian countries contribute 100% of the waters of the Nile, it is only the lower riparian countries that thoroughly make use of the water at the expense of the former. The problem is aggravated by the absence of a basin-wide agreement or mutually acceptable practice that lead to cooperation, which compelled the riparians to unilaterally exploit the river without reference to each other's interests and circumstances. This brought about tense competition and rivalry that affected the peace and security of the region. To rectify the

problem, the basin countries have been engaged in a series of negotiations under the Nile Basin Initiative which culminated in the CFA on May of last year. The referendum is expected to complicate the issue further. Particularly Egypt has been anxious of the outcome of the referendum lest it should affect its Nile control policy in the region. Independent Southern Sudan is thought to be a threat to Egypt's policy as it diminishes prospects for resurrecting the Jongolei Canal project and that it might align with other riparian countries objecting to the *status quo* and push for equitable sharing of the Nile. Thus, Southern Sudan is an important factor in the condition where both upstream and downstream countries are competing to maintain their interests and rights in respect to the Nile.

The fear of Islamic fundamentalism is also looming in the region in the context of the referendum and the possible secession of Southern Sudan. Khartoum has been a hotbed and transit point for Islamic extremists since the 1967 Arab-Israeli war. It attempted to destabilize the region in pursuit of propagating Islam in sub-Saharan Africa with the support of Arab countries. The NCP is now taking some measures that are thought to be part of the quest for creating a wholly Islamic state following the accession to independent statehood of Southern Sudan. This makes neighboring countries wary of the situation and poised to calibrate their policies vis-à-vis Sudan. Neighboring countries have been viewing Southern Sudan as a countervailing force to curtail the extremist tendency of the regime in Khartoum. Thus, the secession of Southern Sudan leads to the ascendance of an Islamic government in Khartoum that could export radical religious ideas and lend support to Islamic groups in the region. Moreover, the emergence of Southern Sudan in the conflict-prone region with undefined borders, weak institutions, underdeveloped economy and internal split recreate the conditions that precipitate proxy wars among the countries of the Horn.

The secession of Southern Sudan is also taken as an unfavorable precedent threatening the existing order. It has the potential of encouraging centrifugal forces within other countries in the region and as such challenges AU's drive aimed at realizing a United States of Africa. In this respect, many African leaders and the AU warned that the case of Southern Sudan signifies the beginning of a crack in Africa's political landscape. This has resonance particularly for the Horn of Africa where Somaliland, Ogaden, and Darfur feature as significant insurgent movements challenging the territorial integrity of their respective countries.

Postscript

The Horn of Africa, which is considered conflictual security dynamics, is marked with various forms of conflict in which the countries are embittered by group identity that espouses the goal of self-determination either autonomy or at times secession, which has seriously affected their political cohesion and national integration. This is illustrated by Eritrea's secession from Ethiopia and the impending independence of Southern Sudan. In this regard, this research investigated the sub-regional implications of the self-determination of Southern Sudan with a particular emphasis on hydrological setting of the Nile, the issue of Islam and Arab, and secessionism.

It is proper here to mention the fact that this research was written while preparations were underway for the January self-determination referendum as scheduled by the CPA. That is why in some instances, events are explained in the paper in futuristic tense as if they were going to happen. Now that the people of Southern Sudan voted overwhelmingly for independence in the referendum, which is the final and decisive component of the CPA, Southern Sudan would officially declare itself to be an independent and sovereign state following the expiry of the interim period of the CPA in July 2011.

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ANNEX 1. Guiding Questions

These questions were posed as guides to the interviews conducted with the officials of the Sudanese Embassy and the Southern Sudan Liaison Office in Addis Ababa.

1. What was the source of the North-South conflict in the Sudan since independence?
2. What is the overall political situation in the Sudan now?
3. How do you assess the efficacy of the CPA in the light of the North-South problem?
4. What do you think is the position of each of neighboring countries to the CPA and to the upcoming referendum?
5. What are the post-referendum issues that could determine the North-South relations following the referendum?
6. How do you see the prospects of Southern Sudan's independence?
7. What would be the implications of a would-be Southern Sudan state on the Horn of Africa?

ANNEX 2. Map of Southern Sudan



This map is not official, but has been in use pending the completion of the work of demarcation of the boundary by the established North-South Boundary Commission.

Source: International Crisis Group (2010). 'Sudan: Regional Perspectives on the Prospect of Southern Independence'. *Africa Report*. May 2010 No. 159. Available at <http://www.crisisgroup.org/~media/Files/africa/horn-ofafrica/sudan/159%20Sudan%20>. Accessed on 4/10/2010.

Declaration

I, the undersigned, declare that this thesis is my original work and has not been presented for a degree in any other university and that all sources of material used for the thesis have been duly acknowledged.

Alene Kassaw Fentie
April 2011

This thesis is submitted for examination with my approval as an advisor of the candidate.

Kassahun Berhanu
April 2011