

## ABSTRACT

Before the new Republic of South Sudan can be considered a viable state, oil revenue-sharing, debtsharing, borders, citizenship and migration, and infrastructure development must be considered. By analyzing the 2005 Comprehensive Peace Agreement and the current fragile peace in South Sudan, post-secession, the international community can learn innumerable lessons about how to promote sustainable peace at the conclusion of enduring civil wars.

**KEY WORDS:** Oil, development, Comprehensive Peace Agreement, South Sudan

## OVERVIEW

"Sudan's half century of woe" (Smillie and Minear 2004: 110) has left what once was Africa's largest country a chaotic mess. Mutual distrust, repeated retaliation, unfair allocation of resources, and poor governance resulted in a devastating civil war that left over two million dead and nearly five million displaced. The eventual signing of the 2005 Comprehensive Peace Agreement between the North and South included an agreement that a referendum in which the South could vote for unity or secession would be held in 2011. Votes tallied in this recent referendum added to over 98 percent southern support for secession. Although the formation of the world's 193<sup>rd</sup> country is an incredible feat, it does not preclude difficulties; much work must be done on an abundance of important issues before the Republic of South Sudan can be considered a viable state. By analyzing the case of South Sudan since the 2005 CPA, the international community can learn a great deal about how to promote sustainable peace at the conclusion of intense and enduring civil wars.

## THE 2005 COMPREHENSIVE PEACE AGREEMENT

The Comprehensive Peace Agreement (CPA) is a set of protocols signed in January 2005 between the Government of the Republic of the Sudan and the Sudan People's Liberation Movement (SPLM)/Sudan People's Liberation Army (SPLA). Bringing such agreements to fruition is notoriously difficult (Stedman 2001). The formal goal of the CPA was to make unity an attractive option, with Southern independence as the option of last resort. In the Chapeau of the CPA itself (p. xii), it reads: "the successful implementation of the CPA shall provide a model for good governance in the Sudan that will help create a solid base to preserve peace and make unity attractive." The United

Nations mission that employed in both the South and the North (UNMIS) had the same mandate of making unity attractive. Other intended objectives of the CPA were:

- To implement a ceasefire to end the second Sudanese civil war,
- To agree on the principles of governance,
- To equitably share resource revenues,
- To equitably share power,
- To properly invest in chronically neglected rural areas (Eagle 2010), and
- To realize the right to self-determination for the people of South Sudan (Abedje 2011).

With all its optimistic intentions, the CPA had mixed results. The transition to agreed-upon democratic governance in the North has still not occurred, mainly because President Omar al-Bashir continues to push for the North to be ruled under Sharia law. With the unified government's failure to transform the Republic of the Sudan into a more equitably governed country, the 2011 referendum was meant to be an internationally recognized chance for the Southerners to voice their will. "The Comprehensive Peace Agreement opened an opportunity to turn the devastation of more than 20 years of the most recent civil war into a new era of peace and prosperity. But peace in southern Sudan remains fragile, with governance and rule of law structures in need of strengthening" (Eagle 2010).

## THE REFERENDUM AND THE FIRST SIX MONTHS

The recent referendum on southern independence was an integral part of the CPA that formally ended the protracted civil war between the North and South. Nearly four million people in Sudan and the diaspora registered to vote in the referendum that took place between January 9

and 15, 2011; over 98 percent voted for independence. The preparation for the referendum was supposed to be done over three years, but it was nonetheless successfully thrown together in about four months. Despite a few localized incidents of violence during the voting; the Carter Center, United Nations, African Union and European Union all commended the erstwhile Republic of the Sudan for remaining peaceful during the voting process (Richmond 2011b). Following a six month interim period in which the new state of governance was enforced, the Republic of South Sudan officially became its own country on July 9, 2011. After decades of suffering and mistrust, the first six months following the referendum were primarily a noteworthy success (cf. Langfitt 2011).

## SOURCES OF MUTUAL DISTRUST

The Republic of the Sudan as a whole began to lose hope for national unity and economic prosperity when serious political marginalization of the periphery became commonplace (Ylonen 2005: 110). This culturally and regionally imposed marginalization resulted in socio-economic grievances that unfortunately still continue today (Ylonen 2005: 100). Among many other issues, oil revenue-sharing, debt-sharing, borders, citizenship and migration, an influx in returning refugees, and infrastructure development must be considered before the world's newest country can be economically and socially stable.

## Oil Revenue-Sharing

"Natural resources are usually geographically concentrated in a particular part of a country, so countries that are heavily dependent upon natural resource exports are likely to be prone to secessionist movements" (Collier and Hoeffler 2006: 41). Access to and control of petroleum wealth played a decisive role in sustaining and escalating the Sudanese civil war. As the primary force behind the Republic of Sudan's economy, oil played an integral role in financing the government war effort. Sudan is a perfect example of the issues caused by oil. Looking back, "it is estimated that the government spent up to \$1 million per day for the war in 2001. Apart from making arms acquisition possible, the oil revenue has given rise to an internal arms industry catering for the [Northern] government war effort" (Ylonen 2005: 123). The problems with Sudan's resource allocation are as follows:

- 70% of Sudan's oil fields are in the South, but they must work with the North to get the oil to the refineries and seaways for export.
- "Sudanese oil currently represents a modest but rising share of the world's total supply; some oil engineers claim that Sudan may have the largest

unexplored reserves in the world. If shipments to China, India, Malaysia, and Sudan's other major clients were precipitously halted, these countries would seek oil elsewhere, forcing up world prices of crude" (Natsios, 2008: 87).

- The CPA established a 50-50 revenue-sharing agreement, but through 2010 the North seized the majority of the revenues.
- The US Energy Information Administration said, "In 2009, according to the International Monetary Fund, oil represented over 90 percent of export earnings. For South Sudan (Juba), oil represented 98 percent of total revenues for the year compared to Khartoum at 65 percent" (Thurston, 2011). With currently no other viable options ready to be major export revenues, many believe the South should receive the majority of oil revenue.

In other words, the majority of the oil found in Sudan is in the South but the only way to currently get it out of the country is to ship it through pipelines and refineries located in the North. On one hand, a move by Khartoum to cut off oil revenues to the south would be considered an act of war (Natsios 2008: 83). On the other, the possibility of South Sudan building a pipeline through Kenya or Uganda/Tanzania would only increase the anger and vengeance of the Northern government. In light of the formation of this new country, a new revenue-sharing agreement must be negotiated which both sides must be willing to implement fully.

## Debt

"Most of Sudan's debt dates back to the days of late president Ga'afar Nimeiri. It grew from \$9 billion in 1985 to \$37.8 billion [by February 2011]. It is believed that [the Republic of the] Sudan owes Britain close to \$1 billion in debt" (Suleiman 2011). After the excesses of the 1970s, the Republic of the Sudan owed more money to the International Monetary Fund than any other country in the world" (Scroggins 2004: 89). Khartoum and Juba will have to work together to decide how to divide this vast obligation. Jon Temin, director of the Sudan Program at the Washington-based US Institute of Peace, says there are various ways to solve this issue (Eagle 2010):

- Identify what projects added to the debt and attribute the debt accordingly.
- Debt could be divided based on population size.
- Debt could be divided based on the region's share of gross domestic product.
- Both Sudan and South Sudan could work equitably with creditors to alleviate this enormous financial burden.



To be respected by the international community, both sides must agree on how to allocate this colossal financial burden, and follow through with their promises.

## Abyei

Sudan's north-south boundary is one of the longest between neighboring African countries. The main flashpoint of this border area is the clash over Abyei, an oil-rich enclave that encompasses an area of about 10,460 square kilometers (Mouliid 2011). In addition to ongoing disputes about the allocation of Abyei's oil resources, the town continues to be a helpless pawn in the dispute over which side of the country this oil belongs. Interestingly, oil from this area is mostly gone; the one remaining oil field only accounts for about one percent of Sudan's annual oil production. When the final stages of the negotiations for the CPA were underway, the Abyei area was undeniably "oil rich." Heglig, Bamboo, and Diffra oilfields produced a combined 76,6000 barrels per day (bpd), which amounted to 25 percent of [then-unified] Sudan's annual oil production. The 2009 estimates dropped the amount to 28,300 bpd. With Heglig and Bamboo decidedly outside Abyei in a ruling by the Permanent Court of Arbitration, "the only oilfield now remaining in the Abyei equation is Diffra, estimated to have produced just 4,000 bpd in 2009 – less than 1 percent of [South] Sudan's current annual production" (Hamilton 2010).

Regardless of the diminishing oil exports, Abyei remains an extremely fertile area that is attractive for cattle-grazing. The River Kiir (in Dinka)/Barh el-Arab (in Arabic) is one of the only sources of water during the region's harsh dry season, "meaning it is the only place to graze livestock for many months of the year. Without it, the nomadic population could not survive" (Hamilton 2010). Therefore, the heart of this matter centers on grazing rights for cattle, which are fundamental to the traditions and economies of both sides of this conflict. The two sides of this bloody battle can be concisely distinguished as follows:

Abyei is the traditional home of the Ngok Dinka, a tribe with a strong identity to the South and a history of joining forces with the South during the most recent civil war.

- However, this area is also the seasonal home of the nomadic Misseriya tribe, who strongly identifies with the North. For years, the Misseriya tribe has used this area on their migratory route as grazing grounds for their cattle during the dry season.

"The Abyei Protocol safeguarded Misseriya migration routes...[But now] critics like [Roger] Winter argue that Khartoum [continues to] manipulate the Misseriya by not explaining that peace protects their rights. 'It is too easy for those who wish to undermine the CPA to exploit the fear on the part of the Misseriya that ceding Abyei to the south would cut them off from access to dry-season grazing...The

north argues that Abyei ...has always been part of the Arab north'....The two tribes shared this land peacefully for centuries before the discovery of oil" (Mouliid 2011). Unfortunately, with the devious support of Khartoum, the two tribes are now fighting each other in a bloody battle for this land.

It is of the utmost importance that solutions be found to concerns of cross-border migratory issues like routes, movement, security, and taxation (Eagle 2010). Without an agreement, localized conflict over this unresolved issue is inevitable.

## Citizenship and Migration

As is evident in the border dispute and its relation to Abyei, the rights of citizens are also a major issue in this conflict. The main issues are explained herein:

- President Omar al-Bashir has been outspoken about not allowing dual citizenship for those that live in the North but work in the South. Although al-Bashir refuses to allow dual citizenship, he says he does favor establishing a set of economic and developmental agreements with Juba (Eagle 2010).
- Al-Bashir also continues to try to implement Sharia law, meaning Christian citizens who fled the conflict in the South and created lives for themselves in the North will be forced to either live under Sharia law or permanently move back South.
- Migratory routes for Misseriya pastoralists are contested.

In addition to both the lack of possibility for dual citizenship as well as the pressure of implementing Sharia law, the issue of the nomadic pastoralists is also complicated. "Because a solution to the Abyei problem has yet to be brokered, the annual migration is currently on hold, and incidents of violence have broken out" (Eagle 2010). The best solution is to keep the mutual North/South border as porous as possible, an effective border policy already in place between Sudan and Egypt. On that border, citizens enjoy the "four freedoms," which are movement, residence, ownership, and work in either country. This encourages the free movement of traders and herders essential to the economy (Eagle 2010). Earlier, this solution had worked between the Republic of the Sudan and Chad. Without an agreed-upon decision about citizenship and migration, the conflict along the border will spiral out of control.

## Returning Refugees

UNHCR and other relief agencies believe as many as 800,000 southerners will have returned from the north in 2011 alone. From late 2010 through early 2011, an estimated 200,000 southerners had returned, and UNHCR expected about 75,000 more in the following months (Schlein





2011). Of course, these returning refugees will require help restarting their lives in:

- Learning local farming techniques,
- Legally acquiring land,
- Reuniting their families, and
- Building homes.

Unfortunately, "about 2.5 million Southern Sudanese experienced food insecurity last year, according to the Famine Early Warning Systems Network. That figure was 40 percent above the average during the previous decade. World Food Programme officials have told Integrated Regional Information Networks (IRIN) that the sharp rise in the number of people requiring food aid coincided with an influx of returnees in the run-up to January's independence referendum" (IRIN 2011). To prevent the reoccurrence of civil strife, properly dealing with the flood of returning refugees in the context of food security is another key to ongoing peace.

## Infrastructure Development

"By many yardsticks, [South Sudan] is the least-developed place on earth: 70 percent of its people have no access to any form of healthcare, one in five women die in childbirth, and one in five children fail to make it to their fifth birthday" (Thurston 2011). Unfortunately, support for development has been painfully slow in coming. Roger Middleton, a researcher for the London-based Chatham House research center, explained that although there was a "Unity Fund" set up by the CPA that was to spend oil revenues on development projects, there was little activity on this front until just before the elections. The funds were meant to help build roads, railways, schools and hospitals to show a benefit of remaining united with Sudan, but this opportunity to promote unity sorely missed the mark (Eagle 2010). To help expand infrastructure, South Sudan plans to:

- Build a new capital. Juba as the historical regional capital lacks prime land for investment and therefore countries that recognize the existence of South Sudan will not be able to build embassies. The issue of establishing a new capital was renewed at a Council of Ministers meeting in early 2011 in which the government reached a decision to relocate the capital to a new, more suitable location elsewhere in the South, potentially at Gondokora Island in Central Equatoria. Although located just across the Nile in Greater Juba, the idea of moving the capital continues to be contested (Sudan Tribune 2011).
- Build roads. There are currently less than 30 miles of paved road in a country the size of Texas, making imported food and aid distribution prohibitively costly. Work crews recently started the country's first long-distance paved highway, a 192 kilometer,

USAID-funded stretch that will cost \$225 million (Richmond 2011a). The Juba-Nimule road will be the largest infrastructure project in South Sudan by far (Mahr 2011). It will connect Juba to Uganda, making it the first paved road to connect South Sudan to "the international community." Absence of roads is creating a humanitarian crisis in Jonglei State and other areas, as peacekeepers are unable to reach some of these areas.

Not to be ignored, there is also much country development to be done in regards to communications, clinics, schools, and water and sanitation systems. Multifaceted types of development must be considered for the Republic of South Sudan to be a viable state.

## LESSONS LEARNED

### Does "institutionalization before liberalization" work?

There is no way to tell with any certainty yet that Roland Paris' "institutionalization before liberalization" approach to state-building has worked in South Sudan. Institutionalization before liberalization includes postponing elections until moderate political parties have been established, designing electoral rules that reward moderation rather than extremism, encouraging non-violent and diverse civic associations, controlling hate speech, promoting equitable economic reforms, and creating a neutral bureaucracy (cf. Williams 2005). Paris' approach "begins from the premise that democratization and marketization are inherently tumultuous transformations that have the potential to undermine a fragile peace" (Paris, 2004: 7). If liberalization and marketization in post-conflict societies occurs too rapidly, international efforts may actually revive ethnic tensions and violence instead of reducing them (Paris 2004: 6).

With a six-year interim period between the CPA and the referendum, South Sudan was able to begin this institutionalization. Delaying democratic and market-oriented reforms until effective domestic institutions were established was a strong step, but equitable reforms and a neutral bureaucracy must be encouraged for South Sudan to be a politically stable and fully independent state. The institutionalization before liberalization approach "prioritizes domestic institution building before democratic and market-oriented reforms are introduced into the fragile environment. Once national institutions have the capacity to support liberalization, these reforms can be implemented with gradual and deliberate steps" (IAHPCR 2008). Using the Republic of South Sudan in the next decade as a case study, the "institutionalization before liberalization" approach can be further analyzed to better determine its usefulness. Hopefully, analysts will find that this approach has been successful at keeping transitioning countries like South Sudan at peace.



*Is South Sudan's self-determination an invitation for other countries to secede based on ethnic lines?*

Some believe that South Sudan's secession will provoke a domino effect of unwarranted secessionist tendencies all over Africa. Others also warn that citizens will realize the failures of their national governance and many countries on the continent will disintegrate. As can be seen in the Arab Spring in North Africa, many countries in the region are not only upset with their government but also with the formation of the state itself. The interest in separation is spreading, as can be seen in the following cases (Eagle 2011a):

- Somaliland has been inspired by the secession of South Sudan. Somaliland declared its independence 20 years ago and since then the south has been engulfed in anarchy and civil war. Somaliland is determined now more than ever for the African Union and Somali Democratic Republic to recognize it as its own country.
- Nigeria is much like Sudan in that it also suffers from ongoing tensions between the country's Muslim and Christian populations. It was thought the defeat of the Biafra made country division impossible, but South Sudan's recent experience is rekindling their hope for secession. The main difference between South Sudan and Nigeria, however, is that Nigeria is more divided into states instead of large regional religious divides. In other words, South Sudan's secession is different than Nigeria's tensions because the vast majority of those in the North of Sudan practice Islam while the Southerners mainly practice Christianity and/or Animism. Most of Nigeria's 36 states encompass a set of different ethnicities and religions. Hopefully this difference will help Nigeria remain unified and secure as one.
- In 1990, south of Yemen was its own state. Activists are once again beginning to fight for a separate state again.
- The best candidate for secession is Kurdistan in northern Iraq. Already considered a quasi state, they are functioning almost entirely on their own. They are very much on the road to gaining support for statehood.

Senegal, Angola, Tanzania, and Western Sahara have all had separatist movements in their recent past. But will these countries actually separate?

### **What makes South Sudan's case different from other countries hoping for self-determination?**

Many analysts believe that there is a specific reason that other countries will not have a successful secession movement as previously considered. Jon Temin of the US

Institute for Peace reminds that there are two countries in particular that have had long, bloody wars for independence: 30-plus years in Eritrea (from Ethiopia) and 50 years in Sudan. Nowhere else in Africa is there such a bloody history in the long fight for independence, and therefore nowhere else will people so seriously fight for self-determination (Eagle 2011b).

### **What is the role of outside support in secessionist movements?**

Without outside backing, secessionist movements are far less likely to occur. Erin Jenne argues that the single most important determinant in secessionist movements is external military and financial support. Furthermore, "for every unit increase in outside military support, a minority is 68 percent more likely to advance secessionist demands" (2006: 25). In the instance of South Sudan, both the South Sudanese in the diaspora as active supporters of secession and outside governmental support from countries like the United States in helping mediate the creation of the CPA played a major role in the country's self-determination. Temin also says that "today the only other region in Africa to enjoy significant international support for its liberation struggle is Western Sahara, where the Polisario Front has been fighting for independence from Morocco. The United Nations granted the group official recognition 31 years ago" (Eagle 2011b). Without financial and military backing from outside, international and local support for secession would be minute.

### **CONCLUSION**

Wars fought over self-determination are both deadlier and more entrenched than wars fought over any other ideology (Jenne 2006: 8). The immense loss of life and home of millions of Sudanese people cannot be repeated. Issues of revenue-sharing, debt-sharing, border disputes, citizenship, refugees, and development all must be effectively and immediately handled to promote peace in South Sudan and the Great Lakes Region of Africa.

"Of the African Union's 53 members, eight or nine could currently be described as war zones, and there are plenty more – such as Chad, Togo, and Guinea – that could go that way at any moment" (Ellis 2005: 2). It is possible, though unlikely, that other countries will follow suit and secede as South Sudan has. Either way, the international community must remain vigilant to the atrocities of marginalization due to war and authoritarian governments if we are to encourage sustainable peace and development. To reduce the loss of innocent lives, we must learn to understand the progression and severity of underlying aspects of enduring conflicts much earlier. And when there is no other option, we must learn to embrace and support the creation of a new



state.

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