UNISCI Discussion Papers

UNISCI

UNIDAD DE INVESTIGACIÓN SOBRE SEGURIDAD Y COOPERACIÓN INTERNACIONAL

RESEARCH UNIT ON INTERNATIONAL SECURITY AND COOPERATION

SPECIAL ISSUE ON SUDAN AND SOUTH SUDAN / EDICIÓN ESPECIAL SOBRE SUDÁN Y SUDÁN DEL SUR

 (María-Ángeles Alaminos Hervás, coord.)

CUESTIONES DE ACTUALIDAD / *COMMENTARIES ON CURRENT EVENTS*

Disponible on-line:
Available on-line:

www.ucm.es/ info/unisci

UNISCI Discussion Papers

ÍNDICE / *CONTENTS*

CUESTIONES DE ACTUALIDAD / *COMMENTARIES ON CURRENT EVENTS*

CRITICA DE LIBROS / *BOOK REVIEWS*

NOVEDADES / *LATEST NEWS*

NOTA EDITORIAL / EDITOR´S NOTE

Antonio Marquina[1]
UNISCI Director

This special issue coordinated by Maria Ángeles Alaminos is focused on several political and international aspects of the new Sudan after the division of North and South. In this issue we wanted to move a little bit to Africa, a continent which has received scant attention in the Spanish academic circles who deal with international relations. I consider that these articles can help the reader to understand the complex situation created after the division of Sudan, as the complicated problems that remain unsolved between the two States represent a challenge for the entire region.

This Journal also includes two other articles dealing with current events. The first, by Professor Dan Tschirgi deals with the set of (we may add, not very convincing) policies towards the Middle East by Obama´s administration, where the author advocates the urgent need for clarification by the US of its role in the region. The second, by Salma Yusuf, deals with the lessons to be learned by Sri Lanka from the Malaysian experience, policies and programs, for its present process of unification. This comparative analysis is particularly useful and interesting, given the challenges that both countries have to face for the full integration of their own minorities.

I want to thank Maria Ángeles Alaminos for her dedication in the preparation of this issue.

---

[1] Antonio Marquina Barrio is Chair of Security and Cooperation in International Relations, Director of the Department of Public International Law and International Studies of the Universidad Complutense de Madrid (UCM), Director of UNISCI and President of Foro Hispano-Argelino. His main research lines are security in Europe, the Mediterranean, Asia-Pacific, arms control and food security.
Address: Departamento de Estudios Internacionales, Facultad de Ciencias Políticas y Sociología, UCM, Campus de Somosaguas, 28223 Madrid, España.
E-mail: marioant@cps.ucm.es.

8

NOTA DE LA COORDINADORA / COORDINATOR´S NOTE

María-Ángeles Alaminos[1]
UCM / UNISCI

The current crises in Sudan and South Sudan highlight the need for discussion and reflection on the key issues surrounding South Sudan's secession from the North. This collection of articles considers those crises emerging between and within the Sudans and seeks to understand both Sudanese and South Sudanese internal dynamics and the way they relate to the external influence of major powers.

The history of Sudan, formerly the biggest African country and often considered "a microcosm of Africa", has been characterized by inequality between the center and the peripheries and by protracted internal conflicts that have shaped the country since its independence from British and Egyptian rule in 1956.

The Comprehensive Peace Agreement (CPA), which was signed in 2005 between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A), brought an end to the second civil war in Sudan and granted the people of Southern Sudan the right to self-determination through a referendum. However, the independence of South Sudan on 9 July 2011 - as the consequence of an overwhelming Southern vote for secession in the referendum held in January 2011 - has not provided a solution to the North-South conflict.

In his article, **Aleksi Ylönen** analyzes the external intervention during the CPA's implementation in Southern Sudan between 2005 and 2011. The author argues that the external intervention was mainly based on a 'peace-through-statebuilding' approach and suffered from limitations that were evident in terms of governance and development during the CPA implementation and afterwards. The focus on statebuilding through an exclusive partnership between the main external actors and the SPLM/A leadership failed to promote inclusive nation building and excluded the political participation from various sections of Southern Sudanese society. As a consequence, this short-term strategy has been unable to generate neither a sustainable peace nor state legitimacy in Southern Sudan.

There has also been serious inter-communal violence and renewed conflict in several states of South Sudan, which reflect the complex context and challenges to state-building in the new state.

[1] María Ángeles Alaminos Hervás – the editor of this Special Issue on Sudan and South Sudan - is a PhD candidate and research fellow in International Relations at Complutense University of Madrid, and researcher of UNISCI. Her main research areas are: European foreign policy, Sudanese politics, external intervention, theory of conflict, security-development nexus.
Address: Departamento de Estudios Internacionales, Facultad de Ciencias Políticas y Sociología, UCM, Campus de Somosaguas, 28223 Madrid, España.
E-mail: ma.alaminos@cps.ucm.es.

Building on decentralized state-building theory, **Sara de Simone** analyzes the origins of the current system of local government in South Sudan. The author argues that an approach of decentralized statebuilding in a context where formal state structures at a local level did not previously exist needs to start from the delimitation of territorial units. The author focuses on the County level of government and takes Unity State as a case study in order to assess the local effects of the delimitation of territorial units and explains why internal border conflicts between Unity State counties arise. The data from the specific case study shows that internal border disputes revolve around access to land and basic services, and are grounded on tribal and clan affiliation – and identity manipulation – as the perception of access to resources is perceived to be granted on those tribal lines.

Through the analysis of a large repertoire of Dinka songs from South Sudan, **Angela Impey** shows how the words and themes contained in those songs appear to be concurrent with, and separate from, the official narrative about national reconciliation that is generated by government ministries and their international partners. Drawing on the agentive role of Dinka songs in South Sudan, the author interprets the making of songs in Dinka society as 'acts of citizenship' aimed at addressing core concerns of the national reconciliation process. The analysis of the songs allows the author to examine how peace, justice and national reconciliation are imagined at the local level and might be implemented in order to answer to the local concerns of the population. As a consequence they offer the potential to act as a significant counterweight to institutional and often culturally inappropriate discourses on peace and reconciliation.

Although South Sudan has attained independence, the root causes of the North-South conflict continue to be present. As for Sudan's other peripheries, tensions are increasing, particularly within the states of South Kordofan and Blue Nile. The Darfur conflict continues unabated, reflecting a constant pattern of exclusion that has historically manifested in social inequality and political asymmetries.

The article of **Benedetta de Alessi** examines the conflict that erupted in the border areas at the end of the interim period, both in Southern Kordofan and Blue Nile states, between the Government of Sudan and the SPLM/A-North. The underlying causes of the new conflict are rooted in several key factors related to the outstanding CPA commitments and post-secession arrangements. The author argues that the conflict in the 'Two Areas' is the direct result of the failure of the CPA to address Sudan's issue of sovereignty beyond the North/South divide, both in its design and implementation. The case of Sudan can be considered through the prism of recent scholarship that reveals the failure of liberal peacebuilding in the Third World. In fact, as a result of the CPA, the author states, neither peace nor democracy were reached in Sudan.

Although the issue of oil revenue sharing is one of the key outstanding post-secession arrangements – along with the border demarcation, the question of citizenship and the status of Abyei – there are other renewable natural resources that shape the relations between Sudan and South Sudan, mainly in the border areas. **Samson S. Wassara** examines the relevance of water and pastures on inter-communal relations around the White Nile in northern Upper Nile and the Kiir/Bahr el-Arab river basins. The author examines the historical relations of the border communities and the changing system of sharing water resources and grazing land because of the recurrent conflicts and crises in the border areas. The exploitation of water and land has been affected by the volatile political situation in the border areas and has generated poverty and underdevelopment among the community users.

As we have seen, Sudan is the theater of several conflicts, leading to a new war in Sudan's new South and an ongoing civil war fought from the West in Darfur. Building on the concept of 'system of conflicts', **Amandine Gnanguênon** examines the specific case of Darfur between 2003 and 2011, explaining how violence and disorder arose and developed at local, national and regional levels. The author argues that there is a link between the system of conflicts in Darfur and the nature of the state, i.e. how the erosion of legitimacy of the regime in place confers de facto legitimacy on those rebel groups who demand their rights to access national resources. Moreover, the author interprets the intensification and regionalization of political conflicts in Darfur as a state-forming process rather than an expression of its decline.

The situation in Sudan cannot be understood without taking into consideration the bordering countries and the relationship between the various actors given that the secession of South Sudan from Sudan and its consequences directly affect political and economic relations at regional level. In his article, **Volkert M. Doop** analyzes Ethiopia's relations with Sudan and South Sudan in recent history. The author examines the profound and far-reaching changes these countries have undergone over the last two decades, and the new challenges produced by such a transformation. The author argues that, despite the significant transformation processes in the Horn of Africa, the driving forces behind Ethiopian foreign policy in relation to Khartoum and Juba have not changed.

Finally, two Sudanese scholars examine the financial system in Sudan and the advantages a confederation system could provide to both Sudans. In his article, **Ibrahim A. Onour** analyzes the financial system in Sudan after the secession of South Sudan, with consequent changes in production and income, and the necessity to adjust to such profound changes. The author sets up a macroeconomic model designed to describe how a small and open economy endures political uncertainty arising from a country splitting into two independent parts. The author argues that the post-secession period is likely to be characterized by economic instability and political unrest for both sides unless economic cooperation between the two countries is maintained. Lastly, **John A. Akec** examines the historical evolution of the concept of confederation in Sudan's political vocabulary and advocates for this system as the most appropriate for building stable and prosperous relations between Sudan and South Sudan. The author argues that the confederation system would have been a potential option to resolve some of the key outstanding post-Referendum arrangements, and is an interesting strategy to be adopted by both Sudan and South Sudan in order to bring the two Sudans back into a path of unity or economic integration.

BUILDING A STATE WITHOUT THE NATION? "PEACE-THROUGH-STATEBUILDING" IN SOUTHERN SUDAN, 2005-2011

Aleksi Ylönen[1]
Peace Research Institute Frankfurt /Universidad Autónoma de Madrid

Abstract:

In January 2005 the signing of the Comprehensive Peace Agreement (CPA) brought Africa's longest-running war in Southern Sudan to its formal end. Essentially a two-party power-sharing treaty between the Government of Sudan and the largest rebel organization in Southern Sudan, the Sudan People's Liberation Movement/Army (SPLM/A), the CPA, which provided a roadmap for peace between the main warring parties and facilitated the secession of Southern Sudan in July 2011, faced a number of challenges due to being imposed over a complex landscape of local political actors. This article analyzes the external intervention during the CPA implementation in Southern Sudan in 2005-2011. It treats state-building and nation-building as separate in order to demonstrate the limits of the current intervention aimed at building a legitimate and authoritative state. The article argues that the external intervention in Southern Sudan, characterized by "peace-through-state-building" approach, was unable to ensure peace during the period examined due to its lack of focus on nation building.

Keywords: Southern Sudan, Comprehensive Peace Agreement, Post-conflict intervention, Peace-Building, State-building, Nation-Building.

Resumen:

En enero de 2005 la firma del Acuerdo General de Paz (AGP) puso fin oficialmente a la guerra civil más larga de África, en el Sur de Sudán. El AGP es en esencia un tratado para compartir el poder entre el Gobierno de Sudán y la mayor organización rebelde en el Sur de Sudán, el Movimiento/Ejército de Liberación del Pueblo de Sudán (M/ELPS). Si bien el AGP proporcionó una hoja de ruta para la paz entre las principales partes en conflicto y facilitó la secesión de Sudán del Sur en julio de 2011, se vio afectado por una serie de dificultades derivadas de su imposición a un panorama complejo de actores políticos locales. En este artículo se analiza la intervención externa durante la implementación del AGP en el Sur de Sudán en el período 2005-2011. Se abordan por separado los temas de construcción del Estado y construcción de la nación, con el fin de demostrar los límites de la intervención actual destinada a la construcción de un Estado legítimo y con autoridad. El artículo sostiene que la intervención externa en el Sur de Sudán, que se caracteriza por el enfoque de "paz a través del proceso de construcción del Estado", no fue capaz de garantizar la paz durante el período investigado debido a su falta de atención al proceso de construcción de la nación.

Palabras clave: Sudán del Sur, Acuerdo General de Paz, intervención post-conflicto, construcción de la paz, construcción del Estado, consolidación nacional.

---

[1] Dr. Aleksi Ylönen is a Visiting Fellow at Peace Research Institute Frankfurt and a Member of African Studies Group at Autonomous University of Madrid. His research focuses on state formation, armed conflicts, and peace- and statebuilding, with a geographical emphasis on Horn of Africa and the Sudans. The author can be contacted by e-mail at aleksi.ylonen@gmail.com.

1. Introduction

In January 2005 the signing of the Comprehensive Peace Agreement (CPA) brought Africa's longest-running war in Southern Sudan to its formal end. Essentially a two-party power-sharing treaty between the Government of Sudan and the largest rebel organization in Southern Sudan, the Sudan People's Liberation Movement/Army (SPLM/A), the CPA, which provided a roadmap for peace between the main warring parties and facilitated the secession of Southern Sudan in July 2011, faced a number of challenges due to being imposed over a complex landscape of local political actors.

The CPA implementation period, during 2005-2011, saw an unprecedented international intervention in Southern Sudan. By focusing on the local protagonists, the main external actors sought to prevent them from returning to war, and emphasized the (re)construction of state structures in Southern Sudan where the war had primarily taken place. Drawing from the liberal peacebuilding doctrine's orientation towards statebuilding, the attempt to secure peace in Southern Sudan from 2005 onwards became linked with the short-term strategy of constructing authoritative state institutions and structures. However, the concentration on the state as the main priority sidelined the building of national unity, a crucial aspect for devising long-term peace in Southern Sudan that had been torn along ethnic lines during the war. As a result, the focus on statebuilding aimed at achieving the absence of armed violence, or "negative peace", in the short-term, while sidelining the long-term process of bringing national unity through nationbuilding, the main element generating conditions of more sustainable, long-term, "positive" peace.

This article analyzes the external intervention during the CPA implementation in Southern Sudan in 2005-2011. It treats statebuilding and nationbuilding as separate in order to demonstrate the limits of the current intervention aimed at building a legitimate and authoritative state. The article argues that the external intervention in Southern Sudan, characterized by "peace-through-statebuilding" approach, suffered from limitations reflected in governance and economic development during the CPA implementation, and points out that the focus on statebuilding and distribution of development dictated by the exclusive partnership between the main external actors and the narrow group of local protagonists (the SPLM/A-Government of Southern Sudan leadership) brought about conditions which, by neglecting nationbuilding and distributing economic opportunities and economic development exclusively, failed to promote inclusive nationbuilding and generate state legitimacy by excluding significant sections of southern Sudanese society. Finally, the article shows that this narrow short-term strategy of external intervention was unable to generate conditions for sustainable, "positive", peace until the independence of the Republic of South Sudan in July 2011. This situation has remained largely unchanged since then.

The article is organized in the following manner. First, it provides a brief introduction to the evolution of peacebuilding towards peace-through-statebuilding in the international post-conflict interventions and explains its relationship with nationbuilding. The article then proceeds by presenting a short background to Southern Sudan and to the CPA, after which it concentrates on examining the post-war intervention in Southern Sudan by highlighting the central issues in governance, development, and security sector. Finally, the article concludes with a discussion about the importance of nationbuilding in decreasing direct and "structural" violence and improving conditions towards achieving "positive peace".

2. Peace-through-State-building and Nation-building

The term "Peacebuilding"[2] first appeared in the 1970s. It subsequently resurfaced in the United Nations (UN) agenda in the early 1990s when it featured in Secretary General Boutros Boutros-Ghali's *An Agenda for Peace* (1992)[3] that set the initial framework for "post-conflict peacebuilding" in the UN intervention strategies. The peacebuilding agenda, targeting states emerging from armed conflict, assumed achieving Western-type state order as an optimal solution with the premise that ensuring the conduct of democratic elections soon after a peace agreement and creating a foundation for market economy would bring about liberal democratic and economic order and long-lasting peace.[4] However, after the initial experiences in the 1990s guided by these principles, which included the failures to contain violence in Angola, Liberia, and Rwanda,[5] this approach confronted vibrant criticism for its imposition of political and economic order based on Western norms leading to "mission civilisatrice".[6] This was represented in ever more intrusive interventions which increasingly involved institution-building in the receiving states.[7]

In the aftermath of 11September 2001 attacks on the United States, Washington became major player in influencing the multilateral liberal peacebuilding agenda. Its focus on statebuilding that had from the 1990s featured "building loyal and politically stable subordinate states" shifted towards "building legitimate states [based on] broad-based popular support for nascent states by creating democratic institutions and spearheading economic reforms".[8] This in turn pushed the general peacebuilding agenda further towards the assumption that sophisticated social engineering could take over, or at least speed up, the more "natural" process of state formation.[9] As a result, increasing focus was put on the importance of (re)constructing states and state institutions according to the Western norms with an assumption that this would promote sustainable peace.

Through the increasing focus on statebuilding an attempt has been made to arrive closer to a holistic approach to building sustainable peace. This "comprehensive" idea emphasizes the social contract and the provision for essential needs, such as security, and basic services, incorporating the broad view on human security. This "holistic" approach adopts a conventional approach to security through the state. Security is deemed principally as the state's responsibility, and focus on elevating state capacity is assumed to automatically

---

[2] Galtung, Johan: "Three Approaches to Peace: Peacekeeping, Peacemaking, and Peacebuilding", in Galtung, Johan *(*ed.) (1975): *Peace, War and Defense: Essays in Peace Research, Vol. II*, Copenhagen, Christian Ejlers, pp. 297-298.

[3] Boutros-Ghali, Boutros (1992): *An Agenda for Peace. Preventive Diplomacy, Peacemaking and Peace-keeping*, Report of the Secretary-General, A/47/277 - S/24111, The United Nations.

[4] Paris, Roland (2004): *At War's End: Building Peace after Civil Conflict*. Cambridge, MA, Cambridge University Press; and Paris, Roland and Sisk, Timothy D.: "Introduction: Understanding the Contradictions of Postwar Statebuilding", in Paris, Roland and Sisk, Timothy D. (eds.) (2009), *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations*, Abingdon, Routledge, pp. 1-20.

[5] See i.e. Paris, Roland and Sisk, Timothy D. (2007): *Managing Contradictions: The Inherent Dilemmas of Postwar Statebuilding*, New York, International Peace Academy; and Paris, Roland and Sisk, Timothy D. (eds.) (2009): *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations*, London, Routledge.

[6] Paris, Roland: "International Peacebuilding and the Mission 'Civilisatrice'", *Review of International Studies*, vol. 28, n° 4 (2002), pp. 637-656.

[7] This was particularly the case with the interventions in Kosovo and Timor-Leste.

[8] Lake, David: "The Practice and Theory of US Statebuilding", *Journal of Intervention and Statebuilding*, vol. 4, n° 3 (2005), p. 257.

[9] Krause, Keith and Jütersonke, Oliver: "Peace, Security and Development in Post-Conflict Environments", *Security Dialogue*, vol. 36, n° 4 (2005), pp. 447-462.

increase the level of human security. Strengthening the perceivably "fragile", "failed", and "collapsed" states has been considered to require more coordinated action which has led to the UN resolutions[10] to establish Peacebuilding Commission, Peacebuilding Fund, and Peacebuilding Support Office in 2005.

Thus, the peacebuilding interventions have developed into complex statebuilding affairs. This owes to the wide recognition that at least rudimentary institutional structures need to be in place to improve the chances of peacebuilding success in the long-term.[11] These interventions have increasingly aimed at dealing with origins of conflicts, such as inequality, and promote the main pillars of liberal peace, including human rights, good democratic governance, rule of law, sustainable development, equal access to resources, and environmental security,[12] which has provoked perceptions of intrusive peacebuilding interventions as a form of imperialism.[13]

The focus on statebuilding has been intimately linked to the attempts to elevate state capacity. Although advocating the importance of state in peace and development is not new,[14] this only became an important factor in peacebuilding interventions since the millennium and developed into increasing emphasis on the state functions, such as state's ability to deal with armed conflict, provide security, and engage in "good governance". State's capacity is therefore viewed as inseparable from peace, reconstruction, development, and internal and external security.

This convergence of peacebuilding with statebuilding within the liberal peace paradigm has to an extent sought to reconcile with the criticism of its formal-institutional top-down approach. It is perceived that its lack of society-oriented bottom-up focus as a simplified model of social order on a "multi-faceted social world" fails to create legitimacy at the local level.[15] Thus, it has been pointed out that statebuilding cannot be strictly a top-down process but needs to incorporate bottom-up considerations.[16] Indeed providing services locally instead of investing heavily on top-down centralization "…would acknowledge that, in a post-conflict environment, a hybrid minimal state may be the most locally owned, legitimate, accountable and effective alternative".[17]

Despite this complementarity, however, a number of interventions have remained as top-down processes. The UN has often favored its hierarchical peacebuilding approach in which the intervention is to a large extent channeled through the national government. This has often also been the preferred strategy of other interveners in their attempt to strengthen the recipient state. Yet, in some occasions the exclusive partnership between the external

---

[10] UNGA: *The Peacebuilding Commission*, United Nations General Assembly Resolution 60/180, 30 December 2005; and UNSC: *United Nations Security Council Resolution 1645*, 20 December 2005.

[11] See Call, Charles T. and Cousens, Elizabeth E.: "Ending Wars and Building Peace: International Responses to War-Torn Societies", *International Studies Perspectives*, n° 9 (2008), pp. 1-21; and Paris and Sisk, *op. cit.*

[12] Barnett, Michael and Zürcher, Christoph: "The Peacebuilder's Contract: How External State-building Reinforces Weak Statehood", in Paris, Roland and Sisk, Timothy D. (eds.) (2009): *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations*, Abingdon, Routledge, pp. 23-52.

[13] See i.e. Schellhaas, Constanze and Seegers, Annette: "Peacebuilding: Imperialism's New Disguise?", *African Security Review*, vol. 18, n° 2 (2009), pp. 2-15.

[14] See i.e. Evans, Peter B.; Rueschemeyer, Dietrich and Skocpol, Theda (eds.) (1985): *Bringing the State Back In*, Cambridge, MA, University of Cambridge Press.

[15] Bliesemann de Guevara, Berit: "The State in the Times of Statebuilding", *Civil Wars*, vol. 10, n° 4 (2010), pp. 348-368.

[16] Chandler, David (2006): *Empire in Denial: The Politics of Statebuilding*, London, Pluto.

[17] Baker, Bruce and Scheye, Eric: "Access to Justice in a Post-conflict State: Donor-supported Multidimensional Peacekeeping in Southern Sudan", *International Peacekeeping*, vol. 16, n° 2 (2009), p. 182.

interveners and the recipient government in post-war situations have resulted in consolidation of political and economic governance order based on the strongest local actors and starkly excluding other relevant parties. This can be said to have maintained the conditions of "structural", and at times direct violence, in which state may play an important role and in which those marginalized in the prevailing political and economic system tend to be in the receiving end. As a result, at best a local reality of "negative peace", or absence of direct large-scale violence, may be constructed in the short-term, based on (re)building the state institutions but in the absence of an inclusive social contract that encompasses all sections of the society. Here, the main question becomes legitimacy which the external statebuilding interventions claim to address,[18] but which often fails particularly in the hierarchical interventions. Therefore, seeking "peace through statebuilding"[19] cannot be equated with peace.[20] Largely due to this, it has been suggested that interventions should increasingly directly prioritize human security,[21] including justice and social welfare,[22] and, if necessary, bypass the state, and that strategies to establish liberal economy should be altered[23] even to the extent of pursuing a bottom-up strategy and replacing the general state centrism in interventions with the focus on individuals.[24]

The emphasis on individuals, centerpiece of traditional liberal theories, and constructing post-war interventions from the bottom-up starkly contrasts the current peace-through-statebuilding practice. It also opens an avenue for a more comprehensive approach to enforce the legitimacy of political and economic order by focusing on (re)building societies after the armed conflict through a long-term process of creating societal unity through common identity. However, it may undermine the state particularly if human security is provided mainly by non-state actors, and in some cases result in the state becoming redundant in specific local contexts in which state-local contacts are scarce and problematic. In practice, a human security strategy focused on non-state actors especially in post-conflict situations may deprive the state from its critical security provision function, and is likely to be extremely difficult to implement because it requires acceptance by the state in question.

According to the prevailing opinion among scholars, nations and national identities are socially constructed.[25] They are shaped by past incidents and influenced by future events, and

---

[18] Rocha Menocal, Alina: "State-Building for Peace: A New Paradigm for International Engagement in Post-Conflict Fragile States?", *RSCAS 2010/34*, European University Institute, 2010; and OECD: "International Support to Statebuilding in Situations of Fragility and Conflict", DCD/DAC(2010)37/FINAL, Organisation for Economic Co-operation and Development, 14 January 2011.

[19] Ylönen, Aleksi: "Limits of 'Peace through Statebuilding' in Southern Sudan: Challenges to State Legitimacy, Governance and Economic Development during the Comprehensive Peace Agreement Implementation, 2005-2011", *Journal of Conflictology*, vol. 3, n° 2 (2012), pp. 28-40.

[20] Rocha Menocal, *op. cit.*, p. 12.

[21] Richmond, Oliver P.: "Emancipatory Forms of Human Security and Liberal Peacebuilding", *International Journal,* vol. 62, n° 3 (2007), pp. 459-477.

[22] Richmond, Oliver P.: "The Problem of Peace: Understanding the 'Liberal Peace'", *Conflict, Security and Development*, vol. 6, n° 3 (2006), pp. 291-314.

[23] Paris, Roland: "Saving Liberal Peacebuilding", *Review of International Studies*, vol. 36, n° 2 (2010), pp. 337-365.

[24] Futamura, Madoka; Newman, Edward and Tadjbakhsh, Shahrbanou: "Towards a Human Security Approach to Peacebuilding", *Research Brief 2*, United Nations University, 2010.

[25] Deutsch, Karl W. (1953): *Nationalism and Social Communication. An Inquiry into the Foundations of Nationality*, Cambridge, MA, Cambridge University Press; Berger, Peter L. and Luckmann, Thomas (1966): *The Social Construction of Reality: A Treatise in the Sociology of Knowledge*, Garden City, NY, Anchor Books; Anderson, Benedict (1983*): Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London, Verso; Gellner, Ernest (1983): *Nations and Nationalism*, Ithaca, NY, Cornell University Press; and Hobsbawm, Eric J. (1992): *Nations and Nationalism since 1780: Programme, Myth, Reality,* Cambridge, MA, Cambridge University Press.

especially in ethnically divided societies national identity may be guided by sophisticated constitutional engineering.[26] This implies that nationbuilding is a top-down process in which elites, as part of political competition, construct and manipulate distinct layers of identities.[27]

Here the use of symbolism becomes vital. According to Butz, inclusive and new "neutral" national symbols which include all groups could allow the establishment of common overarching national identity, binding often ethnically heterogeneous post-war societies.[28] It has also been suggested that such symbols need to have rich content and complicated in structure to allow room for distinct interpretations among populations that form a fragmented and heterogeneous community at best, particularly when potentially contentious inter-group relations prevail.[29]

However, peace-through-statebuilding interventions can lack emphasis on nationbuilding. Too heavy focus on building peace through the creation of state institutions in the short-term, but without ensuring their legitimacy that can be achieved through effective nationbuilding, may be insufficient in establishing state authority particularly in highly fragmented and polarized post-conflict societies. Since most conflicts in such societies are driven by exclusion and marginalization, inclusive nationbuilding becomes essential part of long-term peacebuilding.

Finally, combining nationbuilding with statebuilding allows an approach that draws heavily from the local communities in a bottom-up manner in building unity at the national level. This is likely to lead to increasing feeling of inclusiveness and legitimacy of governance and the state by diminishing "structural violence". It would allow the promotion of conditions of "positive peace" in the long-term. Yet, despite the wide recognition of the need of building "positive peace", external peace-through-statebuilding have often remained largely exclusive in their focus to (re)construct state institutions and structures.

The next sections of this article concentrate on peacebuilding in Southern Sudan during the CPA implementation (2005-2011). They point out the external interveners' almost exclusive focus on peace-through-statebuilding and narrow partnership with the SPLM/A elite, without insisting on a consistent and inclusive process of nationbuilding to bring legitimacy to the newly established state institutions. It is argued that given the SPLM/A's limited legitimacy in many parts of southern Sudan, and due to the persistent organized armed violence, inclusive nationbuilding should be prioritized and systematically pursued as a conflict resolution mechanism to treat exclusion and marginalization, major root causes of violence.

---

[26] Kerr, Michael: "A Culture of Power Sharing", in Taylor, Rupert (ed.) (2009): *Consociational Theory: McGarry and O'Leary and the Northern Ireland Conflict*, London, Routledge, pp. 206-220.

[27] Posner, Daniel N. (2005): *Institutions and Ethnic Politics in Africa*, New York, NY, Cambridge University Press; and Eifert, Benn; Miguel, Edward and Posner, Daniel N.: "Political Competition and Ethnic Identification in Africa", *American Journal of Political Science*, vol. 54, n° 2 (2010), pp. 494-510.

[28] Butz, David A. (2009): *National Symbols as Agents of Psychological and Social Change*, Amherst, MA, University of Massachusetts Press, p. 21.

[29] Cerulo, Karen A. (1995): *Identity Designs: The Sights and Sounds of a Nation*, New Brunswick, NJ, Rutgers University Press.

3. War in Southern Sudan and the CPA

The protracted insurgencies in Southern Sudan have attracted academic attention for a long time. The first insurgency (1955-1972) has been widely covered, and the second rebellion (1983-2005) has received even more scholarly interest, while many influential works on the wars as a whole also exist.[30] Southern Sudan has long history of violence, but in 1955 it began to experience armed conflict as a result of decolonization which had led to the marginalization of southern elite at the national level and annexation of Southern Sudan to the Sudanese state as its southern borderland. The first insurgency intensified significantly only in the early 1960s when armed opposition consolidated. Yet, the heterogeneous Southern Sudanese armed factions forged under the loose leadership of Southern Sudan Liberation Front/Movement remained as the underdog and was pressured to accept a peace agreement mediated by Ethiopia in 1972. Although the Addis Ababa Agreement established self-government with limited autonomy in the region, and became part of the Sudanese constitution of 1973, the period of self-rule failed to bring together the ethnically highly heterogeneous population and sections of its leadership which continued to engage in severe, and occasionally violent, political competition along ethnic lines. This was one of the reasons that permitted the central government to manipulate southern political scene and weaken the southern regional government until its unilateral dissolution in 1983 by President Jaafar Nimeiri that contradicted the national constitution.

This situation set the stage for the second rebellion in Southern Sudan which began in 1983. Again, politicized ethnic differences led to severe violence within Southern Sudan, which yet again was manipulated by Khartoum. However, by mid-1980s the SPLM/A, forged around leadership of military men from the Southern Sudan's Dinka majority, had gained upper hand among armed groups in the region and subsequently conquered most of it while Khartoum supported local ethnic militias and self-defense groups in its counterinsurgency campaign. Yet, a military coup in 1989 in Khartoum brought an Islamist faction of the northern ruling elite to power and the government gained an upper hand in the war. This, together with the collapse of its main backer, the Mengistu regime in Ethiopia, weakened the SPLM/A, while it had also suffered a split that led to devastating fighting between sections of the Dinka and the second largest ethnic group in Southern Sudan, the Nuer. Soon, however, the SPLM/A began to receive support from Uganda, Eritrea, and Western powers headed by the United States (US), which again turned the tables.

Many Southern Sudanese have fought for self-determination in a context of political, economic, and social state marginalization.[31] Since the late 19th century Southern Sudan had been only loosely integrated in the Sudanese polity and the protracted insurgencies hindered this process further. At the same time, however, the conflict had maintained Southern Sudan

---

[30] For the first conflict, see i.e. Eprile, Cecil (1974): *War and Peace in the Sudan, 1955-1972*, London, David & Charles; O'Ballance, Edgar (1977): *The Secret War in the Sudan: 1955-1972*, London, Faber and Faber; and Poggo, Scopas S. (2008): *The First Sudanese Civil War: Africans, Arabs, and Israelis in the Southern Sudan, 1955-1972*, New York, NY, Palgrave Macmillan. For accounts that mainly concentrate on the second insurgency, see i.e. Deng, Francis M. (1995): *War of Visions: Conflict Identities in the Sudan*, Washington, DC, The Brookings Institution; Lesch, Ann Mosely. (1998): *The Sudan: Contested National Identities*. Bloomington, IN, Indiana University Press; Jok, Jok M. (2001): *War and Slavery in Sudan*, Philadelphia, PA. University of Pennsylvania Press; Jok, Jok M. (2007): *Sudan: Race, Religion and Violence*, Oxford, Oneworld; and Johnson, *op. cit.*

[31] See Ylönen, Aleksi: "On Sources of Political Violence in Africa: The Case of 'Marginalizing State' in Sudan", *Política y Cultura*, n° 32 (2009), pp. 37-59; and Ylönen, Aleksi (forthcoming): *On State, Marginalization, and Origins of Rebellion: The Formation of Insurgencies in Southern Sudan*, Trenton (NJ), Africa World Press/The Red Sea Press.

itself as a region in which competing ethnically based political orders imposed by a number of rebel groups and government-aligned militias competed for supremacy through armed violence.[32]

Although the signing of the Comprehensive Peace Agreement (CPA) marked the formal end to Africa's longest war in Sudan in 2005, Southern Sudan remained torn along ethnic cleavages despite the fact that the SPLM/A had consolidated itself as the main military force in the region. However, it exercised limited territorial and social control in some of the region's more remote areas, particularly in the Greater Upper Nile where other rebel groups remained strong.

In fact, the CPA was mainly a culmination of longstanding attempts by external actors to bring peace in Sudan. These efforts had been largely motivated by the challenge to minimize the regionally destabilizing effects of the war. The Inter-Governmental Authority for Drought and Development (IGADD, now Inter-Governmental Authority for Development, IGAD), had taken the initiative and prevailed over other competing peace attempts largely due to Western backing in which the US played a significant role.[33] As a result, the CPA was an agreement endorsed primarily by the main Western actors with interests in Sudan, who after its conclusion in 2005 became also major external interveners in Southern Sudan.

In essence, the CPA was a power-sharing treaty concentrating on redistribution of political and economic power between the protagonists of the war, the National Congress Party (NCP) controlled Government of Sudan (GoS) and the SPLM/A. Highly elite-focused, it sought to accommodate the grievances of the SPLM/A elite by incorporating its members in the national political institutions,[34] and allowing the SPLM/A, which had governed most of Southern Sudan for long periods of time during the war,[35] to formalize its political and economic hegemony in the region.

The IGAD process and the resultant CPA had deliberately focused on the two principal local actors. This had been undertaken in order to facilitate progress in the negotiations by focusing on the protagonists and excluding other local actors, which fostered a simplified view of the complex history of war and political instability.[36] The attempt had been to iron out the differences of the warring parties in a straightforward manner to facilitate the obtaining of positive results, but the process failed to produce credible resolutions to address conflicts in the North-South transitional areas in the Nuba Mountains of Southern Kordofan and Blue Nile, and it deliberately ignored Sudan's other insurgencies in Darfur and in the Red Sea

---

[32] On the local armed actors, rebel governance, and economic order during the conflicts see i.e. Rolandsen, Øystein (2005): *Guerrilla Government: Political Changes in the Southern Sudan during the 1990s*, Uppsala, Nordic Africa Institute; and Nyaba, Peter Adwok (2000): *The Politics of Liberation in South Sudan*, Kampala, Fountain Publishers.

[33] Malito, Debora and Ylönen, Aleksi: "Bypassing the Regional? International Protagonism in the IGAD Peace Process in Sudan and Somalia", in Lorenz-Carl, Ulrike and Rempe, Martin (eds.) (2013): *Mapping Agency: Comparing Regionalisms in Africa*, London, Ashgate, pp. 35-57.

[34] See i.e. Grawert, Elke: "Introduction", in Grawert, Elke (ed.) (2010): *After the Comprehensive Peace Agreement in Sudan*, Suffolk, James Currey, p. 1.

[35] Rolandsen, *op. cit.*

[36] Malito and Ylönen, *op. cit.*

region.[37] The CPA, thus, failed to tackle the widely recognized centre-periphery character of the armed conflict in Sudan.[38]

The CPA initiated a period of unprecedented external intervention focused on consolidating peace, although Southern Sudan had been exposed to external interventions also during the war.[39] Driven mainly by Western actors and multilateral bodies, this intervention followed liberal peacebuilding agenda which at the time had evolved into focusing the building of state institutions to prevent relapse to war. In the case of Southern Sudan state structures had hardly existed, which motivated the peacebuilding interveners to target statebuilding.

Paradoxically, during the CPA implementation period the extensive restructuring of the political and economic system at the national level was never enforced despite it having been the SPLM/A leadership's main objective in its political program to establish a "New Sudan".[40] As long as the NCP was willing to accommodate the most important interests of the SPLM/A, and allow the SPLM/A leadership to enter to an extent into the otherwise exclusive realm of the northern elite, a wholesale transformation of the political system to remedy the north-central elites' exclusion and marginalization of the periphery was watered down. In this manner, the roots of the SPLM/A insurgency and other conflicts in the periphery of the Sudanese state never entered the core of the peace process or were addressed by the CPA which formalized the NCP domination of national political scene and the SPLM/A domination of Southern Sudan which received a limited autonomy as the dominant force behind the regional Government of Southern Sudan (GoSS).[41] This domination was buttressed by the wealth-sharing provision of the CPA which featured an agreement to share net oil revenues between the NCP-controlled GoS and the SPLM/A-controlled GoSS on 50-50 basis.[42] These arrangements allowed the conditions of structural violence emanating from the war to remain.

The provision of the referendum of self-determination was the main mechanism in the CPA to attend the grievances of southern Sudanese. This was to take place after an Interim Period of six years during which the protagonists were to "make the unity [Sudan]

---

[37] ICG: "Sudan: Preventing Implosion", Africa Briefing n° 68, *International Crisis Group*, 17 December 2009a; and ICG: "Sudan's Comprehensive Peace Agreement: The Long Road Ahead", Africa Report n° 106, *International Crisis Group*, 31 March 2006.

[38] Ylönen, Aleksi: "On Sources of Political Violence in Africa: The Case of 'Marginalizing State' in Sudan", *Política y Cultura*, n° 32 (2009), pp. 37-59; and Ylönen, Aleksi: "Sudán: el estado marginalizador y desafíos desde las periferias", in Itziar Ruiz-Gimenez (ed.) (2012): *Más allá de la barbarie y la codicia*, Barcelona, Bellaterra, pp. 285-322.

[39] The main intervention body was Operation Lifeline Sudan organized by the United Nations. See i.e. Minear, Larry (1990): *Humanitarianism under Siege: A Critical Review of Operation Lifeline Sudan*, Trenton, NJ, The Red Sea Press.

[40] The SPLM/A leader John Garang's vision of "New Sudan" was based on a united nation which would be ruled democratically and in which social justice and human rights would prevail, and national wealth shared in a just manner. See more i.e. in Gibia, Roba (2008): *John Garang and the Vision of New Sudan*, Toronto, Key Publishing House.

[41] The CPA ensured the NCP a majority position in the national executive and legislative with 52% representation and allowed the SPLM to enter in these institutions with 28% minority representation ahead of other northern parties and southern political forces with 14% and 6%, respectively. In Southern Sudanese political institutions the power relations were reversed with the SPLM holding 70% majority representation, followed by the NCP and other southern parties with 15%. In the northern and southern states each party was to have 70% representation. These proportional representations were effective until presidential and general elections would take place in 2009 (see CPA: *Comprehensive Peace Agreement,* 1 January 2005, pp. 20-36).

[42] *Ibid.*, p. 54.

attractive".[43] The exclusive nature of the CPA meant that there was little formal pursuit for local post-conflict reconciliation because the leadership of neither protagonist was willing to submit to a review of atrocities committed during the war. In Southern Sudan, where most of the war took place, and many human rights violations had been committed by both parties, this process was largely left to the South-South dialogue and reconciliation conferences endorsed by the SPLM/A and international actors.

Moreover, the agreement lacked an instrument to apply pressure towards transformation of the consolidated political and economic dynamics established before and during the conflict. Although it included limited international guarantees along with the establishment of the United Nations Mission to Sudan (UNMIS) peace-keeping and monitoring force, the application of such pressure to ensure the correct and timely CPA implementation was left to the responsibility of the interested international actors to be applied through informal channels.

Furthermore, the CPA's attempt to incorporate the SPLM/A leadership in the national political and economic elite was not enough to cause peaceful transition because it did little to alter the pre-existing power structures. It failed to address the national centre-periphery nature of the complex civil war, ignoring other relevant political actors in north, east, south, and west, while it reaffirmed the NCP's control of the national political and economic scene in Sudan and SPLM/A dominated political order in Southern Sudan without clear mechanisms of addressing local grievances emanating from the war.

Finally, the "peace-through-statebuilding" approach adopted in Southern Sudan based on the attempt to achieve stability in short-term by building state institutions and reforming the security apparatus was an exclusive strategy. It sidelined nationbuilding, a more long-term process aimed at bringing legitimacy to the prevailing political order through the construction and extension of common national identity. This approach by the external actors maintained, and consolidated, a political system in which exclusive governance maintaining violence of "direct" and "structural" kind,[44] continued to prevail, and prevent a process towards inclusive "positive peace".[45] During the period focused in this article, the intervention pursued aimed at promoting absence of violence by exclusively concentrating on building state institutions, but this was insufficient in generating legitimacy without simultaneous attempt to unite Southern Sudanese through nationbuilding. Local outbursts of armed conflict continued, and, often motivated by political and economic grievances, claimed thousands of lives.

4. Peace-through-Statebuilding and CPA Implementation

4.1. In Pursuit of Peace-through-Statebuilding

The process of internationally supported statebuilding in Southern Sudan began after the signing of the CPA in 2005. From the outset, the external actors began pursuing a highly hierarchical approach to peace-through-statebuilding.[46] This was featured by the attempt to construct strong state institutions where almost none had existed before, relying on an

---

[43] *Ibid.*, p. ix.
[44] Galtung, Johan: "Violence, Peace, and Peace Research", *Journal of Peace Research*, vol. 6, n°3 (1969), pp. 167-191.
[45] Galtung, Johan: "An Editorial", *Journal of Peace Research*, vol. 1, n° 1 (1964), pp. 1-4.
[46] See Figure 1.

exclusive partnership with the SPLM/A leadership assumed to have the capacity to exercise wide control over the territory. It meant that various dimensions of the intervention to be implemented were subjected to the SPLM/A approval as it was seen as the main legitimate interlocutor for, and actor in, the region through its role as the leading military (SPLA) and political force (SPLM/GoSS). The SPLM/A was viewed as "the state" and proportioned with increased power to allocate resources and services. However, this approach relied on the SPLM/A, which had been one of a number of actors during the war, and against which many southerners had also fought, to fulfill its commitment to govern the heterogeneous southern population beyond its own constituencies. This provided an avenue for the continuation of structural violence particularly against those sectors of the Southern Sudanese population that were marginalized by the by the SPLM/A orchestrated political and economic system.

Figure 1

Hierarchical Model of Peace-through-Statebuilding
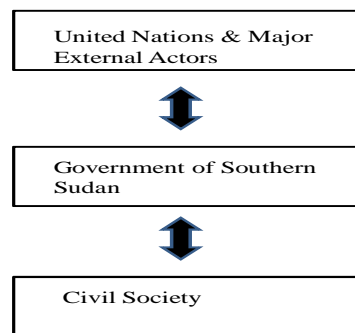
Modified by the author from "Hierarchical UN Peacebuilding" presented by Michael Lawrence at http://www.cigionline.org/blogs/rethinking-peacebuilding/two-modes-of-un-peacebuilding

The international interveners in Southern Sudan were largely motivated by the re-establishment of stability and "normality" by equating peace with development.[47] They, to an extent, adopted SPLM/A's "peace through development" agenda[48] through which it had justified the importance of humanitarian intervention during the war. The most significant component of the externally introduced program has been statebuilding, through the establishment the semi-autonomous GoSS, and applying approach to "good governance", with the intent in the creation of strong institutions and administrations, the strengthening of the security sector through reform to establish effective "monopoly of violence", and the re-establishing of a formal (peace) market economy.

However, during 2005-2010 the hierarchical approach pursued lacked focus on creating legitimacy for the newly built state. Nationbuilding, and bringing together the highly heterogeneous population sectors of which harbored deep grievances against the SPLM/A, was neglected. It was not until the end of the Interim Period and after heightening prospects for the independence of Southern Sudan were inspired by the approaching referendum for

---

[47] Duffield, Mark (2001): *Global Governance and the New Wars: The Merging of Development and Security*, London, Zed Books.
[48] SPLM/A: Peace Through Development: Perspectives and Prospects in the Sudanm, Sudan People's Liberation Movement, Nairobi, 2000.

self-determination in January 2011, when nationbuilding started to be deemed increasingly topical. Although it had been recognized in Southern Sudan peace within could only be achieved through "getting to know each other" and facilitating inter-ethnic interaction to build a national identity, this took place only through isolated cultural and sports activities during late Interim Period.

The peace-through-statebuilding agenda of external interveners was shared by the highest leadership of the GoSS. Vice-President of the GoSS, Riek Machar, repeatedly emphasized the importance of statebuilding and the building of a sense of nationhood and seeking to consolidate a national identity over the currently prevailing ethnic affiliations.[49] However, although the GoSS enthusiasm on nation- and statebuilding showed that its priority at the end of the Interim Period was constructing an independent state, mere creation of symbols of common nationhood[50] was not enough to increase the legitimacy of GoSS and establish national identity to achieve stability by complementing the prevailing strong ethnic affiliations and rivalries.[51] The statebuilding enthusiasm, coming in expense of resources put on nationbuilding, hindered processes to diminish structural violence within the GoSS political system. Arguably, this was related to the short-term approaches of the intervening actors which themselves were constrained by their project-based budgets and the need to reach immediate goals, while donors viewed supporting nationbuilding, a gradual long-term process, as less attractive.

4.2. The CPA Implementation

Peace-through-Statebuilding in Southern Sudan began in 2005. The interim constitution of Southern Sudan was ratified, followed by the adoption of the national interim constitution. The NCP and SPLM/A were in exclusive control over the ratification, which was marked the formalization of their uneasy partnership over the Sudanese political scene. After the settling of the constitutional framework the protagonists initiated institutional reform at the national level through the formation of the Government of National Unity, GoNU[52] and institution-building at the regional level in southern Sudan.

However, despite the institutional initiatives neither party was committed to embrace immediate democratization because they feared that opening the political scene would weaken their own position. This attitude, contrary to the international state-building agenda, posed as an obstacle to the CPA implementation in good faith from the very inception of the agreement. The motivations behind this approach laid in the NCP's attempt to maintain its power at the national level behind the formally opened institutional façade, and the SPLM/A's focus on consolidating its hegemony in Southern Sudan. This dynamic became increasingly apparent after the accidental death of the SPLM/A leader John Garang in July 2005, which strengthened the secessionist power center in the movement over Garang's "New Sudan" constituency. After a short period of uncertainty, a reputed secessionist and a close associate

---

[49] Machar, Riek: "Preparing South Sudan for Statehood and a *Bright* Future", speech delivered at South Sudan Academic Forum, 22 February 2011.

[50] For instance, these included a national anthem, drafting of which had been subjected to a public competition, adoption of the flag of the SPLM/A as the official state flag, and the taking up of a new currency. The adoption of some of these symbols was controversial, particularly among those groups seeking to contest the SPLM/A's power.

[51] Jok, Jok M.: "Diversity, Unity, and Nation Building in South Sudan", Special Report, *United States Institute of Peace*, Washington, DC, 20 September 2011.

[52] BBC: "Sudan Swears in Unity Government", *British Broadcasting Channel*, 22 September 2005, at http://news.bbc.co.uk/2/hi/africa/4266872.stm

of Garang, Salva Kiir, was appointed as the new SPLM/A commander, the President of the GoSS, and the first national Vice President as stipulated in the CPA.

These developments contributed to the slowdown the CPA implementation process considerably. The NCP leadership, which had worked with the SPLM/A mainly through Garang from the finalization of the peace process onwards, became uneasy with the strengthening of the secessionist tendency in the SPLM/A. It had serious reservations about the capability and commitment of the unionist SPLM/A power center to promote a united Sudan, which gave an excuse for the already disenchanted NCP to slow down the process of power- and wealth-sharing.[53] As a result, the working relationship between the parties deteriorated and caused almost a complete interruption to the CPA implementation. In October-December 2007, the SPLM marched out of the national parliament and suspended its participation in the GoNU due to the NCP intransigence regarding the CPA process,[54] which heightened fear of relapse to war.[55] However, the parties resolved a number of issues delaying the CPA implementation after the SPLM was persuaded to return to the national institutions by its most powerful international ally, the US.[56]

At the regional level, despite repeated promises of democratization, the GoSS continued to constrain political liberties. This was justified by claims that security was a priority. Particularly media was targeted,[57] as critique on the GoSS was viewed as unpatriotic and treasonous because it was often perceived as a threat to the consolidation of the SPLM/A order. This was particularly the case during the general and presidential elections celebrated in April 2010, which were used by the NCP and the SPLM to consolidate their position in the north and the south, respectively. Due to the controversy over delayed national census results announced in 2008 (instead of 2007 as stipulated by the CPA) the elections were only celebrated in 2010 after an intensive electoral campaign. Both in Northern and Southern Sudan various opposition parties complained of having been subjected to violent coercion.[58] At the presidential level, the NCP and the SPLM/A decided to let each other dominate their respective areas by endorsing each other's candidates and allegedly a secret agreement had been reached on non-interference in each party's territory.[59] In Southern Sudan, the local elections were conducted under strict SPLM/A control, to the extent that the so-called independent candidates were mainly SPLM/A members who had temporarily left the party because they had not been selected as its official candidates.[60] This led to the almost complete purging out of opposition parties from the Southern Sudan Legislative Assembly.[61] Despite

---

[53] Based on interviews and observations in Southern Sudan in December 2008 and 2010.

[54] During 2006-2008 the CPA implementation's dependency on external actors had become apparent in the deceleration of the implementation process when international players, principally the US, failed to push the protagonists (particularly the NCP) as intensely as they had previously to produce the agreement.

[55] ST: "Sudan's SPLM to rejoin national government", *Sudan Tribune*, 12 December 2007, at http://www.sudantribune.com/Sudan-s-SPLM-to-rejoin-national,25130

[56] ST: "US Rice meets SPLM Pagan over Sudan peace implementation", *Sudan Tribune*, 6 December 2007, at http://www.sudantribune.com/spip.php?article25053

[57] *Freedom of the Press 2011 – Sudan*, Freedom House, 17 October 2011, at http://www.freedomhouse.org/report/freedom-press/2011/sudan

[58] Copnall, James: "Dream election result for Sudan's President Bashir", *British Broadcasting Channel*, 27 April 2010, at http://news.bbc.co.uk/2/hi/africa/8645661.stm; and TCC: "The Carter Center Election Observation Mission in Sudan Presidential, Gubernatorial, and Legislative Elections, April 2010", Preliminary Statement, *The Carter Center*, 17 April 201, p. 3.

[59] ST: "Sudan opposition stunned by Arman's withdrawal amid talk of secret NCP-SPLM deal", *Sudan Tribune*, 1 April 2010, http://www.sudantribune.com/Sudan-oppositionstunned-by-Arman,34607

[60] Based on interviews in Southern Sudan in December 2010.

[61] The SPLM took 159 out of 170 available seats and claimed more than 93% representation over the opposition (SYSS (2010): *Statistical Yearbook for Southern Sudan 2010, Southern Sudan Centre for Census, Statistics and*

the fact that the elections were hardly free and fair, many international actors active in the region accepted the election results without criticism.

5. Challenges to Governance, Development, and Security during the CPA Interim Period

The autonomous position of the GoSS strengthened orientation towards increasing self-governance. The fact that GoSS was responsible for local political decisions, security, and economy made it possible to convince its external allies about its potential to convert into a newly independent state. However the model adopted, which is largely built upon the experience of SPLM/A administration during the war,[62] suffered from two diverging perspectives, one based on centralization and other on decentralization. While the external interveners and the SPLM/A prioritized the construction of strong state institutions, the SPLM/A's preference for concentrating power under strong centralized administration defied local level decentralization that would allow local populations a degree of political participation. In practice, during the 2005-2011 period the GoSS concentrated power and resources rather exclusively, while state governments and local administrations were condemned to very limited funding[63] and became representative bodies dominated by esteemed members of the main SPLM/A affiliated local ethnic groups but in most cases without the capacity diminish local outbreaks of violence significantly.

The GoSS exclusiveness and centralization of power led to exclusion of a number of smaller parties and their constituencies, particularly in the opposition. During 2005-2011, these often complained about continued marginalization, powerlessness, and lack of political freedom for the opposition, despite holding token positions in the Southern Sudan Legislative Assembly and the GoSS.[64] Their complaints related to deeply engrained political "tribalism",[65] which has generated and upheld ethnic cleavages, political instability, and violence in Southern Sudan. At the level of a number of GoSS institutions "tribalism" has combined with nepotism.[66] From this perspective "tribalism" is not only a political but also a socioeconomic issue in terms of patronage, hiring practices, and public salaries. Practice of favoritism in hiring therefore ties in with a carefully maintained system in which individuals within the political institutions, who pose a potential threat to the SPLM/A hegemony in the organization in question, tend to be kept in check by members occupying lower positions in the same structure.

Evaluation, Juba, Government of Southern Sudan, p. 114. The SPLM for Democratic Change (SPLM-DC) claimed the leadership of the opposition as the second and as the only Southern opposition party.

[62] Rolandsen, *op. cit.*; and Branch, Adam and Mampilly, Zachariah C.: "Winning the War, but Losing the Peace? The Dilemma of SPLM/A Civil Administration and the Tasks Ahead", *The Journal of Modern African Studies*, vol. 43, n° 1 (2009), pp. 1-20.

[63] Despite the stated commitment to decentralization, in 2012 still 84% of the state budget remains with the GoSS while only 16% has reached regional governments. See i.e. ST: "Only 16% of South Sudan's budget reaches state governments – report", *Sudan Tribune*, 25 May 2012, at http://www.sudantribune.com/Only-14-of-South-Sudan-s-budget,42701

[64] Based on interviews conducted in Juba in December 2008.

[65] A locally used term meaning organization of political activity by "bigmen" along ethnic or clan lines in benefit of own constituencies through patron-client networks. See also Utas, Mats (ed.) (2012): *African Conflicts and Informal Power: Big Men and Networks*, London, Zed Books.

[66] Interviews and observations in Juba in December 2010.

However, "tribalism" is not limited to the GoSS institutions but has continued to orient political and economic conduct and practices. Although authorities have attempted to convince others that "tribalism" is a passing phenomenon that can be addressed through "peace", "stability", and "development",[67] this has not been the case in the short-term as the roots of ethnic politics in Southern Sudan are long and consolidated as the base of social organization of political activity. In fact, in 2011 some ethnic groups still referred to their neighbors in the own languages as "enemies"[68] and inter-ethnic violent practices such as cattle-rustling claimed thousands of lives.[69] Therefore, "tribalism" continues to remain as a major threat to the unity of Southern Sudan, as many observers have warned about the real possibility of disintegration of the region[70] in the absence of a political climate able to accommodate a large group of ethnically diverse strongmen and their constituencies. In this context, the portraying of "tribalism" by some GoSS officials as a non-modern and easily curable condition has been counterproductive and is contradicted by the everyday political conduct based on "bigman" patronage loyalties and inter-ethnic relations in many parts of Southern Sudan. However, simultaneously, highlighting "tribalism" in political discourses and media has served to justify the continued focus on prioritizing the security sector.

5.1. Development Aspects

The CPA and the end of war generated conditions in which external interveners sought to engage in economic (re)construction and development. Again channeled through the GoSS, these efforts were to a large extend conditioned by the exclusive partnership between external actors and the local government. In any event, the initial enthusiasm was accompanied by the booming economic (re)construction climate, which resulted in large quantities of foreign direct investment. The resources for development came largely from the GoNU, and the GoSS official partners which include the World Bank, the UN, Joint Donor Team, Multi-Donor Trust Fund for Southern Sudan (MDTF-SS),[71] Sweden, Canada, Norway, Denmark, the United Kingdom, the European Union, the US, Germany, and Japan.[72] Other private and public business partners investing in Southern Sudan came, for instance, from a number of Asian, Arab, and African countries, as well as other European states. Along with the MDTF-SS and other public investment and development schemes, Southern Sudan received large quantities of private investment during the period of CPA implementation.

In the case of Southern Sudan in 2005-2011 external investment and economic support was hardly neutral. Rather, it was charged with diverse political imperatives with major impact in capacitating the GoSS economically having been the strengthening of the separatist sentiment to secede from Sudan. This was to an extent linked to the highest GoSS leadership's growing capacity to act independently from Khartoum as well as it being largely controlled by the SPLM/A's separatist power center. As a result, the political climate in

---

[67] UNMIS: "Sudan: SSLA speaker - Replace tribalism with justice and peace", Report, *United Nations Mission to Sudan*, 24 January 2011, at
http://unmis.unmissions.org/Default.aspx?tabid=511&ctl=Details&mid=697&ItemID=12109
[68] Interviews in December 2010 in Torit.
[69] ICG: "Jonglei's Tribal Conflicts: Countering Insecurity in South Sudan", Africa Report n° 154, *International Crisis Group*, 23 December 2009b.
[70] Omeje, Kenneth: "Dangers of Splitting a Fragile Rentier State: Getting it Right in Southern Sudan", *Occasional Paper*, ACCORD, 2010.
[71] The CPA stipulated the establishment of the MDTF-SS, but the expectations related to it have been higher than the achievements. See i.e. WB: "Multi-Donor Trust Fund for Southern Sudan: Taking Stock and a Way Forward", A FR/OPCS, Implementation Support Mission, *The World Bank*, 2011.
[72] See i.e. "Development Partners", Government of the Republic of South Sudan, 21 September 2011, at http://www.goss.org/.

Southern Sudan towards the end of the CPA Interim Period was increasingly geared towards secession as repeated claims were made that Sudan's unity has not been made attractive but that it remained a "failed" state.[73] The external economic support and financial flows facilitated the GoSS' independence and these developments.

A major downside of the situation in Southern Sudan during 2005-2011 was that the financial flows continued to be managed through a weak institutional framework. This was not because of non-existence of institutions *per se*, but rather the way they functioned. The patron-client practices had penetrated the institutions from the outset which made them subject to corruption and denied majority population's access to them, which in turn obstructed extending their legitimacy beyond the most immediate "tribalist" sphere.

During the Interim Period, widespread corruption particularly among parts of the leading cadres prevailed. The GoSS received an undisclosed amount of funding from Sudan's oil exports, rumored to have gone beyond USD 8 billion, but large part of this money went missing. The situation shortly after the conflict was characterized by the so-called "war mentality", which functioned along the justification that having played a major role in the liberation struggle gave certain liberties to the SPLA commanders[74] some of who became civilian leaders but continued to conduct economic affairs similarly to the time of the rebellion. Among famous cases of corruption were the USD 2 million grain scandal in which billions of Sudanese Pounds were lost to fraudulent companies supposed to provide cereals to remedy food shortages, and the case of the Nile Commercial Bank which lost large quantities of capital through loans issued to GoSS officials without collateral.[75] Corruption was particularly visible during the 2006-2008 and became increasingly hidden after the externally pressured prop up of the GoSS Anti-Corruption Commission.[76]

Moreover, during the CPA Interim Period the GoSS channeled reconstruction and economic development almost exclusively in the urban centers. This approach favored the regional capitals, particularly Juba, over rural areas in terms of infrastructure and services, contradicting the SPLM/A rhetoric during the war which promised "taking towns to people", and came in expense of promoting the presence of the state in the outlying areas.[77] It had a negative impact on generating conditions of regionally balanced stability and positive peace. Instead, uneven development posed as a threat to stability, and resembled the centre-periphery marginalization in Sudan that was one of the main causes of rebellions in its periphery.[78] Some of these dynamics hindered the capacity of the GoSS to respond to the expectations of the population, but also diminished the possibility to lower the level of structural violence related to political and economic marginalization and exclusion, as well as extension of government legitimacy.

---

[73] ST: "SPLM US envoy concurs with Amum remarks on 'failed state'", *Sudan Tribune*, 27 June 2008, at http://www.sudantribune.com/spip.php?article27669

[74] Interviews with SPLM officials in November-December 2010 in Juba and Torit.

[75] Gual, Philip: "The $2 Billion Grain Corruption Scandal Will Likely Be Closed", *UN Times*, 2 August 2011, at http://untimes.org/index.php/south-sudan/item/76-the-$2-billion-grain-corruption-scandal-will-likely-be-closed; and Garang, Ngor A.: "South Sudan Pressured to Combat Corruption", *Gurtong*, 19 February 2011, at http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/4901/South-Sudan-pressured-to-combat-corruption.aspx

[76] Interviews conducted by the author in Southern Sudan, November-December 2008 and 2010.

[77] Based on interviews and author's observations in Southern Sudan in November-December 2008 and 2010.

[78] Ylönen, 2009, *op. cit.*

Furthermore, during the Interim Period sections of the SPLM/A elite maintained close relationship with sectors of the NCP. This was apparent both in political and economic terms while some leading figures sought to capitalize on economic assets in Southern Sudan. For instance, the GoSS signed a number of land contracts, as during 2005-2010 28 foreign companies, from Arab states, the US and elsewhere, sought or acquired a total of 2.64 million hectares of land for agriculture, forestry, or bio-fuel.[79] This increased the likelihood of land disputes due to the weak institutional structure and legislation to manage land issues that have been one of the causes of local conflicts.

Finally, until 2010 the protagonists of peace-through-statebuilding active in southern Sudan were relatively silent about the gradual progress of economic development and related challenges. This problematic approach speaks about the lack of possibility to criticize the local government due to the exclusive hierarchical partnership, as long as the latter respects the diverse interests of the external actors and maintains a good working relationship. However, sustaining a good relationship in the expense of pressure for transparency and efficiency compromised the climate of the politics of development in Southern Sudan in a counterproductive manner. This allowed further institutionalization of corruption and nepotism, along with the exclusive concentration of wealth and political power, which defied the objective of establishing for long-term political and economic stability. The approach by the interveners was problematic as it transmitted mixed signals to the local elites about the position of the international community, intertwining political and economic realms; a situation which the local protagonists sought to exploit.

5.2. Overview of the Main Security Threats

During the CPA Interim Period the security sector in Southern Sudan was an area of intense preoccupation for both the GoSS and external actors. It attracted a great deal of international involvement as it was considered as the key to stability. Important features of the security sector, used in the attempt to stabilize and end violence in the region have been the SAF-SPLA Joint Integrated Units (JIUs), the United Nations peacekeeping force, the security sector reform including disarmament, demobilization, and reintegration (DDR) of ex-combatants, and the promotion of local conflict resolution.

The CPA contained strong security element to ensure transition from war to peace. According to the CPA the UN became responsible for the international multilateral monitoring of implementation of its security provisions.[80] This laid the foundation for UNMIS. The UNMIS was relatively small force to cover the whole extension of Southern Sudan. Its mandate included protection of civilians, but in the course of 2005-2011 it became clear that the UNMIS was unable to secure civilian lives due to the lack of manpower and logistical capacity over wide and hardly penetrable extensions.[81] This also prevented it from monitoring fully the repeated violations of the CPA security provisions. The UNMIS did not occupy an important role in local conflict resolution despite its support of the DDR program, and the continuing outbreaks of large-scale ethnic violence spoke of its inability to enforce peace.[82]

---

[79] Deng, David K.: "The New Frontier: A Baseline Survey of Large-Scale Land-Based Investment in Southern Sudan"; Report 1/11, *Norwegian People's Aid*, 2011.
[80] CPA, *op. cit.*, pp. 106-107.
[81] HRW: "No One to Intervene: Gaps in Civilian Protection in Southern Sudan", Report, *Human Rights Watch*, June 2009.
[82] ICG, 2009b, *op. cit.*

The international monitoring of the ceasefire was complemented by the JIUs, which were to become a joint neutral force to promote collaboration between the two protagonists. The JIUs included joint troops in equal numbers from the SAF and the SPLA deployed in Southern Sudan (24,000), Nuba Mountains (6,000), Southern Blue Nile (6,000), and Khartoum (3,000).[83] However, they had limited contribution to stability. Largely ill-equipped and standing forces, they were not used to actively promote peace and became known of their internal squabbles that at times posed a wider security threat.[84]

The CPA also stipulated that the existing Other Armed Groups, mainly a number of militias in Southern Sudan, needed either to be integrated to the SAF and the SPLM/A (deemed by the CPA as the Southern Sudanese army) or disbanded.[85] After Garang's death the SPLM/A leadership, and particularly Kiir, was generally successful in seeking rapprochement with some of the armed groups that had fought the SPLA during the war, but its attempts to end the security threat they posed failed. Some groups opposing the SPLM/A never entered the DDR process and some sought refuge and support within the structures of the Sudanese army. The initial efforts by the SPLM/A in 2005 and 2006 to neutralize such groups by forced disarmament generated large amounts of casualties, particularly in Jonglei's and Unity State's Nuer and Shilluk heartlands where armed groups continued to contest the SPLA imposed GoSS order. These efforts were criticized to target specifically SPLM/A defiant groups such as supporters of the SPLM-Democratic Change (SPLM-DC) and South Sudan Defense Force opposition parties, and were periodically put on hold. Although not posing a direct threat to the government in Juba, outbreaks of violence related to these efforts and other grievances, including inter-ethnic hostility and violent cattle-raiding persisted, generating local instability and preventing the extension of GoSS control and SPLA "monopoly of violence" over parts of Southern Sudanese territory.

From the signing of the CPA onwards, the SPLM/A emphasized security sector reform as a priority. This effort, heavily supported by the international partners in benefit of consolidation of the SPLM/A and the GoSS, includes the transition of the SPLA from a guerrilla force to a standing army and the establishment of an effective police force.[86] After the initial forced attempts for disarmament failed and caused a great number of casualties in localities mainly in Jonglei, the GoSS adopted a more gradual but equally violent approach.

In 2009 an internationally supported DDR program began.[87] The Southern Sudan Disarmament, Demobilization, and Reintegration Commission (SSDDRC) endorsed by the UN, a number of Western governments, NGOs, and multilateral organizations, performed the preparatory work for this and concentrated on demobilization and reintegration. However, this was immensely expensive and it became obvious that the SSDDRC did not have capacity to meet its ambitious objective of reintegrating 34,000 individuals defined as special needs group, 56,000 active SPLA soldiers, and possible 20,000-30,000 soldiers from the JIUs. The process was criticized to be of limited use for the targeted individuals in terms of building sustainable livelihoods, and it was hard for the receiving communities to absorb the ex-combatants, while the process suffered from inefficiency and lack of capacity to accommodate large numbers of ex-combatants despite being generously funded. Although the

[83] CPA, *op. cit.*, pp. 87-88.
[84] Verjee, Aly: "Sudan's Aspirational Army: A History of the Joint Integrated Units", SSR Issue Papers 2, *The Centre for International Governance Innovation*, 2011.
[85] CPA, *op. cit.*, p. 100.
[86] Abatneh, Abraham S. and Lubang, Simon M.: "Police Reform and State Formation in Southern Sudan", *Canadian Journal of Development Studies*, vol. 32, n° 1 (2011), pp. 94-108.
[87] This paragraph is based on interviews in November-December 2010 in Juba.

SSDDRC monitored the DDR process and coordinated and conducted reintegration programs, the disarmament itself was left to be carried out by the Ministry of Interior and local chiefs, former of which is known for applying more repressive, including military, measures by deploying the SPLA.

The international actors attempted to increase security sector capacity by supporting the training of the South Sudan Police Service (SSPS). Although progress from 2005 was made, these programs were marred by difficulties because Juba failed to prioritize them.[88] Moreover, many of the recruits for training included former SPLA soldiers whose guerrilla training and experience as rebels often conditioned them to certain behavior towards civilian population that was difficult to change. Allegedly, the SSPS recruitment process was also politicized and at times "tribalized" to hand positions and channel resources for constituents. The United Nations Police Force provided training and monitored the daily activities of the SSPS, but as with the SPLA, recurrent human rights violations took place.[89]

Thus, during 2005-2011 the international approach to support the security sector transformation in Southern Sudan suffered from enormous challenges. Not only was it largely conditioned by the SPLM/A's preferences, but it tended to lack the perspective of those being subjected to disarmament and abuses by the security apparatus. Also, the capacity to respond in time to local violence hardly improved. This, together with targeted efforts to disarm certain groups and not providing for their security subsequently, undermined the legitimacy of the entire process and the SPLM/A authority as a security provider. Not only did the hard measures lead to rearmament particularly in various locations in Greater Upper Nile, but they undermined collaboration between the state and sections of local groups. The danger of complete loss of control of parts of its territory was particularly relevant in those areas where SPLM/A support was weak (i.e. parts of Jonglei and Unity states) or where armed groups were active and the security forces had only temporary or seasonal access (i.e. parts of Western Equatoria).

A persisting problem of the security sector has been the recurrent incidences of violence. The existence of armed groups, bands, and individuals, along with the proliferation of small arms, has resulted in chronic insecurity among civilian population both in towns and rural areas. This situation, together with external threat mainly from Khartoum, has enabled the GoSS to justify the promotion of the state's security apparatus as a top priority over other pending issues. Security sector has therefore remained as the main end of the GoSS expenses.

During the Interim Period, the GoSS' security apparatus, the SPLA and the embryonic southern police force, were unable to eradicate locally occurring clashes. This was partly because of the abovementioned lack of capacity and reach to remote areas, and partly due to repressive means it applied to address such situations which often caused further violence. Regionally, violent incidents concentrated for the most part in Abyei, Greater Upper Nile, Jonglei, Lakes, and Western Equatoria, with the motivations ranging from those of anti-SPLM/A political grievances of armed groups and splinter factions, cattle-raiding, border disputes to CPA related conflicts, and violence inflicted the marauding Lord's Resistance Army.

First, during 2005-2010 the CPA-related conflicts lingered on particularly in Abyei where the impasse over the region's belonging to Northern or Southern Sudan had not been

---

[88] Abtneh and Lubang, *op. cit.*
[89] Interview with United Nations Police officers, December 2010 in Torit.

overcome. The region's borders also remained disputed despite the international Permanent Court of Arbitration's decision,[90] making it the main sticking point against Sudan's peaceful transition into two independent states. Violent clashes between government militias, SAF, and the SPLA took place in the area particularly in 2008, killing and displacing thousands.[91] Other North-South border areas and transitional areas also witnessed violent clashes often related to resources and pastures and at times involving ethnic militias or members of the organized forces.[92] This border area fighting was dealt with at the highest level of NCP-SPLM/A negotiations, and from 2011 the situation in Abyei was dealt with by deploying the almost 4,000-strong United Nations Interim Security Force for Abyei (UNISFA).[93]

Second, SPLM/A squabbles and its confrontation with militias were a recurrent source of violence particularly after the 2010 elections. Having lost elections, some former SPLA commanders and civilian leaders who had contested them independently claimed electoral fraud and mobilized their constituents against the SPLA. Among these commanders were George Athor Deng (Jonglei State), Gatluk Gai (Unity State), Gordon Kong Chol (Jonglei), David Yau Yau (Jonglei), Gabriel Tang-Ginye (Jonglei), and Peter Gadet (Unity), who became active in staging attacks on the SPLA and control territory in their home areas in Greater Upper Nile. In October 2010, GoSS president Kiir offered some of these defiant leaders amnesty if they lay down their arms.[94] Of these commanders, Athor was generally considered as the most powerful threat to the SPLM/A imposed order in Southern Sudan due to his well-trained and equipped troops, and alleged links to Gai, Yau Yau, and opposition politician, the leader of SPLM-DC Lam Akol. By the end of the Interim Period these armed groups remained active together with Khartoum-backed, or to an extent SAF-integrated, southern militias,[95] and capable of generating instability that undermined Juba's fledging authority locally particularly in Jonglei and Unity states. Thus, the "carrot and stick" strategy to reincorporate or eliminate the opposing leaders during the Interim Period had only limited success.

Third, the LRA continued to be a potentially destabilizing force particularly in Western Equatoria throughout the Interim Period. The group was identified as a threat and capable of causing wide displacement not only in Southern Sudan but in the neighboring countries. After the breakdown of the GoSS mediated peace process to end the LRA violence in 2008, the

---

[90] PCA: *Final Award*, Permanent Court of Arbitration, The Hague, 22 July 2009.

[91] Craze, Joshua: "Creating Facts on the Ground: Conflict Dynamics in Abyei", Small Arms Survey, *HSBA Working Paper*, 26 June 2011.

[92] Ylönen, Aleksi: "Marginalisation and Violence: Considering Origins of Insurgency and Peace Implementation in the Nuba Mountains of Sudan", Paper 201, *Institute for Security Studies*, October 2009.

[93] For more information see the UNISFA webpage at http://www.un.org/en/peacekeeping/missions/unisfa/

[94] See i.e. ST: "South Sudan president pardons rebel army officers", *Sudan Tribune*, 7 October 2010, at http://www.sudantribune.com/spip.php?article36507. This convinced Yau and Gadet join the government. Despite the armed opposition elements being joined by a defected former GoSS presidential adviser Maj. General Abdel Bagi Ayii Akol (Northern Bahr al-Ghazal) who had been sidelined in a government reshuffle after the 2010, they have been debilitated by the deaths of Athor and Gai and Tang-Ginye been held in house arrest in Juba. See HSBA: "Fighting for Spoils: Armed Insurgencies in Greater Upper Nile", *Human Security Baseline Assessment 18*, November 2011.

[95] Although some SAF-affiliated militia leaders, such as Paulino Matip, reintegrated to the SPLA early on after the peace agreement and others are said to be in the process (i.e. Tang-Ginye and Wal Khan), some (such as Kol Chara Nyang) remain active particularly around Jonglei and Unity states. Southern sources link some of these militias, which are based on ethnic or leadership loyalties, to the offshoot SPLM-DC leader Akol and accuse them of working in liaison with Khartoum in an attempt to destabilize Southern Sudan. Some of such militias appear to identify with leaders of southern political opposition elements (i.e. the force in Upper Nile led by Oliny which allegedly pledges loyalty to Akol), but maybe operating independently rather than with liaison to the SAF.

SPLM/A sought to use principally a conventional security approach, including arming local militias (Arrow Boys), to keep the rebel group at bay.[96]

Overall, during 2005-2011, the CPA security provisions were unable to end severe clashes particularly in the North-South border region.[97] The recurrent violent incidents in various parts of Southern Sudan also had the potential of spreading and causing hostilities on a wider scale. Whereas the clashes in the North-South border areas were a threat to the completion of the CPA and the peaceful transition to Southern Sudan's independence, internal fighting within Southern Sudan and the LRA related violence posed a significant menace the SPLM/A orchestrated political and economic order. This justified, to a large extent, the GoSS' focus on security while it sought to extend its monopoly of power to the Southern Sudanese territory as a whole. To remedy the persistent violence the GoSS adopted a wide-ranging, but hardly consistent approach, which combined violent repression, negotiation, amnesty, and mediation, attempting also to encourage local leaders in conflict resolution. Yet, this effort was incoherent top-down attempt by the SPLM/A leadership to end violence. It lacked sufficient application of soft measures and sensitivity to grassroots grievances despite the SPLM/A's pledged philosophy of "peace through development".

6. Conclusion

Overall, political developments during the CPA Interim Period have shown that any expectations of building a strong state in the region in the short-term were unrealistic. The CPA, a two-way power- and wealth-sharing agreement, which laid the platform for the external peace-through-statebuilding intervention proved insufficient in generating a political and economic transformation apart from the formalization of the SPLM/A elite's power through the GoSS.

Rather than being capable of transforming the political and economic reality in many parts of Southern Sudan, the hierarchical peace-through-statebuilding intervention had a consolidating effect on the prevailing order arising from the war. The exclusive partnership with the SPLM/A leadership in which it to a large extent decided upon the use of external resources generated few possibilities to pressure the latter and converted it into the formal governing force through its control of the state institutions. However, although these institutional structures were assumed to grow in strength and legitimacy to result in a strong state and increasing peace, this failed to occur during the 2005-2010 period.

Instead, some of the institutions were, and others became, extensions of the SPLM/A patronage networks and their legitimacy reached mainly only the constituencies of the individuals occupying positions in their structures, while marginalizing the excluded sectors of the population. Thus, the stark polarization between inclusion and exclusion in relation to the SPLM/A maintained structural violence emanating from the war and led to continuity of the condition of marginalization in the Southern Sudanese political and economic system, as the GoSS catered mainly to SPLM/A constituencies in terms of economic opportunities and development that concentrated on towns and in areas under strongest GoSS and SPLM/A

---

[96] Heaton, Laura and Fick, Maggie: "Field Dispatch: The Arrow Boys of Southern Sudan - An Army of the Willing", *Enough*, 11 March 2010, at http://www.enoughproject.org/publications/arrow-boys-sudan.

[97] This has been the case in South Kordofan and Blue Nile, which have provided the setting of fighting between the army and the local SPLM/A opposition that after the secession of South Sudan forms part of political opposition in North Sudan.

influence. This situation contributed also to direct violence which mostly affected communities in Greater Upper Nile and particularly Jonglei where the state had little constructive presence and the GoSS and the SPLM/A were only one actor among a number of local violent entrepreneurs. By 2011, the external intervention based on the hierarchical peace-through-statebuilding, and the intimate relationship with the SPLM/A-GoSS leadership as the source or security, had failed in delivering an end to direct and structural violence, as armed confrontations particularly in Greater Upper Nile continued.

This stagnation in building peace can be explained by the lack of legitimacy of the prevailing political and economic state order. In a post-war situation, as in the case of Southern Sudan, statebuilding based on a partnership with the leadership of the dominant local actor alone is not enough to generate local legitimacy, and significantly and sustainably improve the conditions rife with direct and structural violence.

As a result, the short-term peace-through-statebuilding in Southern Sudan during 2005-2011 failed to match the set expectations. Rather, it is suggested here that in order to eventually achieve conditions of positive peace a consistent long-term commitment to nationbuilding to bring unity and legitimacy to the state is necessary. As argued by others, such nationbuilding should draw from neutral but complex enough symbols with room for meaningful inclusive interpretations. This should accompany state policy focused on cooperation and inclusivity, instead of exclusion and confrontation, specifically targeting marginalized groups (i.e. through the provision of services and economic opportunities). Therefore, combining statebuilding with a clear and systematic approach of inclusive nationbuilding appears to be the strategegy that promotes the gradual transition towards sustainable peace and stronger and more legitimate state.

POST-CONFLICT DECENTRALIZATION:
DYNAMICS OF LAND AND POWER IN UNITY STATE – SOUTH SUDAN

Sara de Simone [1]
University of Naples L'Orientale

Abstract:

Decentralized state-building in post-conflict settings is believed to bring about a number of positive outcomes that range from increased government accountability and local participation, to internal stability thanks to higher opportunity of political engagement. South Sudan is currently undertaking a decentralization process supported by international organizations through the institutionalization of the local administration system shaped during the war in SPLM controlled areas. Through the analysis of Unity State case study, this article shows how, despite being at a very initial phase, local government reforms in South Sudan are producing new localized disputes over access to resources that articulate themselves as border disputes. These disputes ultimately revolve around the access to resources, but also keep a tribal characteristic due to the overlapping of customary and administrative domains that entrenches local perceptions of access to land and services being granted based on tribal affiliation.

Keywords: South Sudan, Decentralization, Internal Borders, Resources Access.

Resumen:

Se cree que la construcción estatal descentralizada en escenarios post-conflicto trae consigo, gracias a la mayor oportunidad de participación política, una serie de resultados positivos que van desde un aumento de los mecanismos gubernamentales de rendición de cuentas y de la participación local hasta la estabilidad interna. Sudán del Sur está llevando a cabo actualmente, con el apoyo de organizaciones internacionales, un proceso de descentralización a través de la institucionalización del sistema de administración local configurado durante la guerra en las zonas controladas por el MLPS. Mediante el análisis del Estado de Unidad como estudio de caso este artículo muestra cómo, a pesar de estar en una fase muy inicial, las reformas del gobierno local en Sudán del Sur están produciendo nuevos conflictos localizados por el acceso a los recursos que se articulan como disputas fronterizas. Estas disputas giran en última instancia en torno al acceso a los recursos, pero también mantienen características tribales debido a la superposición de los ámbitos consuetudinarios y administrativos, lo cual afianza la percepción local de que el acceso a la tierra y a los servicios se otorga en función de la afiliación tribal.

Palabras clave: Sudán del Sur, descentralización, fronteras interiores, acceso a los recursos.

---

[1] Sara de Simone is a PhD candidate in African Studies at University of Naples L'Orientale, Department of Asia, Africa and Mediterranean. She holds a Master Degree in Development Studies and started to work on local conflict management in South Sudan in 2010. Her main research areas are: local governance, decentralization, local conflict management. She can be reached at sara.desimone@gmail.com. Department of Asia, Africa e Mediterranean, University of Naples L'Orientale, Palazzo Corigliano, Piazza S. Domenico Maggiore 12, 5th floor -80134 Napoli.

1. Introduction

After the end of the Cold War, peace-building has increasingly been understood as a "multifaceted" liberal project, whose aim is not only to promote a "negative peace",[2] but also to address root causes of conflicts seen as stemming from poverty, underdevelopment and the states' lack of capacity of keeping security under control.[3] This convergence of the peace, security and development agendas[4] gained even more strength after 11/09/2001, with US pivotal role in emphasizing the importance of democracy and good governance.

Literature on state failure usually assumes that a functioning state should be able to monopolize the means of violence, control its territory and population, keep diplomatic relations with other states, deliver services to its citizens and promote economic growth.[5] However, critical literature opposing what is considered to be an ethnocentric top-down approach to statehood in the developing world has emerged both in the domain of Peace Studies, with a wide number of contributions on the "local" agency and hybridization processes,[6] and in African Studies, where many scholars have claimed that this perspective fails to capture real local dynamics of organization in African States and societies whose outcome can sometimes seem at odds with western standards.[7] This notwithstanding, the policy-making domain is still widely dominated by a technical approach to state-building, focusing on institution-building.

During the '90s and early 2000s, increasing awareness of the failures of central government institution-building pushed international actors to reformulate the discourse on state-building through the democracy – good governance lens. Democratic decentralization, in opposition to deconcentration brought about by structural adjustment programs (SAPs) in the 80s, gained prominence as a tool for promoting effective local governance, development and peace.[8] Notwithstanding international discourses on local participation and ownership, as well as on the importance of context-specific approaches, the focus remains on local institution-building and legal frameworks[9], again often failing to consider the socio-political realities on

---

[2] Negative peace is generally understood as "absence of collective violence". For an analysis of negative and positive forms of peace see Galtung, Johan (1967): *Theories of Peace: A Synthetic Approach to Peace Thinking*, unpublished, p.12, available at
http://www.transcend.org/files/Galtung_Book_unpub_Theories_of_Peace_-_A_Synthetic_Approach_to_Peace_Thinking_1967.pdf.

[3] Newman, Edward; Paris, Roland; Richmond, Oliver P. (eds.) (2009): *New Perspectives on Liberal Peacebuilding,* Tokyo/New York, United Nations University Press.

[4] Duffield, Mark (2001): *Global Governance and the new Wars: The Merging of Development and Security,* London/New York, Zed Books.

[5] Helman, Gerald B. and Ratner, Steven R.: "Saving Failed States", *Foreign Policy,* nº89 (December 1992), pp. 3-20; Rotberg, Robert I.: "Failed States, Collapsed States, Weak States: Causes and Indicators" in Rotberg, Robert I. (ed.) (2003): *State Failure and State Weakness in a Time of Terror*, Washington D.C., Brookings Institution Press; Eizenstat, Stuart E.; Porter, John E. and Weinstein, Jeremy M.: "Rebuilding Weak States", *Foreign Affairs*, vol. 84, nº1 (January 2005), pp. 134-147.

[6] Richmond, Oliver P. (2011): *A Post-Liberal Peace*, Oxon/New York, Routledge; Newman E. et al., *op. cit.*

[7] Bayart, Jean-François: "L'historicité de l'Etat importé", *Les Cahiers du CERI,* nº15 (1996), available at
http://www.sciencespo.fr/ceri/sites/sciencespo.fr.ceri/files/cahier15.pdf; Chabal, Patrick and Daloz, Jean-Pascal (1999): *Africa Works: Disorder as a Political Instrument*, Oxford, James Currey.

[8] Olowu, Dele and Wunsch, James S. (eds.) (2004): *Local Governance in Africa*: *The Challenges of Democratic Decentralization*, Boulder, Lynne Rienner.

[9] UNDP: "Decentralised Governance for Development: A Combined Practice Note on Decentralisation, Local Governance and Urban/Rural Development" (April 2004), available at
http://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dg-publications-for-website/decentralised-governance-for-development-a-combined-practice-note-on-decentralisation-local-governance-and-urban-rural-development/DLGUD_PN_English.pdf;USAID: "Democratic Decentralization

the ground, the modes of interaction between political elites and their constituencies and the areas of tension that may (and almost surely do) exist in post-conflict contexts.

South Sudan has entered the post-conflict phase with the signing of the Comprehensive Peace Agreement in 2005 after a decade long peace process strongly supported by the international community. International partners still have a huge presence and an important role in supporting the country's peace-building and state-building effort in a number of sectors that range from security sector reform to the rule of law and from fiscal arrangements to local government empowerment.

This paper will show that a form of decentralized state-building in a context where formal state structures at a local level did not previously exist needs to start from the delimitation of territorial units. The specific history of an area, together with legal provisions shaping the process of decentralizing power, contribute to the local understanding of what being or not being included in a certain local government unit means. This specific case will show how border disputes arising between counties in the northern part of Unity State mainly revolve around access to land and services, grounding its roots in the history of tribal identity manipulation and the perception of access to resources only being granted on tribal lines.[10]

This paper relies on two months field research mainly in Unity State and, secondly, in Juba, between January and March 2013. South Sudan is extremely diverse in terms of local political "traditional" institutions, livelihood strategies, culture, environmental conditions, etc., therefore it would be hasty to extend findings from one specific area to all the others because they would necessarily be biased by a partial view only. The arguments made in this paper are therefore refer mainly to Unity State, unless differently specified.

2. Decentralized State-Building

In 2000s, all major international aid agencies started to produce policy papers, working notes, handbooks on decentralization and local governance, and on the expectations connected with its implementation in developing and post-conflict countries.[11] In her paper "Decentralization Hybridized", Annina Aeberli analyzes different understandings emerging from this wide policy-oriented literature taking UNDP, the World Bank, USAID and GIZ ad examples.[12] She notes that all of them accept Rondinelli's distinction between political, administrative and fiscal decentralization, and all of them put on it ambitious expectations that can be summarized in four points:

Programming Handbook", (June 2009), available at http://webcache.googleusercontent.com/search?q=cache:-QctFWeHuqgJ:capacity4dev.ec.europa.eu/system/files/file/19/07/2011_-_0957/8-usaid_decentralisation_programming_handbook.pdf+&cd=2&hl=it&ct=clnk&gl=it.

[10] In this paper, I will often use the word tribe –tribalism, tribal identity- to identify groups that constitute socio-political entities sharing a common identity, language and customs. I am using this word because all of my interviewees did whenever speaking of South Sudan politics.

[11] UNDP: "Decentralised Governance …", *op. cit.*; USAID: "Democratic Decentralization…" *op. cit.*; EuropAid (2007): *Supporting Decentralisation and Local Governance in Third Countries*, Tools and Methods Series, Reference Document nº2, Brussels, European Commission, available at http://ec.europa.eu/europeaid/what/governance/documents/decentralisation_local_governance_refdoc_final_en.pdf

[12] Aeberli, Annina: "Decentralisation Hybridized: A Western Concept on its Way through South Sudan", *ePapers The Graduate Institute*, nº14 (July 2012), Geneva, The Graduate Institute of International and Development Studies.

1)   Strengthening democracy, through an increased participation of minorities and vulnerable groups.

2)   Efficiency and transparency, thanks to the reduced distance between governments and citizens that increases governments' accountability and pushes them to be more effective.

3)   Economic development, through the local governments redistributive role and the capacity of mobilizing local resources.

4)   Internal peace and stability, promoting local dialogue and control over public programs, and increasing state visibility and legitimacy at the local level.

These governance, economic and security improvements are expected to come as a consequence of well-designed institution-building or reform with a focus on technical arrangements more than on political processes underlying local governments functioning.

In the arena of conflict management and peace-building, decentralization can be considered a tool for addressing "*latent conflict* at *national* level"[13] through opening a broader political space for inclusion of groups previously excluded from the management of power and granting greater autonomy to each group. Crawford and Hartman show that in a number of African post-conflict settings, decentralization has indeed been chosen as a system of government.[14] However, Schlenberger's contribution to their book also highlights the risks linked with a particular design of decentralization policies of increasing conflict at the local level, reminding us that the actual impact of decentralization reforms is far from being straight-forward.[15]

South Sudan, as a newborn country that formally came out of the war less than 10 years ago, is considered to be in dire need of all the four elements and therefore the international thrust towards a decentralized state-building is quite strong. UNDP, the World Bank, GIZ, USAID are implementing programs in partnership with local governments or aimed at strengthening the decentralization process through reinforcing central coordinating institutions. For example, the UNDP has a "Support to Decentralization Program" under its Democratic Governance Program, which is implemented in partnership with the Local Government Board and aimed at increasing its planning and budgeting as well as coordination capacities.[16] An example of projects implemented directly in partnership with local governments is the World Bank Local Governance and Service Delivery Project, which includes grants delivery to Counties for Payam development[17], and the Local Government

---

[13] Crawford, Gordon and Hartman, Christof (eds.) (2008): *Decentralization in Africa: a Pathway out of Poverty and Conflict?*, Amsterdam, Amsterdam University Press, p. 245.

[14] *Ibid*.

[15] Schelnberger, Anna Katharina: "Decentralization and Conflict in Kibaale, Uganda", in Crawford, G. and Hartman, C. (eds.) (2008): *Decentralization in Africa: a Pathway out of Poverty and Conflict?*, Amsterdam, Amsterdam University Press, pp. 169 – 190.

[16] Interview with UNDP Project Specialist of Democratic Governance Program. The project has a length of 2 years and a total cost of 353.000$. For further information, see UNDP website:
http://www.ss.undp.org/content/south_sudan/en/home/operations/projects/democratic_governance.html

[17] Interview with Under-Secretary General of the Local Government Board. The project has a length of 5 years and the Bank committed $98,50 million for its implementation. For further information, see the World Bank website:
http://www.worldbank.org/projects/P127079/local-governance-service-delivery-program?lang=en

Fund created by USAID through the BRIDGE program for implementing small projects requested by Counties and community groups.[18]

Besides this external thrust to decentralization, there is also internal inclination towards such a form of governance, usually justified with the incredibly diverse socio-political landscape characterizing the country. Due to its particular history of internal ethnic divisions, the ruling party has always declared great commitment for the devolution of power to local levels of government, in order to safeguard the right to self-rule of each and every community in South Sudan. Even before the peace agreement was signed and the Government of Southern Sudan formed, in 2000 the SPLM released the document "Peace through Development in the Sudan" in which the relevance of the decentralized civil administration was directly linked with promoting peace and ensuring social and economic development through service delivery, democracy and human rights protection. This discourse was re-affirmed even more strongly after 2005, and the way in which it is being applied into practice will be looked at in the following pages.

3. South Sudan Post-conflict Local Government

3.1. The Current Legal Framework and its Implementation

The current system of local government in South Sudan results from a process of formulation that lasted some years, and its decentralized nature was stated in the Power-sharing Protocol of the Comprehensive Peace Agreement.[19] Although the latter did not officially foresee southern independence and was not specific on the local government structure, the Interim Constitution of Southern Sudan (ICSS)[20] instituted the current administrative units drawing from previous experiences of local government.

In 2003, a team made of SPLM, UNDP and GIZ representatives started to work on the Local Government Framework, which was completed in 2006. The Local Government Framework (LGF) encloses SPLM commitment to a decentralized form of government, which is believed to better fit with the country's diversity and the people's struggle for self-rule:

> "*Throughout the struggle for liberation and self rule of the people of Southern Sudan, the SPLM/A as the leader of the struggle was always committed to decentralization and local government as the most empowering and democratic tool of self-rule, as evidenced by their vision and mission. It also enshrined local government into the Interim Constitution of Southern Sudan*".[21]

---

[18] Interview with the Project Officer of Governance Sector in Bentiu, March 2013. See Winrock website: https://www.winrock.org/fact/facts.asp?CC=5998&bu= . Winrock is one of USAID implementing partners.

[19] *The Comprehensive Peace Agreement* - Protocol on Power-sharing, Part I, 1.5.1.1

[20] The ICSS was in force between 2005 and 2011 and was replaced by the Transitional Constitution of the Republic of South Sudan (TCRSS) after independence, but no major changes in local government structures are foreseen. On the other hand, there is perhaps a slight change in the political will of devolving power, as the new constitution increases the powers of the national President at the expenses of States' executive and legislative organs giving him the power to remove state governors and dissolve state legislative assemblies. *Transitional Constitution of the Republic of South Sudan*, 2011, art. 101.

[21] *Local Government Framework,* 2006, 2.2.3, p. 30.

The SPLM vision of decentralization is stated in the same document, and it is based on Garang's principle "Self-rule for the people of Southern Sudan, by taking towns to the people", through "The establishment of decentralized, democratic, efficient, effective, accountable and gender sensitive Local Government".[22]As a follow-up of the LGF, the Local Government Act was approved in 2009.

According to this legal framework, the Republic of South Sudan is divided into ten states, each with a legislative assembly, a High Court and an executive power led by a governor and its ministries. In each state, the system of local government is so structured:

Sources: ICSS 2005; Local Goverment Act 2009; TCRSS 2011
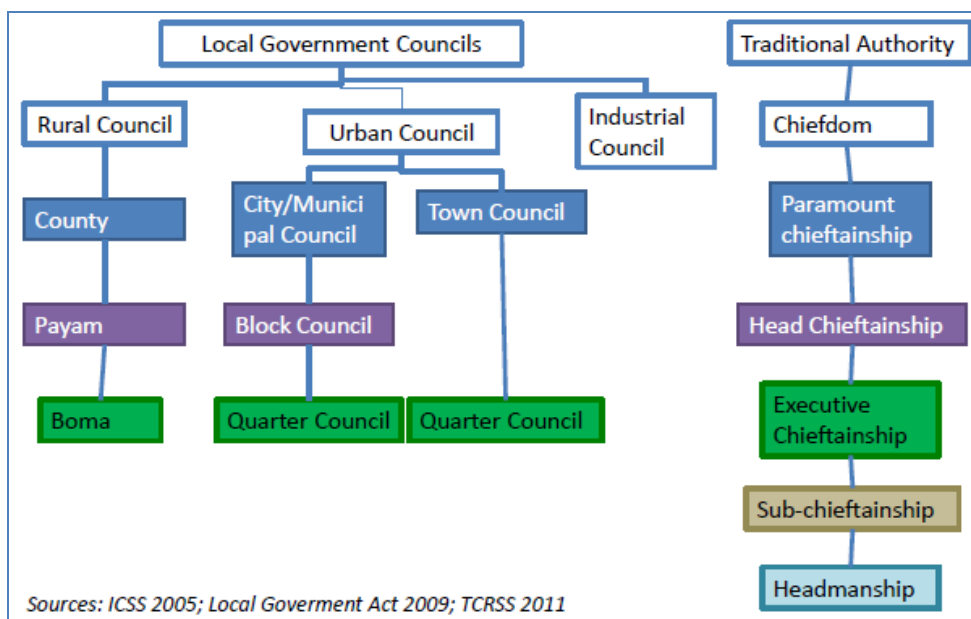
The Local Government Act foresees three different types of local government councils: urban, rural and industrial. Nevertheless, rural councils constitute the great majority: there are no industrial councils at the moment, and only a few urban councils are starting to be established beside the capital town.[23]

The County is the highest level of local government, not only exercising deconcentrated powers but also being accountable to its citizens thanks to the elective nature of its legislative council members and of the County Commissioner. Payam and Boma levels have an administrative role, with the Boma being the most important domain of traditional authorities. The role of traditional authorities is in fact mainly judiciary, managing traditional courts and resolving local conflicts through customary practices. According to the Local Government

---

[22] *Ibid*., p. 30.
[23] According to Aeberli's observation in Central Equatoria (2012), despite being theoretically at the same hierarchical level as counties, Town (urban) Councils are being considered subjected to the latter's authority. My personal observation in Unity State is quite different, though: Bentiu has apparently not yet gained a Town Council status (although some stated differently and institutions such as Block leaders already exist), but the reason why governmental officials and officers to which I spoke wanted the town status to change was to subtract it from Rubkhona County authority (under which it currently lays) in order to avoid it being involved in the tribal dynamics linked to the administration of the rural areas. Aeberli A., *op. cit.*

Act, their election/selection has to follow traditional methods that vary from one place to another.[24]

The implementation of these provisions is at a very early stage and there are reasons to argue that local governance still varies greatly across the country.[25] Generally speaking, however, some aspects of the decentralization reform are still far from being implemented. In most cases, county legislative assemblies do not exist, and County Commissioners are still predominantly appointed by state governors. Borders of local government councils and administrative units have yet to be officially demarcated, and how they are supposed to raise the necessary resources for their functioning is still unclear due to their weak fiscal basis, scarce central and state government grants and the general dependence on aid funds for service delivery. The role of traditional authorities has to be further clarified, although their empowerment is still strongly required by the local population.[26] As judges in traditional courts, they are often criticized for taking over criminal cases that go beyond their official competences due to the difficulties of accessing the statutory judiciary especially from the rural areas.[27] They are looked at as the main peace-keepers in their communities, and considered as community representatives in a number of issues -for example, in negotiating development projects in a particular locality. In most of the cases, chiefs are elected, but especially for those at lower levels, it is rather unclear how the election works: who is entitled to vote, how candidates are selected. It is reasonable to argue that representation of weaker social groups such as women, youth and migrants is not guaranteed.[28]

3.2. Origins of the Current Structure

The complex structure outlined above, as well as the territorial extension of the politico-administrative units, are the cumulative product of decades of formal and de facto local governance structures.

During the colonial rule, the region was divided into three provinces: Bahr el Ghazal, Upper Nile and Equatoria. Each province was headed by a British commissioner and indirect rule was exercised by local chiefs, that in many cases were created by the colonial rule to govern segmented and acephalous societies.[29] This division into three provinces and many local chiefdom was maintained until Nimeiri took power and then re-established with the SPLM/A civil administration structure.[30] Despite having been dropped after the signing of the

---

[24] Government of Southern Sudan (2009): *Local Government Act*, Ch. XII Section 117.

[25] Hoehne, Marcus (2008): *Traditional Authorities and Local Government in Southern Sudan*, Washington D.C., World Bank; Aeberli, *op. cit.*; direct observation in Unity State between January and March 2013.

[26] *Ibid.*

[27] Leonardi, Cherry; Moro, Leben Nelson; Santschi, Martina; Isser, Deborah H. (2010): *Local Justice in Southern Sudan*, Washington, D.C., United States Institute of Peace; interviews with Chiefs of the Traditional Town Court in Bentiu, February 2013.

[28] Interviews with Rubkhona County Commissioner, Nyeel Payam acting administrator, civil society members in Unity State, February-March 2013.

[29] Some exceptions of more centralized societal organization such as those of Shilluk and Azande must be mentioned.

[30] SPLM (2000): *Peace through Development in the Sudan*, available at
 http://www.splmtoday.com/index.php/peace-through-dev-splm-33.

CPA with the recognition of the ten States as "regional" governments,[31] it still partly shapes the people's identity.[32]

In the early 70s, Nimeiri tried to abolish local traditional authorities without achieving any significant result. With the Addis Abeba Agreement in 1972 ending the civil war between the government and the rebel movement Anyanya I, Southern Sudan was unified under a regional government that was perceived to be Dinka-dominated by Southern Sudanese non-Dinka population, particularly from the Equatoria region. Between the end of the '70s and the beginning of the '80s, a group of southern politicians mainly from Equatoria started to advocate further decentralization for the South, restoring the three regions and showing deep cleavages among the southern leadership. In 1983 Nimeiri accepted this request, dissolving the southern regional government and causing the failure of the Addis Abeba Agreement. This process is known as "kokora", and it has a negative connotation for most of Dinka and Nuer people.[33]

According to Douglas H. Johnson[34] the central government in Khartoum was in fact never able to effectively control southern territory, under neither colonial rule nor successive regimes. Therefore, for a long time, the only authorities recognized by the local people were traditional chiefs who, although often being central government local extensions, enjoyed great legitimacy in the eyes of the population and exercised judicial and, to some extent, executive powers. Despite Nimeiri's aforementioned efforts to change the local government structure with the institution of a three levels bureaucratic government, the actual position of local traditional authorities remained relatively unchanged[35] until the beginning of the war in 1983, when the SPLA started imposing its military authority in the liberated areas.[36] Even then, the existence of an administrative structure in SPLM/A controlled areas before 1994 is questioned.[37] Despite slight differences in timing and degree, however, there is general agreement around the idea that the second Sudanese civil war has affected the local governance system more than anything else before.

---

[31] States were introduced in 1994 with the 11th Constitutional Decree of the Government of Sudan led by the National Islamic Front.

[32] See for example the regional conferences that have been recently held in the first quarter of 2013 formulating demands for more effective decentralization [Sudan Tribune: "Greater Bahr el Ghazal calls for conference to discuss country situation", 12 May 2013, available at http://sudantribune.com/spip.php?article46552]; and the debate around their positive or negative impact on nation-building [Deng Biong, Justice: "A call to discourage Regional Conferences in South Sudan", *Sudan Tribune*, 1 June 2013; Deng, Lual A.: "Regional Conferences in South Sudan are Imperative", *Weekly Review – The Sudd Institute*, (25 June 2013)].

[33] Branch, Adam and Mampilly, Zachariah C.: "Winning the War, but Losing the Peace? The Dilemmas of SPLM/A Civil Administration and the Tasks Ahead", *Journal of Modern African Studies*, vol. 43, nº1 (2005), pp. 1-20; Aeberli, *op. cit.*

[34] Johnson, Douglas H.: "The Sudan People's Liberation Army and the Problem of factionalism", in Clapham, Christopher (ed.) (1998): *African Guerrillas*, Oxford, James Currey; Johnson, Douglas H. (2003): *The Root Causes of Sudan's Civil War*, Bloomington, Indiana University Press.

[35] The Native Administration Act (1970) abolished native authorities. The People's Local Government Act (1971) created a bureaucratic government system with a central government, provincial councils led by appointed provincial commissioners, and elected local councils (including districts, towns, rural areas, villages and nomadic groups). According to Rondinelli, these reforms led to an exponential increase in the number of local administrative units (from 86 to 5000) with no significant transfer of power nor resources to the local level. Rondinelli, Dennis A.: "Administrative Decentralisation and Economic Development: the Sudan's Experiment with Devolution", *The Journal of Modern African Studies*, vol. 19, issue 4 (December 1981), pp. 595-624.

[36] Johnson D. H. "The Sudan People's Liberation Army…", *op. cit.*; Johnson D. H., "*The root causes…*", *op. cit.*

[37] African Rights (1997): *Food and Power in Sudan: A Critique of Humanitarianism*, London, African Rights, available at
http://beta.justiceafrica.com/publications/online-books/food-and-power-in-sudan-a-critique-of-humanitarianism/

Compared to previous south Sudanese rebel movements, SPLM/A declared more ambitious objectives and, during the civil war that started in 1983, was able to capture and control wide territories. Øystein H. Rolandsen traces a very detailed history of the administrative structures´ evolution in SPLA controlled areas, analyzing not only the movement's documents from the early '90s, but also the two main corpus of studies available on the matter, those from the British scholar Douglas H. Johnson and from the UK based advocacy group African Rights. These have different positions concerning the existence of some form of local administration in the early stages of the war. Johnson maintains that a form of local administration did exist from the very beginning, headed by the Civil/Military Administration, appointed by the Zonal Commander and relying on traditional authorities, taking as evidence the ability to keep raiding and local disputes under control through traditional mechanisms. It is however questioned what was the official position of the SPLA towards traditional authorities: while some say that the movement always recognized their legitimate role since the beginning of the war,[38] some others maintain that, due to its initial socialist vision, traditional authorities were opposed and considered retrograde institutions.[39] In any case, they played an important role in the control of the territory, and their judicial and executive powers were officially recognized with the creation of the Civil Administration of the New Sudan (CANS) in 1996.

The process that led to the creation of a civil administration started in 1991, following two major events that determined both an external and internal thrust on the rebel movement: the fall of Mengistu in Ethiopia, and the breakaway of the Nasir faction from the SPLA led by former senior SPLA commanders. The Ethiopian regime had been for a long time SPLA major ally, providing it with weapons, supplies and support in training. SPLA headquarters and training camps were located across the Ethiopian border. With Mengistu's fall, the new regime withdrew its support and the SPLA found itself in need of new sources of supply that were identified in the relief aid brought in the country by Operation Lifeline Sudan.[40] At the same time, a few months later, three senior commanders from the Upper Nile region broke away from the rebel movement and created the SPLM/A Nasir, whose name, composition and allegiance changed many times in the following ten years. The rebel commanders accused the SPLA leader John Garang of undemocratic, exclusive and militaristic rule, and presented themselves as a democratization force which granted them some attention by the international community. The increasingly competitive environment in terms of popularity and access to resources in which the SPLA found itself pushed it to undertake a process of internal reform in order to demonstrate its will to improve its governance system.[41]

By the end of 1991, a meeting of the SPLA Political Military High Command (PMHC) introduced the division of the southern territory in County, Payam and Boma in all SPLA controlled areas, although the decision was not implemented until a few years later.

---

[38] Soux, Susan: "Southern Sudan: Local government in complex environments. Project Assessment", The DGTTF Series, *UNDP* (2010), p. 15, available at
 http://www.undp.org/content/dam/aplaws/publication/en/publications/democratic-governance/dgttf-/southern-sudan-mainstreaming-gender-empowerment-in-local-government---an-assessment/DGTTF%20SSudan.pdf.
[39] World Bank: "Sudan: Strengthening Good Governance for Development Outcomes in Southern Sudan. Issues and Options", Public Sector Reform and Capacity Building Unit, Africa Region (April 2010), p. 24; Hoehne, *op. cit.*
[40] Operation Lifeline Sudan was the first and probably biggest humanitarian action coordinated by UNICEF, involving a number of international NGOs and UN agencies. It started in 1989 and continued throughout the '90, despite huge criticism against its incapability of avoiding being co-opted in the highly politicized local context. For a comprehensive analysis of OLS and its shortcomings, see African Rights, *op. cit.*
[41] Rolandsen, Øystein H. (2005): *Guerrilla Government: Political Changes in the Southern Sudan during the 1990s,* Oslo, Nordiska Afrikainstitutet; Johnson D. H.: "*The root causes...*", *op. cit.*

The SPLM National Convention held in 1994 at Chukudum created a real government structure for the liberated areas, with a central executive and legislative power held respectively by the National Executive Council and the National Liberation Council. The judiciary was also reformed, with the formalization of three levels of traditional courts (A at Boma level, B at Payam level, C at County level) and a parallel system of military courts. On one side, the authority of traditional chiefs was recognized, on the other it was subjected to the military,[42] which, according to some, negatively affected their legitimacy and capacity of exercising their conflict management role in the eyes of the population.[43] After the National Convention, 49 local councils (i.e. Counties) were created, but their number doubled in the following years through presidential decrees in response to the local population demands of self-administration, so that in 2005 the Counties were 98.[44] According to Johnson, the number of local chiefs (and chiefdoms) also increased due to the recognition of new tribal section and sub-section by County Commissioners, in order to have a higher number of positions to distribute to their local clienteles.[45]

At Boma and Payam levels appointed SPLA administrators were the links with local traditional authorities, whose main responsibility was to keep local insecurity under control. The County was led by an appointed County Commissioner drawn from SPLA ranks, and was the level responsible not only for raising taxes but also for delivering services through County Development Committees created in 1999, that should have taken over some of the service delivery and aid coordination activities run by the Sudan Relief and Rehabilitation Association since 1989.[46]

Evidence of how much these administrative reforms were actually implemented is limited and varies across the territory. Nevertheless, the SPLA was able to create a governing structure parallel to the customary one, recognizing the latter but also subjecting it to civil authorities that in practice were never really separated from the military apparatus. Despite being weakened in terms of autonomy and legitimacy by the war, local traditional authorities are still regarded as the most significant institution in the people's daily lives, especially in the rural areas, and the bottom-up demands for their re-empowerment is strong according to one of the studies on the state of local government conducted during the formulation process of the Local Government Framework. The same study also highlighted the persisting supremacy of military rule over civil administration at County level and the proliferation of counties into tribal constituencies.[47]

4. Why Counties Matter

This paper will now focus on the County level of government and on its role in the current settings. This choice is due to two reasons. First, the County is the first level of what is

---

[42] *Ibid*.

[43] Hoehne, *op. cit*.; Bradbury, Marc; Ryle, John; Medley, Michael and Sansculotte-Greenidge, Kwesi (2006): *Local Peace Processes in Sudan: A Baseline Study*, London/Nairobi, Rift Valley Institute; Hutchinson, Sharon E.: "A Curse from God? Political and Religious Dimensions of the Post 1991 Rise of Ethnic Violence in South Sudan", *Journal of Modern African Studies*, vol. 39, nº2 (June 2001), pp. 307-332.

[44] *Local Government Framework*, *op. cit*., section 1.4.4.

[45] Johnson D. H.: "The Sudan People's Liberation Army…", *op. cit*.

[46] The SRRA was the humanitarian branch of the SPLA, in charge of channeling aid flows to the local population in SPLA controlled areas, but actually often used to divert aid according to the rebel movement interests and needs. Branch and Mampilly, *op. cit*.; Rolandsen, *op. cit*.

[47] Local Government Framework*, op. cit*., 2.3.3 3rd Framework.

constitutionally defined as Local Government. Although states play a very important role in the decentralized system of governance South Sudan is currently implementing, and they also represent an interesting level of analysis of inter-communal violent conflicts that mostly occur in the form of cattle-raiding and see states' authorities actively involved in conflict-resolution efforts[48], states are not considered to be part of the local government structure, but above it. Their role and position in the governmental hierarchy and their representation at the national level through the Council of States[49] seems to suggest a federal system, which is however never mentioned in the Transitional Constitution. The second reason for choosing the County as level of analysis is that the more the local government legal framework is produced and implemented, the more Counties are empowered and increase their importance in the management of local issues.

4.1. Counties´ Design and Functions

When the local government structure was designed, the SPLM largely relied on assumingly pre-existing customary boundaries between tribes, sub-tribes, sections and sub-sections[50] in order to trace borders between Counties, Payams and Bomas. Tribal "traditional" boundaries are nevertheless something hard to officialize, because it implies a snapshot of ethnic groups territorial distribution in a precise moment of history, which is even harder to achieve in a context that has been characterized by massive displacement for decades. In a paper on access to land and pastures in Southern Sudan commissioned by FAO in 2001, Paul De Wit suggests that, despite discourses on the endorsement of "pre-existing" "customary" boundaries, these were often manipulated with the aim of influencing population movements,[51] and new narratives were produced. After the end of the war, local borders so created were more or less kept untouched and are still recognized as the borders of local government units, though not yet officially demarcated. According to a senior official in the Local Government Board, colonial maps of internal boundaries should be taken as a landmark in the process of demarcation as written evidence of traditional borders, but also acknowledges the lack of these maps.[52]

The Local Government Act (2009) clarifies both the structure and the duties of local government councils. Besides differentiating between Rural Council (County), Urban Council (Town and City) and Industrial Council, it outlines their internal structure which shall be composed of a legislative council made of 35 elected members with 25% women's representation, an executive council made of departments directors and secretaries headed by a County Commissioner/Mayor/Town Clerk elected directly by the population, and a customary law council as a judiciary organ.[53]

---

[48] See for example: Gatdet Dak, James: "South Sudan steps up inter-state community reconciliation conferences", *Sudan Tribune*, 4 January 2009, available at http://www.sudantribune.com/spip.php?article29770; Radio Miraya: "Warrap Holds Interstate Peace Conference", 12 July 2013; Nonviolent Peaceforce: "Interstate Conflict in South Sudan: a Case Study in Unarmed civilian peacekeeping", 20 October 2011, available at http://www.nonviolentpeaceforce.org/interstate-conflict-south-sudan-case-study-unarmed-civilian-peacekeeping.

[49] The Council of States is made of former members of the Council of States of the Republic of Sudan plus 20 members appointed by the President. Transitional Constitution, *op. cit*., Part V, Ch. I, 58.

[50] Johnson D. H., "The Sudan People's Liberation Army…" *op. cit*.

[51] De Wit, Paul (2001): *Legality and Legitimacy: A Study of the Access to Land, Pasture and Water*, Rome, FAO. For example, the border of the Lou Nuer area was moved by the SPLA - North of the Sobat River to prevent Lou Nuer to move southwards in the territory of Dinka Bor.

[52] Interviewed in Juba in January 2013.

[53] Local Government Act, *op. cit*., Section 22. As mentioned above, however, none of these provisions is currently implemented.

According to the Local Government Framework, service delivery, public order and development are the three basic functions of the local government. Its guiding principle is summarized in its subtitle: "Taking towns to the people", which is generally considered as a synonym for bringing services to the rural areas.[54] County competences and duties, under the States' supervision following the principle of subsidiarity, include, among others, the regulation and management of land and natural resources including land acquisition for development purposes, local revenues management and the power to sign agreement with private companies and donors for public service delivery.[55]

Being the highest level of the Local Government, County authorities are in a strategic position for whatever concerns local development and, as level of statutory government closest to the grassroots, they are often considered to represent the interests of the local population,[56] despite their executives still being appointed by state governors.

4.2. Financial Resources

Local Government Council financial viability should rest on local tax collection,[57] local revenues, and government and donor grants.[58] Donor grants are expected to be the most important contribution to service delivery and development infrastructure, as it appears in the Rubkhona County strategic plan for 2013-2015. The County's expected expenses for the year 2013 amount to 112.600.000 SSP (decreasing to about 5.900.000 and 3.700.000 in the following years). Tax revenues are expected to be around 1.400.000 SSP in 2013 and 1.800.000 in 2015, while state government grants are expected to be 3.400.000 SSP per year on average. It seems that donors and relief agencies are expected to fill the 2013 huge gap. According to some of my governmental interviewees,[59] state government grants are mostly aimed at paying county personnel salaries. While these top-down channels of financial resources are more or less functioning, the local capacity of tax collection appears to be very weak due to both weak fiscal basis in the absence of a strong private sector and widespread unofficial taxation that does not contribute to sustain the local government.

Since most of the financial resources are expected to come from above, the County is seen as an important interface to attract external funding to the community. This explains the proliferation of Counties and lower administrative units as it is described by Schomerus and Allen[60] and recalled by Aeberli.[61] Local claims for self-rule and access to resources go hand in hand with the opportunity of enlarging clients' networks for those that appoint

---

[54] Interviews to SPLM acting chairman in Unity State; Director of Land Department of Ministry of Physical Infrastructure in Unity State; Pariang County Commissioner, February-March 2013; Aeberli, *op. cit*.

[55] Local Government Act, *op. cit*., Appendix II Schedule I.

[56] A few international aid workers, for example, reported that they interacted with county commissioners in order to ensure the success of their projects as they considered them to represent local communities. One of them was even surprised by the fact that despite the county commissioner declared its support to the project and even offered the use of his car as a contribution, the local community where the project was to be implemented totally opposed it in such a harsh way that it could not be realized. Personal communications, March and April 2013.

[57] Local taxes include: local rates, land tax, health card tax, permit rate, licenses, court fees, fines/penalties, slaughter fees, gibana (personal tax, which is expected to be 0 in 2013), animal taxes, royalty from sale of timbers, auction fees, bar & restaurants, fresh & dry fish, liquor fees, weekly collection rate, commodity taxes. Local Government Board (2012): *Strategic Plan 2012-2015, Rubkhona County – Unity State.*

[58] Local Government Act, *op. cit*., Section 73.

[59] Interviews with Director of Planning and Budgeting, Ministry of Local Government, Unity State, February 2013; Project officer, Winrock-BRIDGE program, Bentiu, March 2013.

[60] Schomerus, Mareike and Allen, Tim (2010): *Southern Sudan at Odds with Itself: Dynamics of Conflict and Predictaments of Peace*, London, Development Studies Institute- London School of Economics; Aeberli, *op. cit.*

[61] *Ibid.*

commissioners, i.e. state governors. Some of my interviewees stated that, due to its role in managing local revenues and making relevant decision at the local level, commissionership is a very prestigious position, and go as far as claiming that a County Commissioner is currently more powerful than a state minister. As evidence for this claim, I was given a few examples of influent politicians or ex-military commanders that were moved to Commissioner positions as a form of reward, in order to improve their position, and of former Commissioners that were removed and relocated in "useless" positions because "they don't satisfy the needs of the governor". Unfortunately, I was not able to access any State budget to check the amount of financial resources destined to each state ministry; therefore I do not have clear evidence to confirm my interviewees' positions. Nevertheless, a few elements could suggest that this statement is not too far from reality. First of all, ministries do not have access to additional resources than those provided by state governments through national budget allocation and tax collection at state level, which is however weak just as at County level. A study by the Sudd Institute in 2012 found states accounted on average only for the 16% of the total GoSS spending, and only for the 12% of approved budget in the period 2006-2011.[62] Finally, when it comes to external development funding, ministries do have a key coordination role but do not directly access and channel resources, as it seems counties will be increasingly empowered to do.

This idea of the relevance of the county level in order to access resources for the local level is strengthen by two recent laws regulating the management of two of the most important natural resources of the country: land and oil.

The Land Act (2009), which regulates the access and management of the land in South Sudan, is based upon the famous Garang's aphorism "the land belongs to the people". The exact meaning of this statement has long been discussed: what the Act recognizes is a form of communal right over rural land in stating that "All the land in Southern Sudan is owned by the people of Southern Sudan (…)"[63] without however specifying who is to represent the communities' interests vis-à-vis the government and especially foreign investors. According to the Local Government Act, people should rule themselves through a traditional community authority[64] whose power is however limited to the judicial sphere in levels higher than the Boma. Being unclear who has the legitimacy of representing community interests, its interpretation in practical circumstances is being in pro-government way, identifying the community with the County authorities. A senior official of the Ministry of Agriculture in Unity State declared in an interview: "The land belongs to the community means that the nine counties belong to nine different clans of Nuer (…) [but] The owners of the land are the county authorities".[65]

The Petroleum Act 2012 states that "The Government shall allocate and pay to the states and communities in accordance with applicable law".[66] The applicable law here mentioned was formulated in 2012 but not yet approved: the draft Petroleum Revenue Management Bill attributes to States and Local Government Councils 2% and 3% of the Net Petroleum Revenues respectively.[67] The Interpretation section of the Bill defines the Local

---

[62] Ting Mayai, Augustino: "Mapping Social Accountability: An Appraisal of Policy Influence on Service Delivery in South Sudan, 2006-2011", *Policy Brief*, nº 1(November 2012), The Sudd Institute.

[63] Government of Southern Sudan (2009): *Land Act*, 2009, Ch. II, art. 7.1.

[64] Government of Southern Sudan (2009): *Local Government Act, op. cit.*, section 114.

[65] Interviewed in Bentiu, March 2013.

[66] Government of the Republic of South Sudan: *Petroleum Act*, 2012, Ch. XVI, art. 74

[67] Government of the Republic of South Sudan *Petroleum Revenue Management Bill – Draft*, 2012, Ch. VII, art. 28.1 (a) (b)

Government Council as: "community government that exists at the levels of government closest to the people in the states as provided for under Article 47(c) of the Constitution and established in accordance with the provisions of the Local Government Act, 2009". Being the level of government closest to the people, Counties are therefore considered as entitled to manage oil revenues on behalf of the communities, though the debate on which County institution should be in charge – the Council or the County Development Committee - is still ongoing. In 2013, some changes have been introduced in the draft bill, distinguishing between immediate communities, neighboring communities and all other communities, entitled to 45%, 30% and 20% of the 3% Local Government Council oil revenues respectively. This introduces another element of potential inequality among different communities, self-defined in tribal terms and bound to a particular territory whose border definition will have an outstanding importance in entitling its members to oil revenues.[68] "How do you address the local people? Who are their legitimate representatives? (…)If it is not clear what we mean with community, this can cause problems over boundaries", warns a Juba University lecturer during an interview on the distribution of oil revenues.[69]

5. Unity State Case-Study

Unity State is a relatively homogeneous area in terms of ethnic composition, being mainly inhabited by Nuer sub-sections with Dinka minorities in Pariang, Abiemnom and the northern part of Rubkhona counties. Nonetheless, the area has experienced an incredibly high rate of inter-communal fighting during the war not only on the Dinka-Nuer fault line manipulated by SPLA mainstream and Nasir faction, but also in the form of intra-Nuer sub-section and clan fighting. SPLA control in the area has been historically challenged by a number of other rebel groups and militia, and even today's tensions between different SPLM factions at national level are locally very visible.[70]

Together with this history of internal fighting, the region is also very rich in natural resources, both land, with the *toic* representing only one of the pasture areas over which different communities compete, and oil.

For these reasons, Unity State is an interesting case-study to look at to assess the local effects of the delimitation of territorial unities while decentralizing the government of South Sudan.

5.1. A Historical Background

Unity State, once known as Western Upper Nile (WUN), is situated in the north-central part of South Sudan, with a surface of approximately 36.000 square km. The oil discoveries in the area in the late '70 deeply affected the local population that was deliberately targeted and forced to flee by government proxy militias.

Since the beginning of the '80s, a mostly Nuer rebel movement called Anyanya II was active in the area and its attacks against Chevron facilities and personnel caused the company

---

[68] Akec John A. and Schenkel Kathelijne: "Petroleum revenues distribution to local communities in South Sudan", Sudan Tribune (5 June 2013).

[69] Interview in Juba, 17 January 2013.

[70] The latest example is the removal of Unity State governor Taban Deng Gai in July 2013. Sudan Tribune: "South Sudan's Kiir relieves Unity State governor Taban Deng", 7 July 2013.

shut-down of activities. Only after having absorbed part of Anyanya II, between 1984 and 1986, was the SPLA able to enter the area and put under its control most of WUN territory, except for some garrison towns and oilfields in the north. By the end of the '80s, the bulk of Anyanya II joined the rebel movement, except for Bul Nuer forces of Paulino Matiep that remained active in Mayom and Mankien and allied with Khartoum. After a short period of unity, new militias opposing the rebel movement started to operate. In 1991 Riek Machar Teny, former SPLA Zonal Commander in Western Upper Nile, Gordon Kong (a Nuer from Nasir) and Lam Akol (a Shilluk from Upper Nile) broke away from SPLA after an attempted coup against its leader John Garang. The split, which led to the creation of the SPLM-Nasir faction, caused huge losses to the SPLA in terms of soldiers and control of the territory, with major oilfields under SPLM-Nasir (later on SPLM-United and South Sudan Independent Movement).

For almost a decade, Western Upper Nile was under the control of splinter groups, which alternatively allied with the government, fighting each other and the SPLA.[71] Ethnicity was widely manipulated during the 90s, affecting not only Dinka-Nuer relations (Garang versus Riek Machar) but also intra-Nuer relations.[72]

Bentiu remained under direct control of the Sudanese army as other garrison towns in Southern Sudan, while most of the rural areas were under Riek Machar's forces or other militias' control, that were virtually neutralized with the signing of the Khartoum Peace Agreement (1997). Before entering the peace agreement, Paulino Matiep's Bul Nuer militia was used by the government to secure the oilfields in the western part of Western Upper Nile. He was then integrated in the Sudanese Army as a Major General, and his movement was renamed South Sudan Unity Movement/Army. He continued to be active in Mayom area.[73] Baggara militias, which seasonally migrated to southern Dinka and Nuer lands in search for water and pastures, were also armed and used to displace people.

The control of the area between 1991 and 2002 was contended between Paulino Matiep's militia and Riek Machar's faction, with the current governor Taban Deng Gai as a key figure in the area and a number of splinter micro-groups allying alternatively with rebel factions or the Khartoum government.[74] By the end of the 90s, SSDF in Western Upper Nile, headed by Tito Biel, started to realign with the SPLM/A, but the rebel movement´s physical presence in the area was only re-established after Peter Gadet's defection to SPLM/A in 2000.[75]

In 2002, the South Sudan Defense Forces (SSDF), created by the Khartoum Peace Agreement and led by Riek Machar, rejoined the SPLA after negotiations held in Nairobi between the SPLM/A headquarter and Taban Deng Gai on behalf of SSDF. The latter was appointed Unity State governor after the signing of the Comprehensive Peace Agreement in 2005 and was confirmed in the position by 2010 highly contested election.

---

[71] Johnson D. H.: The root causes*…, op. cit.*; Human Rights Watch (2003): *Sudan, Oil and Human Rights,* New York, HRW, *a*vailable at http://www.hrw.org/reports/2003/sudan1103/sudanprint.pdf.

[72] Johnson D. H.: The root causes…, *op. cit*.; Hutchinson: "A curse from God?...", *op. cit.* ; Human Rights Watch, *op. cit.*; African Rights, *op. cit.*

[73] Human Rights Watch*, op. cit*.

[74] *Ibid*.

[75] Peter Gadet was formerly Zonal Commander in Paulino Matiep's South Sudan Unity Movement/Army. His munity caused the loss of most of SSUM/A Bul and Leek Nuer troops in Mankien. *Ibid*.

5.2. Disputed Internal Borders

As shown above, Unity State has a history of internal cleavages whose expression in tribal terms has been exacerbated by the widespread manipulation of ethnicity as a means of mobilization during the war by all parties to the conflict.

Its borders, as those of all the other South Sudanese states, are inherited by previous regimes, with the colonial period being considered as a landmark.[76] Conflicts with neighbouring states (mainly Lakes and Warrap) for reasons including artificial colonial demarcation, access to grazing land and water sources are most common during the dry season when movements are easier and people are in need of water for themselves and their cattle. These conflicts, often expressed in terms of cattle-raiding, are usually violent and deadly both for humans and cattle and receive most of the attention from the media and public opinion. Efforts to solve them involve state authorities and local chiefs, but are not necessarily articulated as border issues. This might be because the state is still looked as a far away level of government, having little to do with actual control, management and problem-solving of local daily life.

Less attention is given to internal border conflicts between Unity State counties. A report published by the South Sudan Bureau for Community Security and Small Arms Control, the South Sudan Peace and Reconciliation Commission and the UNDP in 2012 assessing the typologies and causes of conflicts in Unity State counties, found that border conflict was identified as a major problem by most of the counties surveyed. Although the areas most affected by Misseriya migrations (Abiemnom and Pariang) only mentioned the international border issue, all the others recognized internal border as one of the conflict issues, together with access to grazing land and water, food insecurity, small arms, etc. Two of them, Rubkhona and Guit, even put it as the highest priority to be addressed.[77]

Unity State current division into Counties was made when the area went back under SPLA control.[78] Rubkhona and Mayom were created in 1999-2000 when Peter Gadet joined the SPLA. In 2002, when also Riek Machar was reabsorbed in the SPLA, Mayendit, Leer and Pariang were created. Panyinjiar, Guit and Abiemnom were created in 2005 after the signing of the peace agreement.[79] Unlike other states in South Sudan,[80] no new counties were created after 2005 despite some few requests[81] that were however repulsed, perhaps because the number of Counties is already the same as the number of Nuer and Dinka tribes considered to traditionally inhabit the area. On the other hand, the number of Payams proliferated. For example, Rubkhona County Commissioner reports the creation of 6 new Payams in his county in the last year only:

> "*We have 6 new Payams. The old ones used to be on the northern side of the river, while those new ones are on the southern side because we need to bring development also*

---

[76] Interview to senior official of Local Government Board, Juba January 2013; Schomerus and Allen, *op. cit.*

[77] UNDP: "Community Consultation Report - Unity State - South Sudan", Bureau for Community Security and Small Arms Control, South Sudan Peace and Reconciliation Commission, (May 2012), Juba.

[78] Interview with Member of Parliament from Mayom Country in Unity State Legislative Assembly, Bentiu, February 2013.

[79] *Ibid.*; UNDP: "Community Consultation Report…" *op. cit.*

[80] Schomerus and Allen, *op. cit.*

[81] Interview with Member of Parliament from Rubkhona County in Unity State Legislative Assembly, Bentiu, February 2013.

there[82]. Dhorbor split in Kuerkuei, Budaang changed its name in Badaang and split into another one that still has no name, Ngop split into Thorbon, and two new ones are Chor and Tomodol. Every time a new Payam is formed, a new head chief is elected".[83]

During my two month field research, I tried to identify some of the border disputes involving the northern Counties of Unity State, particularly Rubkhona, Guit, Pariang and Mayom, highlighting their immediate cause and the interests at stake in each case. The findings are summarized in the table below.[84]

Disputed area	Counties involved	Dispute details	Interest	Resolution
Wangkei	Rubkhona - Mayom	Wangkei Payam is part of Mayom County, but it is on the very border with Rubkhona. In 2010 people from Wangkei wanted to build houses in an area that was claimed by Rubkhona. There were clashes and a head chief from Mayom was killed. In 2012 there was fighting again and cattle-raiding.	Tax collection Land ownership	The security was sent and houses removed. No permanent agreement found. Waiting for official demarcation.
Port (Mina)	Rubkhona – Guit	The port is on the river Nam (Bahr el Ghazal), next to the bridge linking Bentiu to Rubkhona. Since 2011-12 there is also a small market. Goods arrive there by boat from Malakal (especially during the rainy season), and by road from Mayom. The place is called Mina, it used to be in Rubkhona County but Guit authorities are now collecting taxes both on goods coming through the river and from the traders. Allegedly, Rubkhona community claims the land because of a Leek man having planted some mango trees in the area.	Tax collection on goods and market fees Land	No explicit claims from Rubkhona people, but they are unhappy with this arrangement[85]. No effort to solve the issue by the government. Waiting for official border demarcation.
Parts of Bentiu (Power station-Bim Ruo/Yoanyang)	Rubkhona – Guit	Bim Ruo/Yoanyang is an area north-east of Bentiu where the town is expanding, and it borders Guit County. The area is inhabited by a sub-clan of Leek (Rubkhona), Chiengain, and a sub-clan of Jikani (Guit), Chiengdukar.	Tax collection	Security intervention. No agreement reached.

---

[82] After oil discoveries on the northern side of the river, most of the population previously living there was forcefully displaced to the southern part by militias. Human Rights Watch, *op. cit.*

[83] Interview with Rubkhona County Commissioner, Rubkhona, February 2013.

[84] Sources of information were primarily interviews with members of Unity State Legislative Assembly from Rubkhona, Pariang, Guit and Mayom Counties, Rubkhona and Pariang County Commissioners, Nyeel Payam acting Administrator, Unity State Land Commission chairperson and members of Unity State civil society based in Bentiu Town.

[85] General views from average citizens were collected through informal talks in the areas of Iengas and Bim Ruo, which are close to the port area and, at times, are also claimed by Guit County. Bentiu Town, in March 2013. Some interviewees suggested that claims are not publicly raised when they involve complaining against the expansionist attitude of Guit County because it is the governor's home county.

		Before Guit was created in 2005, they lived together. Between 2002 an 2007 the area was under the control of a militia led by Peter Dor of Chiengdukar clan, that was then integrated in the SPLA[86]. In 2002, a market was established. In 2007, there was a dispute among tax collectors that escalated into fighting between the communities in Maderasa and Chilak, along the river. In march 2008 there were new clashes between the two communities. The government intervened destroying the market and residential area. People are now residing there illegally. It is a barrack area.		
Heglig	Rubkhona – Pariang	Leek people (from Rubkhona) claim part of Heglig because they used to go to graze in the area and consider it to be their land.	Tax collection Oil revenues Land ownership	Heglig is stil disputed between Sudan and South Sudan
Manga	Pariang – Guit	Manga is situated east of Rubkhona, near to the river Nam. It is claimed by Pariang County (Dinka Rweng-Panaru), but is where the house of Unity State Governor Taban Deng Gai is located. The governor allegedly encouraged the settlement of Nuer Jikani (his own tribe) in the area, which is now under the authority of Guit County (before, it was part of Nyeel Payam in Pariang County). Dinka Panaru claim that the traditional border used to be the river Nam, with Nuer Jikani living south. The original name of the area was Minyang while Manga would the arab name, allegedly used by the governor to hide the origins of the place. Before the war, it used to be a grazing area (not heavily populated) and the few inhabitants were displaced following inter-tribal militia fighting in 1991-1992.	Agriculture land Water Fish camp	People from Pariang are unhappy with the arrangement, but there are no protests. People are either waiting for official demarcation, either too scared to protest against the governor.

---

[86] According to a Member of Parliament from Guit County in Unity State Legislative Assembly, it was only after 2007 that the government of Unity State was effectively capable of controlling the area between Rubkhona and Guit. Interviewed in Bentiu, February 2013. A Block leader in Bentiu Town I interviewed in March 2013 also reported the presence of armed groups in Rubkhona until 2007: "Arabs stayed in Rubkhona up to 2007".

All these disputes are conceptualized both in terms of tribal and clan-based affiliation and in terms of where a particular border has to lay; the issues at stake -besides the symbolic rhetoric of "this is our ancestral land"- are mainly reported to be access to land and tax collection.

The first one, access to land, can be approached from two distinct but intertwined perspectives: access to land on an individual basis, and access to land on a collective (community) basis. Individual access to land in the rural areas is granted on customary basis. Except from Bentiu Town and a few other towns where the demarcation of urban housing plots is under way,[87] Unity State's population mostly lives in the rural areas, where land is allocated to the people according to the needs for settlement and productive land by the local chief. The allocation of land takes place at Payam level (Head chieftainship) through the consultation of Boma level chiefs (Executive chieftainship) that identify the plots to be allocated. This practice is consistent both with the Land Act, which recognizes customary rights to land in the rural areas, and with the way in which local land issues have been traditionally dealt with. Customary rights, as such, have been traditionally regulated by local chiefs with very limited interference from any form of statutory power.[88] In their study of local administration in SPLA controlled areas during the war, Branch and Mampilly report that land disputes´ resolution between individuals and families were to be managed within the customary system, with a council of chiefs and elders as appeal organ instead of the SPLM statutory court.[89] Individual land rights are therefore mediated by the right of an entire community to own, access and occupy a certain territory, with the community "defined as a tribal unit, in which decisions as to the most important resource, land, are made exclusively by those seen as embodying that tribal custom – chiefs and elders".[90] According to a senior official of the Ministry of Agriculture in Unity State:

> *"If you want a plot for farming, there are no problems and it is free as long as you belong to that community. Otherwise you will never have it, forget it! You can ask for a lease, but then you have to pay".[91]*

Having to pay for the land to live and cultivate means virtually being excluded from that land for the majority of people living in the rural areas, so if an area is included or not in the administrative boundaries that delimit a community's territory becomes a matter of being allowed or denied the right to access that land to individual community members. Moreover, while for urban land an official survey system and fixed prices are in place -notwithstanding reports of widespread corruption of local officers of the Survey Department-, it is unclear how the issue is supposed to work in the rural areas.

---

[87] The Director of the Land Department of the Ministry of Physical Infrastructure and Urban Development in Unity State reported in an interview that between 2004 and 2011 the following urban blocks for housing were demarcated: 1 block in Pariang town; 6 blocks in Guit Town, 9 blocks in Abiemnom town; 3 blocks in Mankien; 7 blocks in Wankai; 9 blocks in Mayom Town; 12 blocks in Rubkhona town; 97 blocks in Bentiu (but rapidly expanding). Interviewed in Bentiu, February 2013.

[88] I am not considering here the large scale expropriation of land in the Upper Nile region by the government in Khartoum during the 70s and 80s (Johnson D.H.: "The root causes...", *op. cit*), because this kind of operation should be looked at as an alienation of collective rights involving logics and dynamics that go far beyond the negotiation of customary rights.

[89] Branch and Mampilly, *op. cit*.

[90] *Ibid*., p. 11.

[91] Interviewed in Bentiu, February 2013.

This individual perspective would not be enough, however, to understand why disputes arise and articulate on county borders: the same issue of individual access to land could, and indeed does, emerge also at Payam and Boma levels on clan and sub-clan bases,[92] though the chairman of the Land Committee in Unity State Legislative Assembly suggests that these disputes are usually solved more easily by Head Chiefs and Executive chiefs.[93]

Access to land on a collective basis entails a broader perspective of what it means in terms of access to resources, that goes beyond subsistence usage. As shown above, Local Government Councils (i.e. Counties), are increasingly identified as key actors in any development activity, which include, among other things, also benefiting from the revenues deriving from natural resources exploitation. Though not yet implemented, provisions contained in the legislation have the potential of making natural resources –including land- an important source of income for local governments.

The second issue mentioned, tax collection, represents both a source of income that can be seen in a similar way, and a powerful symbolic act. From tax collectors´ point of view, tax collection has the symbolic meaning of being capable to control a territory. From the point of view of those that pay taxes, it means that they "belong" to a certain group or community, and in this way show their participation and allegiance to a polity. When asked to which county the port and market on the river Nam belonged, the traders replied that it belonged to Guit County, because it was Guit authorities that collected taxes from them.[94] People do not want to be taxed by authorities that they perceive as alien: for example, in the case of Bim Ruo/Yoanyang, the dispute reportedly started as a quarrel between tax collectors and later escalated into inter-clan fighting between Jikany and Leek clans because the people did not want to demonstrate allegiance to the other's County authorities, even if before 2005 the people were living together because Guit County did not exist.[95]

The availability of revenues (from tax collection, natural resources exploitation or simply government or donor grants) is associated with service delivery and development opportunities, the lack of which is seen not as a "failure of [institutional] accountability but rather a failure of political representation and access to political power".[96] Social services and development opportunities, epitomized by Garang's statement "Taking towns to the people", are widely believed to be delivered based on tribal affiliation, as it is exemplified by the dispute between Leek and Jikani Nuer to control parts of Bentiu town. "The proximity of the county capital is seen to be accompanied by improved disbursement of funds for basic services. Access to affordable food and available medical services and schools are seen to be a product of having the 'government' nearby",[97] and this "nearby government" is supposed to be the "community government".

Communities are identified and identify themselves in tribal and clanic terms, and this is most evident in the effort of turning "traditional" customary boundaries into "modern"

---

[92] Schomerus and Allen, *op. cit.*; Interviews with Member of Parliament from Guit County, Unity State Legislative Assembly, Bentiu, February 2013, Unity State Land Commission chairman, Bentiu, March 2013.
[93] Interviewed in Bentiu, March 2013.
[94] Informal talks with traders in the Mina port and market area on the river Nam, March 2013.
[95] Interview with Member of Parliament from Guit County, Unity State Legislative Assembly, Bentiu, February 2013. Rubkhona and Guit County are considered to belong respectively to the Leek Nuer sub-tribe and to Jikany Nuer sub-tribe. The dispute arose as soon as both counties authorities started to try to collect taxes, in 2007, as between 2005 and 2007 the area was still partly controlled by an armed militia.
[96] Schomerus and Allen, *op. cit.* p.42.
[97] *Ibid*. The control over Bentiu town also entails higher revenues in terms of commodity tax collection, as the capital town is where major markets are located.

administrative borders. The overlapping of the particularistic sphere of the community and the universalistic one of the local government in charge of development and service delivery, is somehow endorsed by the Local Government Act that recognizes the "traditional community authority" as expression of the people's self-rule[98] implying therefore a stronger role for the chiefs without however mentioning specific mechanisms to entrench their downward accountability nor possible safeguard mechanisms for "aliens" to a particular community. The call for self-rule constitutes the other outstanding element of the Government of South Sudan's commitment to decentralization. If the two things, self-rule and service delivery, are to go together in a decentralized system, it seems that the persistent perception of access to resources being granted along tribal lines while officializing them into administrative borders is more likely to cause localized conflicts than to solve them, especially in a context such as Unity State -and the broader South Sudan- where ethnicity has already been extensively exploited for political reasons along its whole history.

6. Conclusions

This paper has shown how the creation of a decentralized system of government in a context of post-conflict state-building needs necessarily to cope with the challenges stemming from the delimitation of territorial units that will form the base for local government empowerment. The idea, popular among international agencies contributing to South Sudan state-building effort, that a decentralized government would best meet the goals of peace-building seems sometimes to overlook the fact that, although beneficial for managing tensions at a national level allowing broader political inclusion through the creation of a number of new local political arena, it can sometimes have contrasting impacts on the local level.

Though the majority of my interviewees supported the idea that a decentralized system is the best way to govern South Sudan respecting its people's right to self-rule, this paper has raised some critical aspects on the local impact of the creation of decentralized governmental structures, starting from local borders. According to Schomerus and Allen, "Decentralization, while theoretically the best way to govern Southern Sudan, has in reality become an instrument to entrench 'tribal' lines over competition for resources, manifesting itself in a proliferation of new counties".[99]

In particular, Unity State case-study showed that institutionalization of county borders is going hand in hand with an increase in localized disputes over resources. These disputes have to do with the overlapping of the "traditional" customary domain with the "modern" administrative local government unit, creating tensions between a particularistic, identity-based idea of self-rule, and universalistic statehood supposed to protect the rights to resources access of all its citizens. This tension is likely to increase the more the local government will be empowered to carry out its tasks with increased access to natural resources revenues. So far, violent clashes have occurred only occasionally, but if the issue is not addressed and continues to be postponed to when all major troubles with Sudan and the international border will be solved, its capacity of deteriorating local relations between communities and hindering state-building at a local level (represented by state institutions that do not deliver what are expected to) should be taken into account.

---

[98] Local Government Act, *op. cit*, art. 114.
[99] Schomerus and Allen, op. cit., p. 9

56

THE POETICS OF TRANSITIONAL JUSTICE IN DINKA SONGS IN SOUTH SUDAN

Angela Impey[1]
School of Oriental and African Studies (SOAS)

Abstract:

Political historians often described the civil war in Sudan as a 'theatre of proliferating conflicts'. While independence for South Sudan may have closed the curtain on one act, it has given rise to a new spectacle, depicted through a narrative of internal conflict and extreme underdevelopment, and directed predominantly by the state and its international development partners. This article seeks to counter the official discourse about post-conflict reparation by considering ways in which peace and reconciliation are imagined at the local level. In particular, it considers the agentive role of Dinka songs, analyzing the ways in which they bare witness to the memories and aspirations of one group within the diverse cultural spread of South Sudan society. In so doing, it explores how the infusion of old poetic forms and structures with new actors, roles and imaginaries gives force within a culturally sanctioned framework of legitimacy, thus offering a potentially meaningful arena for the narration of a locally relevant national script.

Keywords: South Sudan, Transitional Justice, Dinka Songs, Truth-Telling, Citizenship, Post-Conflict Nation-Building.

Resumen:

Los historiadores políticos han calificado a menudo la guerra civil en Sudán como un "escenario de proliferación de conflictos". Si bien la independencia de Sudán del Sur puede haber corrido el telón de un acto, también ha dado lugar a un nuevo espectáculo, representado mediante una narrativa de conflictos internos y de subdesarrollo extremo, y dirigido predominantemente por el Estado y sus socios internacionales para el desarrollo. Este artículo pretende contra-argumentar el discurso oficial sobre la reparación post-conflicto considerando formas en las que la paz y la reconciliación son imaginadas a nivel local. En particular, considera el papel activo de las canciones Dinka, analizando las formas en las que dan testimonio de los recuerdos y aspiraciones de un grupo dentro de la amplia diversidad cultural de la sociedad de Sudán del Sur. En este sentido, el artículo explora cómo se infunden formas y estructuras poéticas antiguas en nuevos actores, roles e imaginarios, reforzando de esta manera un marco de legitimidad sancionado culturalmente, lo cual ofrece un ámbito potencialmente significativo para la narración de un guión nacional relevante a nivel local.

Palabras clave: *Sudán del Sur, justicia transicional, canciones Dinka, narración de la verdad, ciudadanía, construcción nacional post-conflicto.*

---

[1] Angela Impey lectures Ethnomusicology at the School of Oriental and African Studies, University of London, and is the convenor of the MA Music in Development. Her research is concerned primarily with the role of music as oral history/testimony in relation to land, livelihoods and citizenship in southern Africa and the African Horn. Department of Music, SOAS, University of London, Thornhaugh Rd. Russell Square, London WC1H OXG.
E-mail: ai6@soas.ac.uk.

I can't imagine how a bereaved cattle rustler would stop a revenge urge simply because some Europeans, Americans, Asians and other Africans have met in Juba in the name of peace and reconciliation. In other words, internationalization of local issues is not a solution to South Sudanese conflicts.[2]

1. Introduction

The reflections presented in this essay have their roots in a 3-year research project on Dinka music in South Sudan.[3] During the process of recording, annotating and analyzing a large repertoire of songs collected from respondents across a number of Dinka-speaking states, I became increasingly fascinated by the prevalence of themes pertaining to historical memory, justice, conflict resolution and civic engagement. It occurred to me that the dialogue contained within these poetic expositions appeared to be running concurrently with, yet largely separate from the official narrative about national healing that is being generated by government ministries and their international development partners.[4] While there is little disagreement that peace-building and national reconciliation is imperative to the development of a unified, democratic country, there appears to be growing concern – made evident in the songs and corroborated by a burgeoning literature on transitional justice in South Sudan - about how such a process might be implemented in order to answer to the needs of a diverse population. Much of this anxiety is directed at the potential privileging by the government of top-down mechanisms of international law and human rights practice,[5] thus foregoing the opportunity to create equitable and inclusive conditions by which both past and present conflicts may be addressed and resolved. The call for the development of both formal and informal instruments and arrangements for the promotion of reconciliation and nation-building is prevalent in

---

[2] Mawe, Ahang: "Will the upcoming national reconciliation and healing in South Sudan be a success?", *South Sudan News Agency*, 30 April 2013, at
http://www.southsudannewsagency.com/opinion/articles/will-the-upcoming-national-reconciliation
[3] This project, entitled 'Metre and Melody in Dinka Speech and Song', was a collaboration between the University of Edinburgh and SOAS, University of London, with funding from a British Arts and Humanities Research Council (AHRC) 'Beyond Text' grant. I would like to extend my gratitude to Bob Ladd, Bert Remijsen, Elizabeth Achol Ajuet Deng, Simon Yak Deng Yak, Peter Malek and Mawan Mourtat for their contribution to the annotation and translations of the songs, and to Eddie Thomas and John Ryle for recommendations made on an earlier draft of the paper. Thanks also to Brigid O'Connor for pointing me to relevant sources in South Sudan.
[4] Bickford, Louis (2004): "Transitional Justice" in Shelton, Dinah L. (ed.): *The Encyclopedia of Genocide and Crimes Against Humanity,* Vol. 3, Farmington Hills, Macmillan Library Reference, pp. 1045-1047. According to Bickford, transitional justice consists of both judicial and non-judicial processes and mechanisms that focuses on 'how societies address legacies of past human rights abuses, mass atrocity, and other forms of severe social trauma, including genocide or civil war, in order to build a more democratic, just, or peaceful future.' (p. 1045). Transitional justice comprises 4 components: criminal prosecutions (that address perpetrators of violence); reparation (material compensation and public apology); institutional reform of abusive state institutions (armed forces, police and courts), and truth commissions (public disclosure of patterns of abuse aimed at better understanding underlying causes of serious human rights violations).
[5] McEvoy, Kieran and Lorna McGregor (eds.) (2008): *Transitional Justice from Below: Grassroots Activism and the Struggle for Change,* Oxford, Hart Publishing; Baliey, Naseem: "The strategic instrumentalization of land tenure in 'state-building': The case of Juba, South Sudan", *Africa,* vol. 83, nº 1 (February 2013), pp. 57–77; Deng, David. K. (2013): "Changes of Accountability. An Assessment of Dispute Processes in Rural South Sudan", *South Sudan Law Society* at
http://www.pactworld.org/sites/default/files/Challenges%20of%20Accountability_FINAL%20May%2016.pdf;
Kindersley, Nicky: "Internally Displaced", 4 April 2013, at
http://internallydisplaced.wordpress.com/2013/04/13/the-sudan-council-of-churches-riek-machar-and-a-journey-of-national-healing-thoughts-on-peace-and-reconciliation-in-south-sudan/#more-561.

current writings on South Sudan; some, such as Jok Madut[6] go so far as to suggest that the exclusion of civil society from the national platform poses the greatest threat to national cohesion in the country. Jok Madut's counsel is validated by Ryan who advocates that 'Lasting peace requires people, communities and leaders with the skills, capacities and opportunities to work together to reconcile political and sectarian divisions. The absence or presence of these skills and capabilities can make the difference between violence and instability on the one hand, and peace and growth on the other'.[7]

This paper argues for greater institutional receptiveness to citizen representation in the national reconciliation process in South Sudan. In particular, it appeals for a better understanding of local cultural ecologies of communication (i.e. relational systems and contexts of communication) and the assimilation of truth-telling in diverse and multiple forms. As noted by the International Center for Transitional Justice (ICTJ), because truth-telling in transitional societies plays a critical role in providing a publicly sanctioned space for people to speak and be heard, it is imperative that truth commissions understand and incorporate different systems of disclosure.[8] This is of particular significance when communicating with a population that has little access to either literacy or to the dominant language of a society.

More specifically, the paper will focus on the agentive role of Dinka songs,[9] drawing in particular on the following observations: The first extends the notion that songs carry rhetorical power in Dinka society, offering a culturally sanctioned site for the public disclosure of personal, social and political histories and future agendas. As suggested by Francis Mading Deng, 'Songs everywhere constitute a form of communication which has its place in the social system, but among the Dinka their significance is more clearly marked in that they are based on actual, usually well-known events and are meant to influence people with regard to those events'.[10] Additionally, concerns made public in songs carry different moral authority in Dinka customary law to that of oral discourse, serving as a venerated platform for the recounting of historical events, for the re-establishment of trust between individuals, clans and communities, and for the reaffirmation of damaged cultural identity.[11]

The second observation takes its lead from the way that songs were utilized during the 2nd civil war, their social and political capital evidenced by their widespread deployment to mobilize action, to transmit information over vast geographic areas and to boost morale.

Finally, the argument draws on the use of songs in current Dinka cultural practice, and in particular on the way that they continue to be composed and shared between clan members

---

[6] Jok, Jok Madut (2011): "Diversity, Unity, and Nation Building in South Sudan", *Special Report-United States Institute of Peace,* nº 287, pp. 1-15.

[7] Ryan, Jordan: "Infrastructures for Peace as a Path to Resilient Societies: An Institutional Perspective", *Journal of Peacebuilding & Development*, vol. 7, nº 3 (2012), p. 17

[8] "What is Transitional Justice?" *International Centre for Transitional Justice* (ICTJ) at
 http://ictj.org/about/transitional-justice?gclid=CLy85rTGsbgCFTMgtAod8RgAeA; "United Nations Approach to Transitional Justice. Guidance Note of the Secretary-General", *United Nations*, (March 2010), at http://www.unrol.org/files/TJ_Guidance_Note_March_2010FINAL.pdf

[9] The focus on Dinka songs specifically is based purely on information available at the time of writing, and is not intended in any way to privilege one group over any other. A similar argument may be applied to the song cultures or oral traditions of any one of the 60+ ethno-linguistic groups in South Sudan.

[10] Deng, Francis Mading (1973): *The Dinka and their Songs*, Oxford, The Clarendon Press, p. 84.

[11] Makec, John Woul (1988): *The Customary Law of the Dinka People of Sudan,* London, Afroworld Publishing, p. 211.

across the world; their remit as vital channels of communication about clan, region and national politics now implicated in the complexity of networks, identifications and intimacies of a globally dispersed people.[12]

Building on these justifications, the paper construes the making and sharing of songs in Dinka society as 'acts of citizenship', framed as the active mediation by individuals and groups of ideas, opinions and ideologies aimed specifically at sociopolitical intervention and amelioration.[13] Through the analysis of a selection of songs, the paper will examine how the infusion of old poetic forms with new actors, roles and imaginaries are given force within a culturally sanctioned framework of legitimacy, thus offering a potentially significant counterweight to what are often considered remote, regulatory and culturally inappropriate institutional discourses on peace and reconciliation.

2. Transitional Justice in South Sudan

A formal peace and national reconciliation process in South Sudan has been on the agenda since the signing of the Comprehensive Peace Agreement in 2005. With Independence in 2011, President Kiir announced the government's plan to organize a Peace and National Reconciliation Commission, charging Vice-President Riek Machar with the responsibility to build on work previously conducted by the Southern Sudan Peace Commission (which had been inexistence since the signing of the CPA) and the former Ministry for Peace and CPA Implementation.[14] In President Kiir's words, the Commission, which would operate with support of multilateral and bilateral public partners and international and national NGOs, and in cooperation with national State and local authorities, would support 'an inclusive and people-driven process in order to achieve true reconciliation'.[15] The need to expand a transitional justice process post-2011 was built largely on the recognition that unity in South Sudan is built on a fragile notion of nationhood, its multiple ethnicities held tenuously together by a collective history of struggle against Sudan and Anglo-Egyptian Condominium rule before it.[16] As noted by Jok Mdut, 'Despite violent discord within the Sudan People's Liberation Army (SPLA) and the creation of ethnic militias that fought bitter wars against it,

---

[12] Impey, Angela: "Keeping in touch via cassette: Tracking Dinka songs from cattle camp to transnational audio-letter", *Journal of African Cultural Studies,* vol. 25, nº 2 (2013), pp. 197-210.

[13] Yúdice, George (2003): *Expediency of Culture: Uses of Culture in the Global Era*. Durham, Duke University Press; Avelar, Idelber and Dunn, Christopher (eds.) (2011): *Brazilian Popular Music and Citizenship,* Durham, Duke University Press.

[14] For a more detailed summation of the history of the peace process in South Sudan, see 'South Sudan Peace and Reconciliation Commission - Strategic Plan 2013-2015', Juba (2013). It is worth noting here that in the Transitional Constitution 2011(Article 36(2), Part 3, Fundamental Objectives and Guiding Principles) it is stated that all levels of government shall: (a) promote and consolidate peace and create a secure and stable political environment for socio-economic development; (b) initiate a comprehensive process of national reconciliation and healing that shall promote national harmony, unity and peaceful co-existence among the people of South Sudan; (c) inculcate in the people a culture of peace, unity, cooperation, understanding, tolerance and respect for customs, traditions and beliefs of each other; and (d) mobilize popular energies and resources for reconstruction and development.

[15] Martins, Alex: "Reconciliation committee Chairman encourages peace mobilisers", *Initiatives of Change International,* 30 April 2013, at
http://www.iofc.org/reconciliation-committee-chairman-challenges-peace-mobilisers

[16] Mawut, Lazarus Leek (1983): *Dinka Resistance to Condominium Rule 1902-1932*, Khartoum, University of Khartoum, Graduate College Publications.

the undeniable fact is that all South Sudanese remained focused on the need for unity of purpose and ranks in the struggle for self-determination'.[17]

Since Independence, inter-ethnic clashes over cattle, land and natural resources have escalated, threatening to further destabilize internal security and to undermine efforts to build a viable economic infrastructure. The situation is elaborated in the following excerpt from the *South Sudan Peace and Reconciliation Commission - Strategic Plan 2013-2015*:

> Along with independence came the challenge of building a new nation with the legacy of the past. Decades of war divided people along tribal lines, there is a high internal displacement. Cattle rustling is rampant and the huge presence of small arms exacerbates conflicts related to tribal practices such as elopement and child abduction, in addition to those related to competition for land and resources. Cross-border conflicts with neighbouring countries, refugees, a weak civil service, weak rule of law, lack of economic opportunities, the needs of returnees and former combatants, corruption, nepotism and poor accountability are but some of the additional stresses weighing upon the new nation.[18]

The country has not yet been able to establish a formal justice system capable of meeting the basic requirements of all South Sudanese, and customary systems remain instrumental in resolving a wide range of civil disputes. According to Deng,[19] the development of a formal justice system will require the government to overcome a number of challenges, not least of which will be widespread impunity for inter-communal and politically motivated violence. As peace and justice are inextricably interconnected, Deng proposes that conflict sensitive programming will necessarily require a thorough understanding of the complex socio-political dynamics that underpin violence, and substantial time and resources will need to be invested in research and analysis: 'These tasks require people and institutions that have experience with cutting-edge research techniques, an in-depth knowledge of South Sudan and its history and practical experience working in pluralist legal systems'.[20]

On April 14 President Salva Kiir abruptly canceled a national reconciliation effort that the Vice President Riek Machar Teny had initiated in the last quarter of 2013. The reasons for the cancellation have been widely debated[21] and remain outside the remit of this paper. Suffice to say that in April 2013, President Salva Kiir officially reinstated national reconciliation as one of the priority agendas for South Sudan, appointing the non-partisan religious leader, Archbishop Daniel Deng Bul, to Chair a new committee charged with launching a national campaign for reconciliation under the auspices of the Office of the President and the South Sudan Peace and Reconciliation Commission.[22] In accepting his role, Archbishop Deng Bul echoed the commendations made by President Kiir and Deng[23] above by calling for greater inclusivity and public consultation, appealing to peace mobilizers to

---

[17] Madut Jok, *op cit.*, p. 2.
[18] "South Sudan Peace and Reconciliation Commission - Strategic Plan 2013-2015", Juba, 2013, p. 11.
[19] Deng, *op cit.*, p. 1.
[20] *Ibid.*, p. 9.
[21] The Sudd Institute: "Peace and Reconciliation in South Sudan: A Conversation for Justice and Stability", *Special Report,* 7 June 2013.
[22] The committee will comprise three Christian bishops, a leader from the Muslim community and representatives from women, youth and civil society organizations, as well as from each of the ten States (IoCI 2013). As to whether placing the process entirely in the hands of religious leaders is an appropriate approach has generated a range of new and different debates. The Sudd Institute, *op. cit.*, p. 2.
[23] Deng*, op. cit.*

assist in gathering data across the country in order to reveal the sources of lingering tensions and conflict among South Sudanese. In a press release by the IoCI, he is quoted as saying: 'We will touch every corner, every state, every payam, every boma, and you will be part of the structures to take national reconciliation across the country'.[24] In an interview with Juba-based Radio Miraya, the Archbishop further qualified that the commission will 'creat(ing) the space for people to come and talk to each other..., that is why we say we are going to talk to the people on the ground because (y)ou can't say you want to make peace when you don't know what is in the hearts of the people so we need to let people speak, where ever and whatever they are'.[25]

The emphasis on civil society participation in reconciliation is further developed by Thomas who highlights the need to draw on the many peace initiatives that have started in South Sudan during its many years of conflict:

> The past lessons of reconciliation, and the past roles of civil society in reconciliation, will shape experiences today. South Sudan has a rich resource in its traditions of restorative justice, of reconciliation, and civil society needs to pay attention to those traditions, and the way that they worked during the war. The formal associations that are represented here – like human rights, electoral, religious and other organisations – need to work through these traditions. They need to stand up for the rights of non-state actors in reconciliation.[26]

Despite the widespread call for the inclusion of civil society, the development of local instruments and for a 'thicker' understanding of local conditions within transitional justice processes, there is a continued reliance on bespoke models and solutions to truth and reconciliation.[27] Compounding this in South Sudan is concern as to whether the government is yet able to accommodate open, frank disclosure that may challenge the somewhat singular national liberation narrative, that would allow individuals to question the ideologies and actions of the likes of John Garang and the SPLA, and that would question the nation's apparent unity of purpose.[28]

3. Assimilating Competing Memories and Different Kinds of 'Talk' in Transitional Justice

Over the past two decades, there has been a proliferation of transitional justice mechanisms aimed at restoring peace and implementing reparation in the aftermath of state violence and civil war. Inherent to all of these procedures is the ongoing concern with how to reckon with competing memories of violent pasts for contemporary democratic political objectives. The organized collection of survivor and witness narratives has constituted an integral part of transitional justice efforts in recent decades, and testimonies are generally taken to be

---

[24] Martins, *op. cit.*

[25] "Reconciliation to address grievances: Archbishop Deng Bul", Radio Miraya, 19 June 2013, at http://www.radiomiraya.org/interviews2/11451-reconciliation-to-address-grievances-archbishop-deng-bul.html#gsc.tab=0.

[26] Thomas, Edward: "Reconciliation and the consolidation of peace – the role of civil society", Unpublished notes from Justica Africa meeting, (July 2011).

[27] McEvoy and McGregor, *op. cit*.

[28] Kindersley, *op. cit.*

evidence of and an instrument for a victim-centered approach.[29] Yet, although much of the work undertaken on testimonial narrative offered in truth commissions has tended to focus on the content of survivor testimony, there is an emerging body of scholarship that has begun to focus on 'the forms such narratives take, the contexts of their production, and their ongoing local, national, and transnational circulation'.[30]

Truth hearings themselves are often interpreted in narrative or theatrical terms; the South African Truth and Reconciliation Commission (TRC) being one such example that is typically represented as a 'theatre of justices'.[31] Cole's framing of the TRC in performative terms is derived partly from the way it was staged within the context of a formal court proceeding, contained within which were a range of public and embodied elements, and partly because of how it assumed a ritualistic function as 'part legal court, part (Christian) ritual of forgiveness and atonement, and part psychological talking-cure/catharsis'.[32] These performative dimensions were made all the more apparent by the way the TRC took center stage in the South African media, the objective being to render the hearings a truly national experience rather than restricting them to a small handful of selected commissioners.[33] As to whether such publicly staged hearings successfully granted victims voice and agency in South Africa has frequently been brought to question. Indeed, such a format, which was determined by the protocols and epistemologies of a court of law, has been charged with casting victims into a passive role, 'allowing them to speak only when spoken to by an agent of the court, and even then to speak only on certain terms and topics ... In addition, the principles of evidence and truth operative in the court are often woefully inadequate to grapple with the psychological complexity of trauma, especially trauma perpetrated on a massive scale'.[34]

Furthermore, the court-based truth-telling format often involves an unnatural narrative disjuncture manifest in the extraction of discourses from one setting and their insertion into another, where they are often reworked to accord with Northern-derived and highly regimented discursive formulae. French argues that this de-contextualization of survivor and witness testimony underscores the need for a 'natural history of discourse' that is responsive to 'culturally and contextually contingent semiotic processes'.[35] Similarly, Briggs proposes that the value of such discursive features and processes is that they 'project cartographies of their own production, circulation, and reception'[36] revealing ecologies of communication that underwrite what is understood to be the real story of past violent experiences. Underscoring such an argument, Jackson[37] questions the primacy of speech in development practice and testimony and highlights the need for greater sensitivity to, and accommodation of a plurality of speech registers (e.g. poetry, stories, songs, bodily praxis).

[29] French, Brigittine: "The Semiotics of Collective Memories", *Annual Review of Anthropology,* vol. 41, nº 1 (2012), p. 343.

[30] French, *op. cit.*

[31] Posel, Deborah (2002): "The TRC Report: What Kind of History? What Kind of Truth?" in Posel, Deborah and Graeme Simpson (eds.): *Commissioning the Past: Understanding South Africa's Truth and Reconciliation Commission*, Johannesburg, Witwatersrand University Press; Felman, Shoshana (2002): *The Juridical Unconscious: Trials and Traumas in the Twentieth Century*, Cambridge, Harvard University Press.

[32] Cole, Catherine. M. (2009): *Performing South Africa's Truth Commission: Stages of Transition,* Bloomington, Indiana University Press, African Expressive Cultures Series, p. 129.

[33] Cole, *op. cit.*

[34] Cole, Catherine. M.: "Performance, Transitional Justice, and the Law: South Africa's Truth and Reconciliation Commission", *Theatre Journal*, vol. 59, nº 2 (2007), p. 170.

[35] French, *op. cit.* p. 344.

[36] Briggs, Charles L.: "Mediating infanticide: theorizing relations between narrative and violence", *Cultural Anthropology,* vol. 22, nº 3 (2007), p. 332.

[37] Jackson, Cecile: "Speech, Gender and Power: Beyond Testimony." *Development and Change,* vol. 43, nº 5 (2012), pp. 999–1023.

Despite the call for the inclusion of diverse communication modalities in peace and reconciliation processes, very little rigorous ethnographic research has been undertaken on culturally embedded mechanisms of disclosure and forgiveness, nor are there many practical guidelines as to how these mechanisms might be included in formal transitional justice strategies. Yet increasingly, scholars and human rights activists are beginning to recognize the importance of culture in supporting a transitional justice process 'from below'.[38] The following statement issued by the ICTJ (2012) serves as useful direction:

> Oral tradition plays an important role as a source of law, a basis for claims, and a guarantee of action in indigenous societies. The performance of ceremonies to witness or commemorate is an important element in validating and dignifying storytelling.... Such an approach demands bold discussion: How can we assess the validity of oral tradition as evidence? How do different cultures treat time and causality in narratives of the past? Who speaks for a community, and how may that differ from community members' individual accounts? On the basis of these reflections, truth commissions focused on indigenous rights could devise innovative techniques for taking statements, processing data, and developing standards of evidence. Similarly, learning from indigenous peoples on the most appropriate forms to transmit information should inform a truth commission's approach on outreach and dissemination of its findings.[39]

4. Dinka Songs as Testimony

Debates about the social and political currency of African oral 'art' have occupied scholars for numerous decades. Finnegan (2012), Furniss (2004, 2008), Barber (2003, 2007), Keil (1979) Pongweni (1982), and Gunner (2008)[40] are amongst a growing stable of scholars in African Studies who advocate for the place of orality in culture and memory, and as essential to an understanding of human cognition. The place of *songs* in oral history or political testimony is not as well recognized, however, although historians such as Vaughan (1985), Vail and White (1983; 1991), Harries (1987), Finnegan (2007) and Sletto (2009)[41] have

---

[38] Baines, Erin K.: "The Haunting of Alice: Local Approaches to Justice and Reconciliation in Northern Uganda", *The International Journal of Transitional Justice*, vol. 1 (2007), pp. 91–114; McEvoy and McGregor, *op. cit.*

[39] Arthur, Paige; Eduardo González; Yukyan Lam; Joanna Rice; César Rodríguez-Garavito and Deborah J. Yashar (2012): *Truth And Memory: Strengthening Indigenous Rights through Truth Commissions: A Practitioner's Resource*, International Center for Transitional Justice, p.5, at http://ictj.org/publication/strengthening-indigenous-rights-through-truth-commissions-practitioners-resource

[40] Finnegan, Ruth (2007): *The Hidden Musicians. Making Music in an English Town.* Wesleyan, Wesleyan University Press; Furniss, Graham (2008): "On the multiple dimensions of memory in the oral communicative moment", Paper presented at the Seventh Conference of the International Society for Oral Literature in Africa (ISOLA), University of Salento, Lecce, Italy 11-15 June.; Barber, Karin: "Text and performance in Africa", *Bulletin of the School of Oriental and African Studies,*vol. 66, nº 3 (2003), pp. 324-333; Barber, Karin (2007): *The Anthropology of Texts, Persons and Publics: Oral and Written Culture in Africa and Beyond.* Cambridge: Cambridge University Press; Keil, Charles (1979): *Tiv Song. The Sociology of Art in a Classless Society*, Chicago, University of Chicago Press; Pongweni, Alex. C.J. (1982): *Songs that Won the Liberation Struggle*. Zimbabwe, College Press; Gunner, Liz. (2008): Power, Marginality and African Oral Literature*,* Cambridge, Cambridge University Press.

[41] Vaughan, Megan: "Famine Analysis and Family Relations: 1949 in Nyasaland", *Past and Present*, nº 108 (1985), pp. 177-205; Vail, Leroy and Landeg White: "Forms of Resistance: Songs and Perceptions of Power in Colonial Mozambique", *The American Historical Review*, vol. 88, nº 4 (1983), pp. 883-919; Vail, Leroy and Landeg White. (1991): *Power and the Praise Poem: Southern African Voices in History,* Charlottesville: University Press of Virginia; Harries, Patrick (1987): "A forgotten corner of the Transvaal': Reconstructing the history of a relocated community through oral testimony and song" in Bozzoli, Belinda. (ed.): *Class, Community and Conflict. South African Perspectives,* Johannesburg, Ravan Press.; Finnegan, Ruth (2012): [2nd Edition] *Oral*

argued persuasively for their role in historical reconstruction, offering an important space for the voices of those otherwise marginalized or politically silenced. Doubts cast on the validity of songs as testimony tend to be attributed to their apparent transience, their inclination to alter over time and with different performers, and their expression in performance. To most people in the Global North, 'performance' tends to be synonymous with entertainment rather than with embedded social or political practice. In defense of song as oral history, musicologist Richard Widdess aptly points out that 'orality can too easily be seen as a negative condition, a condition of the stereotypical Other, a view that then lends unwelcome support to the Western academy's lingering insistence that only music written in scores is really worth taking seriously. We need to understand what orality *is*, not what it is not.' [42]

In the following section, I make a case for songs as socially and politically embedded communication extending their role as 'acts of citizenship' that resonate in both the affective and pragmatic registers of human experience. By drawing on the symbols, resonances and meanings that inhere in shared cultural practice, I contend that songs offer a significant platform (sonic, contextual and discursive) for the elicitation and preservation of memories; they exercise emotional and ideological power, and play a decisive role in the reconstruction of individual and social identities. Songs also provide a space for the negotiation with power, operating as a veritable *vox pop* that is invoked to validate or criticize, and thus to communicate how power and the state is experienced or imagined more generally.

Within the Dinka musical canon, the significance of songs is determined by how poignantly they address real events and experiences, and how effectively they inspire moral reflection; a mutuality that endorses the potency of song in political dialogue. In this regard, songs are a locus of *communicative reciprocity*, serving as a vehicle for both introspective reflection and public pronouncement.

Prior to considering their role in national reconciliation, it would be prudent to outline the convention of song making in Dinka culture, briefly describing the mastery and meanings of song performance, and explaining the significance afforded them in Dinka society as a public political platform.

Dinka have a vast taxonomy of songs – praise songs, historical songs, political songs, cathartic songs, shaming songs etc. - each judiciously categorized according to specific functional, musical and performative distinctions. Every man and woman will accumulate a repertoire of personal songs during their lifetime that will chronicle personally significant events, relationships and experiences, and will be performed, either solo or as a group, on different occasions and for different purposes. A good composer may earn great respect from his/her clan and wider community; a social status that draws on a broader consideration that a good 'keeper of words' is a measure of person's wisdom, leadership, and good neighborliness, and extending the notion that good human relations are derived from the accommodation of one's own interests to those of others.[43]

Literature in Africa, World Oral Literature Series, Cambridge, Open Book Publishers.; Sletto, Bjørn Ingmunn: "'We drew what we imagined', Participatory mapping, Performance and the Art of Landscape Making'", *Current Anthropology,* vol. 50, nº 4 (2009), pp. 443-476.

[42] Widdess, Richard: "Songs without notes: Orality, writing and music in South Asia", *Inaugural Lecture*, SOAS, University of London, 13 March 2008.

[43] Deng, *op. cit.* p. 15.; Evans-Pritchard likewise characterizes the Nuer as a people whose 'values are embodied in words through which they influence behavior' Evans-Pritchard, E.E. (1940): *The Nuer: A Description of the Modes of Livelihood and Political Institutions of a Nilotic People,* New York and Oxford, Oxford University Press, p.135. Additionally, he notes the widespread use of the word *cieng*, which refers variously to home,

Dinka songs follow a simple, narrative structure and rhetorical devices, such as metonym and metaphor, are employed in a range of ways to elaborate actual and relational meanings. However, songs are not intended merely as public pronouncements; in offering poetic fragments of a narrative only, composers rely on their audience's intimate knowledge of people, contexts and local meanings to fill in the gaps and thus to engage in the imaginary world of the narrative.

Thematically, all songs appear to incorporate combinations of a number of core conventions:

1. The first builds on rhetorical devices to anchor relationships and reaffirm clan and cultural identities and senses of belonging. This includes the judicious naming of clan members or leaders and places, using ox names[44] or secondary denotations to describe their deeds or character, thus ascribing meanings that are often understood only by clan or ethnic-territorial insiders.

2. Songs always call on finely envisioned allegorical references to nature and seasonality, securing their content to specific landscapes or territories, and thus elaborating shared physical and cultural senses of place.

3. The concept of emplacement is further explored in the existential tension between the individual and the collective, which is likewise expressed via multiple social and aesthetic references to cattle and nature.

4. Temporality and history are an equally recurrent theme, conveyed through the acknowledgement of bonds between people across generations (lineages, clan, or political leadership), thus revealing chains of reciprocal encounters that reinforce individual and group identities in the present.

5. This relational dimension of songs is further enacted in performance, which is characteristically directed at multiple audiences, simultaneously offering a space for self-reflection and intended for consumption by others, thus rendering the singer accountable to both him/herself and to the collective.

6. Significantly, songs are used as a vehicle for social and political regulation, which is mediated through a 'poetics' of antagonism and resolution. In Dinka society, songs are a culturally legitimate site for the frank public disclosure of a range of issues and experiences, often allowing for intense emotionalism and accommodating expressions otherwise considered outrageous or offensive. However, according to Deng, the ultimate objective of this 'fighting with song'[45] is the reinstatement of unity and harmony, an allusive concept

---

lineage and good social relations. Similarly, Burton, in his research with the Atuot, notes that individuals are defined as members of social groups by their words: 'One aspect of the Atuot theory of society indicates that the individual "brings" or "has a word," thereby declaring and defining a perception of, and participation in, a wider series of social relations.' Burton, John W.: "Figurative Language and the Definition of Experience: The Role of Ox-Songs in Atuot Social Theory", *Anthropological Linguistics*, vol. 24, nº 3 (2008), p. 263.

[44] As pastoralists, who share a passionate attachment to, and identification with cattle, the poetic formulation of songs is stylized largely through detailed imagery of cattle. For example, personal ox are invoked as the embodiment of strength, conviction and solidarity, and thus referred to in order to praise oneself, one's clan or lineage.

[45] Deng, *op. cit.* p. 79.

encapsulated in the Dinka term *cieng,* which is loosely translated as 'rule', 'custom', or 'to inhabit', 'to respect'; 'to live together'. [46]

These core tenets are rehearsed in songs that were composed to relate traumatic experiences of war; equally, they provide the temporal, spatial and cultural anchors that are called upon in songs that are composed and shared amongst the globally dispersed Dinka diaspora today.

5. Analysis of Truth-telling and Active Citizenship in Dinka Songs

The National Program for Healing, Peace and Reconciliation is guided by the following core values: i) Pluralism, ii) Inclusivity, iii) Peacemaking, iv) Social Justice, v) Forgiveness, vi) Healing, vii) Atonement, and viii) Sovereignty.[47] In this section, I will examine the interpretation of these values in a selection of Dinka songs, focusing on two fundamental concerns in particular: The first deals with the role of songs in truth-telling and the disclosure of past violent abuses; the second reveals how songs frame procedures for national reconciliation and healing. Consideration will be given in both categories to how songs give validation to the restoration of identity and self-esteem through their elicitation of particular images of the individual and society embedded in the rhetoric of resistance and emancipation. [It is significant to note that the following songs were somewhat randomly selected for analysis from a large collection of recordings, most of which dealt with similar themes. They are therefore by no means exceptional in their content or rhetorical structure.]

What is consistent in all of the following examples is that they are composed/performed from a deeply personal position and recount actual events experienced during the 2nd civil war. Additionally, they all contain within them both personal reflection and public counsel, thus supporting the notion of *communicative reciprocity*, transacted by their role as vehicles of personal reflection of feelings, ideas and experiences, as well as public testimonial. All songs provide for some level of personal catharsis, made evident in both their deployment of affective language and in their candid descriptions of personal and group suffering. While the songs may have been individually composed and are intended for solo performance, some of them would be sung collectively. All would be performed in contexts that are defined by mutually understood communicative structures and boundaries, and are thus entirely exclusive of external intervention with regard to production, circulation and reception. In this regard, they stand in contrast to a formalized court hearing, which is directed through strict roles and hierarchies; their rhetorical convention correspondingly making possible a mutually understood framework for frank and open disclosure of experiences, feelings and events.

While the songs uniformly reveal the personal and collective fragility of South Sudan, they are also highly pragmatic, recommending mechanisms by which to deal with challenges in an inclusive, peaceful and effective manner.

---

[46] Ibid. *op. cit.* p. 14; Lienhardt, Godfrey (1961): *Divinity and Experience: The Religion of the Dinka,* Oxford, Oxford University Press.

[47] For further details, see 'The Comprehensive Strategic Dimensions for Healing, Peace and Reconciliation for all South Sudanese.' The Office of the Chairman of the Committee for National Healing, Peace and Reconciliation for South Sudan, 2013, Juba

5. 1. Truth-Telling: Giving Voice to Past Abuses

Jiëŋda yoo, Muɔnyjäŋda yoo, Muɔnyjäŋdadït cït anyaar (The Dinka are great like the buffalo)
Song Owner: Kodok Chan (Twic Section, Warrap State) (Rek)
O our Dinka, o our Dinka, our Dinka, our Dinka are great like the buffalo[48]
The Dinka of Deng Achuuk, who created all humans beneath the tamarind tree and placed

---

[48] Jiëŋda yoo, Jiëŋda yoo, Muɔnyjäŋda yoo Muɔnyjäŋdadït cït anyaar
Muɔnyjäŋ ë Deŋ Acuuk, Monyjiäŋ wän ciɛk aciëk ë cuin aŋäc ku wɛl ë cin ë cuëc
Muɔnyjäŋdït wɛckë wenyïn
Bë nydun acï thou Gäräŋ Mabiör Atëm Aruë i
Ku acï piny ë Junup wɛl ë cin cuëc
Gäräŋdït akëc bɛn thou thon ë Deŋ Nhial wär tem ë Deŋ wei akïn käŋ ë baai guiir
Gäräŋ!
Mabiör Atëm Aruë i acï piny ë Junup wel cin cuëc
Wäär cï piny ë Muɔnyjäŋ wäär cï yen ee nhom gut ë luuŋ
Wään në k ë bë ny wään në k ë Jon Gäräŋ Mabiör Atëm Aruë i
Ciër Abun ë Maroor ë Riän kek Deŋ Macam Aŋuï aacool ë jam ku aaruu ë jam
Wään cï rïny ë Jon Gäräŋ cï yen ee nhom kuɛn aɣeer
Jamtöŋ cï maa jam Rabeka tiŋ ë Gäräŋ Mabiördït
Wäar jiɛm ë ma Nyandeŋdït
Nyandeŋ ë Col acï Muɔnyjäŋ duut
Muɔnyjäŋ ee cuɛt rɔ t mɛɛc cï mën ë yuɔɔm
Jiëŋda yoo - Muɔnyjäŋda yoo
Jiëŋda yoo - Muɔnyjäŋdandït cït anyaar
Muɔnyjäŋ cak wël ye piŋ të jɛm Kiir Mayärdït
Kek Riäk Macär Teny ku Diktor Yac Arop ë Makërdït
Ku jɔl aa Lam Akɔl ku Deŋ Alɔr ë Kuɔl Kiir Mayär lueel: Muɔnyjäŋdandït cït anyaar.
Pälku thon ë Gäräŋdït.
Gäräŋdït acï tiɔm ë Junup wɛl ë cin ë cuëc, ku dɔmku dɔ̈ ɔ̈ r
Ku ritku baai piny bï baai ciët tim ë giɛɛr
Pinydan ë Junup
Piny laan ë raan cool ee piny laan ye nɔ̈ k ë kë̈ ë c
Wäär në k Deŋ ë Nhial ku në k Karabino Kuanyin Bol ë Deŋ ku në k Jamuth, Anyaar Mayɔ̈
ldït
Yen cï piny bɛn kuŋ wën Mabiör Atëm Aruë i
ɣo pälku tiɛɛl
Ku pälku luɔm
Ku ritku baai piny bï baai ciët tim ë giɛɛr
Bë nydan Junup
Mathɔn ŋak nhom
Bë nydan Junup
Mathɔn guiir baai
Bë nydan Junup
Anyaar kuöc a cɔl Kiir ë Mayärdït
Tiɔmdan ë Junup acie kuum thon ariɔɔc
Ku bäny cï jec SPLA wäär kɔ̈ ɔ̈ th ëïɛn acie bäny dek yiic thɔn ariöc
Akumada akumada akumadan ë Junup akuma ee nhom ŋuan
Adek yic SPLA ku adek SPLM
Ku adek yic ɣärka cäbia
Ku jec ë kamador jec kamador guiir baai
Jec kamador guiir baai
Tiɔmdan ë Junup acɔl tiɔm yïk ŋek bï tiɔp acɔ̈ l ë wun
Diktor Yaac Diktor Yaac Arop Makërdï akumadan Junup akuma dek yic kɔc dït
Acie akuma ee dhuk ciën abi ye nhom aatak ë bë̈ t
Wëliom Mathiäŋ Awëër ë Biök Thiäŋ Awëër ë Thiäŋ Agitjak
Ku Wëliom Martin Magoc Kur ë Deŋ Yak Adol Leŋ akïc lueth kaŋ lueel
Aköl lueel ɣɛn ke wël piny Junup

them at his right hand
O Dinka, wipe your eyes
Because your great leader, Garang Mabior Atem Aruei, has died
But he has placed South Sudan at his right hand
Garang has not died like Deng Nhial who was cut down before he could restore order to his country
Garang!
Mabior Atem Aruei has placed South Sudan at his right hand
At that time, the world of the Dinka came to a stand still
The time when John Garang Mabior Atem Aruai was slain
Cier Abun Maror Rehan and Deng Macam Angui spoke day and night
When John Garang's people risked their lives on the streets of Khartoum
When Rebeccca, the wife of the great Garang Mabior, spoke
When my mother Nyandeng spoke
Nyandeng, daughter of Chol, restrained the Dinka
Who were ready to throw themselves into the line of fire
Our Dinka, our Dinka are like the great buffalo
Dinka, have you heard the words of Kiir Mayardit
And Riak Machar Teny and Dr. Yac Arop Makerdit
With Lam Akol and Deng Alor Kwol?
Kiir Mayar said: The Dinka are like the buffalo
Let go of Garang's death
He has placed South Sudan at his right hand
And let's embrace peace
Let's build the nation with strong foundations, like the Gieer tree
O South Sudan,
Land of the black people that will forever reject oppression.
When Deng Nhial, Karbino Kuanyin Bol of Deng and Jamuth, Anyiaar Mayuol
died fighting for the land
The land struck again and took the son of Mabior Atem Aruai
Let us leave envy
And backbiting
And build the nation with strong foundations, like the Gieer tree
O leader of South Sudan
O celebrated leader
O leader of South Sudan
The builder of the nation
O leader of South Sudan
The brave buffalo, the one they call Kiir Mayardit
O South Sudan, our land, you will not be led by a cowardly bull
The SPLM leadership has no cowards amongst its ranks
The South Sudan leadership has four divisions:
The SPLA, the SPLM, the people's movement
And the commando army that protects the nation
South Sudan is our land and the land of our ancestors
O Dr. Yac Arop Makerdit,
We are led by great people
Who do not retreat or procrastinate.
William Mathiang Awuur Biok, Thiang Awer Thiang Agitjak
And William Martin Magoc Kur Deng Yak Adol Leng

Never lie when they speak for South Sudan.

This song embraces the theme and sentiments typical of so many Dinka songs composed during the war. Locally categorized as a 'song of history' (*diɛt ke käckäc*), it details the story of the 2nd civil war as enacted through the SPLA leadership. While concerned principally with recounting seminal events that determined the shape of war, it summons the discursive features of a praise song (*diɛt ke keep*), naming individual leaders, acknowledging their lineages or clan names, and using natural references (buffalo, Gieer tree) to commend their valour, deeds and triumphs. Rather than promote war, however, the focus of the song is on the restoration of peace and security. In this we see traces of the Dinka notion of *cieng* (i.e. the reinstatement of unity and harmony)*,* providing insight into how, despite decades of persecution and war, popular political attitudes and aspirations continue to be shaped by culturally defined moral objectives.

An additional indication of the composer's moral stance can be found in the song's use of both traditional poetic conventions and Christian imagery. The latter is rendered most forcefully in the Jesus-like virtues ascribed to the SPLA leader, John Garang De Mabior, who is depicted as redeemer and guardian of the nation, and through whose alleged magnanimity is invoked broader Christian convictions of atonement, tolerance and forgiveness.

The song praises the Dinka (though arguably references all South Sudanese) for their strength, courage and political certitude, citing culturally meaningful signifiers to reinforce a sense of mutuality manifested in resistance, resilience and emancipation. This sense of national unity is accentuated in the depiction of Nyandeng (John Garang's widow) as 'mother', thus portraying the South Sudanese through an intimate, familial frame, unified by the Christian image of an all-loving, pacifying maternal figure.

Ku puön ë raan col bï thɔ̈ɔ̈ŋ keŋö? (To what shall we compare the heart of a black man?)
Song Owner: Marco Piol (Malual Section, Awiel, Northern Baar el Ghazal State) (Rek)[49]
To what shall we compare the heart of a black man?
The heart of the black man is exceedingly strong
In those difficult days in South Sudan, we survived by slaying our own cattle
Wild food was our diet
Brothers, we grazed like animals

---

[49] [Ɣɛn ee cɔl Marko Piöl Majoŋ Piöl Athiaan. Ɣɛn ee manh Awïl pan ye cɔɔl Marial Baai]
Ku puön ë raan col bï thɔ̈ ɔ̈ ŋ ke ŋö?
Puön ë dë l col jɔl ril bï tɛɛm.
Ku puön ë raan col bï thɔ̈ ɔ̈ ŋ ke ŋö?
Puön ë dë l col jɔl ril bï tɛɛm.
Wäär Junumda cuk pïr ayäŋ buɔc,
Tim tɔ̈ gɔk ku yen ye miëthda,
Wɛ̈ t cuk nyuäth ë wal nyuäth ë wal cït lë i.
Ɣok cï päl wei këya këya,
ɣok cï päl wei kam Apirika.
Ɣok cï päl wei këya këya,
ɣok cï maan kam Apirika.
Wek yoo, wek yoo,
wek yoo, wek yoo ...
Kɔc ye thë k ë yanh tök ka kek ë röt kony

We were ignored in Africa
We were reviled in Africa
you ... you...
Those who share the same faith should help one another

This song offers a more personal and emotional exposition of the civil war experience than the previous example. Its relevance to the truth-telling process is revealed by the way it offers a frank exposition of the individual and collective suffering of the South Sudanese. The composer reflects on a broader political dynamic, articulating the misery inflicted on the South Sudanese as a result of their abandonment by African governments at a particularly challenging moment of the civil war. The song accredits the survival of the South Sudanese to that of mutual support and unity of purpose, affirming their solidarity through the use of denotations such as 'brother' or 'the black man'. Through the presentation of fractured images, the song offers a poignant exposition of their desperation, the extreme severity of which is depicted by having to slaughter their own cattle for food.

Majök Bil ë kuëi, Ciëër awel (Majok, shining like the evening star)
Song Owner: Akoy Tiemraan Mayom Deng Chol (Twic East Section, Jonglei State) (Bor)
Majok, shining like the evening star[50]
Majok, shining like the evening star
I bought a colourful bull with a white tail for my clan
Like a bird, I bought a white and black bull for my clan
Who will comfort me and remove the tears from my eyes when I cry for our destroyed land?
Village of Anok Nyingeer, who will comfort me? Oh!
Wurnyang took my cows from me, oh!
Our cattle have gone
A gourd of cow's milk was left on the ground
A gourd from my bright cow
A gourd of cow's milk was left on the ground
The Nuers played like hyenas
Famine came to the village where a gourd of the cow's milk had been left on the ground
A gourd from my bright cow
A gourd of cow's milk was left on the ground

---

[50] Majök Bilkuëi, Ciëër Awel
Majök Bilkuëi, Ciëër Awel ca wut ɣɔ c Magë ë r Kuëi Ayöl yäär
Marum ca wut ɣɔ c Marial Jök ee
Yee ŋa dut a yic ee ŋa wec a nyin ku ɣɛn dhiëu pan dɛɛn ci riääk?
Paan Anɔŋ ë Nyiŋëër ŋa dut a yic, eei
Wurnyaŋ ca weŋ nyaai a cin, eei
Wok cinë weŋda ke jäl
Kon ë weŋ ee döŋ panom ajöm yäär gök
A ɣeei kon ë yäär bïëi
Kon ë weŋ ee döŋ panom ajöm e yäär gök
Nuë ë r acï käŋ nyɔ ɔ k cïmɛn Aŋui, eei
A riääk baai kon e weŋ ee döŋ panom ajöm yäär gök
A ɣeei kon ë yäär bïëi
Kon ë weŋ ee döŋ panom ajöm ë yäär gök

This song, which is also categorized as *diɛt ke käckäc* (song of history), refers to the 1991 Bor Massacre, which followed shortly after a division had developed within the SPLA. Although the split between the factions started on the grounds of ideological disagreements between their leaders, the fight rapidly degenerated into an ethnic confrontation, with Riek Machar Teny, a Nuer and chairman of the SPLA-Nasir faction, and Garang, a Dinka, drawing their respective ethnic groups into an all out Dinka versus Nuer battle.[51] The schism incited members of the breakaway SPLA-Nasir faction to launch an attack on the Dinka Bor, resulting in the death of thousands, the loss of homes and livestock, and the displacement of many more thousands to neighbouring states.[52] The song offers a highly emotional account of the massacre, illuminated through emotionally charged images and inferences. As is the convention of most personal songs, the singer introduces his piece by praising his bull - Majok - and by soliciting the attention of his audience through the use of a high, sustained vocal register. As Majok is also the personal name that would have been given to the composer as a boy according to the seniority of his mother and to a known hierarchy of colour-patterns,[53] this poetic strategy is invoked to simultaneously identify himself and his place within his family and clan group. The personal bull is used as a sustained metaphor in the song, simultaneously describing exact events and invoking an entire social and cosmological system.[54] In a comparable symbolic gesture of emplacement, by likening his bull to stars in the night sky, the singer situates the animal – and by association, himself and his clan – within its physical locality, typically playing on visual analogies of brightness and light to draw attention to his personal distinctions, and to those of his people and his place. The natural world is further played out through the metonymic reference to the ostrich (similarly black and white), which extends the poetic layering in the song and intensifies the sensuous evocation of place.

Having secured himself in his natural and cultural landscape, the singer describes the battle and its aftermath, identifying his village by the name of its leader, Anok Nyingeer, and appealing to those within his wider familial circle for support. The singer makes direct reference to Wut Nyang, the Nuer religious prophet who had encouraged the Lou Nuer to join in the attack,[55] invoking the offending image of a hyena to describe his treatment of the Dinka. The ultimate loss experienced by the Dinka Bor is manifest in the repeated image of an abandoned gourd of milk; a deeply haunting depiction into which is gathered a multifaceted world of pastoralist inferences involving cattle, land, livelihoods, clan relations and cultural identity.[56]

Tiɛɛl alëm ë ɣɔk (We have to sacrifice cattle to free ourselves from hatred)
Singer: Deng Fanan [Deng Kuot Thieec] (Agwok Section, Gogrial, Warrap State) (Rek)
What shall we do? Brothers, what shall we do? [57]

---

[51] The Sudd Institute, *op cit.* p. 8; Johnson, Douglas (2003): *The Root Causes of Sudan's Civil Wars,* Oxford, James Currey.

[52] The Bor massacre remains deeply unresolved in the collective memory of South Sudan and there is continued fear that without an effective process of reconciliation, tensions between the Dinka and Nuer could escalate.

[53] Evans-Pritchard, *op. cit.*

[54] Deng, *op cit.* p. 97

[55] Johnson, Douglas (1997): *Nuer Prophets: A History of Prophecy from the Upper Nile in the Nineteenth and Twentieth Centuries,* Oxford, Oxford University Press.

[56] Impey, *op cit.*

[57] Buk ŋö jal loi? Wë ɛ̈ t buk ŋö jal loi?
Makur ku Magak!
Buk ŋö jal loi? Buk ŋö jal looi?

Makur and Magak!
What shall we do about North Sudan and South Sudan?
We have to sacrifice cattle to free ourselves from hatred
It will need the sacrifice of cattle to dispel it from Sudan
We cannot let hatred destroy an educated nation
We have to sacrifice cattle to free ourselves from hatred
We cannot let hatred destroy an educated nation
It will need the sacrifice of cattle to dispel it from Sudan
Makur!
Makur and Magak!

This song focuses on the theme of atonement and draws on the notion of sacrifice, as embedded in both Christian and traditional Dinka spiritual principles, as a mechanism by which true and lasting peace may be achieved. What is relevant in the song is that it demonstrates a profound desire for conciliation. However, rather than placing the responsibility of appeasement in the hands of Sudan – the historical enemy and presumed perpetrator of violence - it acknowledges the work that needs to be done by the South Sudanese themselves in order to rid themselves of bitterness and hostility. Herein, it advocates, lies the essence of emancipation and the strength of the new nation.

5.2. Framing Procedures for National Reconciliation and Civic Responsibility

This category of songs, though indicating certain correspondence with the theme of historical disclosure, is noted for their demonstration of 'acts of citizenship' in which composers recommend practical mechanisms for good governance of South Sudan. All songs comment on the need for participatory democracy and concede to the necessary mutuality between civic responsibility and conscientious leadership. The details in the songs are specific and often instructive, offering solutions as to how public institutions should conduct their affairs in order to establish an economically and politically viable nation. Although appearing to wholeheartedly support the SPLM, they nevertheless demand accountability by the government in its management of public resources, and warn of the dire social and political consequences on the future the independent state if not responsibly handled.

Piɛŋkɛ̈ wɛ̈t diëën! (Listen to my words!)
Singer: Deng Fanan [Deng Kuot Thieec] (Agwok Section, Gogrial, Warrap State) (Rek)
Have you not seen it? Have you not seen it?[58]

Cumal ee Thudän ku Junup ë Thudän
Tiɛɛl, tiɛɛl alë m ë ɣɔ̈ k
Alë m ë ɣɔ̈ k ku bï lam wei, bï lam wei baai Thudän da
Pandït ë kɔc cï piöc yen ë ben ë päl tiɛɛl bï tiɛɛl rac
Tiɛɛl, tiɛɛl alë m ë ɣɔ̈ k ku lam wei panda
Ayee! Pandït e kɔc cï piöc yen ë ben ë päl tiɛɛl bï tiɛɛl rac
Tiɛɛl, tiɛɛl alë m ë ɣɔ̈ k ku lam wei Thudän.
Makur! Makur ku Magak!

[58] Kɛ̈ ckë tïŋ? Kɛ̈ ckë tïŋ?
Naa bɛnkë kuöc loi
Yen baai ka ŋuɔt kë bak piŋ

If you mishandle the nation once again,
Then you will see
You will see it with your own eyes
God sees everything
If you mishandle it,
You will remain at a loss
But if you handle it well
Then you will be rewarded
Listen to my words
Spoken on behalf of four forces
Makur!
The nation's forces
The military and the police
Guard the law
And the prison guards have power
Which they will bring to bear on those who oppress us
The SPLM is like a fighting stick
The only fighting stick
If a man deviates
And rejects the community and the youth
Then we will challenge him

Kɛɛc rem wei ku dɔm dhaŋ (The young men rebelled and took up arms)
Singer: Marco Piol (Malual Section, Awiel, Northern Baar el Ghazal State) (Rek)
The young men rebelled and took up arms[59]

Aŋot ë bak guɔ tïŋ we nyïïn
Nhialic acee abë ë l
Kuöckë tiëŋ ciɛɛm
Ke wek bï pëk ke gäi
Ke nyïë ckë tiëŋ cuëëc
Ke yen aŋuë n kë ya
Na kuöckë tiëŋ ciɛɛm
Ke wek bï pëk ke gäi
Na nyïë ckë tïŋ cuëëc
Ke yen aŋuë n ka ya
Piɛŋkë wë t diëën
Wë t akut ë yic ŋuan
Makur!
Piɛŋkë wë t diëën
Kën akut ë yic ŋuan
Kën akut ë baai
Jundï ku bolith
Aamac caap ë ganun
Ku thujuun aala riɛl
Na yökkï kɔc rɛc wät la gup ithemäär
Kaa dutkï nyin akuma
Ku SPLM yen athöŋ ke ka tuel oo
Atuɛl töŋë
Naa yec raan rɔt wei
Ku cï më t akutic
Ku bï ya cäräkia ku bï rɔt më t cabap
Ka këc ku bɛr ŋic yen raan wek bolith ku cabap bak jal tïŋ
Bak jal ŋic oo
[59] Kɛɛc rem wei ku dɔm dhaŋ

Rebellion will bring about emancipation
The young men rebelled and took up arms
We want our rights and freedom
Now that peace has returned
Let's organise the army and the police
Build hospitals and schools
If you are in public office, don't squander public funds
Some people are corrupt; don't squander public funds
Some seek personal wealth
But wealth alone is not our aim
You have to develop the country first
Wealth alone is not our aim
Aim to do good for this land
Because many people have died in its defense
Remember this land
Everybody is mourning
Who hasn't lost a relative for this land?
Who amongst us has fared better than the rest?
Even those who were not in the firing line
Did not fare any better

Yeŋö yen baai tër ë määc abï kɔc röt nɔ̈k? (Why do we kill one another and destroy the country over power?)
Singer: Deng Fanan [Deng Kuot Thieec] (Agwok Section, Gogrial, Warrap State) (Rek)
Let me ask you a question, Sudan: [60]

Kɛɛc wei yen awaar wok
Kɛɛc rem wei ku dɔm dhaŋ
Wok wïc yic ku nhomläu
Namën cï piny piäth
Namën cï piny piäth
Guiirku jieec ku bolïth
Guiirku jieec ku corta
Pan akïm pan abun
Pan akïm pan abun
Namuk luɔi ka duk tuk ë wëu
Neŋ kɔc kɔ̈ k ye tuk ë wëu
Muk tholta ku duk tuk ë wëu
Neŋ kɔc kɔ̈ k ye tuk ë wëu
Ee raan tïŋ jiɛɛk
Jiɛɛkdu ë rot acie yen
Yïn koŋ guiir ë baai
Jiɛɛkdu ë rot acie yen
Luoi kë path ë pinykën
Ee piny cï kɛc kuan juëc nyaai
Liec yï kɔ̈ u ë pinykën
Ee raan ëbën yen dhiau ë ɣok
Ŋa ŋɔ̈ ŋ ë raan cï piny nyaai
Ŋa ŋɔ̈ ŋ ë raan cï piny nyaai
Wok ëbën dek raan ŋuë ë n
Wok ëbën dek raan ŋuë ë n
Ku acïn kɔc waar tö geu
Ka ŋɔt ë jöt ke riäŋ töŋ
[60] Wek ba thiëëc töŋ wek Thudän
Yeŋö yen baai të r ë määc abï kɔc röt nɔ̈ k?

Why do we kill each other and destroy the country over power?
Let us entrust power to one person
But give the people the right to choose that leader
Let's abandon lawlessness
Let's stop bothering and conspiring against each other
And ruthlessly eliminating people one by one
It is cruel, cruel, Sudan!

6. Conclusion

Peace and reconciliation in South Sudan is rapidly becoming one of the most pressing issues in the country, yet in as much as there is a need for an effective national programme in order to quell growing internecine violence and advance social and economic development, so the restoration of peace is rapidly becoming implicated in high-level political game playing. The aim of this paper has not been to analyze the history of restorative justice in South Sudan, however, nor to reflect on the motivations behind the political machinations underlying the current peace-building process. Rather, it has attempted to respond to the call made by political leaders, activists and researchers alike for greater citizen representation in the transitional justice process by exploring some of the ways that peace and reconciliation are imagined and engaged with at the local level. In so doing, the paper has argued for a deeper understanding of local cultural ecologies of communication (i.e. cultural systems and contexts of public disclosure) as well as the creative assimilation of truth-telling in diverse and multiple forms (i.e. in orality, songs, and bodily praxis). Such as suggestion posits that cultural thinking complements and sets new agendas for moving beyond prevailing structural mechanisms, whose tendency is to ignore action, agency, and intersubjective meanings.

Thus, by drawing on an analysis of truth and reconciliation processes elsewhere in Africa - most of which have assumed the hierarchical mechanisms and epistemologies of an international court of law, often assessed as remote, restrictive and culturally inappropriate - this paper has explored the place of songs in Dinka culture in their capacity as alternative or complementary processes of public disclosure. Through a narrative analysis of a selection of Dinka songs, I have attempted to explore their value in terms of 'acts of citizenship' aimed specifically at addressing concerns that are central tenets of national reconciliation, such as pluralism, inclusivity, peacemaking, social justice and forgiveness.

While the capacity of songs to effect transformation in societies marked by violence and political exclusion may be limited, in so far as they are given force within a culturally sanctioned framework of legitimacy, and their performance is unregimented by externally imposed strictures and narrative forms, they offer a potential counterweight to formal, top-down systems of disclosure. Equally, while their political or social capital may not be readily measured in quantitative terms, songs undoubtedly provide a stage for powerful encounters with the past and the present, as well as for the candid performance of emotions, opinions and

---

Bi ya riääk apë l ë raan töŋ mac yen
Ku bï ya caap yen ye riɛl gam
Ku acïn löŋ, löŋ löŋ akan
Pälkë jɔŋ adhom, ye kɔc röt dhom
Bï kɔc yaa miit tök tök tök
Arac arac eei Thudän

historical retellings. Finally, as acknowledged by Fullard and Rousseau, in their capacity as public hearings, the engagement of songs with citizenship issues in particular can open significant discursive space for new public positions and forms of agency. [61]

---

[61] Fullard, Madeleine and Nicky Rousseau: "Truth-Telling, Identities and Power in South Africa and Guatemala", *Research Brief, International Centre for Transitional Justice*, (June 2009), p. 1. at www.ictj.org.

THE CPA FAILURE AND THE CONFLICT IN SOUTHERN KORDOFAN AND BLUE NILE STATES

Benedetta De Alessi[1]
Independent Researcher

Abstract:

This article examines the conflict emerged in the Sudan's states of Southern Kordofan and Blue Nile between the Government of Sudan and the Sudan People's Liberation Movement/Army - North (SPLM/A-N) in the aftermath of the Referendum for self-determination that led to the separation of South Sudan from Sudan. It makes the point that the conflict in the so-called Two Areas - the North/South border regions of Sudan that fought alongside the SPLM/A during the country's second civil war - is the direct result of the failure of the Comprehensive Peace Agreement (CPA) to address Sudan's issue of sovereignty beyond the north/south divide, both in its design and implementation. As a result of the CPA, neither peace nor democracy was reached in Sudan. The analysis also looks at the question of liberal peacebuilding and its flawed application in the country.

Keywords: SPLM, Sudan, Conflict Resolution, Peace-building, Civil War, Peace Agreement, Southern Kordofan, Blue Nile, CPA.

Resumen:

En este artículo se examina el conflicto surgido en los Estados sudaneses de Kordofán del Sur y del Nilo Azul entre el Gobierno de Sudán y el Ejército/ Movimiento de Liberación del Pueblo de Sudán – Sector Norte (MLPS-N) en el periodo posterior al Referéndum de autodeterminación que desembocó en la secesión de Sudán del Sur de Sudán. El artículo incide en que el conflicto en las denominadas Dos Áreas (las regiones fronterizas entre el norte y el sur de Sudán que lucharon junto al E/MLPS durante la segunda guerra civil en el país) es el resultado directo del fracaso del Acuerdo General de Paz (AGP), tanto en su concepción como en su implementación, en cuanto a cómo abordar el tema de la soberanía de Sudán más allá de la división norte-sur. Ni la paz ni la democracia prosperaron en Sudán como consecuencia del AGP. El artículo también analiza la cuestión de la construcción de paz liberal y su aplicación defectuosa en el país.

Palabras clave: MLPS, Sudán, resolución de conflictos, construcción de la paz, guerra civil, acuerdo de paz, Kordofán del Sur, Nilo Azul, Acuerdo General de Paz.

---

[1] Dr. Benedetta De Alessi is an independent researcher awarded a PhD at SOAS, University of London, in January 2013. She specialises on Sudan, South Sudan and, in particular, the SPLM/A and the SPLM development in the aftermath of the civil war. She is more generally investigating the question of transformation of rebel movements into political organisations in the course of implementation of peace agreements. Her research belongs to the theory of politics and conflict resolution and transformation. She can be reached at bda@soas.ac.uk.

1. The CPA and the Two Areas

In January 2005 the Comprehensive Peace Agreement (CPA) was signed between the Government of Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A) after two decades of civil war in the largest African country (1983-2005). The war was triggered in 1983 by the abrogation of the Addis Ababa Agreement that had been signed in 1972 between the Government and the southern rebels, the Anya-nya. Despite a decade of relative peace, the Agreement did not answer the demands of the southerners for an even distribution of power and wealth in the country. The autonomous government created in Southern Sudan remained under the direct control of Khartoum. The southern region of Sudan had asked for autonomy since the time ahead of the independence of Sudan in 1956, given the exploitation of its social and economic wealth already under the Anglo-Egyptian condominium, but its representatives were divided over the kind of power sharing arrangements were best for the region and that weakened their demands vis-à-vis the central Government.[2]

In May 1983 a group of southern soldiers in the Sudan army created the SPLM/A. Unlike previous southern rebellions that sought a solution to the 'problem of Southern Sudan' i.e. its political and economic marginalization of the region, the new movement looked at the 'problem of Sudan', thus solvable through the transformation of the center. The rebels put forward the demand for a new Sudan, secular, equal and democratic for all.[3] The 'New Sudan vision' of the SPLM/A, designed by its first Chairman John Garang de Mabior, attracted the northern marginalized from Southern Kordofan and Blue Nile - the so-called Two Areas examined in this article -, from the contested region of Abyei, from the western region of Darfur and from Eastern Sudan, on top of the urban communists and progressive youth and women groups disgruntled by the new Islamic and military outlook of the regime (President Nimeiri had embraced *sharia law* and Sudan became an Islamic country with the September laws of 1983). The lack of political space in Sudan had pushed these populations into the SPLM/A rebellion with the aim of achieving a democratic new Sudan. The New Sudan vision was not universally understood within the movement but Garang managed to impose his thought over the separatist drives of other members of the rebellion throughout the civil war.[4]

The leaders of local political parties from the Two Areas – the Nuba Jusif Kuwa and Abdelaziz el Hilu, and the Ingessana Malik Agar – were among the first northerners to join the SPLM/A since 1984. They were instrumental in bringing their population on board and they soon became close aides of Garang. The indigenous tribes of the Two Areas, such as the Nuba in Southern Kordofan and the Ingessana and the Uduk in Blue Nile, had been victim of a process of Islamisation and discrimination perpetrated by Khartoum. The land had been

---

[2] On the history of Sudan see Holt, P.M. and Daly M.W. (2000): *A History of the Sudan. From the Coming of Islam to the Present Day*, Fifth Edition, Harlow, Pearson Education Limited. The 'Southern question' was examined by two prominent politicians of that time in Oduho, J. and Deng, W. (1963): *The problem of the Southern Sudan*, London: Oxford University Press. On the Addis Ababa Agreement see the personal accounts of Alier, A. (1990): *Southern Sudan: Too Many Agreements Dishonoured*, Exeter, Ithaca Press; Khalid, M. (1985): *Nimeiri and the Revolution of Dismay*, London, Kegan Paul; and Lagu, J. (2006): *Sudan: Odyssey through a State, from Ruin to Hope*, Khartoum, Khartoum University Press.

[3] SPLM/A manifesto, 1983. The SPLM/A was born under the support of the Eastern Bloc during the Cold War. Its vision, initially nuanced with socialist thoughts, developed in the course of the struggle to embrace liberal western thoughts as it can be noted in the document 'SPLM Vision, Program and Constitution of the New Sudan' of 1998.

[4] The birth and development of the movement was full of difficulties as the mutineers disagreed on their objectives and structures, as reported by Arop, M.A (2006): *Sudan's Painful Road to Peace. A Full Story of the Founding and Development of the SPLM/A*, Charleston, BookSurge.

exploited by the central Government to extract oil, minerals and used for mechanized agriculture without benefiting the local population. The Christian Uduk tribe in Southern Blue Nile, living in an enclave between north and southern Sudan, had been furthermore harassed for religious reasons and displaced. [5] While the northern peripheries never organized militarily to support the southern rebellion in the North, the population of the Two Areas provided manpower and leadership and thanks to their involvement the SPLM/A occupied territories in the North, namely the Nuba mountains in Southern Kordofan and the southern part of Blue Nile. With their support, the SPLM/A, a southern born rebel movement, became *de facto* a national liberation movement. [6]

The New Sudan vision gave the SPLM/A international recognition and it led the SPLM/A towards the negotiations with Khartoum. The Parties had exhausted the benefits of the war and signed the CPA also thanks to a massive international support. The Agreement provided for political, security and economic arrangements for the peaceful cooperation between North and South Sudan and their development based on the oil economy. It defined a crucial cease-fire between the two armies, the Sudan Armed Forces (SAF) and the SPLA, and their relocation respectively in the north and south of Sudan. It also set the basis for the drafting of a new constitution and the establishment of joint national institutions to trigger the democratization of Sudan during an interim period of six years during which the Parties would work alongside 'to make unity attractive'.

The southern Sudanese were granted the right to a Referendum for self-determination at the end of the interim period. The Parties ultimately agreed to a 'one-country-two systems' model as a solution to the 'problem of Sudan'. The CPA, a liberal peace agreement, was designed to reach both peace – through the self-determination option and special security arrangements – and democracy during the transition. The SPLM was thus officially constituted as a national political party, to work alongside the ruling National Congress Party (NCP) and realize the dual objective of peace and democracy enshrined in the Agreement. The SPLM was considered 'the engine' of the expected democratization of Sudan.[7]

---

[5] See African Rights (July 1995), *Facing Genocide: the Nuba of Sudan,* London, African Rights; and James, W. (2007), *War and Survival in Sudan's Frontier Lands: Voices from the Blue Nile*, Oxford, Oxford University Press.

[6] The SPLM/A had also territories in a small enclave in Hamashkoreb, in Eastern Sudan.

[7] SPLM (August 2004): *Strategic Framework for War-to-Peace transition*, New Site, Kapoeta County. The transformation of the SPLM/A into the SPLM is examined in the author's PhD Dissertation, De Alessi B. (2013): *The War-to-Peace Transition of the SPLM/A into the SPLM during the Implementation of the CPA*, PhD dissertation, SOAS.

Source: Human Rights Watch, http://www.hrw.org/node/111880/section/2

Despite the declared aim of achieving the New Sudan through the CPA, the design of the Agreement made its realization extremely challenging. Sudan in fact remained an Islamic country while only the southern region obtained to be secular. The Agreement gave in fact special benefits to the major constituency of the SPLM/A, the Southern Sudan – that had grown stronger during the civil war vis-à-vis the northern comrades – with an autonomous government led by the SPLM and defended by its own army, the SPLA, pending the realization of the Referendum. [8] The plan of realizing the transformation of Sudan through the SPLM at the national level was hazardous. The SPLM/A was in fact a loose political organization during the war and its non-military activities in the North were limited to mobilization of the fighters by youth and women groups working underground.

---

[8] Separatist leaders of the SPLM/A during the civil war architected a coup, the Nasir split of 1991, and created a separatist movement fighting for the separation of Sudan from the North. The move was weakened by internal divisions and broken alliances with Khartoum. The history of the split is reported in Johnson, D. (2011), *The Root Causes of Sudan's Civil Wars*, Oxford, James Currey. See also the excellent account of one of the participants to the split, Adwok Nyaba, P. (1997): *The Politics of Liberation in Southern Sudan, an Insider's View*, Kampala, Fountain Publishers.

The opposition in the North and the other marginalized areas moreover were excluded from the negotiations, even if their cooperation was crucial to challenge the monopoly of power of the ruling NCP in the national institutions. According to the opposition, the Agreement signed between GoS and the SPLM/A was 'comprehensive' only in name while it was ultimately a deal between the North and the South and they decided not to endorse it. The rebels from Darfur and the East, at war with Khartoum on issues related to uneven power and wealth sharing with the center, like the South, decided to sign separate agreements after the CPA.[9] Despite the crucial support that the SPLM/A had given to the upsurge of the rebellion in Darfur in 2003, and the relation built with the opposition in exile through the National Democratic Alliance, at the time of negotiating the CPA the leadership of the movement decided not to include the demands of the other marginalized, revealing furthermore the weakness of the plan to achieve the New Sudan in the design of the CPA.

Given the special role played during the war, the Two Areas were granted special recognition during the negotiations, yet below the expectations of its leadership. In the city of Machakos, Kenya, in 2002, where the basis of the CPA was set, the NCP was initially reluctant to consider the Two Areas in the negotiations claiming that they were part of the North hence not conducive to a solution of the 'Southern problem'. The SPLM/A, that was talking of a problem of Sudan, insisted to discuss the future of Southern Kordofan and Blue Nile and the presence of representatives of those areas in the negotiating team reinforced that stance. The discussion remained focused on the North/South axis only, but a landmark cease-fire was signed in the strategic Nuba Mountains in 2002, thanks to the US support. The international community and the US in particular had become keener to deliver peace in Sudan in the aftermath of the attacks of 11 September 2001 and to gain a strategic ally in the region in their War of Terror. Ultimately, the NCP was convinced to include the Two Areas in the discussion in Naivasha as part of the recognition of Sudan diversity and the right for economic, social and cultural development of all citizens, particularly of the war affected areas, brought by the CPA. The Two Areas were eventually seen as a model for the peaceful and prosperous cooperation between the SPLM/A and the NCP in the development of Sudan as a united country.[10]

The 'Protocol for the resolution of the conflict in Southern Kordofan and Blue Nile States' was signed on 26 May 2004.[11] It granted special economic, security and political arrangements to those war affected areas that had fought alongside the SPLM/A but were not under the jurisdiction of the SPLM (during the war the area called by the SPLM/A Southern Sudan had included the Two Areas, to form the so-called New Sudan, but according to the official maps of the country the areas were above the North/South border). The Parties agreed

---

[9] The rebels in the East signed the Eastern Sudan Peace Agreement (ESPA) with Khartoum in 2005 that brought their representatives to the Government, without however putting an end to the severe underdevelopment of the area. The Darfur Peace Agreement (DPA) was signed in 2006 but it did not lead to a solution of the conflict given the divisions among the rebels and the little representation of the signatories on the ground.

[10] Alongside the Two Areas, the discussion was also on the area of Abyei, a strategic region rich of oil contested between the North and the South. The Three Areas, or Transitional Areas, became pivotal in the negotiations. Abyei however was granted the right to self-determination like the Southerners, while the Two Areas were considered strictly part of the North. Abyei had already been recognised a special status in the Addis Ababa Agreement and the right to the people of Abyei to a Referendum to decide, however, only whether they were to be administered by the North or the South. The discovery of the oil in the late 1970s provoked a sudden shift of interest from Khartoum towards the region and that provision was disregarded, in Alier A., *op.cit*. The Protocol of Abyei is not examined in this article. For an analysis see Johnson, D.: "Why Abyei Matters: the Breaking Point of Sudan's Comprehensive Peace Agreement?", *African Affairs*, Vol. 107, No 426 (2007), pp. 1-19.

[11] The Southern Kordofan indicated in the Agreement comprised of the areas in the Nuba Mountains held by the SPLM/A during the war and part of the former Western Kordofan State.

to a rotational governorship between NCP and SPLM every three years and 55% to NCP and 45% to SPLM in the State Legislatures, and the equal presence of the two armies, the Sudan Armed Forces (SAF) and SPLA, in Joint Integrated Units (JIUs) dislocated in the States (the JIUs were also present around Southern Sudan and in Khartoum). They also obtained ad hoc funding mechanism through the National Reconstruction and Development Fund (NRDF), dedicated to the northern war affected areas, given that they had been badly damaged in the twenty years of conflict. Southern Kordofan was, moreover, entitled to 2% of oil revenues as a producing State. The Protocol was recognizing the strategic importance of those areas for both Parties, both economically and militarily. Peace in the Two Areas was essential for the tenure of the CPA.

The Parties also agreed to a right to a popular consultation process, a democratic mechanism 'to ascertain the view of the people of the States on the CPA implementation' (Protocol, 3.1). The implementation was to be carried out by the elected State Assembly, thus after the General Elections expected in 2008, tasked to collect the views of the population over the CPA and to put forward their demands to the central Government. The process was a compromise and as such, badly defined in the CPA, leaving room to different interpretations by the Parties. The leaders of the Two Areas wanted the right to self-determination, like Abyei and South Sudan, but the NCP could not agree to it. Garang convinced the local leaders to accept the compromise, ensuring them that the CPA would result in the unity of Sudan and through the popular consultation the Areas would obtain more benefits than any other state in the country. The extent of it remained a question mark i.e. could the population ask for an autonomous local government? The weakness of the new Sudan vision in the design of the CPA, as discussed, was making the possibility for the Two Areas to become a model for the new democratic country more challenging. [12] The implementation time was then for the SPLM a crucial test.

2. The Loose Implementation of the Agreement in the Two Areas

Through the CPA Sudan achieved peace, but the plan of realizing democracy in the country in the interim period depended on the commitment of the two Parties to it. The death of the SPLM/A Chairman John Garang, the architect of the CPA, in July 2005 and the advance of the separatist leaders of the SPLM/A led by the new Chairman Salva Kiir – that provoked also the sideline of Garang's aides who believed in the new Sudan vision, including the Nuba leader Abedelaziz el Hilu – was crucial to the debacle of the transformative project enshrined in the Agreement. The death of the Chairman in fact weakened the commitment towards a New Sudan of both the SPLM and the NCP during the interim period. It also revealed the little adherence to the plan of a united Sudan within the Parties.

The SPLM's transformation into a national political party lagged behind and the powerful position of the NCP remained unchallenged, also thanks to the lack of opposition in Parliament. The SPLM/A leadership focused on the reconstruction of Southern Sudan and the building of the new autonomous executive and military institutions in the region devastated by the war. The focus went on the conservation of peace i.e. the cease-fire with Khartoum, in order to reach the Referendum and the independence of South Sudan. The implementation of the CPA, led by the signatories of the CPA, GoS and the SPLM/A, became a technical and

---

[12] These paragraphs are the result of interviews conducted by the author with local leaders and CPA mediators in Juba between December 2010 and February 2011 and extracted from De Alessi, *op.cit.*

selective matter while the space for political debate was limited. The Parties were maintaining their cooperation at the minimum level and in several occasions the Agreement was about to collapse. The CPA institutions were weakened by the tense relationship between the Parties and often made ineffectual (it is the case of the North/South border commission that worked under tremendous pressure and never managed to define a line due to the presence of oilfields and mineral reserves along the border, contested by the Parties). Crucial steps for the transformation of the country, such as the National Population Census and the General Elections, were implemented only as necessary steps to achieve the end of the interim period through a peaceful Referendum. The CPA brought a fragile no-war-no-peace situation that the Parties had to carefully maintain. [13]

The implementation of the Protocol of Two Areas, on top of its structural weakness, was affected by the overall ill implementation of the CPA and the tense relations between Juba and Khartoum. The weakness of the overall project of a new united Sudan enshrined in the CPA became evident. Rather than a model for the development of the new democratic Sudan, the implementation of the Protocol of the Two Areas revealed the weakness of the New Sudan vision in the CPA and among its signatories. The sense of unfair treatment felt in Naivasha was reinforced during the interim period vis-à-vis the implementation of the peace deal that was lining towards the realization of the Referendum against the democratization of the whole country.

A non-functioning NRDF – alongside other funds defined by the Agreement – affected the possibility of the socio-economic development of these war-affected areas. The lack of improvement in the lives of the people in Southern Blue Nile state, which had been severely affected by the conflict, was particularly striking during the interim period. Moreover, due to the high level of mistrust between the Parties both armies, SAF and SPLA, maintained their troops outside the JIUs, revealing the strategic importance of the Two Areas in the relation between North and South during the transition.

The SPLM in the Two Areas was affiliated to the southern sector of the party. The two sectors had been created after the signing of the CPA for administrative reasons: the southern one to develop the party in the liberated territories from the existing SPLM/A institutions while the northern sector was to begin the formation of the new party from scratch in the rest of Sudan. While the role of the former was mainly administrative, the latter had a crucial political function to challenge the NCP in its own constituencies and enter peacefully new territories when the SPLA could not make it. The secretariats of Blue Nile and Southern Kordofan, hampered by the affiliation with the southern comrades, started acting more independently from the rest of the national party in their daily confrontation with the NCP. During the 2010 General Elections, when the SPLM withdrew from the northern context, the leaders of the Two Areas decided to run and, for the first time, the real power of the NCP and the SPLM in the state was tested. The SPLM leader Malik Agar eventually won the Governorship race, while the NCP obtained the majority of seats in the local Parliament. The SPLM also obtained eight seats in the National Assembly, and that will be the only representation of the SPLM northern constituencies. The State Elections in Southern Kordofan were postponed when the local SPLM obtained a recount of the census that had given an unfair representation of the Nuba population in the State. The census result had been

---

[13] The definition is taken from Mac Ginty R. (2006): *No War, no Peace: The Rejuvenation of Stalled Peace Processes and Peace Accords*, New York: Palgrave Macmillan.

contested also in Southern Sudan but the party decided to accept the result and wait for a recount only after the holding of the Referendum.

As a result of late Elections, the conduction of the crucial process of popular consultations in the Two Areas was pushed towards the end of the interim period, missing its function of correcting the implementation of the CPA in the mid interim period. As such, the process conflicted with the political tension between the North and the South around the Referendum time and Khartoum was afraid that the States would demand the right to self-determination as well. In Blue Nile the process started in September 2010 with a massive popular participation that was asking for the reforms that did not materialize through the CPA and a degree of autonomy from Khartoum (the dam on the Blue Nile in the capital Damazin, the main source of power for Khartoum, was controlled by the Government and the mechanized farming schemes by foreign investors). The process showed for the first time a state population united against the center, overcoming the Arab versus African polarization built during the civil war. The Government however obstructed the process through dilatory tactics (the collaborative Chairman of the special commission in charge of the process was changed and the release of funds was slow) that had been common during the interim period of the CPA.

In Southern Kordofan the state elections were postponed to May 2011, pending the recount of the local census, and the popular consultation was expected to begin soon after. The NCP's candidate was the incumbent Governor Ahmed Haroon, ICC indicated for war crimes committed in Darfur on behalf of the Government; Abdulaziz al Hilu, one of the leaders of the SPLM and promoter of the New Sudan vision, was contesting for the SPLM. The elections were conducted in an extremely tense environment. For the SPLM the victory in the State was crucial to obtain a better representation in Sudan after the separation from South Sudan (the SPLM southern representatives had left the National Assembly in April 2011). The SPLM from Juba supported the party in the North, keen to have an ally in the strategic border region.

For the ruling NCP, the control of Southern Kordofan was equally essential in its relations with Southern Sudan and for the exploitation of its oil fields. When the NCP won the Elections, the SPLM contested the result and the rigging of the NCP and decided remained in the opposition. The climate was extremely volatile in the aftermath of the vote, also due to the presence of both SAF and SPLA soldiers in the State. In the aftermath of the CPA not only democracy, but also peace, was at stake in Sudan.[14]

3. The Conflict in Southern Kordofan and Blue Nile States as a Legacy of the Second Civil War

In February 2011 the independence of South Sudan became a reality after the majority of the southerners had voted in the Referendum for the separation from Sudan. The result was expected after the General Elections in 2010 had given the majority of the seats to the NCP and the SPLM respectively in North and Southern Sudan, marking the *de facto* separation of powers between the signatories of the CPA in their constituencies ahead of the end of the interim period. The opposition was defeated and remained out of Parliament. The SPLM

---

[14] A similar analysis can be made for South Sudan, where the democracy and peace realised after the General Elections of 2010 were questionable, but it is not part of this discussion.

divided itself in the SPLM-North, an opposition party in Sudan led by the leaders of the Two Areas, while the southern comrades of the SPLM remained in power of the new Republic of South Sudan. The SPLA became the official army of South Sudan and it had to withdraw from the North, while the JIUs were to be dismantled. The critical security question of the northern soldiers of the SPLA i.e. the around 40,000 men from Two Areas who had fought with the SPLM/A during the civil war remained open. The popular consultation process should have discussed whether these soldiers wanted to be demobilized or integrated into SAF and the modalities of that process. The issue then converged into the negotiations between the North and the South over the CPA outstanding issues and other matters to favor an amicable separation of the two countries begun in Addis Ababa since July 2010. [15]

While negotiations were ongoing between Sudan and South Sudan, in June 2011 Khartoum tried to forcibly disarm the SPLA soldiers in Southern Kordofan, claiming that the matter pertained to the North and it could not be part of the discussion with South Sudan. The move, on 5 June 2011, provoked a fight in a barrack in Kadugli (capital of Southern Kordofan) between SPLA and SAF soldiers that quickly escalated into violence across the State. The ground of dissent in the State was high particularly after the lack of any popular consultation process and a contested electoral process. In Southern Kordofan moreover the coexistence of Arab and African population allied during the war respectively to Khartoum and Juba, had created tension throughout the interim period. [16] The reasons that had pushed the Nuba to join the SPLM/A two decades earlier, the socio-economic marginalization and the centralization of power of the Islamic regime, were still valid after the separation of the Southern region from the North.

Attempts of negotiations began during the summer between GoS and the SPLM/A-N while the conflict was expanding throughout the State. A political solution was found on 28 June 2011 when the Parties signed the Framework Agreement on political and security arrangements for Southern Kordofan and Blue Nile States based on the CPA democratic principles set in Machakos. The Agreement reiterated the importance of the democratic principles for Sudan set in the CPA and the Parties agreed to discuss further political and security arrangements. The Agreement, signed by a senior NCP official, was however repudiated by the President of Sudan and never implemented. In September 2011 Khartoum tried to forcibly disarm soldiers in Blue Nile State and that was a point of no return. Like two months earlier in Southern Kordofan, the move triggered a conflict throughout the State. The SPLM-N elected Governor escaped to Kurmuk, the head quarter of the SPLM/A in the southern part of the State during the war, while his house was attacked in Damazin. Members of the party remained in the State capital were arrested and persecuted. The SPLM-N, a registered political party, was banned from Sudan and it reconstituted itself as a rebel movement, the SPLM/A-North, to fight against the military *Ingaz* (salvation) regime that the

---

[15] On 2 June 2010 in Mekelle, Ethiopia, the NCP and the SPLM – representing respectively the Government of Sudan and of South Sudan – had met to discuss post-Referendum issues and arrangements and the outstanding CPA issues considering both scenarios of Unity or Separation. Negotiations were led by a NCP-SPLM Joint Negotiation Team with six members each side, mainly the negotiators of Naivasha, and facilitated by the African Union High-Level Implementation Panel (AUHIP) – the body had been at first formed in the context of the Darfur crisis. The Parties agreed on a Road Map for negotiations up to the end of 2010 to create conducive environment for the Referendum. Talks started in July 2010 divided in four groups to address issues concerning Citizenship (nationality, public service), Security (JIUs, National Security and intelligence), International treaties and Agreements and Finance, Economic Issues and Natural Resources (Oilfields, oil production, transport and export of oil, contracts and environment in the oil fields, water, currency, Debts and Assets).

[16] ICG: "Sudan's Southern Kordofan problem: the next Darfur", *Africa Report,* n°145, International Crisis Group, 21 October 2008.

CPA had left unchanged. [17] In the aftermath of the CPA, political space in Sudan was limited, a situation similar to that in the aftermath of the Islamic coup that brought the current regime to power in 1989.

The SPLM/A-N allied with the Sudan Liberation Movement/Army (SLM/A) from Darfur, at war with Khartoum since 2003, and with northern political opposition and formed in September 2011 the Sudan Revolutionary Front (SRF), fighting for the democratic transformation of the Sudanese state. A decade later, after a failed peace deal and without the Southern Sudanese, Sudan is once more the theater of a civil war fought between the central regime and its marginalized peripheries. The internal divisions among the group, however, in particular over the religion question and the ideal form of Government in Sudan, weakened the SRF in its political and military fight against Khartoum that has so far refused to negotiate (a situation that reminds of the difficulties of the struggle of NDA during the second civil war).

The Government also discarded the demands of the SPLM/A-N for an even power and wealth sharing in the Two Areas that were endorsed in the Framework Agreement of 2011. Instead, the question of the Two Areas is seen as an obstacle for the successful solution of the problems between the North and the South. Sudan accuses the SPLM, the ruling party of the new Republic of South Sudan, of harboring the former comrades of the SPLM/A-N in Juba and requested the President Salva Kiir to deliver the rebel leaders to Khartoum as a precondition for successful North/South talks. The SPLM rejected the claim and accused in turn Khartoum of sponsoring the ongoing violence in the eastern region of Jonglei in South Sudan, using local rebels as proxy militias (a tactic common during the second civil war). The ongoing tensions between Sudan and South Sudan is thus diverting the attention from finding a solution to the war in the Two Areas, and more generally, to the 'problem of Sudan'. The fate of the Two Areas, and the democratization of Sudan, is once more sacrificed for the tenure of the North/South fragile relations. As a result of the CPA, in fact, not only peace in Sudan but also between the newly born Sudan and South Sudan is at stake.

The conflict in Southern Kordofan and Blue Nile States has provoked in the last two years massive displacement and the long term socio-economic disruption of the local population. While Khartoum downplays the effect of the conflict, according to the SPLM/A-N humanitarian wing, over one million people are affected by the conflict and live as IDPs with limited food, water and health services. Around 200,000 people sought refuge in Southern Sudan.[18] While the latter receive international assistance, the support to the IDPs is impeded by the Government. The conflict is moreover leaving long term consequences on the lives of the people in the Two Areas with the majority of primary and secondary schools remained closed in the past two years. Human rights international agencies reported the damages provoked by the constant aerial bombing of the civilians from the side of the

---

[17] Mohamed Salih, Z.: *"From impasse to the brink of war: Sudan bans SPLM-North*", 7 September 2011, at http://www.theniles.org/helper/articleprint.php?id=1024

[18] The figures of the situation in the States are provided by the Sudan Relief and Rehabilitation Agency (SRRA), in SRRA's Special Report on *The Humanitarian and Human Rights Situation of the IDPs and War Affected Civilians in the SPLM/A-North Controlled Areas of Southern Kordofan and Blue Nile States*, December 2012. It is said that in southern Kordofan, the estimated population living in the SPLM-N areas is about 995,200; of which 436,157 are internally displaced. It is assessed that about 736,329 were vulnerable and in need of assistance. In Blue Nile the total population residing in the SPLM-N held areas is about 80,147, of which 64,550 were IDPs. The estimated vulnerable population in Blue Nile is about 73,781 persons. The numbers of the refugess are provided by UNCHR and can be found online.

Government, confirmed by satellite imagines, and the severe human rights violations. [19] The international community initially hesitant to condemn Khartoum in order to avoid a collapse of the Sudan/South Sudan talks, it has now publically denounced the use of violence against civilians but, unlike a decade ago, it has no leverage on the regime.

4. The CPA and the Failure of Liberal Peacebuilding in Sudan

The case of Sudan can be analyzed through the recent scholarships that reveal the failure of liberal peacebuilding in the Third World. From the end of the Cold War the use of liberal peace agreements has become common to 'end' a civil war, in the African continent and elsewhere despite its effectiveness. A liberal peace agreement links the idea of *liberal peace* – of peace tied to development to avoid a relapse into conflict promoted by the United Nations[20]– to that of *liberal democracy*, the procedural democracy based on electoralism, multi-party democracy, marketization, and generally institutionalization. [21] In the aftermath of the attacks of 11 September 2001 on the US, liberal peace – also called *democratic peace* – more increasingly combined and conflated 'liberal', in political and economic tenets, with 'peace', the policy predilection towards conflict resolution and social reconstruction and peacebuilding developed into statebuilding to respond to global imperatives of maintaining the modern state system. [22]

The initial optimism that supported the exercise of liberal peacebuilding in the Third World was corroborated by figures produced by practitioners. The Human Security Report (HSR) in 2005 reported that thanks to the use of peace agreements the number of conflicts worldwide declined from the end of the Cold War. The Human security Brief of 2007 analyses 'the extraordinary, but largely unnoticed, positive change in sub-Saharan Africa's security landscape' where the number of conflicts more than halved between 1999 and 2006 and the combat toll dropped by 98% cent. According to the HSR of 2009, peace-making constitutes a plausible explanation for the 77% decline in the high-intensity civil conflicts. [23] Liberal peace agreements became the symbol of the mechanical and de-contextualized implementation of democratic peace as a normative ideal, against the complexity of 'new wars' encountered on the ground. [24] Their use was justified by a liberal optimism which

---

[19] Amnesty International (2013): Sudan: 'We had no time to bury them': War crimes in Sudan's Blue Nile state, London, Amnesty International, at
http://www.amnesty.org/fr/library/asset/AFR54/011/2013/en/96b0c8a7-55aa-4f04-8ab7-cf85ce3e4c8f/afr540112013en.pdf.
The report also analyses the increasing militarisation of the refugee camps in Southern Sudan by the SPLM/A-N. See also Human Rights Watch (2012): Under siege: Indiscriminate Bombing and Abuses in Sudan's Southern Kordofan and Blue Nile States, Human Rights Watch, at
http://www.hrw.org/reports/2012/12/12/under-siege.
[20] The UNSG Boutros-Ghali issued the UN Agenda for peace in 1992, followed by the UN Agenda for Development of 1994 delivered by the following UNSG, Kofi Annan.
[21] Paris, R. (2004): *At War's End: Building Peace after Civil Conflict*, Cambridge, Cambridge University Press.
[22] Duffield, M. (2007): *Development, Security and Unending Wars: Governing the world of peoples*, London, Polity.
[23] The Human Security Reports and Briefs since 2005 are available online at http://www.hsrgroup.org.
[24] The point is made by Duffield, M. (2001): *Global Governance and the New Wars: The Merging of Development and Security*, London, Zed books; and Spears, I. (2000): "Understanding Inclusive Peace Agreements in Africa: The Problem of Sharing Power", *Third World quarterly*, vol. 21, No 1 (2000), pp. 105-118. Duffield examines the security tied to development that leads to the extreme outcome of statebuilding developed in the last decade. On the concept of 'new wars' see Kaldor, M. (2006): *New and Old Wars: Organized Violence in a Global Era*, 2nd edition, Cambridge, Polity Press. The dilemma of statebuilding was

allows for a subjective and short term evaluation of the performance limited to the creation of the institutions provided for in the agreement i.e. the Weberian State, despite their effectiveness. [25]

Quantitative research carried out at the beginning of this century revealed the weakness of the liberal peacebuilding approach. Research conducted with a longer timeframe showed that while there has been a decline in conflicts since the Cold War, the manifestation of armed conflicts in 2006 was still roughly twice as it was in 1946. [26] The wave of positivism was furthermore tempered by the realization of the fact that conflicts that terminate with a negotiated settlement are generally more prone to failure. A study on peace agreements signed between 1989 and 2005 reveals that 40% of conflicts ended through a negotiated settlement restored to violence within five years. More so, within the range of peace agreements the liberal type is more failing. [27]

The literature of conflict resolution started acknowledging that the determination of success of an agreement is often short-termed and focuses on the technical implementation of provisions rather than the internal social dynamics (security reform, market liberalization and electoralism i.e. a timely conduction, the formation of ad hoc institutions regardless of their functioning). [28] The de-politicization of 'peace' and 'conflict' under liberal assumptions allows for the reproduction of universal and technical solutions, disregarding local power relations, politics and history – reproducing what Adorno called the 'administrated state' in a vacuum – hence missing the goal of sustainable peace and democracy. [29] Heathershaw shows that the peace sought for in liberal peacebuilding is no longer a social event but the result of conflict practices and therefore is not sustainable. [30]

Evidence coming from Africa corroborates those finding; the number of conflicts in the continent increased since the 1990 and conflicts mainly emerged from a failed resolution of the previous ones. [31] Peace agreements in fact tend to freeze local dynamics to force social conflict into those patterns that are easily understood through liberal codes; instead as most African states are trapped in a circle of underdevelopment which stimulates societal conflicts,

---

studied by Sisk, T. and Paris, R (eds.) (2009): *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations*, London/New York, Routledge. See also Chandler, D.: "The Responsibility to Protect? Imposing the 'Liberal Peace'", *International Peacekeeping*, Vol. 11, No. 1 (Spring 2004), pp. 59-81.

[25] De Alessi, *op.cit*. Kriger, N. (2003): *Guerrilla Veterans in Post-war Zimbabwe*, Cambridge, Cambridge University Press, studied the long-term disastrous effects of the Lancaster agreement in Zimbabwe, at first considered successful, when the veterans' war emerged a decade later. Cramer, C. (2006): *Civil War is not a Stupid Thing: Accounting for violence in developing countries*, London, Hurst & Co, questioned the idea of success of Mozambique agreement of 1992 based on recent development of the local economy. Reilly, C. A. (2009): *Peace-Building and Development in Guatemala and Northern Ireland*, New York, Palgrave Macmillan, emphasized the weakness of the temporary dimension of peacebuilding.

[26] The UCDP/PRIO data base is available at http://www.prio.no/CSCW/Datasets/Armed-Conflict/UCDP-PRIO/; the changes in the last annual update are in Harbom, L. and Wallensteen P.: "Armed Conflict, 1946 - 2010", *Journal of Peace Research*, Vol. 48, No. 4 (July 2011), pp. 525-536.

[27] Harbom, L. and Wallensteen P.: "Armed Conflict, 1989 – 2006", *Journal of Peace Research*, Vol. 44, No 5 (September 2007), pp. 623-634.

[28] On the limits of DDR see Berdal, M. (1996): *Disarmament and demobilization after civil wars: Arms, soldiers, and the termination of conflict*, Adelphi paper no. 303, Oxford, Oxford University Press.

[29] The point is elaborated by Darby, J. and Mac Ginty, R. (eds.) (2003): *Contemporary Peacemaking: Conflict, Violence and Peace Processes*, Basingstoke, Palgrave Macmillan.

[30] Heathershaw, J.: "Unpacking the Liberal Peace: The Dividing and Merging of Peacebuilding Discourses", *Journal of International Studies*, Vol. 36, No. 3 (May 2008), pp.597-621.

[31] De Waal, A. (ed.) (2002): *Demilitarizing the mind. African agendas for peace and security*, Justice Africa, Africa World Press.

the liberal agenda confronts 'massive challenges to its successful realization'.[32] External attempts to export replicas of Western liberal democratic states can repress popular accountability thus state legitimacy in the eyes of their citizens with the adverse effect of undermining sustainability of peace and the democracy sought for. [33]

The case of Sudan's CPA proves the findings of recent scholarship on the flawless of liberal peacebuilding applied to the African context. The CPA was a complex agreement based on the predicaments of liberal democracy that were de-contextualized from the situation in Sudan after two decades of civil war. The CPA failed to address the issue of uneven power and wealth sharing in the country, while urging the Parties to deliver democracy through the conduction of General Elections in the mid interim period (the NCP and the SPLM did not want Elections but were convinced by the mediators). The full CPA implementation, for the democratic transition of Sudan, was based on the commitment of the NCP and the SPLM that at the time of signing the Agreement were not national democratic political parties. The signatories of the CPA used the Agreement to their interest: the deal is in fact fore and foremost a bilateral deal between the ruling party and the SPLM/A to ensure peace between the north and south Sudan and the development of the two regions based on the oil economy. It came in fact in a moment in time when the Parties had reached what Zartman defined 'a hurting stalemate' and neither could defeat the enemy militarily. Given the little commitment of both Parties to the transformative idea enshrined in the Agreement, more so after the death of the SPLM/A Chairman, John Garang, its implementation became a technical and selective matter conducive to the realization of the Referendum for the self-determination of the Southern Sudanese, at the expenses of the democratization of the country. Peace and democracy became dichotomist ideals, contravening the liberal peacebuilding theory.

5. Conclusion

The conflict in the Two Areas emerged in the aftermath of the Referendum for self-determination that led to the separation of South Sudan from Sudan, shows that a result of the CPA neither peace nor democracy were reached in Sudan (and also in South Sudan and between the two countries but that was not analyzed in this article). The conflict in the Two Areas was triggered on June 2011 by security matters unresolved by the CPA but it has its roots in the Sudan's history of socio-economic imbalances of the peripheries originated from the time before the independence of the largest African country, and that the peace deal could not correct. After the transitional period, the military regime in Khartoum was reinforced and the marginalized peripheries that had not gained from the CPA, resurrected the use of arms against marginalization, pushed by the same reasons that had triggered the first and second civil war in Sudan.

---

[32] Luckham, R. (2004) quoted in Taylor, I.: "What Fit for the Liberal Peace in Africa?", *Global Society*, Vol. 21, No. 4 (October 2007), pp. 553-66, p. 559.
[33] Francis, D. J.(ed.) (2008): *Peace and Conflict in Africa*, London, Zed Books, pp. 12-16.

92

INTERESTS OF BORDER COMMUNITIES IN WATER AND PASTURES: WILL THEY INFLUENCE NILE WATER POLICIES OF THE TWO SUDANS?

Samson S. Wassara[1]
University of Juba

Abstract:

This article examines relationships between cross-border pastoralists revolving around water and pastures. Water and pastures sustain livelihoods of people sharing common border between South Sudan and Sudan. Despite this commonality, competition between pastoralists of the Sudan and South Sudan has always degenerated into violent conflicts recorded since the period of Condominium rule. However, interests of the communities living along the Kiir/Bahr al Arab and the White Nile are localised. They are now more connected to disputed borders than to wider water rights. This article demonstrates that communal demands are politicized at the national and sub-national levels. Politics distract border communities from pursuing their realistic water access and grazing needs. It is concluded that pastoralist border communities are unable to influence land and water policies while South Sudan and the Sudan maintain hostile relations.

Keywords: Conflict, Grazing, Kiir/Bahr al Arab, Pastoralists, Transhumance, Water resources, White Nile.

Resumen:

Este artículo examina la relación entre los pastores trashumantes transfronterizos en torno a las los recursos acuíferos y de pastoreo. Tanto el agua como los pastos suponen el modo de vida de la población que comparte la frontera entre Sudán del Sur y Sudán. A pesar de tratarse de bienes comunes, la competencia entre los pastores nómadas de Sudán y de Sudán del Sur ha degenerado siempre en conflictos violentos registrados desde el periodo del Condominio. Sin embargo, los intereses de las comunidades que viven a lo largo del río Bahr al Arab (o río Kiir) y el Nilo Blanco están localizados. De hecho, en la actualidad están más relacionados con las fronteras disputadas que con el asunto más amplio de los derechos acuíferos. Este artículo demuestra que las demandas comunitarias están politizadas a nivel nacional y sub-nacional; y que la política distrae a las comunidades fronterizas de perseguir sus objetivos realistas de acceso al agua y a los pastos. Se concluye que las comunidades pastorales fronterizas son incapaces de influenciar las políticas de agua y tierra mientras Sudán del Sur y Sudán mantengan relaciones hostiles.

Palabras clave: Conflicto, pastos, río Bahr al Arab (río Kiir), pastores, trashumancia, recursos acuíferos, Nilo Blanco.

---

[1] Samson Samuel Wassara is Professor of Political Science in the University of Juba, and he is currently the Dean of the College of Social and Economic Studies. He obtained his PhD from the University of Paris XI in 1994. His research interests include statebuilding, security sector, peace studies and hydro-politics. Address: University of Juba, P.O. Box 82, Juba, South Sudan.
E-mail: wassara49@yahoo.co.uk; samsonwassara@hotmail.com.

1. Introduction

The failure by partners of the Comprehensive Peace Agreement (CPA) to make unity attractive and the subsequent secession of Southern Sudan to become South Sudan in July 2011 is the root cause of the current plight of border communities of South Sudan and Sudan. The reactions to a de facto situation clearly demonstrates the two countries´ unpreparedness to come to terms with realities of neighbourliness. So many factors come into play when bitterness replaces hopes of peace. It is becoming clear that conflicts between Khartoum and Juba are evolving into resource-centred instead of people-centred conflicts. The CPA ignored complexities of the common border and the people. Partners of the agreement fixed their dreams on further exploitation of resources until they were surprised when secession became a reality on the ground.

The issue of natural resources is at the centre of the yearning for independence in South Sudan from Sudan that was fulfilled in July 2011. Relations between the two countries are sour because of the lust for oil, one of the natural resources that generate immediate benefits for the governments in power. It is unfortunate that many of political discourses are devoted to oil wealth, which is a non-renewable resource. There do exist other renewable natural resources that shaped relations between the state and others, and between the people themselves. These resources are water and the land and pastures which helped maintaining permanent bonds between people and the state. Oil resources are just a new wealth, which condemns the present states to a bumpy path of coexistence. This paper focuses on the Nile water, a renewable natural resource that has determined relations between people and cultures for centuries. Unlike oil, which is likely to be exhausted in some years to come, water and pastures will continue to be a basis for coexistence in centuries to come.

Shaped inter-state and inter-communal relations, which will continue to exist after oil resources are exhausted. The role of water in the Nile River system's development dominated the economies of the Sudan and Egypt and this same water will continue to determine relations between South Sudan and Sudan in a similar fashion. Opportunities to increase water supplies for both Sudan and Egypt lie in the White Nile basin of South Sudan. In the other bracket of the equation, the Nile River and its tributaries have always been the lifeline for livelihood of communities that shared its water and the dry season pastures.[2] In every society, there must be competition for survival. The communities that shared water and grazing lands during dry season found formulas of coexistence that may have fallen victim to unrealistic politics of instrumentalisation by governments of both South Sudan and the Sudan.

This paper does not deal with all border communities. Communities whose situation and relationships we will examine are located in the White Nile, the Bahr al Ghazal and the Kiir/Bahr al Arab river basins. A map[3] marks their areas by the numbers in the following circles:

---

[2] Abdalla, Ali Jammaa: "People to People Diplomacy in a Pastoral System: A case from Sudan and South Sudan", *Pastoralism: Research, Policy and Practice*, vol. 3, n° 12 (April 2013), pp. 2-4, at: http://www.pastoralismjournal.com/content/3/1/12.

[3] Map: Communal and Political Flashpoints along Sudan South Sudan Border. Map Adopted from Saeed, Abdel Basit (2010): *Challenges Facing Sudan after Referendum Day*, Bergen, CMI, p.10.
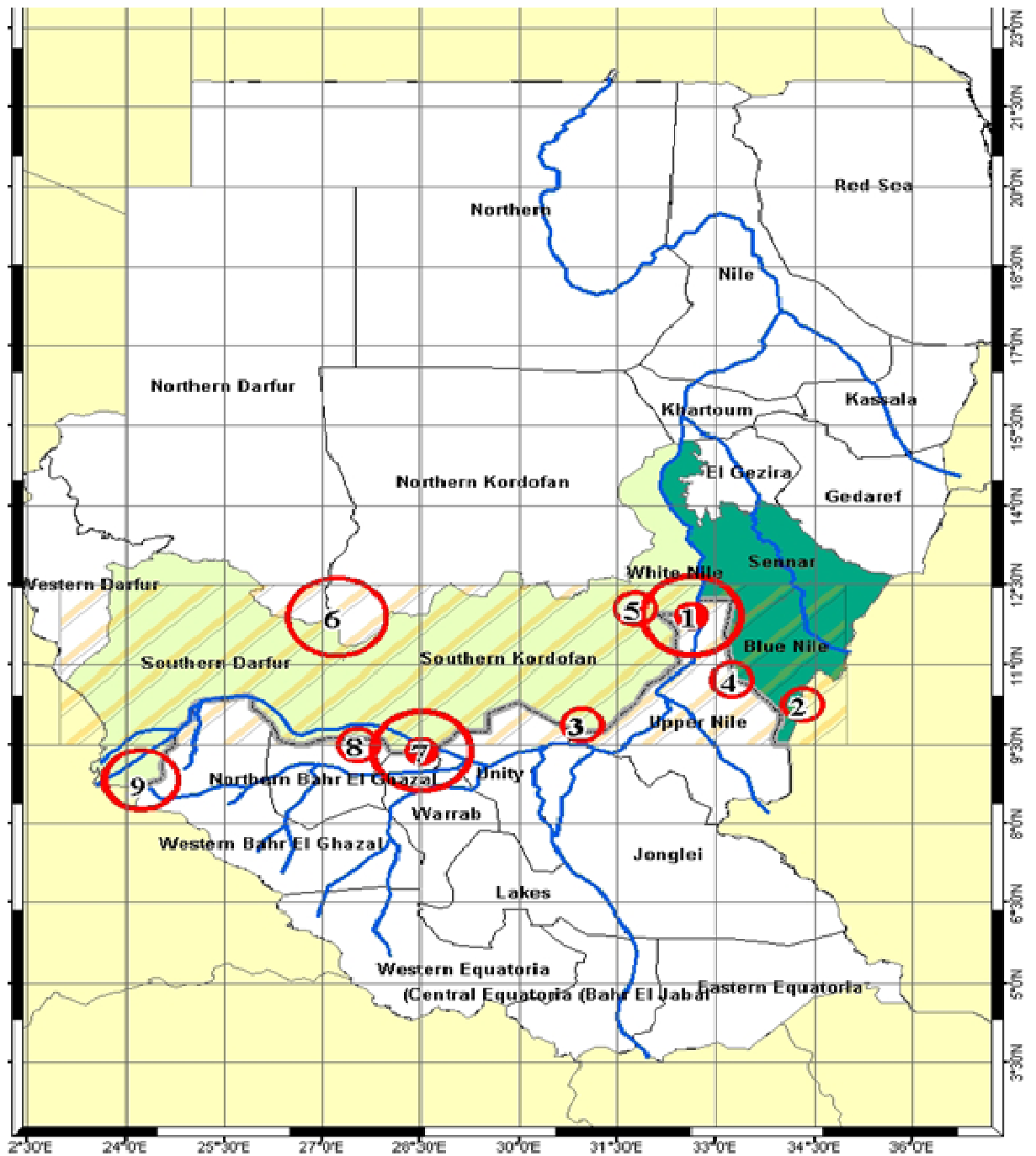
1. Number 8 are the Dinka Malual of Northern Bahr al Ghazal and the Baggara Rezeigat of South Darfur;

2. Number 7 are the Dinka Malual of Northern Bahr al Ghazal, the Dinka Ngok of Abyei, and the Baggara Misseriya Humr of South Kordofan;

3. Number 3 are the Dinka of Pariang, the Nuer of Unity State and the Baggara Misseriya Zuruk,

4. Number 1 are the Dinka Abliang, the Shilluk of northern Upper Nile and the Kawahla of South Kordofan, the Seleim, and the Ahamda of the White Nile state of the Sudan.

These are the areas where the Sudan Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA) used tactics of proxy wars before the CPA was signed. Realities on the ground have shown that while political elites continue to entertain their war-time grudges, the ordinary citizens persist in reviving peaceful coexistence at the local level. Despite independence of South Sudan and the wrangling between rulers in Juba and Khartoum, the border Dinka and Baggara communities continue to renew local contacts over human and livestock movements, border markets, sharing of water points and sharing of grazing areas. Conferences of Northern Bahr al Ghazal Dinka communities and South Darfur/South Kordofan Baggara communities in late 2011 are a case in point.[4] The issues outlined above need an expanded exploration of the importance of the Nile River system to the two states and to their communities at the local level.

2. Past Relations of Dinka and Baggara in the Kiir/ Bahr al Arab River Basin

Mobility and transhumance are engineered by people searching for livelihoods and the survival of their domestic animals. The rain season and dry season are the determining factors in the timing of mobility in the border areas of South Sudan and the Sudan.[5] Environmental degradation in the 1980s, the rise in livestock population, the establishment of large agricultural schemes blocking pastoral migratory routes and the civil war that ended in 2005 all contributed to a complex set of relationships not only between the border communities, but also between South Sudan and the Sudan.

Historically, the Nile River and its tributaries were a special economic resource for border communities in the Sudan. But the use of water was closely related to the climate and the modes of survival at the grassroots level. Researchers such as El Wakeel and Abu Sabah identify three groups of factors constraining the search for water and pastures: natural, socio-cultural and political factors.[6] For this reason, the Nile and its tributaries are factors of livelihood, but also the focus of inter-communal relationships. The importance of the Bahr al Arab River to transhumant communities is described by a nomad researcher inter alia:

> *The river's resources are utilised by the Malwal Dinka of North Bahr-al-Ghazal and pastoral Rizaigat of South Darfur, as well as by the Ngok Dinka and the Misseriya of South Kordofan. All see access to the Bahr-al-Arab as essential to their livelihoods. The relations between these groups have been marked by violent conflict for generations (sic).[7]*

The Baggara pastoralists of Darfur and Kordofan states used to drive their herds of livestock towards rich grazing lands and water points of Kiir/Bahr al Arab and the White Nile River during the dry season. In so doing they interact and socialize with each other on the other side of the river banks separating them. These relations began to sour only when border

---

[4] *Ibid*., pp. 4-6.
[5] El Wakeel, Ahmed S. and Abu Sabah, Mohamed A., "Relevance of Mobility to Rangeland Utilization: The Baggara Transhumant of Southern Kordofan", *Nomadic Peoples*, n° 32, (1993), pp. 33-35.
[6] *Ibid*., p. 34.
[7] Saeed, Abdelbasit, (2010*): Challenges Facing Sudan after Referendum Day 2011: Persistent and Emerging Conflict in the North- South Borderline States*, Bergen, CMI, p. 21.

communities became politicized and eventually militarized since 1970s. Sharing water resources and grazing land by virtue of past agreements became adversely affected by recurrent civil wars that used to engulf border areas.

During the colonial period, the District Commissioner (DC) of the Northern District in Bahr el Ghazal province was responsible for the maintenance of the security and law enforcement in the Kiir basin. Dinka chiefs were made to be responsible for the cases that took place at the southern bank of the Kiir/Bahr al Arab.[8] The cases of marriages, cattle theft, trade, abduction, rape and fighting over grazing and fishing pools in the southern bank of the river were addressed by Chief Anyoun Aturjong of Gok Machar with the help from Nazir Ibrahim Musa Madibo of Riziegat especially on those instances that Arabs might have committed a crime and crossed the river to Rezeigat Dar in Abu Matarik or Daein towns. Important cases such as inter-communal confrontations between groups at the river-side were suspended, awaiting the arrival of the DC of Northern Distinct of Bahr el Ghazal to the site. The role of the DC was not restricted to inter- tribal conflicts only. There were many cases involving intra-Dinka violence that the DC used to address.[9] It is important to mention that some of the cases were directly investigated and settled by the DC of Northern Distinct of Bahr al Ghazal.[10] However, certain cases that involved cattle thefts in neighbouring communities were settled by concerned chiefs. This was necessary for the maintenance of the peace and security in the Kiir/Bahr al Arab river basin. It was the Anyanya war against the Sudan Armed Forces (SAF) that changed inter-ethnic relations. The government took side with the Baggara tribes supplying them with weapons.

During Nimeiri's regime and after the Addis Ababa Agreement in 1972, the security situation deteriorated, resulting in the proliferation of small arms in the area. The proliferation of small arms was a deliberate policy of the government to displace the indigenous population for the purpose of minerals exploration. The four-year period following implementation of the agreement was a tough one. It is reported that approximately 600 people from the Dinka Malual community lost their lives, compared to only 60 people from Rezeigat tribe at Safaha. The Malual sustained heavy losses due to the imbalance in arms supply to the parties involved in the communal conflict. For the first time, the Rezeigat used A4Ks and G3 rifles supplied by the SAF which gave them an advantage in the battle field. The Anyanya forces at Mathiang Garrison were compelled to supply Dinka Malual after the horrible battle of 1974 at Safah. The start of the second civil war in the South Sudan resulted in increased intervention by parties to the conflict in communal conflicts in South Darfur and West Kordofan. The warring parties supported the communities of both sides of the war divide. The politicization and militarization of border communities resulted in the escalation of conflicts and the polarization of the groups along racial lines.[11] For example, the emerging alliance between the Dinka, Zaghawa and Maaliya against the Baggara groups became an established pattern of conflict in the Sudan.

The government recruited the Baggara, Anyanya II, and the Nuer militias who were active in border areas as early as 1983. The Muraheleen tribal militias were formed in the mid-1980s. The various groups were merged to form the Popular Defence Force (PDF) after 1989. Since then the term "Muraheleen" was applied to all militias groups of the Rezeigat and Messeiriya Baggara tribes and to denote tribal militias who raided villages in the Sothern

---

[8] International Crisis Group (ICG) (2010): *Sudan: Defining the North-South Border*, Africa Briefing No 75, p.9.
[9] Governor of Equator, Letter No. 86-A-1-1/SCR, dated 20/6/1925.
[10] J.M. Stubbes, DC/ND, Letter No N.D/66.B.13, dated 17/4/1930.
[11] Craze, Joshua (2013): *Dividing Lines: Grazing and Conflict along Sudan-South Sudan Border*, Geneva, Small Arms Survey, Graduate School of International Development Studies, pp.45-50.

Sudan. The Muraheelen were armed by the SAF to attack their Dinka neighbours since 1985. The Dinka were regarded as the civilian base of the SPLA, and the Baggara (and soldiers) were and are rewarded with total impunity and war booty: cattle, grain and human beings (women and children).[12] Often the Muraheelen conducted joint operations with the army. The raids expanded as the civil war progressed with very devastating effects on Dinka communities. The government turned to arming the Baggara as militias in the past because conscription was unpopular in Sudan. The traditional role of the Muraheleen was to accompany the herds of cattle ahead of the rest of the tribe in the seasonal movement of the herds; they travelled on horseback, and were traditionally armed to protect themselves and their herds against wild animals and cattle raiders. The equivalents of the Muraheleen among the Rezeigat of South Darfur are called "Fursan", the Arabic word for horsemen.

One important function of the Muraheleen since 1989 was to accompany the military supply train to Wau. They put their horses on the train, which were taken out on reaching Bahr el Ghazal and used against Dinka villages. The Dinka, who do not have horses, also lacked modern weapons and protection because Northern Bahr el Ghazal was not considered of strategic military importance to the SPLA. One of the consequences of the deliberate policy of transferring formal into informal warfare contributed to the spread of violence and insecurity across the countryside. The divide-and-rule military tactics of the warring parties in the major conflict areas produced sharp differences between the Misseriya and the Dinka who used to share grazing land, watering points and the like. This unfolding event destroyed the vital traditional systems of maintaining peace between communities in the border areas.

The two groups seem to have realized the destructive consequences of the external interventions in their "local politics". For the Rezeigat, the new reality was that their future survival depended in re-establishing good relations with the Dinka. The number of conferences and peace treaties during the past few years appears to be a manifestation of this new realism. Both groups realized that in spite of the often bad relations, intermarriages take place, (mostly with Rezeigat marrying Dinka girls). The complexion of many Rezeigat and Misseriya Zuruq (Black Misseriya) probably reveals this fact of intermarriages. Prior to independence, even during the period of the "Closed District Ordinance", both groups were brought together annually to attend conferences that reviewed the relations between them. Chiefs from other parts of South and North Sudan were brought to attend these conferences. All disputes were settled in these meetings, including the payment of 'diya' (blood money), return of stolen cattle and abducted girls.

The Dinka/Baggara rivalry escalated from tribal animosity to a government strategy of counterinsurgency operations in which some of the Baggara groups became government proxies in military expeditions against the Dinka of Northern Bahr al Ghazal and the Ngok Dinka. The latter were perceived as the backbone of the SPLA/M. This role for the Misseriya was forged under the Military rule of Nimeiri and applied by the Democratic Government in 1986-89. The Babanusa-Aweil-Wau railway corridor is one of the most important routes linking the South to the North. Since its completion the railway reduced the importance of the river route to Wau. This corridor had played a significant role in all South-North conflicts.

In the past, the government had strict control over the annual movement of the Misseriya to the dry season grazing areas, but with time this control became loose and the Misseriya had less fear of camping in Nuer and Dinka during this part of the year. The Misseriya regarded all land as belonging to the government and, therefore, they claimed the

---

[12] Jok, Jok Madut (2007): *Sudan: Race, Religion, and Violence*, Oxford, One World, pp.216-217.

right to use it. Thus, disputes arose between the Misseriya, the Dinka and the Fellata nomads from West Africa who also used the area for grazing.

Mechanisms used to exist for settling conflicts between the Baggara and the Dinka, mostly by inter-tribal conferences backed by the power of the state. Agreements between the two sides produced truces from time to time. During the first civil war (1955-1972), the Baggara entered into grazing agreements with local commanders of the Anyanya southern guerrilla movement. They paid taxes in form of money or cattle in order to graze and water their livestock in Bahr el Ghazal during the dry season. These agreements were not renewed at the outset of the second civil war. However, the Baggara began to make annual armed incursions into Bahr el Ghazal and Upper Nile, taking advantage of the local unarmed populations. Since the beginning of the second civil war in 1983, the national government did not intervene to settle disputes between the Baggara and the Dinka.

Annual peace conferences were an effective mechanism for addressing issues emerging from continuous interaction over grazing and water for a whole year. These conferences were useful in mitigating tension among border communities. The security and organization of migratory grazing routes were among items of the agenda of peace meetings. During the colonial era, Safaha at the southern bank of the Kiir/ Bahr al Arab was identified as the seat of peace meetings. The reconciliation conference convened in Babanusa in 1976 recommended appointment of the joint security committee at Safaha, with equal representation while the leadership of the committee alternated between the Dinka and the Baggara. The conference also recommended the formation of the grazing committee to be responsible for the pastures and water. It was also recommended that the river be a temporary borderline between the two provinces of Bahr el Ghazal and Darfur until the issue of the boundary would be resolved.[13] Furthermore, the Rezeigat tribe committed themselves to the payment of 450,000 Sudanese pounds as *Dia*[14] for the victims, whereas one-third of the total were paid to Aweil District authorities, but could not reach the families of the victims.

The May Revolution under the leadership of Jaafar Nimeiri assumed power in Sudan with his socialist agenda, targeting the native administrational institutions. President Nimeiri decreed the liquidation of native administration in 1975 and replaced the system with basic units of the Sudan Socialist Union (SSU).[15] This unfortunate step from Khartoum affected the peaceful coexistence between the two communities because the institution, which was known for its dedication to maintaining communal peace, was not longer there. In 1976, the regime decided to shift the location of meetings from Safaha to Babanusa. The change in the location of the meetings was imposed by an incident, which took place at Safaha during the conference in 1974 when a certain *Rezeigi* notable declared in preparatory meetings that the children will play tomorrow, a threat which meant more fighting. Indeed, the fighting occurred on that day. Therefore, the authorities decided to shift the venue of the meetings to Babanusa and it continued to host the conferences for five years until the eruption of the civil war in 1983.

The area under study in this section provides an example of the relationship between two groups that have the same economic background, but who differ with respect to religion and "race", and where the impact of the current civil war has been immense on both human and animal population. The Kiir/Bahr al Arab region is the transitional zone that links the

---

[13] Minutes and resolutions of the Reconciliatory Conference, Babanusa, 1976.
[14] Dia is the blood compensation in form of money or cows.
[15] Wol, Dhieu M. Diing (2010): *Pastoralists, Boundary and Dispute: The administration and conflict management in 14- Miles south of Kiir/ Bahr el Arab*, (unpublished paper presented at a meeting of the African Union High Implementation Panel), pp. 24-29.

South and North of Sudan, which for over the last three centuries has been the meeting point of two different cultures, the African culture represented by the Dinka and the Arab Culture represented by the Baggara. However, it is also noted that the racial divide between the two groups is blurred because of the long history of contact and inter-marriages between them. It is also a zone where the two cultures melt producing groups, such as the Misseriya Humur, which is a blend of both cultures through intermarriage and assimilation. The opposite is also true for the Dinka many of whom claim ancestry to the Rezeigat, although the numbers are reported to be small.[16] This zone extends from the western borders of Sudan with Chad and Central African Republic across the Southern Parts of Darfur and South Kordofan to the borders with Upper Nile where Kiir/Bahr al Arab joins the Bahr al Ghazal to enter the Bahr al Jebel.[17] It is the dry season meeting point by the two groups of predominantly cattle pastoralists. The use of the resources of the Kiir/Bahr al Arab Region has resulted in the development of strategic interests by the two groups upon which economic, social and political relations have emerged, and which are being manipulated today by new actors. The Bahr al Arab (Kiir) is not only a meeting point for the Dinka of northern Bahr el Ghazal and the Baggara; here they come to fish and market their goods including livestock.[18]

The two groups are mainly pastoralists rearing cattle of goats and sheep, with some camels among the Rezeigat practicing a transhumance form of mobility and nomadism. The climatic conditions dictate the pattern and distance of human and animal movement and their concentration during the different periods of the year. While the Baggara are nomadic, the Dinka practice some form of transhumance. The Baggara nomads move from North Darfur to Kiir/ Bahr al Arab River, while the Dinka move their cattle to the area during the peak of the dry season, and they also use part of the area for agriculture. The Dinka generally stay in the area for about three months between December and March/April and they move back to the areas of permanent settlements where they carry out crop production. The Baggara stay a longer time in the area than the Dinka, often lasting between six and eight months depending on climatic conditions in the North. The length of movement of nomads to the North is related to the amount of rains, availability and avoidance of muddy areas.[19]

The Dinka who own comparatively large numbers of cattle practice a certain form of transhumance, which has certain points of similarity and certain points of contrast with that found in the semi-arid zone occupied by the Baggara. The Dinka move from the Kiir/Bahr al Arab to their settlements where rainfall is heavier. The Nomads, on the other hand, move into areas of lighter rainfall during the wetter months and from these areas to dry season grazing land during the year.[20] Superficially their annual cycle of movements appears identical with that of the Dinka. In fact, their movement is conditioned by the amount of pasture and water available on the routes. These physical conditions determine the concentration and distribution of the population during the different seasons. However, the cycle of movements is much the same, though the actual timing of the movements is different, since in the areas of the nomads the rains do not start until June/July, long after the Dinka have moved back to

---

[16] Nyang'oro J.E. (2001): *The Effectiveness of Civil Society Initiatives to Controlling Violent Conflicts and Building Peace: A Study of Three Approaches in the Greater Horn of Africa.* Case Study Four: Local Level Intergroup peace Building in Southern Sudan: An Assessment of Effective Practices; Management System International.

[17] Saeed, Abdelbasit, *op. cit.*, pp. 7-13.

[18] Nyaba, Peter Adwok (2001): *Trading Bridge in Northern Bahr el Ghazal: Transforming the Dinka-Baggara Conflict through Increased Economic Activities in the Transition Zone*, Paper presented at the Conference "Money Makes the War Go Round: Transforming the Economy of War in Sudan", Brussels, 12-13 June. Can be accessed at http://www.cmi.no/sudan/resources.cfm?page=48.

[19] El Wakeel, Ahmed S., *op.cit.*, p.35.

[20] Abdalla, Ali Jammaa, *op. cit.*, p. 3.

their cultivations in normal times. Moreover, the actual movement of the cattle camps is relatively similar; at the initial stage of the movement, the camps are relatively small, composed of the smallest lineage groups (*farig*) first, and then of larger groups as the peak of the dry season approaches. The maximum period of concentration is at the peak of the dry season just before the onset of the rains.

Traditionally the location of the cattle camps of the different groups were made by agreement in an annual conference organized by local government authorities prior to the movements of the cattle into the zone. The duration of stay of each group, in particular that of the Baggara groups was determined during these conferences, although climatic conditions, such as the start of the rains and the availability of water and grazing in the North where the Baggara would move, were also important factors.

Disputes, often resulting into violent conflict, appeared to have been a norm in the relations between the two cultures; but also traditional mechanisms developed over the centuries that not only resolved such disputes/conflicts but also to prevent their occurrence. The expansion in numbers of both human and animal populations over the centuries, coupled with deterioration in the natural conditions in the northern parts of Sudan, resulted in an increased pressure over the resources of the Kiir/Bahr al Arab River; moreover, the Baggara groups tended to stay longer in the area than in the past. This led to increased disputes and conflicts over the years, and the weakening of the traditional administrative structures increased the cycle of violence in the zone.

In 2004, the Dinka, Messeriya and Rezeigat (DMR) communities went to Addis Ababa with help from the Sudan Government and SPLM/A to negotiate inter-communal peace and find ways of supporting peace negotiation in Naivasha. The meeting issued a communiqué calling for the acceleration of the peace process. The meeting also called for the conference of border communities at home to address issues of enhancing good neighbourhood[21]. However, the meeting did not take place until 2008 in Aweil. The delay was a result of a dispute over the venue of the conference and the introduction of the highly politicized Abyei agenda at the conference. It was from that time onwards that the town of Aweil continued to host annual peace conferences, between Dinka Malual and Rezeigat on one hand, and Dinka Malual and Misseriya on the other hand. The last meeting between Dinka Malual and Rezeigat communities identified 37 conflict issues, including pastures and water.[22] It was convened at Gok Machar in 2012. In brief, what is important in these conferences is the readiness of Dinka Malual to allow Rezeigat cattle to go as far as they could do, as long as they do not carry guns with them.

As the civil war broke out again in 1983 it progressed at a terrific speed resulting in politicization and militarization of the Baggara groups in South Kordofan and South Darfur. These groups, mainly the Misseriya and the Rezeigat communities were instrumentalized as agents in the proxy war.[23] They accompanied trains supplying the Sudanese army in Bahr al Ghazal. The rival border communities engaged in cattle rustling and child/women abduction as a source of wealth. The embittered border communities in Southern Sudan sought assistance from the SPLA to defend their families and animal wealth.[24] This type of

---

[21] Dinka-Misseriya-Rezeigat (DMR), Communiqué of Addis Ababa, 18/2/2004.

[22] Gok Machar Meeting, Final Report, Resolution and Recommendations, 2012.

[23] Douglas H. Johnson (2011): *The Root Causes of Sudan's Civil Wars*, Revised Edition, Kampala, Fountain Publishers, pp.81-82.

[24] Concordis International and United States Institute of Peace (USIP), *More than a Line: Sudan's North-South Border*, (Report September 2010), pp.42-46.

confrontations reached their limit as the war was taking long time to end. Border communities in this region felt they were being exploited and consequently sought honest reconciliation. They entered agreements on peace markets where they interacted, transacted and coexisted in peace despite war. Despite secession and independence of South Sudan, border communities tend to understand themselves and revive old alliances and communal compacts without governments as intermediaries.[25] Instead, conflicts between their respective governments ignite crises that are transposed as conflicts to border communities.

3. The Shilluk and Sudan Pastoralist Groups along the White Nile

The nature of the relations described and analyzed below is to some extent different from the other conflicts in parts of South Sudan. Upper Nile is an important dry season grazing area for the nomadic groups from the Kosti and South Kordofan and although the disputes along the White Nile are partly related to the utilization of the natural environment by the nomads and the Shilluk groups, seasonal disputes involve the authorities in South Kordofan, White Nile and Upper Nile States because of the changes in administrative boundaries and movements of pastoralists of the Sudan taking place along the White Nile. Territories of South Sudan and the Sudan border each other along the White Nile. They are northern Upper Nile, eastern Nuba Mountains and the Blue Nile.[26] The Shilluk and the Dinka live on the ridges of high ground close to the White Nile on its west bank. Few Shilluk live away from the river, notably on Khor Atar 20 kilometres inland from Kodok. Under the present distribution and system of land use the area has little use of wells, but increasing population and soil deterioration in the riverain area points to a future necessity for inland water supplies.

The economy of the Shilluk[27] is still of the subsistence type, adapting to the nature of the physical environment. The economy depends on a balanced utilization of land, and they are more dependent on crop production than the Nuer and most of the Dinka groups. The seasonal movement of the population is limited compared to these other groups. Cultivation is carried in the toich, the highlands and in the hinterlands. The vegetation west of the Nile on the Shilluk side is characterized by thick growth, although part of the area is made up of open plains of grassland. Fishing is the second most important source of food and income for the Shilluk. Cattle has declined significantly among the Shilluk.

Mainly several Arab, the Alwad Surur and Kawahla groups, inhabit Kalogi Locality, which borders Fashoda in Upper Nile. The Arab groups, together with those of Kosti use this area for grazing during the dry season. However, the groups using Fashoda County for grazing include the nomads from Kosti in the White Nile State, mainly the Seleima and the Ahamda nomads. The Seleima are the largest and most compact group who claim Guhayna origin like most Baggara sections in the west. The Seleima mainly keep sheep and they exploit this area more than the Ahamda. Inland water supplies in the dry season are extremely scarce and a fair amount of grass is left untouched since the animal stock is driven to the river early in the season. After that only a strip of land which can be reasonably grazed by livestock

---

[25] *Ibid*., pp. 47-48.

[26] Craze, Joshua, *op. cit*., pp.133-144.

[27] Evans-Pritchard, Edward E. (1948): *The Divine Kingship of the Shilluk of the Nilotic Sudan (The Fraser Lecture)*, Cambridge, Cambridge University Press.

watering at the river every second day is utilized, and by the end of the dry season it is grazed flat.[28]

The Shilluk who own a few numbers of cattle practice a certain form of transhumance, which has certain points of similarity and certain points of contrast with that found in the semi-arid zone. The Shilluk cattle moving from the toich to the settlements is not conditioned by the rainfall but by the rise and fall in the levels of the river. They cannot move to a region where rainfall is lighter. The Nomads, on the other hand move into areas of lighter rainfall during the wetter months of the year. Superficially their annual cycle of movement appears identical with that of the Shilluk. In fact, their movement is conditioned by the amount of pasture and water available on the routes. These physical conditions determine the concentration and distribution of the population during the different seasons. However, the cycle of movements is much the same, though the actual timing of the movements is different, since in the areas of the nomads the rains do not break until June, long after the Shilluk cattle have moved back to their cultivations. Reeds, which grow on the numerous islands on the White Nile, are cut by the Shilluk and provide an important source of income. The reeds are sold in most towns of North Sudan for roofing and fencing. The practice of burning grass near the rivers and on the islands by the nomads during the dry season results in the loss of these reeds and is a source of conflict.

The boundary between the semi-arid region of the nomadic groups and the Flood Region of the Shilluk is set at Melut, east of the White Nile. On both sides of the Nile the inland dry season pasture and water supplies are insufficient for the Arab cattle owners of the northern part and there is constant pressure southwards to the river swamp pastures of the Shilluk. This is not a recent trend, but in the past public security required that grazing boundaries were fixed and that the number of "invading" livestock be determined by agreement. Thus, nomadic groups, in particular the Ahamda and Seleim Arabs, take their livestock from Kosti across Upper Nile border into Shilluk land as far South as Torakit. In considering the degree of pasture utilization in this area, there were administrative arrangements put into place, and no tribal rights disputed this point, although the nomads often contest this right. In the past the movement of the Seleim Arabs to Upper Nile during the dry season was regulated by agreement between them and the Shilluk King who gave authority to the chiefs to allocate specific grazing areas and routes to the nomads and in return collect taxes for the use of the land from these groups.[29] This traditional practice was undermined by the present civil war.

Studies indicate that the nomadic groups such as the Seleim, Sabaha, Ahamda and the Rufa'a trespass the territories of the Abaliang Dinka around Renk and of the Shilluk to the South. These nomadic groups are increasingly involved in animal rustling (cattle and sheep). Thus, a conflict has been developing on the western part of Upper Nile between the Abliang Dinka and the Shilluk on the one hand and the nomads who come to graze on the banks of the River Nile during the dry season.[30] The incident of Jebelein town in 1990 when many Shilluk were victims of attacks by the Arab groups marked a turning point in the Shilluk/Nomads relations.

This conflict can be described as a resource-based conflict between the nomads and the farmers and a border conflict between two localities, Fashoda in Upper Nile and Talodi in

---

[28] International Crisis Group, *op. cit*. pp. 5-7.

[29] *Ibid*., p.7.

[30] Saeed, Abdelbasit, *op. cit*., pp. 16-17.

South Kordofan. The first type of conflict is traditional, which appears to have escalated during the past few years partly because of the civil war as a result of the breakdown in the traditional arrangements regulating the use of pastureland and access to water on the River Nile. The nomads from the Kosti area and from South Kordofan who use Shilluk land during the dry season have in recent years adopted a hostile attitude towards the Shilluk and no longer honour past agreements regulating their access to the dry season pastures. The 1989/90 violent conflict between the Shilluk and the nomad groups in Jebelein Area in which many Shilluk lost their lives, made the Arab groups have a feeling of superiority over the Shilluk who were regarded as supporters of the SPLA/M. The civil war was felt in this North-South border area during the 1980s and early 1990s when attacks by the SPLA resulted in a large number of displaced people who fled their agricultural lands to areas North of Jebelein and to Kosti and Rabak towns. Although the Shilluk were affected equally by these attacks, they were regarded as allies of the SPLA and they became targets of the Arab groups in the area.

4. Discussion: Water, Pasture and Communities

In many parts of border zones of South Sudan and Sudan, human and animal life depends on the delicate balance of ecosystem. During the last four decades this equilibrium was upset, particularly in the vast arid and semi-arid areas of the northern half of the country. In addition to the persistent drought, unsustainable methods of land use and overgrazing in marginal lands are destroying the eco-zone of many parts of Sudan, forcing many communities to abandon their areas and move to new ones in search of survival. Desertification and overexploitation of natural resources undermines the support systems that human life depends on, reduce carrying capacity, and increase the competition for nominally renewable yet scarce resources. In some areas, rapidly expanding human and livestock populations are outstripping the carrying capacity of the local resource base.

Those conflicts resulting from competition for water and grazing land were treated before South Sudan and Sudan were separate countries as isolated local disputes, which are not linked to national politics. Local governments in border areas dealt with issues of grazing, water, movement of livestock as petty disputes since the colonial period. It was not in their interests to sensitise pastoralists about their collaboration to articulate their demands for sharing water resources and grazing lands within the framework of national water policies.

Equally important, depletion of grazing lands and inequitable access to natural resources are also seen as a main cause contributing to previous, ongoing and potential future conflicts in the border areas. The management and resolution of conflicts raises a number of issues rotating around access to natural resources. This is widely seen as the cause of actual and potential future conflicts in many parts of South Sudan and Sudan, in particular, conflicts between pastoralists and settled agriculturalists, the local governments and/or other interest groups. Thus, it is also recognized that resolving and mitigating conflicts at the local level related to access to natural resources and services is an important aspect of development and service delivery.

The degradation and depletion of natural resources is a critical issue in several parts of the two Sudans, both in terms of environmental perspectives and in terms of impact on economic livelihood and poverty in which natural resources (mainly crop production and livestock) form the backbone of the economy. Organizing conflict management and resolution, access to and the quality of natural resources and social services, as well as

reducing poverty can be the basis for ending conflicts through civil society building, which can enhance the ability of communities to work jointly for rational utilisation of scarce natural resources such as water and pastures.

In the post-CPA period the resurgence of ethnic intolerance in border areas suggest more potent and alarming threats to political stability in South Sudan and Sudan. Ethnic intolerance is resulting in extensive and protracted violations of people's livelihoods masterminded by the emerging governments. It is clear from negotiations between Juba and Khartoum that they are linking the use of pastures and water to territorial expansion in order to carve parts of the border water basins into their respective territories. Ethnic intolerance puts into jeopardy the peace compacts that communities in these regions had cultivated and nourished over centuries. Strategies of both South Sudan and Sudan sideline grassroots communities to manage pastures and water as in the past.

The independence of South Sudan has not only affected the legal regime and has established plans for exploitation of water and grazing lands in the border areas, but has also sent a wave of fear in the community of nomads that their livestock may perish. Thus the tendency to use force by border pastoralists is always lurking in the background. South Sudan and the Sudan are geographically located in the heart of Nile water disputes where cultural cleavages are manipulated to nurture political instability. Existing water-related policies focused on projects in the modern sector such as the Gezira scheme on the Blue Nile and pumping schemes along the White Nile at the expense of communities. It is in the interest of the two countries to engage in principled negotiations to place interests of border communities in the forefront of policies on the utilisation of water resources. The logical thing to do is to plan for collection of data with relevance to local consumption of water by communities and livestock. It is feasible to seek assistance of Nile water organisations and to solicit technical assistance from international organisations such as the UNDP and the World Bank. These organisations are already providing technical assistance to the Nile Basin Initiative (NBI) member states and institutions.[31] It is expected that South Sudan and Sudan will adopt a clear position on community-based utilisation of water resources and grazing land.

While negotiating international and regional agreements on water resources, communities should be sensitised about benefits of inter-communal cooperation for the utilization of water and grazing areas. This is where people-to-people consultations among pastoralist groups should be encouraged to form associations of water and pasture users in the borderlands. Despite the uneasy peace that followed the CPA, the communal use of water and water related resources was constantly interrupted by violence in areas such as Abyei. The secession of South Sudan has just accentuated the already tense relations along the common border with the Sudan. This situation affects adversely border communities. Politicians in Khartoum and Juba pursue contradictory policies at the expense of grassroots people who have less to gain from the inter-state tensions. Local communities are conscious about their interests to enter into compacts at the border levels. This trend of mutual understanding is demonstrated by a number of inter-communal compacts among the various pastoralists in the border zone.

---

[31] Kagwanja, Peter: "Calming Waters: The East African Community and Conflict over the Nile Resources", *Journal of Eastern African Studies*, vol. 1, no. 3 (2007), pp. 323-333; Okoth, Godfrey P. "The Nile River Question and Riparian States: Contextualising Uganda's Foreign Policy", *African Sociological Review*, vol. 11, no. 1 (2007), pp. 85-88.

5. Concluding Remarks

The current disputes between South Sudan and Sudan are a short-term anomaly, which affects relations among grassroots border communities. They result from tempers resulting from secession that will take time to calm down. Sudan's post-CPA politics were marred with disputes that led many average citizens in southern Sudan to believe in secession as a better political solution. The main factor in the deterioration of relations between South Sudan and the Sudan is the continuation in power of the former foes who believe that stability of the region depends on the elimination of the other and the installation of a friendly government. The two states are responding to disputes without caring about the livelihood of their citizens who share critical resources for their survival. The border communities are to some extent responsible for the sustained intractability along the rivers providing water and grazing land to their livestock. So long as the communities pay allegiance to or take sides with the governments, it is certain that the status quo will continue for a while. It remains to be seen how people-to-people relations would develop irrespective of the antagonisms dominating the political landscape in South Sudan and the Sudan.

There are many challenges the two countries should strive to overcome in order to engage border communities as beneficiaries of substantial water and grazing land investments and services. The first issue is how to pursue diplomatic goals in order to preserve vital water interests in a region ridden by political conflicts. The two countries entangle themselves in disputes that hamper progress in communal utilisation of water resources. Their relations call for flexibility to avoid controversies that involve to a certain degree the communities of Kiir/ Bahr al Arab, Bahr al Ghazal and the White Nile river basins in the management of pastures and the utilisation of water resources. The exploitation of water resources and rich grazing land in border areas requires political stability. Volatile political situations in the border areas have contributed to general poverty among community users due to lack of coherent mobilisation of resources for development of water and pastures. It is incumbent upon South Sudan and the Sudan to ensure that friendly and stable governments exist to continue the exploitation of the renewable natural resources that bind communities of the two countries.

In summary, the border communities are hardly organised to face the challenges that affect their livelihoods. They lack the skills and values to determine their destinies in the complex situation. They accepted the status quo laid down during the colonial period where localised border conferences were organised for them by local government authorities to dialogue on predetermined issues. Pastoralists on both sides of the border have not engaged local authorities and national governments to formulate policies that should inject their local demands into national interests. Their satisfaction with local level compacts under the auspices of local governments undermines their effectiveness to influence national policies on water and grazing lands in border areas. It is a long way for border communities to strategise and push forward their demands into national policies as long as they contemplate solutions to their problems through policy-makers who have flimsy ideas about livelihoods in grassroots communities.

THE PERPETUATION OF A SYSTEM OF CONFLICTS IN DARFUR: CAUGHT BETWEEN LOCAL VIOLENCE AND REGIONAL DISORDER

Amandine Gnanguênon[1]
Institut de recherche stratégique de l'Ecole militaire

Abstract:

In many cases in Africa, armed and non-armed local conflicts, taken separately, interact to the point of creating what can be called "complexes" or "systems". If some of the concepts may help us to define the regional dimension of local conflicts, they do not provide us with a better understanding of the overlapping of several conflicts. Taking the example of Darfur between 2003 and 2011, this article sheds light on how violence and disorder arose and developed both at local, national and regional levels. It proposes an empirical demonstration of the originality and relevance of the concept of system of conflicts, with the aim of opening a debate on current research on definitions of conflict and war trough the African prism.

Keywords: System of Conflicts, War, Regional Security, Darfur, State, Africa.

Resumen:

En muchos casos en África, los conflictos locales armados y no armados, considerados por separado, interactúan hasta el punto de crear lo que puede llamarse "complejos" o "sistemas". Si bien algunos de los conceptos nos pueden ayudar a definir la dimensión regional de los conflictos locales, no nos proporcionan una mejor comprensión acerca de la superposición de varios conflictos. Tomando el ejemplo de Darfur en el periodo entre 2003 y 2011, este artículo contribuye a aclarar cómo la violencia y el desorden surgieron y se desarrollaron, tanto a nivel local como nacional y regional. El artículo propone una demostración empírica de la originalidad y la pertinencia del concepto de sistema de conflictos, con el objetivo de abrir un debate en la investigación actual sobre las definiciones de conflicto y guerra desde un prisma africano.

Palabras clave: Sistema de conflictos, guerra, seguridad regional, Darfur, Estado, África.

---

[1] Amandine Gnanguênon is a Research Fellow on African issues at the Institute for Strategic Research at the Ecole militaire (IRSEM) and holds a PhD in Political Science from the University of Auvergne, Clermont Ferrand.Dr Gnanguênon has a theoretical and operational expertise of regionalism (Regional Economic Communities) and regionalization of conflicts in Africa. She is also project manager of War and Politics (Guerre&Po), Emergences Program 2012 (winning project of Paris City Hall). Her main research areas are: African Regional Economic Communities, war in Africa, system of conflicts, security regionalism. IRSEM, case 46, 1 place Joffre , 75007 PARIS.
Email: amandine.gnanguenon@gmail.com.

1. Introduction

An overview of the conflicts on the African continent[2] leads to the observation that in many cases armed and non-armed conflicts spill over state borders. We suggest qualifying that phenomenon as a "system of conflicts". In the 1990s, Liberia, Sierra Leone and Guinea provided a first illustration of this[3] and there are no shortages of recent examples in West Africa, Senegambia, the Gulf of Guinea and the Sahel[4] — not to mention Somalia in the Horn of Africa[5]; the eastern region of the Democratic Republic of Congo (DRC) to the frontier of the Great Lakes sub-region[6], and Darfur, at the crossroads of Central Africa (Chad) and Eastern Africa (Sudan). The difficulty here is to succeed in describing the way in which the various conflicts, taken separately, interact to the point of creating what some academics call conflict "complexes" or "systems".

Barry Buzan was one of the first researchers to suggest an analysis in terms of Regional Security Complex Theory (RSCT). He defined this as "a group of states whose primary security concerns link together sufficiently closely that their national securities cannot realistically be considered apart from one another. Security complexes tend to be durable, but they are neither permanent nor internally rigid".[7] That approach, by considering that internal conflicts in states are linked together by security issues, is a starting point. Following Buzan's work, which inspired numerous authors, some explanations may help us to understand the regional dimension[8] of conflicts.

Raimo Väyrynen has suggested the concept of Regional Conflict Formations (*RCF*): "A complex mix of violent, intra-national, intra-regional and extra-regional conflicts. The formation of these conflicts becomes more complex and entangled in the sense that they cannot easily become unraveled into individual conflicts.[9] Peter Wallensteen and Margareta Sollenberg took this further with Regional Conflict Complexes (RCF), which they defined as "situations where neighboring countries experience internal or interstate conflicts, and with significant links between the conflicts. These links may be so substantial that changes in conflict dynamics or the resolution of one conflict will have an effect on a neighboring conflict".[10]

---

[2] This phenomenon is not peculiar to Africa, take for example Iraq (1980-1988, 1990-1991), Lebanon (1975-1989), the Balkans and Afghanistan. On these subjects, see the works by Armstrong, Andrea and Rubin, Barnett: "Conference summary: Policy Approaches to Regional Conflict Formations", *Center on International Cooperation*, 20 November 2002.

[3] See "Liberia, Sierra Leone, Guinée: la régionalisation de la guerre", *Politique Africaine*, n°88 (December 2002), pp.5-102.

[4] See the works by Massaër Diallo within the framework of the Sahel West Africa Club (SWAC) and also for the Institut d'Etudes Politiques et Stratégiques (IEPS) at http://www.ieps-cipsao.org.

[5] The Horn of Africa comprises Somalia, Djibouti, Ethiopia and Eritrea.

[6] The Great Lakes Region comprises the Democratic Republic of Congo, Burundi, Uganda and Rwanda.

[7] Buzan, Barry (1983): *People, States and Fears, The National Security Problem in International Relations*, Brighton, Harvester Press, pp. 105-115.

[8] My approach to the region corresponds to the "macro-region", also known as "world region", defined as a territorial unit or sub-system located between the state level and that of the global system. Söderbaum, Frederik (2003): *Introduction: Theories of New Regionalism*, in *Theories of New Regionalism*, Palgrave reader, Basingstoke, Palgrave Macmillan, p. 6.

[9] Väyrynen, Raimo: "Regional Conflict Formations: An Intractable Problem of International Relations", *Journal of Peace Research*, vol. 21, n°4 (November 1984), p. 344.

[10] Wallensteen, Peter; Sollenberg, Margareta: "Armed Conflict and Regional Conflict Complexes, 1989-97?", *Journal of Peace Research*, vol. 35, n°5 (September 1998), p. 623.

Taking these attempted definitions as a starting point, two common factors need to be mentioned. First the proponents of *RSC* and *RCF* question the impact of outside intervention, whether direct or indirect, on the intensity of a conflict. According to Väyrynen, "the origin of conflict formations are, in other words, explained by domestic conditions, while factors external to the region may account, for instance, for the intensity and duration of violent conflicts"[11] These links emphasize that the state is essential to understanding the interaction between the internal and external dimensions of regional conflicts. We may therefore deduce that state borders, being the visible manifestations of the principles of sovereignty and territoriality, are where the political, social and economic interactions are strongest.

At this stage of our review of the literature on the subject, two questions remain. If forms of regional conflict can resemble civil wars or border disputes[12], how are we to distinguish them from a civil war with third party intervention? Does a regional conflict have its own specific characteristics? To provide some elements of an answer it is necessary to review in greater detail the notion of a "system" so complex that we cannot separate the different components of the conflict. Our approach pays special attention to the notion of a system[13], defined "as a set of elements in interaction".[14] According to the interdependence principle, a system depends both on the evolution of those internal elements and on external pressures. The main difficulty in understanding how the system is created lies in identifying the various conflicts that produced it (its internal components) and understanding their interdependence on other conflicts for which it was not directly responsible (its external components).

In the 1990s, a round table was organized for analyzing the dynamics of conflict perpetuation, which suggested a comparative approach in terms of war systems. Didier Bigo, one of the organizers, stressed the importance of the links between the militarized actors in understanding how the system is perpetuated. According to Bigo, "the militarized actors have ambiguous ties with each other and dominate the third parties in the conflict, such as the civilian population, and the unarmed actors. They generate new fronts and borders that have a two-fold function, namely to delimit the conflict zones (to circumscribe or foreclose them) and above all to impose a socio-political order on the unarmed inhabitants by submitting them to various warlords".[15] Didier Bigo's approach, more descriptive than analytical, introduces the idea into the debate that the perpetuation of a conflict "legitimizes" or rather justifies, the use of violence. In short, within the framework of a war system, armed conflict becomes a strategy for obtaining material rewards. The control of resources and territory is an important factor for armed groups and influences the political sphere. Combat is characterized by its endurance rather than by its intensity. The longer a war lasts, the more an unconscious mimicry sets in among the belligerents. Since they do not aim for major military action, they develop defensive strategies to maintain a form of local power.

A few years later Roland Marchal and Christine Messiant perfected the definition of a war system by describing it as: "armed conflicts produced by distinct national circumstances

---

[11] Väyrynen, *op. cit*., p. 352.

[12] *Ibid*., p.345.

[13] Meszaros, Thomas: "Quelques réflexions sur l'idée de système en sciences sociales et sur son utilisation dans les Relations internationales contemporaines", *Cosmopolitis*, n°2 (2007).

[14] Bertalanffy, Ludwig Von (1973): *Théorie générale des systèmes, Physique, biologie, psychologie, sociologie et philosophie*, Paris, Dunod, p. 3.

[15] Round table on "La prolongation des conflits: Approche comparative des systèmes de guerre", *Cultures & Conflits*, n°1 (1990), at http://conflits.revues.org/147.

and caused by different actors, modalities and issues that serve to blur the spatial, social and political lines that originally distinguished them. Such conflicts begin to resonate and interact with each other, consequently transforming the conditions for duplication and, more importantly, the parties confronting each other, the issues of the struggle and the objectives sought. Such intricacies of armed civil and international violence create a system and makes the actors' reasoning extremely complex, obscuring the play of alliances, which in turn have no logic".[16] This perspective stresses the fact that interstate wars are closely linked to civil conflicts whose reach extends beyond the local framework. These authors also stress the simultaneous re-composition of geographic, social and political space in the system to clarify the differences between them and those in the original conflict. In our case, for example, we must distinguish Darfur province from the Sudan-Chad-Libya "tri-state" and consider how it was organized in the existing system of conflicts. Having demonstrated the contribution of research, albeit relatively poor, in terms of complexes and war systems, I should like to present the starting point of my proposal, namely a first definition of a system of conflicts.

Whereas on the ground the theoretical distinction between war and conflict tends to disappear, the complementary approaches to war systems mentioned above, do lead challenge the links between war and conflict, understood as a sociological phenomenon internal to a given society. In other words, the socio-political dimension of a system is the result of the overlap of characteristics specific to given wars and conflicts. Thus some researchers call war systems *conflict systems.*[17] That semantic change appears inevitable given that the reference to the notion of conflict from the sociological dimension is particularly relevant in the social sciences. Conflict, being more adaptable, includes war, which represents the armed aspect, while also providing us with a better understanding of the regional or even trans-national aspect.[18] Thus a system of conflicts enables us to question the links between armed and non-armed conflicts.

Based on the above, this paper proposes an empirical demonstration of the originality and relevance of this concept, with the aim of opening a debate on current research on definitions of conflictuality in Africa by suggesting that certain concepts in international relations be revisited. Here I should add that my research framework was Darfur province from 2003 to 2011, a period when the system of conflicts was most visible. Indeed, the situation in Darfur only acquired international visibility after the media coverage of 2003. Furthermore, while tensions fell after the Doha Agreement of July 2011, some conflicts sporadically reappeared. It is difficult to trace the contours of this system of conflicts geographically, given that it is part of an ancient three-cornered relationship between Chad, Sudan and Libya, which goes beyond mere inter-state relations. "The frontier between Libya, Chad and Sudan is a hostile environment. Its history, ethnic loyalties and religious commitments have defined the responsibilities of those who, by means of their birthright or ability, were supposed to lead. Like the chiefs, they often opted for their own survival rather

---

[16] Marchal, Roland; Messiant, Christine: "Une lecture symptomale de quelques théorisations récentes des guerres civiles", *Lusotopie,* vol.13, no. 2 (2006), pp. 1-48.
[17] Bazenguissa Ganga, Remy (2003), "Les réfugiés dans les enjeux locaux dans le Nord-Est du Congo" in Guichaoua André: *Les migrants forcés en Afrique centrale et orientale,* Paris, Karthala, pp. 379-423. Marchal, Roland: "Soudan d'un conflit à l'autre", *Etude du CERI,* n°107-108 (September 2004). Marchal, Roland: "Tchad/Darfour: vers un système de conflits", *Politique africaine*, n°102 (June 2006), pp. 135-154.
[18] Armstrong, Andrea; Rubin Barnett: "Conference Summary: Policy Approaches to Regional Conflict Formations", *Policy paper series* (November 2002). Leenders, Reinoud: "Au-delà du "Pays des deux fleuves": une configuration conflictuelle régionale ?", *Critique internationale*, vol.1, no. 34 (2007), pp. 61-78.

than that of their successors. Many of them seized the opportunities ironically supplied by drought and war, to ensure their own promotion and preservation".[19]

Before shedding light on how the system of conflicts arose and developed in Darfur province between 2003 and 2011, I will reiterate three points. First I should like to review the origins of the system of conflicts in Darfur. Then I will query the way in which the international expansion of the conflict since 2003 acted as a catalyst and contributed to the changes in the geographical limits of the system. Certainly the situation in Darfur can only be understood by integrating the same logic to the bordering countries, so I will pay special attention to the established links between the various players. That will enable us to conclude on the parameters that now suggest a link between the system of conflicts in Darfur and the nature of the state, or in other words, how the lack of legitimacy of a regime in place, despite its electoral legality, confers legitimacy on those who demand their rights to justice, security and access to national resources.

2. The Internal Roots of the System of Conflicts in Darfur

In certain aspects, the roots of the system of conflicts in Darfur lay both in its recent history and in the British colonial system, leading to the interaction of at least two series of conflicts. A first series was based on intricate internal land rights tensions as well as tensions between this outlying province and the central political Sudanese power, based in Khartoum. The second series reverberated with the effects of a conflict resulting from the reconfiguration of other wars involving Sudan, such as the rebellions in Chad and the Sudanese civil war between the central government and the SPLA. Here we must view the system of conflicts in time as well as in space.

2.1. The Recurrent Practice of Proxy Wars on a Regional Scale

From 1966, when FROLINAT (The Chad National Liberation Front) was established, Darfur was at the center of a triangular Sudan-Chad-Libya relationship.[20] By establishing itself in Nyala, in Darfur, FROLINAT made that province a sanctuary for opponents to successive regimes in Chad (Goukouni Weddei, Hissène Habré, and Idriss Déby). For FROLINAT West Sudan was a more easily exploitable rear base than the Central African Republic or Nigeria. Successive victories by the Chad rebel forces in their country would doubtless not have occurred without the support of Sudan and above all, Libya.

In order to obtain allies, FROLINAT had no compunction about echoing the "anti-imperialist" discourse of the Sudanese and Libyan heads of state. Sudan's commitment can be understood as a strategy for fighting the southern Chad regime of president Tombalbaye, which discriminated between the Muslim populations in the north, the center and the east of the country. The revolutionary momentum and frenetic pan-Arabism that Muammar Gadhafi hoped to spread around the region, justified his appearance on the scene. In November 1969, two months after he came to power, FROLINAT opened bases in Libya. Gadhafi continually manipulated the ethno-political landscape in Darfur using a logic that pitted the "Arab" populations against the "Negro-African" ones.

---

[19] Burr, Millard; Collins, Robert (1999): *Africa's Thirty Years war: Libya, Chad, and the Sudan 1963-1993*, Boulder, Colo. Westview Press, p.5.
[20] *Ibid*.

Two events further complicated the situation for the central Sudanese government: Hissène Habré seized power in Chad in 1982, and in 1983 the rebellion in oil-rich South Sudan, resumed[21], opposing the central government and the Sudan People's Liberation Army (SPLA). Libya and Sudan found common ground for agreement in order to deal with these situations. Sudan, in need of weapons and cash to fight the war, allowed Libya to use Darfur as a rear base to overthrow the new president of Chad. Meanwhile the government in Khartoum had been using militia to fight the SPLA since 1985, because of the high cost of maintaining an army, mainly composed of people originally from Darfur. In South Sudan the rationale of forming local militia, sometimes in rivalry against each other, was used year after year.[22]

The arrival of Idriss Déby in Sudan in 1989 (until then the Chad advisor on defense and security), following his failed coup against Hissène Habré, intensified the three-cornered conflict between Chad, Libya and Sudan. Déby's efforts to form a military force with which to seize power in Chad led to the social and military polarization of the entire province of Darfur.[23] The Chad army increased the number of raids on the Chad-Libyan militia camps there, either to attack them or in retaliation for the recurrent strikes. During those years, the regular Sudanese army was not involved in Darfur. It was struggling to hold on to its positions in the south and was unable to fight the Libyans or the militia supported by them. The situation stabilized when a ceasefire agreement was signed with the SPLA in 2002 followed by a demilitarization process. However, this had an impact on the land rights conflict already underway in Darfur.

2.2. Land Conflicts in Darfur

Tensions had existed in Darfur province since colonial times, which created an environment that favored growing political, economic and social insecurity. The political marginalization of the province dates to its integration with Sudan in 1916. Khartoum's relationship with Darfur was one of opposition between the center, which held the monopoly of power and wealth, and the periphery. That was reflected in the alienation of the electorate. From the 1940s, the inhabitants of Darfur backed Rahman al-Mahdi who promoted total independence for Sudan. That resulted in Darfur province being side-lined and heightened people's resentment against the government, which they perceived as monopolizing the national wealth. The Anglo-Egyptian Condominium that effectively controlled the country's colonization was a perfect illustration of a system of administration by "indirect governance". The people appointed to various administrative posts in the "indirect" administration were often incompetent, illiterate and corrupt, and quite incapable of providing for people's needs by implementing economic, administrative or social development program. Since Sudan's independence on 1 January 1956, successive governments progressively relinquished their obligations to the inhabitants of Darfur by reducing government budgets in health, education, and other basic services while continuing to levy taxes, recruit soldiers for the army and exploit a cheap labor force.[24]

Darfur province had always functioned as an autarky, with the merchants' role primarily devoted to long-distance trade and relations with the government. As the inhabitants' socio-economic expectations rose, this agricultural-pastoral autarky was challenged. The absence of

---

[21] The war had lasted from 1955 to 1972.
[22] Marchal, "Soudan d'un conflit à l'autre", *op. cit.*
[23] Marchal, "Tchad/Darfour: vers un système de conflits", *op. cit.*
[24] Tanner, Victor: "Darfour: racines anciennes, nouvelles virulences", *Politique étrangère*, n° 4 (April 2004), p.717.

any redistribution of the national wealth, when the survival of the regime depended on its oil revenues, further aggravated the frustrations of a population that was totally marginalized and increasingly less willing to accept its situation of poverty. From the 1970s Darfur's environmental degradation was another cause for concern. Drought and growing desertification exacerbated the inhabitants' already precarious situation. Environmental insecurity triggered food insecurity, both of which affected the relationship between the nomadic and the sedentary populations. Access to land became the subject of tensions between them, while the watering holes and pasturelands on the migratory routes in the north, together with the richer and better watered lands of the south, were coveted by groups in search of new migratory routes or *dar* (land) on which to settle.[25] The demographic pressure on those coveted areas created an imbalance in the distribution of land.

In the 1980s, the land rights system, established by the Sultanate of Darfur in the 17th century, was totally overhauled to create a legal system that distinguished between the agricultural communities, most of which had land rights, and the nomadic cattle-rearing population, which did not.[26] The authority of the farmers (*Zaghawa*, *Masalit*, *Rizeigat*) was recognized, and they were entitled to claim a right of way or usufruct, against the payment of a tithe on their harvest. The nomadic herdsmen in turn benefitted from migratory zones and camps, stipulated by negotiation — for instance, they had to ask the indigenous peoples for permission before settling near a well. During periods of tension disputes that had formally been settled by common law, ceased to depend on that framework since its legitimacy was contested, leading to a crisis that echoed the pre-existing political, economic and social frailties.

Land tensions destroyed a way of life that had been regulated by common law. After the disappearance of the northern pastures the nomads headed south too early and the farmers, who had yet to bring in their harvests, refused them access to their land. The nomads, now perceived as invaders, proceeded to attack the farmers and force their way across their lands. They even allowed their cattle to feed on their fields, already ravaged by drought. Among the nomads' grievances, was that the farmers had burnt weeds to improve soil fertility, instead of giving them to their starving cattle. The farmers in turn organized themselves to defend their land by force.

At the same time as the land rights conflict, divisions were occurring between ethnic groups. Identity definition had never been a priority for the patchwork of peoples that make up Darfur province. The "Darfurien" identity, which transcended ethnicity, now disintegrated to the benefit of the Arab/non-Arab divide.[27] Social grievances began to be expressed by combining the two attributes, opposing the "Arab" herdsmen and the "non Arab" farmers. Furthermore, the loss of their cattle due to drought convinced the Arabs that they needed their own land. In Darfur, Masalit and Fur self-defense groups were formed to protect against incursions by Janjaweed militia, who were to play an important role in the emergence of Darfurian rebel groups later. In Chad, where people were traditionally armed with bows and poison-tipped arrows or spears, the Dajo militia collected money from the civilian population and attempted to buy firearms from both the Sudanese rebels and the Chad army. They finally succeeded in arming themselves. The capacity of the local militia should not be over-estimated, since it comprised groups of young people from various villages who came

---

[25] Tubiana, Jérôme: "Le Darfour, un conflit pour la terre ? ", *Politique africaine*, n° 101 (March 2006), pp. 111-131.

[26] *Ibid.*

[27] Tubiana, Jérôme: "Le Darfour, un conflit identitaire?", *Afrique contemporaine*, n° 214 (February 2005), pp. 165-206.

together to carry out collective work in agriculture or for constructing homes, to celebrate festivals or to fight wars.[28]

2.3. State Intervention and the Militarization of the System of Conflicts

The disintegration of the "Darfurian" identity provided the government with an opportunity to seize the initiative for military intervention in the province. Its involvement prevented any hope of a return to some kind of status quo that may have been achieved with the appropriate political responses. With a minimum amount of prevention, money and, above all, political good will on the part of Khartoum, it would have been possible to prevent the escalating insecurity in Darfur. The inter-community conflict related to rights of way and land use, required rapid decisions from the Sudanese government. Although the government had expressed no interest in the local population until then, it decided to use the crisis to tighten its control over Darfur, and did so by exploiting the rivalries and differences that were flaring up, as in the case of land ownership. The government's stance hastened the redefinition of the many, complex relationships individuals and communities had with their land and their attachment to it and their own identity.

In 2003, an insurrection broke out in Darfur just when the power struggle between the central government and the Sudan People's Liberation Army (SPLA) in South Sudan was drawing to an end and Idriss Déby, who had come to power in Chad in 1990, was attempting to dismantle the rebel forces. As I mentioned earlier, at the time the Khartoum government relied on a national army (composed for the most part of people from Darfur) to fight in South Sudan. These demilitarization processes served to reconfigure the situation in Darfur.

On 25 February 2003, the Darfur Liberation Front (FLD), led by Abdel Wahid Mohamed Nur, launched an insurrection in the Jebel Marra, to the west of Sudan. Originally composed of *Four* village self-defense groups, it took the name of Sudan Liberation Army (SLA) in March that year to highlight the presence of other communities such as the *Masalit*, the *Zaghawa* and *Berti* within it. The SLA was well-trained and benefited from the experience of its military leader, Abdallah Abakkar, who had helped Idriss Déby take power in Chad in 1990. Abakkar's trajectory reveals how some actors succeeded in transferring their war experience in Chad to armed struggle in their own provinces. The rebels seized Golo in Jebel Marra, where they established their headquarters and Tine on the border with Chad. They became credible players when they seized the airport in El Fasher (the capital of North Darfur) on 25 April 2003 and captured General Ibrahim Bushra, the Sudanese air force commander. In North Darfur, a second group also stood out, the Movement for Justice and Equality (MJE), composed of *Zaghawa* and headed by Doctor Khalil Ibrahim.[29] Despite the ceasefire signed in September 2003, the war continued and spread to the border regions.

The Sudanese government became aware of the power struggle with the Darfur rebel groups, former village self-defense bodies that had become political players. Their change of identity helped to transform the earlier intra-community conflict into a war. The rebels' capacity to intervene in the political arena was, in the eyes of the Darfur inhabitant, a consecration of the loss of legitimacy of the Sudanese government. The government's inability to cater to their demands and ensure fair and non-partisan order, made the use of force for demanding their rights to their representatives, legitimate in their eyes.

[28] Tubiana, Jérôme: "The Chad–Sudan Proxy War and the 'Darfurization' of Chad: Myths and Reality", *Small Arms Survey*, n°12 (April 2008).
[29] For more detail on the history of the formation of those two groups, see Marchal, "Soudan d'un conflit à l'autre", *op. cit.*

In 2003, a portion of the loyalist troops engaged in South Sudan became available. The government was now able to reinforce the army and take the offensive. However, since it could not use the national army to intervene, given that it was largely composed of people originally from Darfur, it played on the rift in Darfurian identity. The government decided to arm the Janjaweed and give it a free hand in attacking the rebel villages. These warriors "came from the most part from the small camel-driving tribes in the north of Darfur, impoverished and marginalized, who did not obtain *dar* from the British colonial authorities and were suffering the effects of climate change and ecological deterioration".[30]

The attacks were often led jointly with the Sudanese national air force while the *Janjaweed* pursued their raids. Although the conflict did not spread to the point of opposing "Arabs" and "Africans" (to put it simply), it did turn into a civil war that extended beyond just a few villages. "Poverty and greater competition for decreasing resources, a way of life and survival in conflict, the abundance of weapons and armed communities, the absence of any mediating authorities and the presence of an aggressive state, meant that Darfur was ripe for an explosion".[31]

Darfur became the arena for an armed conflict that was of particular concern to the government. Because the population in the province was poor and had nothing to lose, it proved to have warlike qualities that could jeopardize the government. From the outset the government's main fear was to find itself in a compromising situation should any alliance be formed between the rebels in the South and those in Darfur. Its response to the rebellion in Darfur was therefore brutal in order to be exemplary, and that violence prolonged the effects of the massive deterioration in people's living conditions over several decades. On 9 February 2004 President Omar El Bechir declared his loyalist army's victory and announced the end of military operations. But although the army had regained control of the towns, the fighting and the massacre of civilians continued. In 2005, a peace agreement was signed under pressure from the international community, and the United States in particular.

3. Local, National, Regional, International: A Multi-Scale Conflict

While the conflict in Darfur was already taking place on a local and national scale, it went international in 2003. Intensified combat attracted the attention of the international community, which further reinforced the system of conflicts. The question then, is to find out whether or not international intervention had an impact on the duration and intensity of the violence in a province where the power struggle between players was already marked by the practice of proxy wars at regional level, and how the various conflicts overlapped.

3.1 International Intervention as a Catalyst in the System of Conflicts?

Starting out from the idea that conflict formation is always defined and influenced by the interests of the players, it is worth remembering the international context in which the Darfur crisis occurred. In February 2003, the seriousness of the war there timidly emerged on the international media scene. At the time the UN agencies were focused on Iraq and North Korea, was well as the United Nations Mission in Côte d'Ivoire (MINUCI) and the deployment of Operation Artemis in the Democratic Republic of Congo. Furthermore, the

---

[30] Tanner, *op.cit*., p.722.
[31] *Ibid*., p.720.

Khartoum government took care to conceal events in a province that was closed to foreign observers including international agencies and journalists.[32]

It was not until December 2003 that the "major Western powers, mediators and observers in the negotiations underway in Kenya at the time, [decided] to express themselves on the escalating conflict in a remote area of Sudan. The considerable time lag between the crisis bursting onto the media stage and its recognition at diplomatic levels gave the impression that Darfur was inviting itself to the negotiating table".[33] Darfur was threatening the "peacemaker" image that Khartoum sorely needed for its negotiations with the Sudan People's Liberation Army (SPLA). Negotiations were carried out under the watchful eye of the United States, the first country to take a firm position against Sudan in January 2004. The US not only sought a conclusion to the peace talks with the South but a ceasefire agreement and discussions with all the Sudanese rebel movements.

The internationalization of the Darfur issue accelerated with the growing accusations of genocide against the Khartoum government. That had particular resonance in April 2004 when Rwanda commemorated the 10th anniversary of the genocide. It is important to note that from the start, this crisis entered the international area as a result of a collision between two time scales and the instrumentalization by political leaders of the "anniversary syndrome".[34] That alarm signal caught the attention of Western leaders and public opinion, concerned about the impact such a crisis might have if it were to deteriorate further. Mukesh Kapila, United Nations Humanitarian Coordinator for Sudan, provided the media with an opportunity to focus on the image of refugees. By choosing victimization as an angle to inform about the situation, the international community provided the Khartoum government with a means for attracting attention and then appropriating international aid. Aid could only be put in place by negotiating with the Sudanese government, which had no compunction about regularly expelling any NGOs it considered undesirable. In 2006, it even refused access to Darfur to Jan Egeland, the UN Under-Secretary General for Humanitarian Affairs. Khartoum's objective was to win time by profiting from the international community's inconsistent political actions, which put the humanitarian organizations in the front line. While waiting for political decisions, the Darfur problem was treated as a humanitarian emergency.

Meanwhile, the massive displacement of people and the refugees fleeing the civil war in Darfur led to a public health crisis. People found themselves in camps with insufficient water supplies and the poor hygiene led to epidemics of diarrhea and other mortal diseases. Nevertheless, the real issue in that major humanitarian theater was the safety of the refugees. Making the camps secure proved to be a major problem for the international bodies, since the *Janjaweed*, now incorporated in the army and police force, were charged with protecting the population, and they used the refugee camps to extend their zone of influence and supply themselves with food, men and weapons. New towns appeared out of nowhere and camps became veritable tinderboxes.[35] The NGOs were not only hostage to the Sudanese political power games but victims of rebel attacks themselves. Khartoum exploited the complexity of the situation by claiming that it was unable to achieve the objectives imposed by the international community. For instance, Resolution 1556, adopted on 22 July 2004, which gave

---

[32] Fontrier, Marc (2009): *Le Darfour: organisations internationales et crise régionale: 2003-2008*, Paris, l'Harmattan, p. 21.

[33] Marchal, "Soudan d'un conflit à l'autre", *op. cit.*, p. 38.

[34] Ancelin Schützenberger, Anne (1993): *Aïe, mes aïeux!: liens transgénérationnels, secrets de famille, syndrome d'anniversaire et pratique du génosociogramme*, Paris, La Méridienne, p. 194.

[35] Fontrier, *op. cit.*, p. 221.

the Sudanese government until 30 August to disarm the *Janjaweed* militia, was deemed unrealistic by Khartoum.

Growing public condemnation, threats of oil embargos and restrictions on the movements of certain government officials in Khartoum, identified as being responsible for the crimes committed in Darfur, had no effect. Even though the situation in Darfur had been referred to the International Criminal Court less than three months after the Comprehensive Peace Agreement in the South (2005), the Sudanese regime pursued confrontations on two fronts, the one political and the other military. Khartoum was continually double-dealing the rebels in Darfur as well as the international community, which it perceived as being dangerously partial to rebel demands. Throughout the Darfur peace negotiations, the Sudanese regime exploited the antagonisms between the most interventionist countries on the one hand, and China, Russia and the League of Arab States on the other, as well as the United Nations (UN) and the African Union (AU), which were sharply divided.

Even after the African Union's Mission to Sudan (AMIS) was deployed, it was continually discredited by the continual time lag between the commitments taken, the declarations of intent and the actual achievements. From May 2004 to December 2007, AMIS' objective was to establish a more suitable peacekeeping force that was better equipped by the UN, but the Sudanese government objected. AMIS had neither the means nor the experience, and its mission grow more complex day by day. The cooperation between the various parties committed to it was a makeshift institutional attempt to bring some coherence to the military, political and humanitarian operations.

Despite the support of its partners, the AU's main difficulty proved to be financing the mission and once it reached a dead end with empty coffers, the pan-African organization had no choice but to transfer the operation to a United Nations peace force. However, under the AMIS mandate, now incorporated into the African Union/UN Hybrid Operation (UNAMID) in 2007, the law and order situation in Darfur scarcely improved. The AU had committed itself under difficult conditions and in a context when most of the Sudanese protagonists did not fully cooperate with AMIS, and regularly and deliberately broke their commitments. Above all, Sudan benefitted from solidarity and sympathy within the African Union, which constituted a serious obstacle to any approach vetoed by Khartoum.

The warring factions' reactions to the announcement that operations were being transferred from the AU to the UN were ambiguous. The divided rebels feared seeing the poorly equipped African contingents replaced with well-trained troops that might challenge their predatory economy, while the Sudanese government "did not want to see trained contingents, which might prevent it from pursuing a complex strategy that aimed to cut their losses in South Sudan by maintaining other revolts in a state of dormant war".[36] After long negotiations the international community succeeded in making the Sudanese government accept the principle of a "hybrid" AU/UN force. Despite having precise functions, its global and more ambitious objectives required a longer-term commitment. The Security Council's Resolution 1769 stated that UNAMID must "protect its personnel, facilities, installations and equipment, and to ensure the security and freedom of movement of its own personnel and humanitarian workers". At the same time its intervention was meant to help create an environment favorable to economic reconstruction and development prior to the lasting return of the displaced populations. To carry out this mission UNAMID had to deal with a Sudanese government that discussed peace with diplomats and journalists, while pursuing the war.

---

[36] *Ibid.*, p.217.

UNAMID suffered from a lack of resources (tactical transportation, aerial reconnaissance, land transport, engineers, logistics, medical supplies and means for broadcasting), which affected the execution of its mandate. Its rules of engagement were limited, as was its deployment, including in the refugee camps.

UNAMID helped Sudan to integrate former rebels into the army, set up economic governance and transitional justice. The obstacles it faced were, ultimately, the result of the Sudanese government's ambiguous relationships (arming militia, exploiting humanitarian assistance, etc.). UNAMID's DDR mission (disarmament, demobilization and reintegration) led to other issues. For instance, how was it possible to disarm tribal chiefs who traditionally bore arms? Indeed, " […] All nomads have a quasi-mystical relationship with weapons in general and their own in particular, whether these are knives, assegai, bows and arrows or assault rifles. To removing a weapon is tantamount to an act of castration. These may be worn without munitions, since they are frequently in short supply, but the weapon is there, inalienable, by the man's side, a symbol of his strength, courage, and virility, and a part of himself just as much as his right hand. To demand that he hand it over can only trigger a process of revolt and intolerable torment. On the other hand, a far more subtle, but also more plausible, exercise would be to negotiate that the weapons remain in its holster and to regulate supplies of munitions".[37] Another issue was how to end a conflict in a state where one regime after another had based its legitimacy on arms, as was the case in Chad?.[38] At the intersection of those two dimensions, another dynamic of the conflict situation in Darfur was exacerbated by the proxy wars carried out on a regional scale.

3.2. Return to the Regional Dimension of the System of Conflicts in Darfur

From a purely political point of view, the crises in Chad and Sudan during the 2000 decade were not connected at the outset. The situation in Darfur was the result of a Sudanese political crisis, while Chad under Idriss Déby was facing an internal political conflict whose origins had no direct link with Darfur either. Indeed, Déby's crisis of legitimacy prevented him from containing ethnic solidarity with the *Zaghawa* engaged in the Sudanese revolt within his own entourage. However, the changing situation and certain specific circumstances led to the two internal conflicts overlapping. Two factors in the Sudanese crisis further regionalized the conflict: the arrival in Chad of many Sudanese refugees and the incursions of the *Janjaweed* militia into Chad territory in pursuit of the rebels who had sought refuge in camps there. Increasing episodes of violence occurred on both sides of the Chad-Sudan border with the displacement of populations, destruction of villages, clashes among the insurgent groups, and attacks on refugee camps.

Relations between Chad and Sudan gradually deteriorated. Each country's political exploitation of the events acted as a catalyst on their own domestic crises. In short, the Chad regime supported the Sudanese rebellion, which recruited in the Chad refugee camps, while the Khartoum government used internal rifts within Idriss Déby's ethnic group and supported the Chad opponents present in Sudan. It became increasingly difficult to find any political agreement between the two countries because of each one's double-dealings. Any attempt to

---

[37] *Ibid*., p. 49.
[38] Debos, Marielle: "Les limites de l'accumulation par les armes. Itinéraires d'ex-combattants au Chad", *Politique africaine*, n°109 (May 2008), pp. 167-181. Debos, Marielle: "Fluid Loyalties in a Regional Crisis: Chadian combatants in the Central African Republic", *African Affairs*, vol. 107, n° 427 (April 2008), pp. 225-241.

reach cooperation agreements on law and order failed until the Doha agreement was finally signed in July 2011.

The ties between Chad, Sudan and Libya illustrate Buzan's Regional Security Complex Theory (RSCR) in its most limited dimension.[39] Within a RSC, states have relationships characterized as much by forms of voluntary cooperation as by a growing interdependence related to the nature of the security issues. Security matters lead to involuntary effects that result in unintended costs or benefits affecting states that were not involved at the outset.[40] Whereas the intra-state trade has positive consequences, the displacement of populations and refugees are examples of repercussions with destabilizing effects in terms of the political, economic and social costs they engender. The originality of RSCT lies in the fact that it takes into account the interdependence of actors in geographical proximity, as well as interactions with more distant ones.[41] Furthermore, because of their regional commitment, some "external" actors can be perceived as being part of a Regional Security Complex. For instance, the French presence in central Africa, and notably in Chad and the Central African Republic, is generally taken into account in analyzing regional power relations.

Another specificity of RSCT is that it eradicates the distinction between the internal and external spheres to the benefit of a logic of interlinked conflicts. When states face growing competition, political regimes play on several levels by re-appropriating cross-border solidarity, exploiting family ties between political players, and concluding alliances between armed groups — all of which can serve an established regime for placing and creating a clientelistic network. The transformation of a war is therefore the result of both the actors themselves and their interdependent relationships.

Far from being a simple established fact or a temporary situation, the instability that reigned on Darfur's borders was transformed into a political instrument[42] and its exploitation fuelled the formation of a war/peace continuum in which violence became commonplace. After the clashes between the center and the periphery, the break-up of factions, and the proxy war with Chad with its repercussions on the Central African Republic, a new area of conflict was created that evolved in accordance with historic ties between populations and shifts in alliances. As in the case of Darfur, this was not disorder in the sense of anarchy, that is to say the absence of chiefs or synonymous with chaos. Rather it was a process by which certain actors sought to maximize their interests in a context of confusion and uncertainty that characterizes certain African countries.[43] The perpetuation of that state of instability was as much due to the implication of the political powers — as illustrated by the relations between Chad, Sudan and Libya — as that of non-state actors. The communities located on either side of the Chad-Sudan border, mobilized for war, helped perpetuate the insurrection.[44] Independently of state strategies, the modes of action by individual groups often occurred at the intersection of different rationales, such as the coming together of the Chad and Sudanese

---

[39] Defined as "a group of states whose prime security concerns are so closely linked that the security of any one cannot be separated from the others", Buzan, Barry, *op. cit*., p. 190.

[40] Lake, David; Morgan, Patrick (1997): *Regional orders: building security in a new world*, University Park, Pa., Pennsylvania State University Press, p. 48.

[41] For the purpose of this paper I have only discussed the relationships between three states, but others can also be considered integral to RSCT: the Central African Republic, Uganda, with the Lord's Resistance Army, The Democratic Republic of Congo, Eritrea - because of its former support to the Eastern Front rebels in Sudan - and South Sudan. I cannot develop all these aspects here since they go beyond the scope of this paper.

[42] Chabal Patrick; Dalloz, Jean-Pascal (1999): *Africa Works: Disorder as a Political Instrument*, London, International African Institute.

[43] *Ibid*., p. xviii.

[44] Marchal, "Tchad/Darfour: vers un système de conflits", *op. cit*., p.139.

Zaghawa. Alliances were tactical and makeshift, and coherence a relative matter given their ambiguous and versatile nature.[45] To grasp the regional dimension of the conflict it is necessary to bear in mind that the states, like the non-state actors, promoted their own interests. However, regional conflict formation still raises the question of how such conflicts overlap.

3.3. The Issue of Overlapping Conflicts

Given the various factors mentioned above, the question that must now be answered is how conflicts in different national spaces end up overlapping with each other. It is important from the start to dismiss the conflict mimicry thesis based on the idea that the same factors produce the same effects from one state to another. Indeed, the system of conflicts as it appeared in Darfur in 2003 was the consequence of the overlapping of at least two political conflicts in Chad and Sudan, each of which depended on its own individual factors There was no "Darfurization" process in Chad.[46]

We will, however, stick to the thesis by which conflicts inter-weave and propagate through socially-rooted networks. In the social sciences it should be remembered that, "networks designate poorly institutionalized movements uniting individuals and groups in an association under variable terms that are subject to reinterpretation according to the constraints on its actions. Networks are social organizations comprising individuals or groups whose dynamics aims to perpetuate, consolidate and advance the activities of its members in several socio-political spheres".[47]

Barnett Rubin pursues that idea with his notion of Regional Conflict Formation (RCF), which raises the idea of "network war". He defines RCF as "sets of violent conflicts — each originating in a particular state or sub-region — that form mutually reinforcing linkages with each other throughout a broader region, making for more protracted and obdurate conflicts".[48] Rubin's model proposes an analysis based on "four – often overlapping – types of transnational border-crossing networks: military (facilitating the flow of arms and combatants), economic (pertaining to cross-border trade in "'conflict goods') and social (defined by occupational, familial and diaspora affiliations and based on cross-border shared identities)".[49] Such networks certainly existed in Darfur. The military and security dimension of a network makes cross-border movement possible, through which arms and combatants pass whether or not they receive support from the border states. Existing solidarity between heads of state since the 1960s provided a concrete form for the political network, which evolved according to the protagonists' regional claims. The existence of an economic and financial network was there with the various types of trafficking on the Chad-Sudan border. Last, solidarity between members of the *Zaghawa* ethnic group on both sides of the border, demonstrates the existence of a social network. However, analyzing conflict overlap in terms of networks alone would fail to take into account the way the networks impact conflict formation.

---

[45] Bach, Daniel; Sindjoun, Luc: "Ordre et désordre en Afrique", *Polis*, vol. 4, n°2 (1997).

[46] Tubiana, "The Chad–Sudan Proxy War and the 'Darfurization' of Chad: Myths and Reality", *op. cit.* Debos, *op. cit*.

[47] Colonomos, Ariel (1995): *Sociologie des réseaux transnationaux. Communautés, entreprises et individus: lien social et système international*, Paris, l'Harmattan, p. 22.

[48] Rubin, *op.cit*.

[49] *Ibid*.

The network analysis model was taken up by Reinoud Leenders and applied to the Middle East.[50] According to Leenders, the transnational nature of conflicts, erroneously qualified as internal, is not specific to Africa or the Balkans. He believes that the central issue in the analysis of the propagation of conflicts is the gradual disappearance of the existing limits between various internal conflicts. Based on his case studies in Iraq, Syria and Lebanon, Leenders demonstrates the limitations of RCF. He believes that this analytical framework does not provide sufficient explanations about the way the various factors cause, stir up, or prolong conflicts. By wanting expand Marie Kaldor's approach in terms of "new wars"[51], Barnett Rubin only identified four networks. According to Leenders a central component in the vectors of conflicts is missing, namely the social and political representations, which he calls "symbolic political capital". He defines this as "the capacity of all political actors to create a cognitive socio-political space that is recognized and respected by a sufficiently broad public. In this way, the actors impose their concept and views of events and processes that were fundamentally contentious at the outset".[52]

The notion of symbolic political capital seems relevant in the case of Darfur for two reasons. Once the conflict emerged, the difficulty in returning to a *statu quo ante* was due to the impression that "[…] in people's minds, the interests of all the parties were now less and less reconcilable. The 'Arabs' were those who had refused to deal with the threatening famine, and they (or their Libyan allies) had refused to distribute weapons to their 'brothers' in Darfur with which to kill the 'African' peasants. It was also their fault that the civil war in Chad had spilt over to Darfur. For the 'Arab' nomads, the black peasants were simply a threat to their pastoral survival and it was necessary to eliminate by all possible means that obstacle formed by a backward people practicing a 'dubious Islam'".[53] Furthermore, since international intervention was being exploited by local actors, it had become an integral part of the system of conflicts. By acting on people's perceptions, intervention acquired legitimacy. Perceptions of intervention were constantly shaped by people's hopes or deceptions requiring responses from the peacekeeping forces to the political and military upheavals the population was subjected to. That paradoxical effect was the result of the lack of neutrality and legitimacy of any intervention in the political process, indissociable from times of war.[54]

4. Conclusion: System of Conflicts in Darfur and the Formation of the State

The system of conflicts in Darfur between 2003 and its settlement in 2011 was the result of several components overlapping. First, a number of non-armed conflicts intensified over time to the point of spilling beyond the local framework in which they started. Next, the province became militarized, creating a breeding-ground for civil war due to the absence of settlement by peaceful means and the desire of several border countries to profit from the instability. Last, the system of conflicts was perpetuated, since each conflict provided opportunities for numerous actors seeking support in defending their own interests.

---

[50] Leenders, *op. cit.*

[51] Kaldor, Mary (1999): *New and old wars: organized violence in a global era*, Stanford, Stanford University Press.

[52] Leenders, *op. cit.*, p.70.

[53] Prunier, Gérard (2005): *Le Darfour, un génocide ambigu*, Paris, La Table ronde, p. 138.

[54] Mbembe Achille: "Essai sur le politique en tant que forme de la dépense", *Cahiers d'études africaines*, n° 173-174 (2004), pp 151-192.

The analysis of the system of conflicts in Darfur raises another question, namely the role of the state. We have started out with the hypothesis that a system of conflicts is an expression of a specific type of state. War is not a phenomenon that opposes states but "contributes to the emergence of a 'system of states' on a regional scale, as it did in Europe until the first half of the 20th century"[55]. Relations between states can evolve to become conflictual when the parties attempt to obtain satisfaction by resorting to violence as the most profitable option. Chad's intervention in the Sudan conflict and vice versa enabled the two countries to develop their military capacity and conclude agreements in line with their strategic and economic interests. States are all the more tempted to resort to violence if they feel vulnerable because of the instability of their borders.

Geographic contiguity causes political, economic, historical and cultural links, and the strategy of the actors, to have a significant impact on their neighbors, as in case of the relationship between Chad, Sudan and Libya. In addition to geographic proximity, history and shared culture, recurrent hostility and rivalry also favor the creation of alliances of circumstance between actors. War provides states with the possibility of recovering a portion of national legitimacy that was weakened by their partisan practices. The gradual erosion of legitimacy confers *de facto* legitimacy on rebel groups claiming certain rights. Whatever the external influences on a system, the central issue is that of the state's ability to create legitimacy within that system without resorting to violence. As with the confrontations in Darfur, the exacerbation of political conflicts and their regionalization could be interpreted as a state-forming process rather than an expression of its decline. If the violence is perceived as a means for a state to impose a form of regional equilibrium, the system of conflicts in Darfur can reappear at any time through the reconfiguration of alliances between those states and the armed groups. The perpetuation of the system of conflicts in Darfur could be related to the fact that it also acted as a means of political and economic control over the power game between the various actors.

---

[55] Bayart, Jean-François: "La guerre en Afrique formation ou dépérissement de l'Etat? République sud-africaine, Congo-Kinshasa, Guinée-Bissau", *Esprit*, n° 247 (1998), p. 63.

HOW TO HANDLE YOUR NEIGHBOURS' CONFLICT: ETHIOPIA'S RELATIONSHIPS WITH SUDAN AND SOUTH SUDAN[1]

Volkert Mathijs Doop[2]

Independent political analyst Horn of Africa and MENA region

Abstract:

Ethiopian-Sudanese relations have historically been founded on domestic goals of physical security, economic development and access to the water resources offered by the Nile. Apart from being an important neighbouring country, and despite a tumultuous history, Ethiopia has developed strong connections with both elites in Khartoum and in Juba. In order to promote security and economic progress in Ethiopia and the broader region, it has established an increased diplomatic profile through IGAD, the AU and the UN and independent diplomatic work. The secession of South Sudan and the demise of the long-time Ethiopian prime minister Meles Zenawi have been the most recent catalysts for reinventing Ethiopia's approach to the region in order to prevent instability to threaten its national development.

Keywords: Ethiopia, Sudan, South Sudan, Horn of Africa, Diplomacy, Conflict Mediation, Peace-keeping, Economic development, Nile river.

Resumen:

Las relaciones entre Etiopía y Sudán se han fundamentado históricamente en los objetivos domésticos de seguridad física, desarrollo económico y acceso a los recursos hídricos ofrecidos por el Nilo. Aparte de ser un país vecino de gran importancia, y a pesar de una historia tumultuosa, Etiopía ha desarrollado unas fuertes conexiones con las élites tanto de Khartum como de Juba. De manera a promover la seguridad y el desarrollo económico en Etiopía y en toda la región, fue incrementando su perfil diplomático a través de la IGAD, la UA y la ONU y a través de una labor diplomática independiente. La secesión de Sudán del Sur y el fin del largo gobierno del primer ministro etíope Meles Zenawi han sido los catalizadores más recientes para reinventar la relación de Etiopía hacia la región y así prevenir toda inestabilidad que pudiese amenazar el desarrollo nacional.

Palabras clave: Etiopía, Sudán, Sudán del Sur, Cuerno de África, diplomacia, mediación de conflictos, mantenimiento de la paz, desarrollo económico, Río Nilo.

---

[1] For this article, the author interviewed various stakeholders including senior members of the mediation team, the negotiation teams of Sudan and South Sudan, a number of outside expert observers and diplomats from different western countries. The author thanks all of them. Finally, the author thanks Olivier Mukarji for his support throughout the process.

[2] Volkert is an independent analyst, focusing on peace, security and development in Sudan, South Sudan and the surrounding region. Volkert was part of the IGAD support team for the AUHIP mediation, travelling between Sudan, South Sudan and Ethiopia. Volkert holds a BSc. and MSc. in International Economics and Finance from Tilburg University in the Netherlands.

Email: vmdoop@gmail.com.

1. Introduction and Structure

1.1. Introduction

Over the last two decades, two of the major countries in the Horn of Africa, Sudan and Ethiopia, underwent big transformations. In 1993, Eritrea became independent of Ethiopia and in 2011, Southern Sudan seceded from the North to become the Republic of South Sudan. These transformations have changed the relations between existing capitals and have created new ones. Both secessions were the result of extensive armed conflicts, which since the 1970s were primarily driven by internal dynamics and amplified by a pattern of mutual intervention between states.[3] Since 2000, the development trajectories of the different countries in the region have been markedly different. While Ethiopia managed to forge a path of economic growth and achieve certain stability, Sudan is still embroiled in conflict with its southern neighbour and is dealing with internal conflicts in Darfur, Abyei, Blue Nile and the Nuba Mountains. These border and internal conflicts continue to hinder any effort to achieve security and stabilise Sudan's economy.

Ethiopia's path of economic growth followed a history of tense relationships both within the country and abroad. As the major source of the Nile River and with strong historic connections with African and Arab people in all directions, foreign interests reached from Egypt and Yemen in the north to Tanzania and Burundi and Congo to the South. Since the 1950s, Ethiopia's relations with its neighbouring countries changed dramatically as decolonization policies changed the political landscape in Africa. Ethiopia, which had been reigned by the same head of state since 1916,[4] needed to adapt to this post-colonial environment, while the country itself had never been colonized. The three issues which opposed Ethiopia and its neighbouring countries since then, were the following:

1. conflicts over the use or access to the region's water resources
2. disputes over the territorial and political integrity of the Ethiopian state
3. the economic development of the country

In this context, this article reviews the history of relations between Ethiopia and Sudan, and takes into account the history which ultimately led to the secession of Southern Sudan. The article will focus on the relationship between Ethiopia's leadership with the governing elites in Khartoum and in Juba.

In short, this paper's analysis of Ethiopia's Sudan and South Sudan policies is centred around two main questions:

- What are the major challenges to Ethiopian security, growth and development, emanating from the conflict between Sudan and South Sudan?
- How can Ethiopia further strengthen its regional position, in terms of diplomatic capital, economic performance and security promotion around the region through its engagement with Sudan and South Sudan?

---

[3] Cliffe, Lionel: "Regional dimensions of conflict in the Horn of Africa", *Third World Quarterly*, vol. 20, nº 1, (February 1999), pp. 89-111.
[4] Haile Selassie I was regent of Ethiopia from 1916 to 1930 and Emperor of Ethiopia from 1930 to 1974.

Based on these two questions and covering the history of the most recent diplomatic relations and interests between Ethiopia, Sudan and South Sudan, a number of observations and recommendations are put forward for the new Ethiopian government, the two Sudans and the broader international community.

Particular focus is devoted to the influence of Prime Minister Meles Zenawi, who established and maintained strong ties with both countries since he came to power in 1991 until his death in 2012. In addition, the article explores how Ethiopia has put to use the significant diplomatic leverage it holds in the Horn of Africa. Accordingly, attention will be given to how the country asserts itself on the international stage and has used its relationships with the governments of Sudan and Southern Sudan to promote its three primary domestic political goals: (1) retaining its access and user rights over the regional water resources, (2) maintaining its territorial and political integrity; and (3) developing its national economy.

1.2. Structure

Section one of this paper is the introduction. Section two of this paper reviews the history of relations between Ethiopia and Sudan. The early relations of the Derg regime with post-colonial Sudan are reviewed, as well as the time period covering the reign of Meles Zenawi and the run-up to Southern Sudan's secession and the creation of South Sudan. Section three will review Ethiopia's strategic policy goals and the implications for its Sudan and South Sudan policy. The latter will include Ethiopia's efforts in mediation and peace-keeping. Section four puts forward recommendations for the Ethiopian government, Sudan, South Sudan and the broader international community on supporting Ethiopia and the region to achieve security, growth and development. Section five is a conclusion.

2. History of Relations

2.1. Origin of Relations: a Confluence of Interests

The early relations between the people of the wet highlands of modern day Ethiopia and the Nile valley of modern day Sudan have been shaped by the use of the river waters. The historic relations between the regions of current-day Sudan and Ethiopia have always been founded on the continuous flow of the Blue Nile and Atbara rivers, which provided opportunities for trade but also led to frequent wars, particularly along the borders. In the nineteenth century, colonial borders started to define Sudan, Egypt and other countries in North-eastern Africa. Furthermore, beyond the colonial powers' reach was the Ethiopian empire. When the Ottoman Empire fell, Egypt, which relied heavily on the Nile for its development, sought ways to control this important water resource. At the battles of Genet in 1875 and Guta in 1876, Ethiopian emperor Yohannes IV, successfully defended his territory against the Egyptians.[5]

In 1891, the first protocol on the use of river waters was signed between Britain and Italy, who respectively considered Sudan and Ethiopia to lay within their spheres of influence. Several agreements were later signed between riparian states and/or their protectors. These agreements implicitly acknowledged Egypt's dependence on the upstream riparian states and sought to prevent that Ethiopia would limit the flow of the water downstream through the

---

[5] Swain, Ashok: "Ethiopia, the Sudan, and Egypt: The Nile River Dispute", *The Journal of Modern African Studies*, vol. 35, nº 4 (December 1997), pp.675-694.

construction of irrigation projects. The last agreement, to which Ethiopia was a party, was the agreement of 1902 between Ethiopia and the United Kingdom.[6] Later agreements, including the 1929 agreement between Egypt and the United Kingdom,[7] as well as the Nile Water Agreement of 1959 between Egypt and newly-independent Sudan[8] notably excluded Ethiopia.

The 1959 agreement allocated the complete flow of the Nile River and its tributaries exclusively to Egypt and Sudan. Consequently it denied any water rights to other riparian states, the major point of contention between Ethiopia and Egypt. Although many regions of Ethiopia suffered from droughts and famines, it was not able to develop any irrigation projects without provoking the wrath of the militarily more powerful Egyptians. As a result, both the physical and economic safety of Ethiopia have since then always been under threat. Sudan traditionally stood by Egypt, its stronger Arab neighbour. Beyond the historic cultural and economic ties, the Egyptian water policy still allowed Sudan to construct dams for hydroelectric and irrigation purposes.

In 1966, Sudan completed the initial Roseires dam close to the border with Ethiopia. In order to better control and limit evaporation of the White Nile, Egypt and Sudan started the construction of the Jonglei Canal in Southern Sudan. Especially for Egypt, the Jonglei Canal was an important and potentially profitable project. Through the canalization of the Sudd swamps, the significant evaporation would be limited and the resulting additional water which would reach Egypt, would be shared equally between Sudan and Egypt. Under the 1959 Agreement, Khartoum could allocate the resulting gains in water to its northern Sudanese constituency and Egypt would receive half of the water which would otherwise have benefited (southern) Sudan.[9]

2.2. Rebellion in the South and the first Peace Initiatives

As the resources of the predominantly southern Sudanese lands were further extracted, unrest in the region continued to fester. The proposed Jonglei Canal cut straight through Southern Sudan. And while the canal benefited northern Sudanese and Egyptians, it had detrimental effects on many parts of the primarily agriculture-dependent regions. Some of the southern rebels, Anyanya[10] and others, were seeking independence from Khartoum since Sudan's independence from Britain in 1956. In 1971 the first peacemaking initiative for Southern Sudan was started in Addis Ababa by Ethiopian emperor Haile Selassie, together with Sudanese president Jafaar Nimeiri. On 27 February 1972, Joseph Lagu of the South Sudan Liberation Army and Dr Mansur Khalid of the government signed the Addis Ababa Agreement.[11] This agreement provided regional autonomy for Southern Sudan and allowed for greater religious freedom for non-Muslim citizens. This was in the strategic interest of both the leaders of Sudan and Ethiopia. The strategic goal for President Nimeiri was to create closer ties with the West and Egypt's president Anwar Al-Sadat. Meanwhile, Ethiopia had an interest to be neighboured by a religiously diverse country such as itself.[12] This was an

---

[6] *"Treaty between Ethiopia and Great Britain for the Delimitation of the Ethiopian-Sudan Frontier"*, 15 May 1902, Addis Ababa.

[7] "Exchange of Notes between Her Majesty's Government in the United Kingdom and the Egyptian Government on the Use of Waters of the Nile for Irrigation", 7 May 1929, Cairo.

[8] *"United Arab Republic and Sudan Agreement for The Full Utilization of the Nile Waters"*, 8 November 1959, Cairo.

[9] Swain, Ashok, *op.cit.*

[10] The name 'Anyanya' was used by the dominant southern Sudanese separatist rebel movement during the first Sudanese civil war (1955-1972).

[11] "The Addis Ababa Agreement on the Problem of South Sudan", Addis Ababa, 27 February 1972.

[12] Ethiopia's population was predominantly Christian, but also contained a significant Muslim minority.

alternative much preferred to a country ruled by the Islamist Umma Party and the Egypt-oriented Democratic Unionist Party (DUP). As the Addis Ababa agreement did cater for all these different interests, the resulting compromises also brought major difficulties upon all the involved parties.

In Ethiopia, Emperor Haile Selassie I was deposed by the Derg in 1974. The Derg, a group of junior officers in the army, established a Marxist regime with strong Soviet links in Addis Ababa. This meant the end of one of the few political constants in the politics of the Horn of Africa. Moreover, the Derg's Marxist foundation and alliance with the Soviet Union meant the end of cooperation between Ethiopia and Nimeiri's Sudan. Besides its riverine rivalry, as a country under communist rule, it now also found itself ideologically opposing Egypt and Nimeiri's Sudan.

As the Addis Ababa agreement endowed non-Muslims with more rights, Nimeiri had to fight off an increasingly militant Islamist opposition. This opposition, dominated by northerners, started to form a real threat to the Limeira presidency, which had stood for a more diverse Sudan. The Islamists had earlier fled abroad and received backing from among others, colonel Gadhafi of Libya. In order to counter this threat, Limeira brought the Islamist opposition back to Sudan in a large move of reconciliation and included them in the government. As a result, the Islamists suddenly acquired influence over how the natural resources of Sudan would be split between Northern and Southern Sudan.

In Southern Sudan, the leadership of the rebellion was splintering along with the Addis Ababa agreement. The agreement demanded the inclusion of the armed rebels into the regular Sudanese army, a contentious point.[13]

Taken together, the region was becoming increasingly prone to war. While Khartoum was governed by a weak coalition of secularists and Islamists and southern Sudanese groups were split over their ideological direction, the Derg moved in and decided to support the South. The Derg had neither good relations with president Nimeiri, nor with the Islamists and in the SPLA it found a way to counter the northern elites.

The decision by the government in Khartoum to build an oil refinery in the North to refine southern oil sparked the new civil war. In 1983, the southern regional assembly was dissolved and the Southern Sudan broken up into three regions. The Sudanese People Liberation Army (SPLA) of South Sudan, under the leadership of John Garang de Mabior, attacked the construction site of the Jonglei canal and forced the operation to a halt.[14]

The alliance between Ethiopia and the SPLA challenged the combination of their respective adversaries in Cairo and Khartoum. The influence of Islamists over the government in Khartoum began to pose a growing threat to the communist regime in Addis Ababa. As such, Ethiopia was supporting the SPLA to take control over Khartoum. To counter the support that Ethiopia was giving to the SPLA, Khartoum now also started to support the various Eritrean and Tigrayan rebel movements inside Ethiopia. Among these rebel groups were the Tigrayan People's Liberation Front (TPLF) of Meles Zenawi and the Eritrean People's Liberation Front (EPLF) of the future Eritrean president Isaias Afewerki.[15] President

---

[13] Young, John (2012): *"The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process"*, First edition, London, Zed Books.

[14] Young, John (2012), *op. cit.*

[15] Young, John: "Eastern Sudan: Caught in a Web of External Interests", *Review of African Political Economy*, vol. 33, nº 109, Mainstreaming the African Environment in Development (September 2006), pp. 594-601.

Nimeiri had engaged in a difficult balancing act between the secular roots of his government and cooperation with Islamists whose support he needed to stay in power. This balancing act was not going to hold. In 1985, Nimeiri's government was thrown over by another military coup under the leadership of a member of the Sudanese Muslim Brotherhood. The interim government took power and announced elections for April 1986. The election was subsequently won by the Islamists, and brought to power Prime Minister Sadig Al-Mahdi. [16]

2.3. Ethiopia's Engagement with Southern Sudan and the Rise of the Islamists

Although Ethiopia saw how different governments in Khartoum were unable to control the South, the Derg was not willing to accept a secession of the South, since Ethiopia itself was struggling with a rebellion in its northern Tigray province as well as a war with Eritrea, which at that time was still an Ethiopian province. In 1986, John Garang presented in Addis Ababa the *Koka Dam Declaration: A Proposed Programme for National Action.* This document, which was strongly influenced by the Ethiopians, made the case for a 'new', secular and most definitely 'one' Sudan. The strategic goal for Ethiopia was to help create a unified, secular Sudan, reflecting its own constitutional set-up.

In additional to the political support, the SPLA also received weapons, training and other military support from Ethiopia. Ethiopian borders were open for SPLA rebels, who hid out in its borderlands away from the Sudanese Armed Forces (SAF). In November 1987, the Ethiopian army supported the SPLA when they captured Kurmuk in Sudan's Blue Nile state. In exchange for their support, the Derg stipulated that the SPLA not only had to fight the SAF, but also the Gaajak Nuer militia, the Anuak Gambella People's Liberation Front and the Oromo Liberation Front (OLF), groups all of whom received support from Khartoum.

The Ethiopian military, providing arms and training to the SPLA, made it impossible for Khartoum to vanquish the SPLA in the North–South war. As the battlefield got increasingly crowded with various militias and displaced communities, Sadig Al-Mahdi was cornered into talks with the SPLA in Addis Ababa, where they reached the 1988 Democratic Unionist Party (DUP)-SPLM agreement. In 1989, only a year later, the agreement unravelled and the National Islamic Front (NIF) removed Prime Minister Sadig Al-Mahdi through a military coup, which ushered in Omar Hassan Al-Bashir. This coincided with the rise of the Islamists.

If the NIF wanted to win the war against the SPLA, it recognized that through supplying the Derg's enemies in Tigray and Eritrea the backbone of the SPLA's operations would be seriously weakened. Therefore, when the Derg regime collapsed in 1991, the SPLA was immediately forced to close down its operations in Ethiopia as it had lost its main political and military backer. The Cold War had come to an end, and allegiances were quickly turning.

The Ethiopian People's Revolutionary Democratic Front (EPRDF), the coalition of armed opposition groups under the leadership of Meles Zenawi took power in Addis Ababa. As the former rebel leader in Tigray, he was grateful to Khartoum for the support he had received in the last years of the struggle against the Derg. On the other hand, Zenawi knew that if Khartoum kept fighting the south as it had done over the last decades, it posed a threat to peace inside Ethiopia. He needed to reconcile with the SPLA and prevent the Sudanese borderlands from becoming an unstable area bordering the Ethiopian regions of Benishangul-

---

[16] Sadig Al-Mahdi is the leader of the Umma party and after a brief tenure as prime minister in 1966-67, returned to power in 1986. Apart from being a leading politician, he is the imam of Ansar, an important sufi sect which pledges allegiance to Mohammed Ahmed, Islam's messianic saviour, or the Mahdi, at http://www.clubmadrid.org/en/miembro/sadig_al_mahdi

Gumuz and Gambella.[17] Especially Benishangul-Gumuz was a strategically important region as it was the region where the Blue Nile crossed into Sudan. These areas were similar in terms of ethnicity with the Sudanese lands and also had a tense relationship with their national leaders in Addis Ababa.[18] What was even more worrying at the time was that the SPLA by 1991 started to disintegrate, following its expulsion from Ethiopia. Within the ranks of the SPLA a schism took place as a number of the senior SPLA leaders, Lam Akol, Gordon Kong and Riek Machar, fell out with John Garang. Old divisions over political goals and along tribal lines were resurfacing at the expense of a unified armed opposition.[19]

As explained earlier, it was apparent to Meles that unlike during his own experiences, while fighting the Derg in Tigray, the SPLA had barely provided for basic administration and services in the areas it controlled during the war.[20] As long as the SPLA did not have a coherent, united constituency and was not able to provide for the needs of its citizens, an independent Southern Sudan would soon become ungovernable and threaten regional security at the borders of Ethiopia. Additionally, Meles feared that an amputated rump Sudan would likely seek closer ties with Cairo. A combination of Egypt, the dominant down-stream country of the Nile, with Sudan would amplify the regional enmity over the river waters with Ethiopia, the dominant up-stream country. Simultaneously, as Sudan would act as a proxy for Egypt, South Sudan would again become a proxy for Ethiopia. This dynamic would all in all be very detrimental for regional stability.

Although the government in Addis Ababa had changed, the strategic interests of Ethiopia in Sudan had not. Just as before, Ethiopia wanted to neighbour a single Sudan, with whom it could develop its water resources and which would protect stability at its borders in order to develop its domestic economy. Also the new government under Meles Zenawi preferred to border a Sudan where Christians and other groups could form a counterweight against the Islamist policies in Khartoum.

As these policies intensified in Sudan after 1992, it created tensions between Sudan and many countries, including both Ethiopia and Egypt. From Ethiopia's perspective, an Islamist regime in Sudan was not likely to be a long-term strategic partner for the secular and multi-ethnic Ethiopia. Under the political guidance of Hassan El-Turabi, a long-time influential Islamist politician, Sudan increasingly supported Islamic armed groups inside Ethiopia. As a result, both Northern and Southern Sudan began posing a threat to the security of Ethiopia, and the development agenda introduced by the EPRDF.

2.4. Peace Initiatives in the 1990's, IGAD Takes Shape

Ethiopia was already well placed to take up a role in resolving the issues in Sudan diplomatically. One could say that Ethiopia under Meles Zenawi continued the earlier role as mediator started by the emperor who had negotiated the 1972 Addis Ababa. Already under the initiative of Haile Selassie in 1963, the Organisation for African Unity (OAU), the precursor to the African Union, had established its headquarters in Addis Ababa.

---

[17] Young, John: "Ethiopia's Western Frontier: Gambella and Benishangul in Transition", *The Journal of Modern African Studies*, vol. 37, nº 2 (June 1999), pp. 321-346.
[18] The region of Benishangul-Gumuz borders Blue Nile state in Sudan, whereas Gambella borders the South Sudanese states of Jonglei to the north-east and Upper Nile to the South-East.
[19] The SPLA-Nasir, which the new group was called which had split away from the SPLA, consisted mainly of members of the Nuer tribe, the second largest tribe after the Dinka of John Garang.
[20] Based on interviews by the author with senior AUHIP officials.

When the Intergovernmental Authority on Drought and Development (IGADD) was established in 1986, Ethiopia was its largest and most influential member. Through these organizations, Ethiopia was well poised to instigate and follow any discussions on developments in Sudan, without appearing to be interfering unilaterally. In 1994, an official mediation attempt between northern and Southern Sudan took place under the auspices of IGADD. The organization at the time was chaired by Kenya, but it was the Ethiopian foreign minister Seyoum Mesfin who brought together the SPLA of John Garang and the SPLA-Nasir of Riek Machar et. al. to jointly enter into talks with the Sudanese government. Additionally, Mesfin put forward the so-called IGADD Declaration of Principles (DoP). The most important feature of the DoP was that it introduced the principle of self-determination for Southern Sudan. It obligated the parties to make "unity of Sudan" a priority, but conditional on the introduction of secularism and equal wealth sharing within the whole of Sudan. This seemed a distant prospect as the NIF- government in Khartoum was fighting its ever more zealous war with the South. As Prime Minister Zenawi held strong personal ties with both president Al-Bashir of Sudan, and John Garang of the SPLA, Ethiopia could be an effective and powerful broker between the two opponents. Though the SPLA accepted the proposal, the NIF did not, and in the absence of any other credible alternative, the DoP remained unsigned on the table.

2.5. War of the Neighbours: Ethio-Eritrean Wars, Relationship with Khartoum

The extent to which the Islamist drive of the government in Khartoum had alienated its neighbours became very clear in 1995, when an assassination attempt on Egyptian president Mubarak took place during a visit to Addis Ababa. The subsequent investigations by Egypt, Ethiopia and the UN pointed to the involvement of the Sudanese government, which allegedly had aided the culprits by providing them with weapons and passports. For Ethiopia, this could have been reason enough to close all diplomatic channels with Sudan. However, because Zenawi realized that Ethiopia had much to lose from severing ties with Khartoum, he decided not to close the embassy.[21] Despite this seeming act of goodwill on the part of Zenawi, the policies of Khartoum towards Ethiopia's development became increasingly dangerous; Zenawi stepped up Ethiopian support for the SPLA to the extent that Ethiopian troops fought inside Sudan along the SPLA rebel fighters.[22] Only in 1997, after heavy losses were inflicted on the Sudanese troops did the NIF agree to sign the DoP. Nevertheless, Ethiopian troops remained inside Sudan until the war with Eritrea broke out in 1998.

Despite the fact that the TPLF of Meles Zenawi and the EPLF of Isaias Afewerki had formed a close coalition against the Derg during the late eighties, the interests between the two groups started to diverge when in 1991 both came to power respectively in Addis Ababa and Asmara.[23] When Eritrea obtained formal independence from Ethiopia in 1993, an increasingly heated border dispute again threatened security in the region. The government in Khartoum had tense relationships with both Ethiopia and Eritrea as they helped and sponsored the SPLA. At the same time, the NIF supported Jihad rebels in Eritrea and armed groups inside Ethiopia.[24]

---

[21] Based on interviews by the author with a senior AUHIP official.

[22] The NIF's policy of Islamization in East Africa was besides focused on secular Ethiopia, also on Marxist Eritrea. Therefore, also Eritrean soldiers were fighting along at this front against the SAF.

[23] Young, John: "The Tigray and Eritrean Peoples Liberation Fronts: a History of Tensions and Pragmatism", *The Journal of Modern African Studies*, vol. 34, nº 1 (March 1996), pp.105-120.

[24] Young, John: "Eastern Sudan: Caught in a Web of External Interests", *Review of African Political Economy"*, vol. 33, nº 109 (September 2006), pp. 594-601.

In May 1998, after a number of armed incidents along the Eritrean-Ethiopian border, Eritrea forcefully took the area of Badme. This incident in the disputed border town triggered other incidents and the dispute developed into the Eritrean-Ethiopian war which would last until 2000.[25]

For Ethiopia and Eritrea the borderlands in eastern Sudan, an area close to the borders of the two countries were a strategic area. Khartoum had tense relationships with both the countries which had earlier supported the SPLA. Meles could not afford to have Sudan potentially aiding the Eritreans and as Khartoum recognized that Ethiopia was the bigger threat to its security it reconciled with the EPRDF. This was helped also by the fact that the United States had strongly turned against the Islamists in Khartoum and had demanded that it stopped its support for terrorist activities. It was also Hassan Al-Turabi who had provided shelter to Osama bin-Laden from 1992-1996. The continued pressure on the government in Khartoum forced them eventually to let go of Turabi from government and shed a part of its Islamist identity. As Sudan and Ethiopia were reconciling their differences, the Eritrean Popular Front for Democracy and Justice (PFDJ, the successor to the EPLF) continued to support the various opposition groups in Sudan.

When the war ended in 2000, Ethiopia could now, without having any troops inside Sudan, and a tacit agreement with Khartoum not to aide any armed groups, take a more balanced approach to resolve the Sudanese civil war.

2.6. The Second IGAD-Mediation: The Machakos Protocol and the Comprehensive Peace Agreement (CPA)

In 2001, under the auspices of IGAD,[26] Kenya became the mediator in Sudan.[27] The IGAD summit in January 2002 had called for 'rejuvenating the IGAD Peace Process' and Kenya invited the parties to resume negotiations in Machakos. Kenya's appointed mediator on behalf of IGAD was General Sumbeiywo. He was a close confidante of President Daniel arap Moi and had known the SPLA well since 1991. That year, after the fall of the Derg, the SPLA had to leave Ethiopia back to Southern Sudan and did so through Kenya. The Khartoum government was at first reluctant to accept the reinstallation of IGAD at the helm of the peace initiative. But as the US threatened Khartoum with further sanctions, the NCP had to take part in the Machakos talks, which resulted in the Machakos Protocol (2002). The Protocol leaned heavily on the IGAD DoP from 1994, which included the right for self-determination for the south. A decisive difference was the choice to leave out the all-important and significant provision insisting on the development of a secular state in Sudan. Thereby, the Machakos Protocol paved the way for the secession of Southern Sudan, as it left little meaningful prospect for reform in Khartoum. In addition, the Machakos Protocol failed to address the issues of the three areas of Abyei, Southern Blue Nile and the Nuba Mountains, areas that would later be of great concern to Ethiopia and other mediators.

---

[25] Plaut, Martin; Gilkes, Patrick: "Conflict in the Horn: Why Eritrea and Ethiopia are at War" *Chatham House Briefing Paper, New Series*, No.1 (March 1999).
[26] In 1996, IGADD was renamed the Intergovernmental Authority on Development (IGAD), comprising the countries of Djibouti, Eritrea (admitted to the organization in 1993), Ethiopia, Kenya, Somalia, Sudan and Uganda.
[27] Conciliation Resources, "The mediator's perspective: An interview with General Lazaro Sumbeiywo" (2006), at
http://www.c-r.org/accord-article/mediator%E2%80%99s-perspective-interview-general-lazaro-sumbeiywo#sthash.0GNrylml.dpuf.

The Machakos Protocol became the first chapter of the 2005 Comprehensive Peace Agreement (CPA). Although the Sudanese government was initially reluctant to continue with IGAD as leading the process, eventually the whole process was concluded under its auspices. Part of Sudan's reluctance can be explained by the fact that IGAD was also representing many governments hostile to Khartoum, including Eritrea and Uganda.

The CPA provided Southern Sudan to hold a referendum on secession from the North in 2011. As mentioned, apart from the fact that parties were required to make unity as attractive as possible, there was no conditionality on reform of the governance system in Sudan. Many observers considered very likely that the south would break away after the 2011 referendum. Despite that Garang made a convincing bid to become the president of a united Sudan, the fact that Khartoum would never give in on secular demands, always made this a distant likelihood.

2.7. Beyond the CPA, a Role for Ethiopia

For Ethiopia and for Meles in particular the CPA was a very unattractive proposition. Through the Eritrean-Ethiopian war, it had lost its leverage over Sudan at what became a decisive period of time. Now that secession became increasingly likely, Ethiopia needed to engage even more to prevent a badly governed South Sudan from becoming a danger to stability at Ethiopia's borders. The regions of Gambella (bordering Southern Sudan's Jonglei state) and Benishangul-Gumuz (bordering northern Sudan's Blue Nile state) were still areas of unrest and the nearby presence of SPLA could stir unrest towards the government in Addis Ababa. Secondly, Ethiopia would need to manage its relations with Khartoum carefully to prevent it from turning towards Egypt for support. Ethiopia was also on its way to create an extensive dam-building programme for the purposes of developing hydro-power and to a limited extent also for agriculture. It would need Sudan for developing these resources.

From June 2008, Ethiopia has been the chair of IGAD and currently still holds the position. Mainly from the background, Ethiopia has been able to leverage this position and obtain access to all the parties. Other international parties, including the United Nations, the United States and others have also embraced this position for Ethiopia in order to involve them, without asking all neighbouring countries to join the process. The fact that Ethiopia does not provide opportunities for other countries to take over the IGAD-chairmanship, which usually rotates, does create some tension with other IGAD members, waiting for their moment in the limelight.

In October 2009 the African Union also established its own framework for the implementation of the CPA. To this end, and based on the existing structure of the African Union Panel for Darfur (AUPD), the African Union High-level Implementation Panel for Sudan (AUHIP) was created. After the referendum for southern secession, the AUHIP was also tasked to help the parties achieve an orderly secession process. After the independence of South Sudan, the AUHIP[28] became a de facto mediation in resolving outstanding issues between the countries after the secession as well as conflicts emanating from the implementation of certain parts of the agreement.

In January 2011, while Southern Sudan voted overwhelmingly for secession, the people of the Abyei region did not get to vote on their own referendum which, as part of the CPA, was scheduled on the same day. Through this referendum, the Abyei voters would be allowed

---

[28] In 2012 the AUHIP was renamed "African Union High-level Implementation Panel for Sudan *and South Sudan"*, to reflect its mandate for the new country as well.

to vote on whether their area would be part of the northern or southern part of the country. As the government and the SPLA were not able to agree on who was eligible to vote, the Abyei-referendum never took place and it resulted in major unrest in the area. In May 2011, the SAF moved in and occupied Abyei, where until then only Joint Integrated Units (JIUs)[29] were allowed. When fighting ensued, international partners under the leadership of the AUHIP brought the parties together to stop the fighting.[30] In the background Ethiopia had also been closely involved. On 27 June, only seven days after the agreement between the SPLM and the government was reached, the UN Security Council (UNSC) adopted resolution 1990 which established the United Nations Interim Security Force for Abyei (UNISFA). This peacekeeping mission was staffed completely by the Ethiopian army and was under Ethiopian command. Now, in addition to being the seat of the AU and the chairman of IGAD, it now also held a UNSC mandate to send its own military in a crucial Sudanese border region. According to some leading experts who were familiar with the negotiations, prime minister Meles insisted that any outside military intervention would need to be a United Nations mission under UNSC mandate, rather than   an African Union mission under a AUPSC[31] mandate. A UN mission would be more likely to financially support the mission and through the endorsement of the UNSC, Ethiopia would have the explicit support for its mission by all major western powers as well as Russia and China.

Ethiopia created an interesting precedent by providing military support to the peace process. It was now actively exercising a dual role as a peace mediator and a peace-keeper. It also managed to align itself with the major global players and get their endorsement. In particular the support of the United States was important for Ethiopia as it is needed in relation to the development of its domestic economic agenda, which primarily involved the development of the dams programme. By showing this commitment to the process in Sudan – Ethiopia has never had any other active engagements in peacekeeping around the world- it also gained a lot of respect from other international partners and was reaffirmed in its leading role in the region as a mediator and peace-keeper. Finally, the fact that both Sudanese parties have accepted Ethiopian soldiers in Abyei is a display of how this bordering country has now cemented its role as a neutral and impartial arbiter in the Sudanese conflict.

3. Ethiopia's Strategic Policy for Sudan and South Sudan, 1991-2012

3.1. Meles' Vision for Sudan

Under both the Derg regime and under the EPRDF coalition, Ethiopia held important interests in keeping Sudan unified. Meles strongly favoured a unified Sudan, despite that the concept of self-determination, and so the possibility of a South Sudanese secession was put forward in the DoP by one of his own ministers. According to an observer, the concept of self-determination was included in the DoP for two particular and critical reasons:

---

[29] JIUs were an implementation mechanism which brought together the SPLA and SAF to control the border areas, including the three areas.
[30] "Agreement Between The Government of the Republic of Sudan and The Sudan's People's Liberation Movement on Temporary Arrangements for the Administration and Security of the Abyei Area", Addis Ababa, 20 June 2011.
[31] The African Union Peace and Security Council (AUPSC) is the major decision making body of the African Union on matters for Peace and Security.

- to assure a certain measure of governance in the south, for Meles held little faith in the coherence and the quality of the SPLA leadership;
- to prevent a smaller, more Islamic and embittered regime in Khartoum to seek closer ties with Ethiopia's nemesis, Egypt.

In November 2002, the Ethiopian government put out the "Foreign Affairs and National Security Policy and Strategy" (*the Strategy*).[32] This document comprehensively describes the foreign policy objectives of Ethiopia, and emphasizes the importance of security and the development of *"rapid economic growth that will build our capacity to withstand internal and external threats".*[33] The Strategy seems very aware of the effects that certain foreign political developments can have on achieving domestic development goals, touching upon all regional countries and regional diplomatic forums.

Considering the vast interests that Sudan, South Sudan and Ethiopia have in regional peace and the leverage they possess in terms of destabilizing the region, it is worth looking at the three principal areas where their interests overlap.

3.2. Water Resources

Ethiopia's development has always been subject to the country´s ability to extract its natural resources, which mainly consist of its large annual rainfall. Feeding the Blue Nile, Atbara and Sobat rivers, Ethiopia is the source of 85% of the Nile waters.[34] In line with one of the main strategic drivers of Ethiopia's engagement is Ethiopia's goal to exploit its potential to develop the resources of its river waters without jeopardizing its physical security for the sake of economic development. With regard to both the Nile and the Atbara rivers, Ethiopia would like to see that these waters are used for the production of electricity in Ethiopia and irrigation in Sudan, which in turn would provide opportunities for the export of agricultural products to Ethiopia, as well as Egypt.

Similarly, economic and trade relationships between Sudan and Ethiopia could be further strengthened by better use of the deep-sea port of Port Sudan. This port is an important potential point of access to the sea for the northern areas of Ethiopia. Since the road network in Ethiopia is currently still in a very poor condition, imports destined for Addis Ababa are being imported over the sea and railroad via Djibouti. Since the independence of Eritrea, the country has become landlocked and to have an alternative connection to the sea, besides Djibouti, would prove very valuable to Ethiopia.

3.3. Territorial and Political Integrity

Over the years, many threats have been levelled at Ethiopia. As mentioned before, already during the nineteenth century, competition between Ethiopia and Egypt was fierce. Egyptian threats during the 1970s and 1980s were also backed by Sudan. This was only until Nimeiri lost power in Cairo and Egypt fell out with Sudan. In that sense, Sudan has always been caught between these two riparian powers. Indeed, Sudan is very dependent on these two

---

[32] FDROE, Ministry of Information, "Foreign Affairs and National Security Policy and Strategy", (November 2002), http://www.mfa.gov.et/docs/Foreign%20Policy%20English.pdf.
[33] *Ibid*., p. 30.
[34] Cascão, A.E.: "Changing power relations in the Nile river basin: Unilateralism vs. cooperation?", *Water Alternatives*, vol. 2, nº 2 (June 2009), pp. 245-268.

countries for both its economy and security. Although Ethiopia lures Sudan with economic incentives for cooperation, it is difficult for Sudan to not stand by Egypt, a militarily and economically considerably more powerful country than Sudan. Moreover, culturally both Northern and Southern Sudan have been exposed significantly to Egyptian culture as the independent Sudan was born out of the Anglo-Egyptian condominium.

During the 1990s, support from the NIF fuelled domestic rebellions in Ethiopia and posed a clear threat to the government in Addis Ababa. The alliance between the EPRDF and SPLA later caused also regional upheaval between the central governments and the regions which faced many detrimental effects from the ensuing military camps and refugee camps popping up along the border. Now that wars are still raging in the Blue Nile and inside South Sudan, it is clear that these threats have not completely receded. The border integrity between Ethiopia's Benishangul-Gumuz region and Sudan's Blue Nile state is still under threat.

Additionally, both the war for Eritrean independence and the Eritrean-Ethiopian war of 1998-2000 have clearly demonstrated that the physical and cultural proximity of Eritrea can pose a threat to Ethiopia. In particular since the border dispute which was at the heart of the war for Eritrean independence (1961-1991) has not been resolved since the end of the war. This dispute will continue to be a threat to peace in the region. The role that particularly Khartoum has played in supporting the various armed groups including the Oromo Liberation Front (OLF) and Ogaden National Liberation Front (ONLF)[35] has throughout been a concern to the Ethiopian government.[36]

3.4. Economic Development

Observers of the career of Meles have pointed that he was indeed quite aware of the regional political dynamics and the threats that other countries could pose to him. The threat that these quarrels posed to Ethiopian access to the sea and the development of its water resources, were in fact threats against the economic development of the country and thereby against his position in power. A self-taught graduate in economics,[37] he focused primarily on economic development and all foreign policy was put around that agenda.

From 2004-05 to 2011-12, Ethiopia achieved an average GDP (Gross Domestic Product) per year growth rate of 9.9%. Most of this growth can be attributed to a growing agricultural and services sector, primarily producing for the domestic market.[38] Given their relatively small and undeveloped markets, Ethiopia's foreign policy strategy plays down the role that its poor neighbouring countries (Eritrea, Djibouti, Somalia, Kenya, and Sudan) can play in the economic development of the country.[39] Despite the fact that the Strategy also plays down their role in this respect, it does mention a number of areas where the two countries' geographies and industries can complement each other. Relative to the region, particularly northern Sudan is still a potentially significant market for Ethiopian produce and according to the Strategy: 'has the potential to go far in development'.

---

[35] The OLF and ONLF are rebel movements inside Ethiopia which respectively fight for the rights of the Oromo people and the independence of the Ogaden region in eastern Ethiopia.
[36] Cliffe, Lionel: "Regional dimensions of conflict in the Horn of Africa", *Third World Quarterly*, vol. 20, nº 1, (February 1999), pp. 89-111.
[37] In 1995, Meles obtained an MA in Business Administration from the The Open University in the UK; and in 2004 an MSc in Economics from the Erasmus University of the Netherlands.
[38] World Bank Country Report Ethiopia, (2013), at
 http://www.worldbank.org/en/country/ethiopia/overview.
[39] FDROE (2002), *op. cit*. p.60

The construction of the Grand Ethiopian Renaissance Dam in Benishangul-Gumuz, which is being built with support of the World Bank and various other international partners,[40] is another incentive to further develop the Ethio-Sudanese relations. When power will eventually be produced, scheduled for 2017, Sudan could be a substantial and nearby export market for its electricity. Some observers have been sceptical as to what extent Ethiopia and Sudan will be able to build their cooperation on mutual trust. The recent construction of the Merowe Dam in 2009 and the heightening of the Sudanese Roseires Dam in 2013 (only 20 km from the Ethiopian border) indicate that Sudan would be reluctant to become dependent on Ethiopia for a significant part of its power supply. One analyst quotes a national intelligence official that it would be considered a matter of national security to be dependent on Ethiopia for the import of electrical power. Finally, the spoils in terms of e.g. the construction contracts for the Sudanese dams will benefit particular groups close to the centre of power in Khartoum.[41]

The dictatorial regimes and wars in the region have caused many displacements across the borders over the last decades. Most Ethiopians who had moved abroad, moved to Sudan. And of those, many have settled there and established themselves among the working class. These people are still sending back remittances to their families which provide an increasing level of foreign currency income to Ethiopia.[42] Unfortunately there has not yet been much data that has been broken down between Sudan and South Sudan. It would be interesting to see how the diaspora of Ethiopians is coping in respectively South Sudan and Sudan. The fact though, that remittances are a growing source of foreign currency income, still ought to be a good reason to further develop and sustain the relationship with both Sudans.

Although some observers believe Ethio-Sudanese relations are also based on oil imports by Ethiopia from Sudan, there is little evidence to back this up. Over the last years, Ethiopia has received petroleum products from Sudan at below cost price.[43] However, these imports were quite limited in scale and because of the bad road connections between the two countries, these products largely still need to pass through Djibouti to reach the industrial centres of Ethiopia.[44] Since the secession of South Sudan, oil production in the region has also dropped significantly as the politics undermine a profitable extraction.

4. The Future of Ethiopian Engagement with Sudan and South Sudan

Based on what has been discussed in this article, covering the history and most recent diplomatic relations and interests between Ethiopia, Sudan and South Sudan, some recommendations are outlined to inform discussions around the future Ethiopian foreign policy with regard to Sudan and South Sudan.

Following the demise of Prime Minister Meles Zenawi in August 2012, Ethiopia's new Prime Minister Hailemariam Desalegn was required to immediately step up to the plate.

---

[40] The contract for the construction of the dam was granted to the Italian firm Salini and the power turbines are supplied by the French company Alstom.

[41] Verhoeven, Harry: "Black Gold for Blue Gold? Sudan's Oil, Ethiopia's Water and Regional Integration", *Chatham House Africa Programme Briefing Paper* (June 2011).

[42] World Bank (2002), "Migration and Remittances Factbook 2011", Second Edition, Washington D.C., The World Bank.

[43] International Crisis Group (ICG): "Sudan's Spreading Conflict (II): War in Blue Nile", *Africa Report,* N° 204 (June 2013).

[44] Central Bank of Sudan, *"Foreign Trade Statistical Digest, October - December 2012"* (2013).

Earlier planned negotiations between Sudan and South Sudan started immediately in Addis Ababa after the funeral. Although the prime minister was foreign minister before assuming his position as head of the government, he had limited exposure to the Sudans. He has vowed to continue the active engagement with the Sudans in the spirit of Meles.

Ethiopia is positioning itself actively in relation to the development of Sudan and South Sudan. This is enlightened self-interest. The stakes for Ethiopia are high, given the tremendous development challenges it faces, ranked as the 173 out of 187 countries in the Human Development Index.[45] An active engagement with the two Sudans and a constructive relationship with the international community will be instrumental to developing and managing Ethiopia's potential.

The development of Ethiopia's economy is contingent on territorial and political integrity of the Ethiopian state as well as on the ability to extract its natural resources. Therefore, Ethiopia should continue to develop its dams programme on the Blue Nile, based on an active engagement with all relevant countries including Egypt, Sudan, South Sudan and western countries for financial support. The unstable and uncertain political situation in Egypt has also relatively empowered the Ethiopian position on the development of the dams programme.

The most visible engagement with Sudan and South Sudan is the UNISFA peacekeeping mission. By making its military intervention conditional to UNSC approval, Ethiopia has demonstrated that it can play a constructive part alongside the more traditional 'international community'. The mandate area of the Ethiopian staffed peacekeeping mission UNISFA was expanded from initially the region of Abyei to include the complete border area or Safe Demilitarized Border Zone (SDBZ) in December 2011. As it balances its role as a peace mediator and a peace keeper, Ethiopia carries a special responsibility. Particularly in the event when Ethiopian soldiers get wounded or killed, it will be challenged to maintain its impartiality and neutrality, as has happened over the last year.[46] In return, western countries will have an incentive to continue its backing to the Ethiopian dam programme and to support UNISFA on the UNSC.

Ethiopia's most significant interests are in Sudan. Through building an active and constructive relationship with Khartoum, Ethiopia will want to have Sudan's support vis-à-vis Egypt on its dam construction programme. Through offering the export of electricity and market potential for Sudanese agricultural products, this can be an interesting premise. Ideologically however, the regimes are far apart and mutual trust is not guaranteed.

With regard to South Sudan, since it is landlocked and still extremely underdeveloped, there is little it can offer. Nevertheless, an underdeveloped and badly governed South Sudan will be a threat to the security in the border regions and thereby also to the economic development. The relationship with the new South Sudan government is still very young. Meles was able to engage with the different dominant factions of the SPLA, but the new prime minister needs to rebuild those. As mentioned earlier, the lack of commercial interests and other leverage over Juba can threaten Ethiopia's engagement with the country.

---

[45] UNDP (2013): "Summary Human Development Report 2013 The Rise of the South: Human Progress in a Diverse World".

[46] *"Ethiopian peacekeeper killed, two wounded in Sudanese clash"*, *Reuters,* 5 May 2013, at http://www.reuters.com/article/2013/05/05/us-sudan-fighting-abyei-idUSBRE94405M20130505.

5. Conclusions

Despite the big transformations in the Horn of Africa, the dominant drivers for Ethiopian foreign policy with respect to Khartoum and Juba have not changed. While the Ethiopian government has been able to stabilize its economy and put the country on a path of economic growth since the year 2000, it was not able to prevent South Sudan from seceding from the North.

Already back in 2002, Ethiopia concluded that Sudan (including Southern Sudan) would be of limited economic interest for the large scale consumption of its products. However, it needs Khartoum's cooperation for the development of the Blue Nile power potential, including as a place where it could market the generated electricity. Remittances are a relatively small, but growing source of income as Ethiopian refugees in Sudan have settled and have increasing disposable income that they send home.

As South Sudan is poor, weakly governed and has a small and low-skilled labour workforce, Ethiopia has more to lose than to gain in its relationship. As local South Sudanese conflicts at the borders with Ethiopia persist, the fear remains that these could become the source of wider, regional instability, which in turn might undercut Ethiopian growth potential. In Juba, there exist limited opportunities for Ethiopian businesses to develop or expand their enterprise.

Based on these interests, the former prime minister has always actively engaged with the leadership of both countries and in the capacity of IGAD chairman, played an active role as a mediator behind the scenes of the AUHIP. Additionally, it was able to back up its role as peace-maker through its role as peace-keeper. Through its active role in the UNISFA peacekeeping mission, Ethiopia has manoeuvred itself in a powerful position vis-à-vis both Sudans, as the only allowed armed force on the border. Moreover, it received much international support for its role from western countries and has become an important part of the international effort to contain conflict in the Horn of Africa.

If Ethiopia wants to maintain this role, it needs to manage its relationship with Eritrea carefully and prevent becoming part of an international conflict itself.

SOUTH SUDAN SECESSION: MODELLING THE FISCAL SHOCK AND ITS SPILLOVER EFFECTS

Ibrahim A. Onour [1]
University of Khartoum

Abstract:

In this article we set up a macroeconomic model designed to describe how a small and open economy endures political uncertainty arising from a country splitting into two independent parts. According to our findings in this paper, stabilization of asset markets in either country at the post-secession era depends on political stability, which will impact on foreign currency inflows to each country. Our model predicts that if political unrest continues after the split, the foreign currency reserves of each other country's Central Bank will deteriorate over time, possibly leading to domestic depreciation of the local currency in terms of hard currencies. The model also predicts that an expanding budget deficit and declining official reserves will eventually force governments to abandon fixed exchange rate systems in favor of more flexible ones, resulting in further acceleration of both the domestic inflation rate and the domestic money growth rate. As a result, the post-secession period is likely to be characterized by economic instability and political unrest in the two sides unless economic cooperation between the two countries is maintained.

Keywords: Parallel rate, Official rate, Stability, Steady-state. JEL: C10, C50, G10.

Resumen:

En este artículo utilizamos un modelo macroeconómico diseñado para describir cómo economías de pequeña escala y abiertas al exterior se enfrentan a la incertidumbre política derivada de la separación de un país en dos partes independientes. Según nuestros resultados en este artículo, la estabilización del mercado de activos en cualquiera de los dos países dependerá de la estabilidad política, la cual impacta en los flujos de divisas extranjeras en ambos países. Nuestro modelo predice que si la inestabilidad política se mantiene tras la división, las reservas de divisas extranjeras de ambos bancos centrales se deteriorarán progresivamente, lo cual posiblemente llevará a una depreciación doméstica de la divisa local en términos de divisas extranjeras. El modelo también predice que un déficit fiscal en expansión y un declive de las reservas oficiales forzará en último término a abandonar cualquier sistema cambiario fijo a favor de sistemas más flexibles, lo cual resultará en una mayor aceleración tanto de la tasa de inflación doméstica y de la tasa de crecimiento del dinero a nivel local. Como resultado, el periodo post-secesión probablemente estará caracterizado por la inestabilidad económica y política en ambos países a no que se mantenga la cooperación económica.

Palabras clave: Tipo cambiario paralelo, tipo cambiario oficial, tipo fijo, JEL: C10, C50, G10.

---

[1] Ibrahim A. Onour is a professor of Quantitative Finance at the School of Management Studies, University of Khartoum. He has taught in a number of Universities in the Middle East, Africa, and Canada. He has published extensively in international and regional journals in the area of financial economics.
Email: onour@uofk.edu.

1. Introduction

Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) put an end to a 21-year old civil war, by granting Southern Sudan a regime of semi-autonomy within Sudan, which after a referendum on Southern self-determination celebrated in early 2011 led to full independence of South Sudan on 9 July 2011.

Under the CPA, during the interim period before the celebration of the Referendum, the two sides agreed to equally divide the revenue from oil produced in the South, which constituted the source of about a 75 percent of foreign currency for the Sudanese government in the North, with the rest coming from the export of primary agriculture products and foreign investment flows. After South Sudan approved secession from the Republic of Sudan the financial system in Sudan went through substantial changes, as the government of Sudan failed to take any serious measures to adapt to the big shock. Making the matter even worse for Sudan were the ongoing US sanctions imposed since 1997, precluding major government-owned companies the access to the US financial system and barring their use of US dollar in international financial transactions. Due to the significant drop in the official foreign currency reserves mostly caused by the crude oil price fall of 2009, the government imposed quantitative restrictions on selling foreign currencies to individuals and business entities and required thorough documentation to legitimize the transfer of foreign currencies.

Since early 2011 (the year of secession), speculation has been rising by investors and currency traders that the government reserve level is deteriorating. That itself has added heavy presure on foreign currency demand in the parallel market. To curb speculative effects on foreign exchange markets the Central Bank decided to tighten control on exchange bureaux by enforcing additional restrictions on foreign exchange sales and cracking down on black marketeers of foreign currencies. As a result, since South Sudan's secession a dual foreign exchange market has appeared, with an official exchange rate, managed and determined by the Central Bank, and a freely floating parallel (illegal) market, highly sensitive to speculations and rumors about the economic and the political situation in the country.[2]

The economic stability in Sudan at the current time depends on a political stability in the country which is dependent on the resolution of contentious issues related to the demarcation of the North-South border. Notwhithstanding that, there is still a high probability that the two sides reach an agreement in favor of a limited economic cooperation as the South crude oil needs to flow through the pipelines and refineries in Sudan, the only possible outlet for the South oil export at the current time.

The remaining parts of the paper are structured as follows. Section two outlines the literature review; section three presents the macroeconomic model; section four illustrates a dynamic analysis of different shocks; and the final section concludes the study.

2. Literature Review

In the past two decades a voluminous literature has emerged which investigates the impact of political and social unrest on asset markets. The literature on this area can be categorized into

---

[2] The official exchange rate system currently is a managed float system, in which the central bank calculates an indicative rate based on previous day transactions and intervenes in the market if quotes break away from a plus/minus 3 percent margin around that rate.

two groups. The first group investigates the behavior of asset markets under political unrest and regime shifts.[3] Another group of papers has focused on the volatility of the stock market prices in the US and in some West European countries during the World War II period to suggest that high volatility in stock markets returns is highly correlated with adverse political and social unrests.[4]

3. The Macroeconomic Model

The macroeconomic model is the result of the optimal decisions of various decision-making agents in the economy. Private sector producers choose output and input levels for both home goods and export goods. Inputs include both labour and imported producer goods. Firms also decide how much of any export revenue must be diverted to the foreign exchange markets by under-invoicing export sales and over-invoicing import bills. Households choose how much of their total financial wealth must be held in domestic currency, and how much in foreign currency. Finally, the government determines both its fiscal stance and financing and the rules for pricing and rationing in the official foreign exchange market. We will deal with each of them in turn and then assemble the various decision rules into a steady-state equilibrium conditions for the two parts of foreign exchange markets.

3.1. Domestic Producers' Decisions

Domestic firms can produce goods either for home consumption or for export. Exports are exogenously determined, as they depend mainly on international terms of trade. Home goods (y) have a Cobb-Douglas production function with imported producer goods I_p and domestic labour L_y as the only inputs:

$$Y \leq I_p^{(1-\alpha)} L_y^{\alpha}, \qquad 0 \leq \alpha \leq 1 \qquad (1)$$

It is assumed that there is a quasi-fixed exchange rate denoted as e, applicable to some official transactions, and a freely floating nominal exchange rate, denoted as b, mainly applicable to parallel market transactions.[5] This latter rate takes whatever level is required to achieve asset market equilibrium. In the remaining parts of the paper we will refer to the quasi-fixed rate as the official rate, and the free rate by the parallel rate.

---

[3] Frey B., and Kutcher M (2000): "History as reflected in capital markets: The case of World War 2" *The Journal of Economic History*, 60, pp. 468-496. Frey B., Kucher M (2001): "Wars and Markets: How Bond Values Reflect the Second World War", *Economica*, 68, pp. 317-333. Brown W. and Burdekin R. (2002): "German Debt Traded in London during the second World War, a British perspective on Hitler", *Economica*, 69, pp. 655-669. Oosterlinck K. (2003): "The Bond Market and the legitimacy of Vicky France", *Explorations in Economic History*, 40, pp. 326- 344. Frey B. and Waldenstrom D. (2004): "Markets Work in War: WWII Reflected in the Zurich and Stockholm Bond Markets", *Financial History Review*, 11, pp. 51-67.

[4] Bittlingmayer G. (1998): "Output, Stock Volatility and Political Uncertainty in a Natural Experiment: Germany, 1940-80", *Journal of Finance*, 53, pp. 2243- 2257. Voth H-J (2001): "Inflation, Political Instability and Stock Market Volatility in Interwar Germany", *UPF Economic Working Papers*, p. 535.

[5] It is important to realize that the parallel market in this sense is not a black market because it is officially recognized market by the government, and basic reason for this is that the government want to deter emergence of black market for foreign exchange.

The domestic currency purchase price of imported producer goods is the foreign currency price P^*_m multiplied by the free exchange rate relevant for competitive purchases. Competitive purchases of imported producer goods will always be made at the parallel rate b, since the government impose restrictions for purchases at the official rate.

The government stipulates that private firms convert a portion, $(0 < \phi < 1)$ of their export proceeds at the parallel rate b, and the remaining part at the official rate, e which is always lower than b.

Despite foreign exchange regulations, firms can divert additional export proceeds illegally at the parallel rate b, by under-invoicing export procceds. As a result, the decision of how much of export proceeds to surrender at the official rate versus the parallel rate depends on the size of ϕ, which will determines the amount of export proceeds to evade foreign exchange regulations.

The income of domestic firms consists of revenue from goods produced for domestic consumption and revenue from export. The expenditure side includes imported capital goods and labour cost for both export and domestic consumption goods. It is also included in the expenditure side the cost of under-invoicing export revenue, which is assumed as a linear function of ϕ, or more specifically $(\phi/2)$. Thus, firms' decision rules for all the choices above are found by maximising their profit function:

$$Max[\, p_y Y + \{\phi b(1 - (\phi/2) + (1-\phi)e\}X - bP^*_m I_p - W(L_x + L_y)] \qquad (2)$$

With respect to L_y, I_p and Φ, subject to production technology constraint and to the usual non-negativity restrictions. The first order conditions for I_p, L_y and Φ are:

$$P_y(1-\alpha)I_p^{-\alpha}L_y^{\alpha} = P^*_m\, b \qquad (3)$$

$$P_y\, \alpha Y / L_y = W \qquad (4)$$

$$\Phi = (1 - 1/\pi) \qquad (5)$$

Where $\pi = b/e$, refers to the parallel rate premium, and P^*_m is the dollar value of import price. Concavity of equation (5) implies that, while rising premium induces diversion of foreign currency from the official market to the parallel market by under-invoicing export revenue, it does at a decreasing rate due to higher penalty costs when the size of under-invoicing increases.

After a few manipulations and substitutions of equations (3) and (4) we get:

$$P_y = P^*_m\, b(I_p / L_y)^{\alpha} + w(I_p / L_y)^{\alpha-1} \qquad (6)$$

When the ratio of capital and labour inputs (I_p / L_y) is combined in fixed proportions, equation (6) reduces to:

$$P_y = \beta_1 P_m^* b + \beta_2 w \qquad (7)$$

$$where \quad \beta_1 = (I_p / L_y)^\alpha, \quad \beta_2 = (I_p / L_y)^{\alpha-1}$$

Thus, domestic inflation can be expressed as a function of imported inflation and domestic wage cost and the parallel rate:

$$\dot{P}_y = \beta_1 [P_m^* \dot{b} + b \dot{P}_m^*] + \beta_2 \dot{w} \qquad (8)$$
$$= \beta_2 \dot{w} + \beta_3 \dot{b} + \beta_4 \dot{P}_m^*$$
$$for \quad \beta_2 > 0, \beta_3 > 0, \beta_4 > 0$$

Where a dot over a variable denotes change over time.

Equation (3) can be rearranged to solve for imports of producer goods. Substituting for P_y from equation (7) as well, the optimal level of imported producer goods is stated as:

$$I_p = \sigma(1-\alpha)Y \qquad (9)$$

$$where \quad \sigma = \beta_1 + \beta_2 (w / P_m)$$

where (w / p_m) is the ratio of marginal productivity of labour and imported capital inputs used for home goods production.

Since change in real exchange rate reflects change in the relative price of tradables to non-tradables, or $r = (eP_X^* / P_y)$, then change in the parallel exchange rate affects the real exchange through its effect on domestic inflation (equation 8). In this definition of real exchange rate the relation between real exchange rate and export is defined as: $(\partial X / \partial r) > 0.$, so that appreciation in real exchange rate induces non-oil commodity exports.

3.2. Household Portfolio Allocation

Households choose between domestic and foreign assets, a portfolio allocation decision. Households' nominal financial asset portfolio H is assumed to consist only of domestic money holdings M, and foreign money holdings F[6]. Since households buy foreign currency F only in the parallel market, and therefore value it at the parallel exchange rate b, the domestic currency value of households' nominal wealth H can be expressed as:

---

[6] As the stock market is underdeveloped, its impact on domestic savings is negligable.

$H = M + bF$ (10)

Let λ be the fraction of financial wealth H that households want to hold in foreign currency. Both foreign currency F and domestic currency M earn zero interest, but F will provide a return whenever the parallel rate b changes.[7] The fraction λ will therefore rise with the actual rate of increase in the parallel rate.

In equilibrium, desired holdings of foreign money λH must equal the actual stock bF of foreign money being held, so we can solve for $H = bF/\lambda$. Replacing H in the equation (10) and rearranging to solve for M, and then dividing both sides by e, to convert to foreign currency values, valued at the official rate, so that:

$m = [(1 - \lambda)/\lambda)]\, \pi\, F$ (11)

Where m = M/ e. The fraction λ is a function of the rate of increase in parallel rate, but this can be broken down into appreciation of the official rate, $\hat{e}$, and of the parallel market premium $\hat{\pi}$. Under fixed official rate, parallel market rate change equals to change in the parallel premium rate. Thus letting $\Lambda(\hat{\pi})$ stand for the relationship of $(1 - \lambda)/\lambda$ and solving for $\hat{\pi}$ equation (11) can be expressed as:

$\hat{\pi} = \Psi(m/\pi F) \quad \Psi' < 0$ (12)

Equations (11) and (12) represent the portfolio-balance or the asset market equilibrium condition. Equation (11) indicates that the higher the expected rate of increase of the parallell rate (depreciation), the lower is the ratio of domestic money to foreign currency holdings.

3.3. Government Decisions

The government determines much of the context for decisions of other agents in the economy, and also acts as a separate agent. For instance, the government decrees and administers a set of foreign exchange controls which regulate entry into the official exchange market. In this market the government buys foreign currencies from households at the official rate e and allocates it to pay for government imports (G). The government can buy from only one source: private sector export revenue X.

We assume that government spending G is entirely spent in imports, including payment of interests on foreign debt, and that no new foreign debt is incurred. Further, we assume that any of G that is not financed by taxes must be financed by borrowing from the Central Bank.

The change in the stock of domestic money M is equal to the change in central bank domestic credit, D, plus the change in (domestic currency value of) foreign currency reserves held by the government, eR. The change in domestic credit reflects government borrowing

---

[7] A principal motive of holding domestic money despite its zero interest earning, because of zero risk of holding it.

from the central bank to finance its deficit, $G - T$ or (in foreign currency) $g - t$ (where t=T/e, and g=G/e) that is,

$$\dot{m} = \dot{D} + \dot{R} \qquad (13)$$
$$= (g - t) + \dot{R}$$

Since $(M/e) = m$

The value of $\dot{R}$ is determined in the official exchange market, to which we now turn.

3.4. Foreign Exchange Markets

3.4.1. The Official Reserves

The current account balance in the official market (for brevity we will call it official resrves)[8], $\dot{R}$, is determined as a fraction of export revenue channelled through the official exchange market, $((1-\phi)eX)$, less government imports (G) all valued in foreign currency. Algebraically, the official reserves can be expressed as:

$$\dot{R} = [(1-\Phi)X(r)] - g \qquad (14)$$

Where r is the real exchange rate. Substituting for Φ (equal to ($1-1/\pi$)) from equation (5) yields the final form of the official reserves:

$$\dot{R} = (X(r)/\pi) - g \qquad (15)$$

Thus, the status of the official reserves is affected by the real exchange rate and the parallel rate premium. For example, as implied by equation (5) rising parallel rate premium affects the official reserve balance inversely through the smaller proportion of export proceeds allocated to the official foreign exchange market. It can also be verified from equation (15), as adverse shocks to export raise the parallel premium, balancing official current account, $(\dot{R})$ and requiring fiscal deficit reduction (g).

3.4.2. The Parallel FX Market

After determining the official current account, the current account in the parallel market, $\dot{F}$, is determined by subtracting total imports (private sector and government), capital flight and official reserves, from the total inflow of foreign currency to the economy:

---

[8] There are no capital account transactions in the official market.

$$\dot{F} = X(r) - (I_p + g) - C - \dot{R} \qquad (16)$$

Where I_p represents imports of producer goods, and C is the capital flight measured in foreign currency units. Since there is no commonly accepted definition of capital flight in the economic literature, in this paper we define capital flight in more broader terms as the outflow of capital from a country in response to risk and uncertainty in the economic policies of that country. As a result, given that declining official reserves and an increasing parallel rate premium calls for more stringent foreign exchange regulations, the probability of a balance of payment crisis leading to capital flight depends on the deviation of the parallel rate premium from a benchmark level that balances official current account. More formally, from equation (15) the premium level that balances official reserves $(\dot{R} = 0)$ can be determined as:

$$\tilde{\pi}]_{\dot{R}=0} = (X/g)$$

Given that change in the ratio of capital flight to total private wealth, (a=C/H), depends on the location of the premium from its benchmark level, $(\tilde{\pi})$, then:

$$a = f(\pi - \tilde{\pi}) \quad for \ f' > 0 \qquad (17)$$

Equation (17) implies a change in the ratio of capital flight, a, and depends on the official reserve status, which itself depends on whether the premium is above or below the benchmark level $(\tilde{\pi})$. Denoting $\theta = (\pi - \tilde{\pi})$ then from (17) the following relations hold:[9]

$$\frac{da}{d\theta} > 0 \quad if \quad \theta > 0 \Rightarrow \dot{R} < 0$$

$$\frac{da}{d\theta} < 0 \quad if \quad \theta < 0 \Rightarrow \dot{R} > 0$$

$$\frac{da}{d\theta} = 0 \quad if \quad \theta = 0 \Rightarrow \dot{R} = 0$$

Taking into account total private financial wealth, (H= $m + \pi F$), and substituting for $\dot{R}$, from equation (15) and I_p from equation (8) we get the final form of the current account balance in the parallel exchange market:

$$\dot{F} = (1 - 1/\pi)X(r) - \sigma(1-\alpha)Y - a(\theta)(m + \pi F) \qquad (18)$$

---

[9] Since capital flight in our context is defined as outflow of foreign currencies due to continuous deterioration of official reserves, it serves as a proxy variable for political uncertainty.

Equation (18) completes the model, which consists of the differential equations (12), (13), (15) and (18) in $\dot{m}, \dot{F}, \dot{R}, and \ \hat{\pi}$. To simplify, we reduce the differential equation system to three equations by substituting for $\dot{R}$ into equation (13) giving:

$$\dot{m} = (X(r)/\pi) - t \qquad (19)$$

The third differential equation is (12), repeated here as:

$$\hat{\pi} = \Psi(m/\pi F) \quad \Psi' < 0 \qquad (12)$$

The dynamic system of the model is now represented by the equations (12), (18), and (19).

In the next section we illustrate the adjusment process of the economy when speculative effects and adverse shocks hit the economy in a situation of an insufficient level of reserves.

Assuming the parallel market always adjusts to a steady state representes, $\dot{F} = 0$, the adjustment process of the economy is illustrated using phase diagrams of the equations (12) and (19), under two different cases: (a) At the pre-secession period when speculation about official reserve depletion is rising; and, (b) At the post-secession era, represented by adverse export shocks to the economy.

4. Dynamic Analysis

It should be noted that political uncertainty in our context is due to the likelihood of the country splitting into two independent parts, resulting in a permanent adverse export shock to the economy in the North, which would lose substantial amount of oil resources. However, at the pre-secession period speculations were rising with regard to official reserves depletion and sustainabilty of the official exchange market. In the following section we analyse the dynamics of the financial system under each of the two cases.

4.1. Speculative Effects

As the date of the Referendum to decide upon unity or separation of the country was approaching, foreign reserves with the central bank hit low levels, as the public anticipation of future currency depreciation rose.[10] The adjustment process in the financial system due to the rising demand on foreign currency in the parallel market is explained in figure (1). As indicated in the proposition, a steady-state solution exists only if the capital outflow is maintained at low levels. Given this condition is satisfied, the initial steady state equilibrium is represented at point d in figure (1). Rising demand for foreign currencies in the parallel market are represented by an upward shift in the parallel rate premium from point d to q. At point q expanding spread between the official rate and the parallel rate aggravates reserve losses and induces further anticipation of an official rate devaluation, which will push the

---

[10] According to the IMF Country Report of 2009, Sudan foreign currency reserves declined from about US$ 1.7 billion in 2006 to about US$ 390 million in 2009.

parallel rate premium at the point g. When official reserves reach a minimum level at point g, the government resorts to a devaluation of the official rate that brings the system to the point h. During the adjustment process from h to d, along the saddle path some of the reserves previously lost are replenished. It should be realized that the recovery process from points g to h and then to d depends on the level of the initial official reserves, as the lower is the official reserves level, the longer the adjustment process is expected to take. In other words, when the level of official reserves is low, the distance between points g and h becomes wider which requires a bigger devaluation of the official exchange rate to locate the system along the sadle path at point h. Thus, the adjusment process when official reserve level is low, or insufficient, is more costly in terms of the social cost pertaining to the impact of the official rate devaluation on income distribution and resources re-allocation.

Figure (1): Speculative effects and insufficient reserves
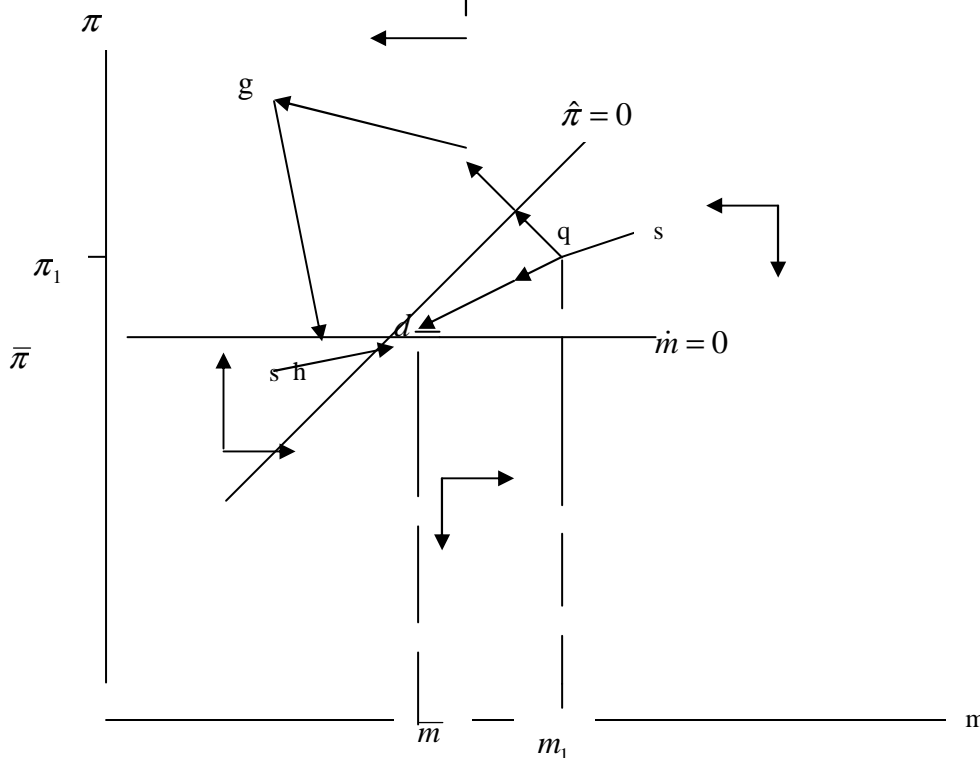
4.2. Permanent Export Shock

Since after secession the economy in Sudan lost the large part of crude oil export revenues, the adjusment process in figure (2) illustrates the impact of a permanent adverse shock in export which causes an upward shift in the $\dot{m}=0$ schedule to $\dot{m}'=0$. Upon the impact, the depreciation of the parallel rate raises the premium level to the point B. The adjustment from B to N will be affected by reduction in the demand for domestic money in private assets portfolio and the government´s withdrawal from its reserves to sustain the official rate. However, by the time official reserves reach their benchmark minimum, the government resorts to discrete devaluation of the official rate so that the system jumps from N to h, and then converges along the saddle path towards the new equilibrium at point d' with

international reserves partially restored, along the new saddle path s's'. It should be realized that for the adjustment process towards the equilibrium level to be feasible, it is required that the initial level of reserves must exceed losses that take place during the transition, from points d to N; otherwise, a balance of payment crisis will take place. It is also to be noted that the new steady state solution at point d' is maintained at a higher parallel premium level, reflecting a wider spread between the two exchange rates at the steady state solution. Thus, the steady state premium level depends on size of the adverse export shock. If the shock is too big, in such away that it induces intolerable spread between the two exchange rates, the government is left with the only option of unifying the exchange rates by adopting free floating rate, to which we turn in the following section.

Figure (2): Export shock
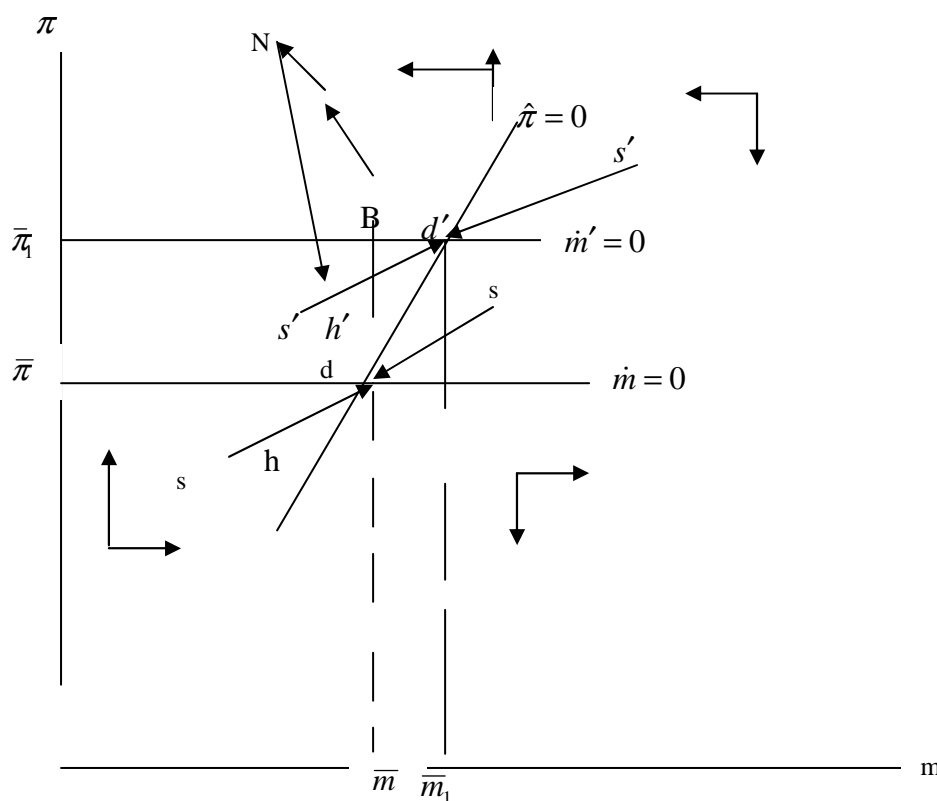
Let us assume that due to expanding fiscal deficit and deteriorating official reserves the government decided to abandon the dual foreign exchange policy and liberalize its foreign exchange market by adopting a single exchange rate floating freely and applicable to all transactions. In order to investigate the behavior of the post-unification floating exchange rate we introduce some changes into the basic model. Under a floating exchange rate system, the government eases the foreign exchange rate restrictions by allowing the private sector to buy and sell foreign currency determined by supply and demand conditions. Given the exchange rate is now flexible, there is a unified exchange rate which will be denoted by μ. Since the central bank no longer intervenes in the foreign exchange market the stock of official reserves

is constant $(\dot{R} = 0)$. Under the new foreign exchange system the change in domestic money supply is reflected only by change in domestic credit: $\dot{M} = \dot{D}$, therefore

$$\dot{m} = \left[\frac{(g-t)}{m} - \hat{\mu}\right]m \qquad (20)$$

where $(g-t) = (G-T)/\mu, \ and \ \ m = M/\mu$.

The condition for portfolio equilibrium under the floating exchange rate system is given by:

$$m = \Lambda(\hat{\mu})F \qquad (21)$$

Given the parallel market equilibrium condition still holds $(\dot{F} = 0)$, the dynamic system of the model is now represented by the equations (20) and (21). In order to reduce the system into a single equation we invert equation (21) and substitute it into equation (20) to get:

$$\dot{m} = \left[\frac{(g-t)}{m} - \Psi(m/F)\right]m \qquad (22)$$

where $\Psi(m/F) = \hat{\mu}, \ \ \Psi = \Lambda^{-1}, \Psi' < 0$

Since $[(g-t)/m] = \dot{M}/M$, we denote the growth in domestic nominal money (or domestic credit expansion) by $\eta(t)$ so that equation (22) can be expressed as:

$$\dot{m} = [\eta(t) - \Psi(m/F)]m \qquad (23)$$

When domestic credit expands at a constant rate[11] $\eta(t) = \eta$.

Equation (23) represents the evolution of domestic money growth under a floating exchange rate system, and it indicates that in the steady-state $(\dot{m} = 0)$ the rate of exchange rate depreciation is identical to domestic credit expansion:[12]

$$\hat{\mu}^* = \eta \qquad (24)$$

---

[11] The condition of constant rate of domestic credit expansion is crucial for existance of stable equilibrium values of the state variables, M, F, and π.

[12] The size of the public deficit (g-t) or domestic credit expansion does not change between the two regimes of foreign exchanges because there is no effective open market operations that allows the government to adjust its stock of money supply according to its reserve level. In otherwords, the government is always a buyer of foreign currency, not a seller of foreign currency.

Equation (24) predicts that if a fiscal deficit persists after the liberalization of foreign exchange system, depreciation of foreign exchange rate will be identical to domestic credit expansion.

5. Concluding Remarks

The macroeconomic model employed in this paper is designed to mimic small open economies enduring political uncertainty arising from country splitting into two independent parts. The findings in the paper indicate that the stabilization of foreign exchange rates at the post-secession era depends on political stability in the country, which will impact on foreign currency inflows to the country. Our model predicts that if political unrest continues after the split of the country, then foreign currency reserves at the Central Banks of either country will dwindle over time, which may lead to domestic currency depreciation in terms of hard currencies. The model also predicts that an expanding budget deficit and declining Central Bank reserves will eventually force the government to abandon a fixed exchange rate system in favor of a more flexible exchange rate system that resulting in further acceleration of both the domestic inflation rate and the domestic money growth rate. As a result, the post-secession period is likely to be characterized by economic instability and political unrest in the two sides unless economic cooperation between the two countries is maintained.

CONFEDERATION: A BETTER TOOL FOR GOOD NEIGHBORLINESS AND PROSPEROUS RELATIONSHIPS BETWEEN SUDAN AND SOUTH SUDAN

John A. Akec[1]
University of Northern Bahr El Ghazal

Abstract:

This article aims to renew the debate on confederation as a promising tool for better management of the relationships between two Sudans following South Sudan's independence in July 2011. There has been a growing concern that unity-separation only model may not sufficiently address their complex relationships in a post-independence era. Drawing on original work by the author presented in November 2010 at St. Antony's College, Oxford, the article examines the current literature on the subject of confederation in Sudan and elsewhere, introduces Sudan Comprehensive Peace Agreement (CPA) and its implications for the future of Sudan, and traces the historical evolution of confederation as a concept in Sudan's political vocabulary - specially pertaining to North-South relations. It also examines its utility as a potential tool for building more enduring and prosperous relationships between the two Sudans, while highlighting the challenges that might face its adoption as well as evaluating existing success factors.

Keywords: Confederation, Federation, Sudan-South Sudan relationships, Comprehensive Peace Agreement, Self-Determination, Post-Referendum Issues, Economic Integration.

Resumen:

El presente artículo pretende renovar el debate sobre la confederación como una herramienta prometedora para una mejor gestión de las relaciones entre los dos Sudanes después de la independencia de Sudán del Sur en julio de 2011 ante la creciente preocupación sobre el modelo único unidad-separación, insuficiente a la hora de abordar las complejas relaciones en la era post-independencia. Basado en un trabajo original del autor presentado en noviembre de 2010 en el St Antony's College, Oxford, el artículo analiza la literatura actual sobre el tema de la confederación en Sudán y en otros lugares, examina el Acuerdo General de Paz (AGP) y sus implicaciones para el futuro de Sudán, y traza la evolución histórica de la confederación como concepto en el vocabulario político de Sudán -especialmente en lo que concierne a las relaciones Norte-Sur. El artículo examina además su utilidad como herramienta potencial para construir una relación más próspera y duradera entre los dos Sudanes, al mismo tiempo que subraya los desafíos en el caso de su adopción, y evalúa los factores de éxito existentes.

Keywords: Confederación, federación, relaciones Sudan-Sudán del Sur, Acuerdo General de Paz, autodeterminación, cuestiones post-referéndum, integración económica.

---

[1] John A. Akec is the Vice Chancellor of the University of Northern Bahr El Ghazal, and the chairperson of 'Academics and Researchers Forum for Development', an academic-led think-tank. Dr. Akec is an engineering academic by background and practice, but is also a researcher on issues regarding the socio-political context of both South Sudan and Sudan.

Akec edits a blog at: http://www.JohnAkecSouthSudan.blogspot.com and can be contacted by email: jaakec@unbeg.edu.sd; ja_akec@yahoo.co.uk.

"Two roads diverged in a wood,
I took the one less travelled by,
And that made all the difference"
Robert Frost (1920), The Road not Taken.

1. Introduction and Background

The Comprehensive Peace Agreement (CPA), was signed between the government of the Republic of the Sudan (GOS) and Sudan People's Liberation Movement/Army (SPLM/A) in the Kenyan town of Naivasha on 9th January 2005. The CPA was a materialisation of three years of sustained negotiations under the auspices of the Inter-Governmental Draught Authority (IGAD), supported by the African Union, the Arab League, the EU, the UN and the governments of Italy, Netherlands, Norway, United Kingdom, and United States. The signing of the CPA brought to an end Africa's longest civil conflict in living memory that had erupted in 1955, stopped for 13 years before resuming in 1983 and continued for 22 years until the CPA was signed in January 2005. The CPA is comprised of six protocols and three annexes and was recognised by the United Nation's Security Council Resolution 1574. A central provision of the CPA is that the people of Southern Sudan have a right to self-determination which they will exercise by voting in a referendum scheduled for January 9th 2011, that is, six (6) years after having signed the peace agreement to decide whether to confirm the *status quo* of united Sudan or secede to form their own independent state.[2] The Machokos Protocols also obliged the two parties to the agreement to strive to improve institutional arrangements in order to make unity an attractive option to the people in Southern Sudan.[3] Furthermore, the parties to the CPA (the National Congress Party (NCP), and SPLM) were required by the Referendum Act 2009 to agree on post-referendum issues such as citizenship (status of Northerners in the South and Southerners in the North), security, currency, distribution of oil revenues, national assets and foreign debts, and sharing of Nile water.

As the implementation of the CPA progressed, by the end of 2010 there was concern that the referendum planned for 9th January 2011 would be behind schedule because of a deadlock over boundary demarcation and continuing disagreements over voting eligibility of Messiryia in Abyei's referendum;[4] there was also a serious concern that no tangible agreement or coherent vision had been reached by the CPA partners on the nature of relationships between the North and the South in case of a vote favourable to secession.[5] Lack of vision regarding the form of future relationships between two parts of Sudan in post-2011 period did cast enormous shadows of uncertainty over the future of both the North and the South and made it hard to plan for 2011 and beyond, especially amongst the government bureaucrats who were expected to make vital decisions whose impacts could go beyond January 2011. That uncertainty was commonly expressed in such statements as: "We do not know what will happen in January 2011".[6]

It is quite certain that those making these statements knew that the referendum´s outcome would impact their plans and ongoing activities in many unpredictable ways, yet

---

[2] Sudan Comprehensive Peace Agreement (CPA): The Machakos Protocol, Articles 1.3 and 2.5
[3] *Ibid.*, Article 2.4
[4] Verjee, Aly (2010): *Race Against Time: The Count Down to Referenda in Southern Sudan and Abyei*, Rift Valley Institute, p. 14.
[5] Akec, John A.: "A Call for Renewable Confederation in Post-Referendum Sudan", *Sudan Tribune*, 8 June 2010, at http://sudantribune.com.
[6] *Ibid.*

were almost helpless to craft an effective response to it. There was no strategic thinking apart from being concerned with here and now. This was as if the world knew about Year 2000 problem, or the so-called Millennium Bug that was predicted to cause date-keeping system in computers to malfunction when year 2000 arrived, thus, raising the risk of data loss, yet were unable to stop it or to put in place measures to thwart its adverse impacts on business data and operation of vital and strategic utilities that are computer-controlled.[7] The truth is: the world knew the implications of Millennium Bug and acted by dedicating a huge amount of resources and expert skills to fix the problem, and when the day and the hour arrived (midnight of December 31, 1999), everything was under control and no major catastrophe or financial losses whatsoever were reported. The contrast could never be starker in the case of Sudan in regards to post-referendum arrangements .

The continuing uncertainty over the future relationship between the North and the South did not only make it hard to plan, but also made it difficult for parties involved in negotiating post-referendum arrangements to make compromises on issues such as citizenship, residence and so on; as each party exercised a 'maximum precaution' rule to guard its stakes.[8] The two parties talked of 'good neighbourliness and peaceful secessions' but no one knew what shape this good neighbourliness was going to take, or how smooth secession could be achieved.[9]

In fact, the lack of agreement on post-referendum arrangements, of which the North-South relationship was an important part, aggravated by inflammatory statements of Sudanese politicians across the divide, caused a mass-exodus of South Sudanese from the North.[10]

While the Naivasha agreement might have brought relative peace to the country after nearly a quarter of a century of strife and bloodshed, there was increasing realisation amongst significant Sudan watchers during the transition period following the CPA that the unity versus secession black or white dichotomy may not be the ideal solution for bringing about a lasting and sustainable political accommodation in Sudan.[11]

By mid 2010, there was an increasing interest in confederation as one of the potential options for closing the gap in the Comprehensive Peace Agreement without sacrificing the right of people in South Sudan to determine their own political future.[12]

---

[7] "The Year 2000 problem (also known as the Y2K problem, the millennium bug, the Y2K bug, or simply Y2K) was a problem for both digital (computer-related) and non-digital documentation and data storage situations which resulted from the practice of abbreviating a four-digit year to two digits", *Year 2000 problem*, at http://en.wikipedia.org/wiki/Year_2000_problem

[8] Fick, Maggie: "Preparing for Two Sudans"*, Enough Project*, (March 2010). "Both parties represent the ruling elites of North and South, and neither side wishes to give up their respectively precarious positions. An accommodation between elites in Khartoum and Juba could be in the offing, but both sides are understandably reluctant to accept potentially painful compromises on their overarching objectives: access to southern oil wealth for the NCP, and sustainable southern independence for the SPLM".

[9] Akec: "A Call for Renewable Confederation", *op. cit.*

[10] Heavens, Andrew: "South Sudanese Risks Citizenship Rights in Vote – Minister", *Reuters,* Khartoum, 25 September 2010.

[11] Mc Hugh, Gerard: "Envisioning the Future: Options for Political Accommodation between North and South Sudan Following Referendum"*, Conflict Dynamic International report, Governance and Peace Building Series*, Briefing nº 3 (September 2010). Mc Hughs explains that by political accommodation is meant a "construct which can provide more opportunities to reconcile different and potentially competing political interests than a singular or disjointed focus on "power sharing", electoral system design, legislative decision making procedures, or other areas can achieve … The essence of political accommodation is mutual conciliation in situations where there is absence of comprehensive consensus but not a complete lack of consensus", p. 12.

[12] Mukhtar, Alweeya: "The CPA Partners Discuss Mbeki's Proposals on Structure of North South Relations", *Al-Sahafa*, (11 November 2010). The writer reported that the two partners had started discussing the shape of

The interest in confederation, however, was hardly new compared to previous attempts to resolve Sudan's North-South conflict. John Garang de Mabior, the SPLM chairman, proposed a system of confederation for Sudan during peace negotiations first in Abuja in Nigeria in 1992 and later during negotiation with the Sudanese government in Kenya between 2002 and 2005, which was turned down by National Congress Party (NCP).[13] The former deputy SPLM chairman and former governor of Blue Nile State, Malik Agar Eyre who later quitted the Sudanese government to lead SPLM-Sudan,[14] floated the idea in the Naivasha peace celebration on 9th January 2008 for the whole country. This time around, the NCP expressed readiness to discuss it with the SPLM.[15] A number of articles followed in sparse succession. For example, confederation was impressed upon the CPA partners in May 2009 in an informative article by Adullahi Osman El Tom, from the Justice and Equality Movement as one of potential options for post-referendum governance of Sudan in case of a South Sudanese vote for independence.[16] In January 2010, Hamid Ali El Tigani wrote in the Sudan Tribune about a confederal system for Sudan.[17]

Overall, these early calls to debate confederation seemed to have fallen on deaf ears and did not either take the headlines or got the attention the subject deserved. At that time, 2011 seemed to be far off, and any talk of confederation was seen as an attempt to subvert the exercise of right to self-determination by South Sudan. However, this author noted that the interest in confederation was rekindled once again after publishing an article on the subject in June 2010.[18] Ever since, there has been a growing interest in confederation as a 'third way' between total unity and complete independence of the South.[19] At the same time, many voices expressed reservation,[20] even outright rejection of confederation as a substitute for

---

possible relations between the North and the South after referendum since Wednesday 10th November 2010. And that President Mbeki made 4 proposals in July, one of which was confederal union. "Egypt proposes confederation between north and south Sudan", *Al-Masry Al-Youm*, (3 November 2010). The paper reported that foreign Minister Ahmed Abul Gheit proposed the establishment of a confederation between North and South Sudan when he addressed Shura Council saying that North and South will still be independent states.

[13] Al-Hilo, Mohamed: "When they ask you?", *Akbar Al-Youm*, Khartoum, 11 November 2010. The author wrote in his column to tell how Southerners were promised confederation if they voted for Sudan separation from Egypt in Parliament in 1956, only for the promise to be broken. Then quoted the late Southern politician Stanslaus Wieu telling the Sudanese parliament: "There will come a day when you ill offer confederation on the street for free, and you will find no body willing to buy it…"

[14] Previously known as SPLM-North.

[15] Sulieman, Mahmoud A.: "Confederal System for Sudan", *Sudan Tribune*, 8 January 2008, at http://sudantribune.com.

[16] El Tom, A. Osman: "Towards Confederation between Independent South and North Sudan", *Sudan Tribune*, 28 May 2009, at http://www.sudantribune.com.

[17] Eltgani, Hamid Ali: "How to Govern Sudan – a Quest for Confederation", *Sudan Tribune*, 11 January 2010, at http://www.sudantribune.com.

[18] Akec, John A.: "Call for Renewable Confederation in post-referendum Sudan", *Sudan Tribune,* 8 June 2010. An Arabic translation was published by Ahmed Hassen Mohamed Salih appeared in *Rayaam* newspaper, 18 June 2010.

[19] Heavens, Andrew: "Sudan to Mull North-South Confederation", *Reuters Africa,* 10 July 2010, at http://www.af.reuters.net. Akec, John A.: "To Confederate or not to Confederate is a Matter of Strategy", *Sudan Tribune*, 14 September 2010, at http://www.sudantribune.com. Biar, Zakaria Manyok: "Confederation for Sudan, Is it a good idea?", *Sudan Tribune,* 5 July 2010, at http://www.sudantribune.com; Ashworth, John: *CPA Alert No. 2,* IKV Pax Christi report, (September 2010).

[20] Talley, Thomas: "Southern Sudan – The Four Theses", *Small Arms Journal*, 22 October 2010, at http://www.smallarmsjournal.org. Talley views the pursuit of confederation by the US policy makers as a tactic to delay North-South war breaking out too soon. "Demand the process renders a predetermined outcome of confederation (i.e., nominal unity, but greater autonomy for southern Sudan). This COA [course of action] promises to avoid war; but that is a false promise – it will simply delay war a little longer. War will come because there are important actors on both sides of the conflict who want, and need, a war", p. 3.

complete independence of South Sudan.[21] This reflects the old adage: information too early is not recognized, and information too late is useless.

In the midst of all the uncertainty and initial pessimism, the referendum vote for South Sudan took place peacefully on the 9th January 2011 and resulted in overwhelming vote in favor of secession. Six months later, and precisely on the 9th July 2011, South Sudan declared its independence and immediately enjoyed the recognition of the International Community; specifically the UN, the African Union, and the EU. But because of too many unresolved issues between South Sudan and Sudan that included oil sharing and assets distribution, the status of Abyei, as well as the situation in South Kordofan, Blue Nile, and Darfur, the relations between the two Sudans deteriorated very quickly. The relationships hit rock bottom when South Sudan was provoked to shut down oil production in January 2012, and in April 2012 war broke out between Sudan and South Sudan over the contested border town of Panthou.[22] In September 2012, the two countries with help of the AU High Level Implementation Panel under leadership of Thabo Mbeki, signed a cooperation agreement in Addis Ababa.[23] In March 2013, the governments of Sudan and South Sudan moved a step forward by signing an Implementation Matrix Agreement that would put the cooperation agreement into effect on the ground.

With all the problems that still beset relations between the two Sudans, it is the right time to revisit the utility of confederation or any of its closer cousins[24] as an ultimate healer of these relations as well as reopening the debate on this vital theme.

The paper will examine why this is an invaluable strategy for both the North and the South to adopt in short or medium term to smooth out transition to South Sudan independence, and in long term as a means for propelling the two parts of Sudan back into a path of voluntary unity or achieve some form of economic union.[25] It will also attempt to answer such questions as: What chance is there that such an idea will find acceptance from the South Sudanese? Who will be against it? Who is for it? What is there in it for each stakeholder (SPLM, NCP, Northern and Southern parties)? And what are the positions of the SPLM and the NCP in regards to confederations? And finally to look into what structure the North-South confederation might take as well as possible powers can be assigned to confederate authority. However, the paper will not necessarily follow the same order.

---

[21] Chol, Carlo James: "Mr. Malik Agar and Confederation", *Fashoda*, 17 January 2008, at http:// Fashoda.org. Awolich, Abraham A: "The Call for Confederation is Conspiracy", *Sudan Tribune*, (19 January 2008) at http://www.sudantribune.com. Okuk, James: "Confederation for South Sudan a Betrayal to Self-Determination", *Sudan Tribune,* 18 January 2008, at http://www.sudantribune.com.

[22] Also called Heglig by Sudan government.

[23] Akec, John A.: "Addis Ababa Agreement is Bony Fish worth Chewing", *Sudan Tribune*, 12 December 2012, at http://www.Sudantribune.com.

[24] Such as the forms of economic union that binds EU member states.

[25] This draws on previous work: Akec, John A.: "Why referendum in post-referendum Sudan is key to prosperous, stable, and good neighbourliness between two Sudans?", Paper presented at conference on *Post Election Governments of Sudan: How are they preparing for referendum on self-determination*, St. Antony College, Oxford, 13 November 2010.

2. The Justification for Adopting Confederation

In a symposium organized by the Future Trends Foundation and the UNIMISS in Khartoum on unity and self-determination in November 2009, Francis Mading Deng argued in a joint paper with Abdelwahab El-Affendi:[26]

> "Unity should not be seen as an end in itself or as the only option in the pursuit of human fulfillment and dignity. A vote for Southern independence, therefore, confronts the nation with challenges that must be addressed constructively in the interest of both North and South. This should mean making the process of partition as harmonious as possible and laying the foundation for peaceful and cooperative coexistence and continued interaction. Practical measures should be taken to ensure continued sharing of such vital resources as oil and water, encouraging cross border trade, protecting freedom of movement, residence and employment across the borders, and leaving the door open for periodically revisiting the prospects of reunification."

This statement underlines the need to come up with concrete measures to address the challenges enlisted above. Here Deng attempts to persuade the unionists in Sudan to let the South decide freely, and that they should never have to lose hope in unity even if the referendum outcome is secession. Vital interests of the South will dictate her to seek cooperation of the North. He correctly put his finger on the pulse, and left us with the challenge of prescribing more concrete solutions in order to achieve the above goals.

Independently reflecting on the necessity of letting the South go as the necessary condition for paving a way for voluntary unity in the future, this author wrote in November 2009:[27]

> "The way forward would be to honour the CPA referendum protocol in its entirety, despite the predictable outcome. Namely, more than 90 percent of South Sudanese will vote in favour of self-determination. Yet paradoxically still, only after the South peacefully secedes will we have the hope to renegotiate a Sudanese union on new basis. We must let the sheep out of the fence, then persuade them later to re-enter the stable after having tasted the freedom of wandering the pastures alone with no one but good own self to guide through the treacherous valleys, tried the beauties as well as the pains of self-reliance, missed the advantages of a shared-house where all have something different and unique to offer…In other words, Southern session is a necessary prelude to voluntary reunion."

This author, perhaps, was then led subconsciously or (was it an Eureka moment?) to end at confederation gate when he argued:[28]

> "Once South is secure in self-determination, which in many ways will satisfy a deep-rooted psychological longing and restore a sense of dignity long lost, it will be possible for all to revisit the possibility of entering into economic union similar to EEC's with the North or reach confederate arrangements with the rest of the country with a view to eventually reintegrating back in a phased out fashion."

---

[26] Deng, Francis M.: "Prospects for Reconciling Self-Determination with Unity in Sudan", a statement at *Symposium on Unity and Self-Determination*, Future Studies Foundation, Khartoum, 2 November 2009, p. 7.
[27] Akec, John A.: "South Sudan Self-Determination is the Gateway for an Enduring and Stable United Sudan", *Sudan Tribune*, 16 November 2009.
[28] *Ibid*.

This might be too an optimistic a scenario and overstatement by this author, because it is possible for the two parts of Sudan to still drift apart even after a secession vote should relationships continue to be tense and hostile as they currently are, or the way they had been in the last eight years.[29] Yet, this fear of unknown should not scare the Sudanese from taking the bold step towards confederation after Southern successful secession vote.

The author, driven by the need for wider discussion, went on to publish an opinion article in June 2010 inviting the Sudanese to debate the adoption of the confederation as a means of regulating South-North relation after referendum should South secede as it was the most likely outcome of the vote:[30]

> "And in humble contribution to shaping of this vision [about possible relationships between North and South], the writer of this article would like to invite all the Sudanese to air their views on feasibility of adopting confederation to manage the North-South relationship when South votes for independence."

The article went further to propose the possible structure the confederation might take:[31]

> "According to this vision, both South and North will be free to organise their foreign policy, security, and economic planning as would happen for all sovereign states. The current council of states and national legislative assemblies will have their life extended (funded by Confederation to 4 years) and functions of certain national commissions will be modified to support confederal government. There will be a Northern Chamber, where Khartoum government can discuss issues concerning the North. The merits of a monetary union should be carefully studied and given a serious consideration in this debate. The management and sharing of common assets and regulating trade should be managed by the confederation whose presidency rotates every 6 months between the South and North. Citizens from both Northern and Southern states will be free to move freely and enjoy the full rights of the citizenship (education, medical treatment, right to buy and sell property) in two Sudans. Both Sudans should device tariffs that will not put any side at disadvantage and maximise the accrued benefits for all. Fighting crime and managing security across the borders is carried by confederal government in collaboration with the two sovereign states. This confederal arrangement will constantly be improved and renewed every 4 years (equivalent to life of legislative assemblies) and the renewal should be voluntary (each side can opt out at the end of 4 years should it feel there are good reasons to quit)."

A well presented and most comprehensive technical report published so far on the subject of potential options on the nature of future relationships between the Northern and the Southern states in the event of secession vote, has been authored by Gerard Mc Hugh from Conflict

---

[29] Al-Sharif, Yusif: "Separation the Second Choice …South between Revolution and big Dream", *Al-Sahafa*, Issue nº 6219, (6 November 2010). He writes: "I advised our government to accept all the recommendation by experts and South Sudanese without much ado…because this is not the time for war. The time for war will come. I repeat war has its time", p. 6. In other words, tactically the government can do all the right things and can break these agreements at a suitable time in the future when it is ready to fight and win the war! This indirectly gives credence to what Mc Hugh has written that confederation can delay war but will never stop it.
[30] Akec: "Call for Renewable Confederation", *op. cit.*
[31] *Ibid.*

Dynamics International. The report enlists four (4) possible options organized in order to foster an increasing political interactivity between Northern and Southern sovereignties with distinctly recognizable international identities. These are described in the proceeding paragraphs.[32]

The first option is described as *Mutual Isolation*. As its name suggests, this option entails a very limited scope of political interaction. This is a default option if no effort is made to agree on common institutions to deal with issues of common interests. It is a recipe for disaster and is ill-suited for case of Sudan and South Sudan where there are issues that need to be jointly addressed through much tighter interaction than can be garnered from this option.

The second option is *Reciprocity between Independent States*. It allows the two independent states to either interact on issues of common interest on ad hoc manner as they arise or set up single institutions within each state through which the interaction on economic and political matters can be channeled. Considering the high stakes between Sudan and South Sudan, one is bound to bypass this option in favor of searching for better institutional arrangements that are commensurate with the stakes involved.

And moving up higher, there is third option modeled as *Economic Community of Independent States*. The main objective of such interaction is economic and to a lesser extent political. The scope of economic parameters is agreed between two sovereign states with provisions of summit meetings of heads of the states and councils of ministers. Legislative bodies in the two states also interact and there is a legislature to regulate the interaction that is embodied in their respective constitutions. In this author's view, this is the minimum required for smoothing out relationships between South Sudan and Sudan.

And finally, there is *Structured Union of Independent States*. Here the two sovereign independent states agree to set up common institutions. The competencies of the inter-state bodies are formally agreed between the two states. Interactions include meeting-forums between heads of states and a council of ministers appointed by heads of the two independent states. The common institutions are manned by representatives of the two sovereign independent states whose task is to take decisions on issues of common interest that are identified from time to time jointly by the two sovereign states. Decision-making in inter-state bodies is based on parallel consent[33] while at the executive levels (summit of heads of states, and council of ministers), decisions are based on unanimity. This option is seen to provide the highest degree of political interaction between the North and South Sudan. One version of Union of Independent States is shown in Fig. 1.[34]

The choice of the model of interaction between Sudan and South Sudan sovereign states should put into consideration the following elements in regards to arrangements for political accommodation:[35]

---

[32] Mc Hugh, *op. cit.*, p. 5.

[33] *Ibid*. "The term "parallel consent" is used … to encompass types of decision-making procedures that require concurrent simple or super-majorities within two or more communities in order for certain types of decisions to be adopted. This form of decision making has been used in the legislative assemblies of Northern Ireland and the State Union of Serbia and Montenegro (2003 – 2006), among other contexts", p. 8.

[34] Fig.: Schematic Illustration of Structured Union of Confederal Sates. Source: Gerard Mc Hugh: Envisioning Sudan: Options for Political Accommodation between North and South Sudan Following Referendum, Publication of Conflict Dynamic International, (September 2010). Note the proportional representation in inter-state body (30:20). Other versions propose equal representation.

[35] Mc Hugh, *op. cit.,* p. 24.

• Should not interfere with or compromise the political independence of South Sudan;

• Should strive as much as possible to implement the principle of right of self-determination of the people of South Sudan as embodied in the CPA, as well as observing the equal right to self-determination of other people in the Sudan;

• Should neither subordinate nor supersede executive-level authority in Sudan or South Sudan;

• The associated frameworks for political interactions should reflect all relevant provisions agreed in the CPA without necessarily being constrained by the CPA;

• Must be able to accommodate the needs of Southern Kordofan, Abyei, Blue Nile, and other areas;

• There must be equity of representation and effective checks and balances in place to ensure parity (for North and Sudan) in political decision making in the shared/common central institutions
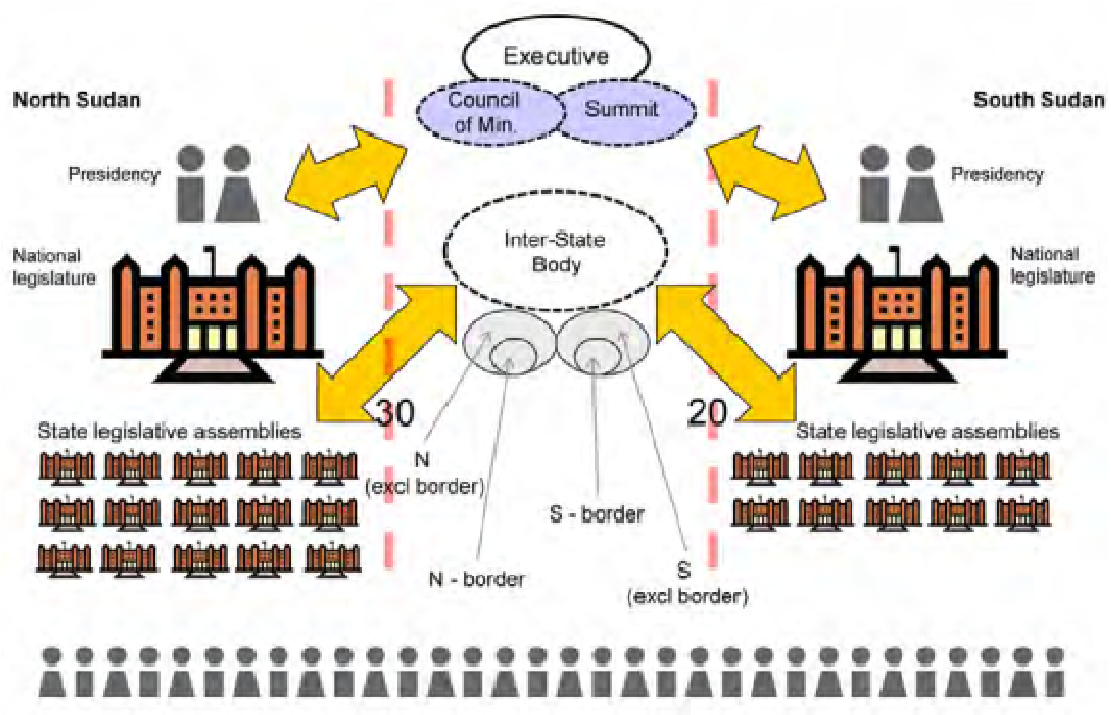

Fig. 1: Schematic Illustration of Structured Union of Confederal Sates. Source: Gerard Mc Hugh (2010).

From a personal point of view, a confederate arrangement scores highly when measured against the listed guidelines. And yet, a natural question that impresses itself upon this debate is: what is unique about confederation to make it an effective tool for prosperous and peaceful, management of relationship between South Sudan with Sudan following South Sudan vote for independence, to the exclusion of everything else?

One definition of confederation is given below which may go some way to explain why confederation is an attractive option:[36]

"Confederation is a system of administration in which two independent countries enter into [union] while keeping their separate identities. The countries cede some of their powers to a central authority in areas where they share common economic, security, or broadly speaking, developmental concerns. The central authority in confederation is weak and subservient to the founding states. It cannot dominate and can only exercise powers that are ceded to it by the con-federal partners. While confederation is a perpetual arrangement, either of the partners can pull out of it if they so wish. Hence, confederation is like marriage; it takes two to create and maintain but only one partner to dismantle. Confederation comes in different forms depending on the contexts and interests of partners involved."

That being the case, it goes without saying that confederation, a term that describes a form of intergovernmental organization or union of independent states formed to achieve specific goals during specific period in history, is relatively rare;[37] and when confederations existed historically, they did so under various guises, names, and degrees of integration that were shaped or conditioned by the circumstances and needs of member states such as prevention of wars between member countries; fending off external aggression or putting up a unified struggle against imperial powers; international trade or foreign policy coordination; economic cooperation; custom or monetary union; and so on. This applies to varying degrees to Swiss Confederation (1291-1798, and 1815-1845), the United Provinces of the Netherland (1579-1795), the German Bund (1815-1866), the American Confederation (1781-1789), and United States of America (1861-1865).

Analysis of these historical confederations reveals that their formation did not follow homogenous patterns or similar trajectories. And generally, it can be said that the aforementioned historical confederations evolved over time into either federations or unitary states.[38] However, the federation of Czechoslovakia, for example, split into two independent states: Czech and Slovakia; while the Turkish and Greek Cypriots could not agree on either federation or confederation that might preserve a resemblance of either unity, sovereignty, or both for the currently divided island; despite the fact that both options had been placed in the past on the table.[39]

---

[36] El Tom, *op. cit.*

[37] Kenzhehanovna, Nakisheva Makhabbat and Nurmaganbet Ermek Talantuly: "Confederation as a Form of Government Structure and its Features: Theoretical and Historical Analysis", *Middle-East Journal of Scientific Research*, vol. 12, nº 9 (2012), pp. 1268-1275.

[38] Ibid, *op. cit.*, p. 1271; Banning, Lance: "From Confederation to Constitution: The Revolutionary Context of the Great Convention", *Constitution: Bicentennial Chronicle*, Project 87', published by American Political Science Association and American Historical Association (Fall 1985).

[39] Dodd, Clement H.: "Confederation, Federation, and Sovereignty", *Perceptions: Journal of International Affairs*, vol. 4, nº 3 (September-November 199).

As Dod correctly observed, federations[40] that are imposed from top down are less likely to be stable than federations that grow from bottom-up, and that there are many missing ingredients or success factors in Greek-Turkish Cypriots' search for a lasting solution to the political dispute in Cyprus.[41] First, Dod still reflecting on the Greek and Turkish dispute in Cyprus, pointed out that there must be a common belief amongst members of the communities concerned that sees some good in pursuing federation as an end in itself, citing as an example the formation of the European Union that was inspired by the need to eliminate the chance of future wars breaking out in Europe. Second, there should be shared enthusiasm among populations concerned towards the federation [*or confederation*] project (my italic), that all communities are driven by some common unfulfilled need, and that the concerned parties can be confident that leaders of communities concerned are committed to creating a common space that can strengthen the resolve of member states to make compromises necessary for a successful power-sharing arrangement.

Furthermore, other confederation scholars believe that confederate parties should be willing to abandon any temptation to resolve differences through military means; and embrace instead the use of legal means to resolve them.

Having looked briefly at a few historical examples of successful and not so successful federations and confederations, it is worth revisiting the idea of confederation espoused in this paper with a view to identify the goals of such a project as well as evaluating the chances of its success.

For a start, despite the long and bloody war between North and South Sudan and inter-communal violence and hatred that ensued from it, there is no denying that the two nations share a common history, geography, interdependent economies and the longest border in Africa between any two neighbouring states,[42] thus making a sudden clean break between two Sudans a difficult task to achieve without incurring some high economic and social costs.[43] As noted by Jok a few months before the casting of referendum vote in South Sudan:[44] "there will be a plethora of complicated issues that will take years to work out between North and South and within the two states." These include nationality and citizenship, division of assets and international debts, border demarcation, management of trade and cross-border movement, and agreeing a fair North Sudan's share in oil revenue from the South Sudan oil fields as payment for the use of its oil processing facilities, among others. That means, like it or not, both Sudan and South Sudan are obliged to maintain a special relationship in the post-referendum period, even if the outcome is South Sudan´s secession, and confederation is one of the tools for creating such a special relationship in short, medium, and long-term.[45]

---

[40] In some literature, some political scientists classify confederation as a form of federation although the reverse is not true. So, the use of federation in the above context implies confederation.

[41] Dod, *op. cit.*, p. 1.

[42] Gamei, Faiz Mohamed: "The Challenges Facing Sudanese Before the 2011 Referendum on Self-Determination of South Sudan", *Conference on Sudan Post-Referendum Issue*, St. Antony College, Oxford, 15 November 2010.

[43] The consequences of failure to reach agreement on oil sharing after July 2011 that resulted in oil shutdown in January 2012 and the Panthou/Heglig war in April 2012 between two Sudans are testimonies to the costs of failing to manage the relations successfully and are there for all to see. Calculation by Sudan Central bank puts the costs at USD 5.1 billion for Sudan and USD 15.1 billion for South Sudan in terms of missed income excluding unaccounted cost of Heglig war.

[44] Jok, J. Madut: "Independent South Sudan and How Two Sudans Become Stable Nations", *United State Institute of Peace* (11 January 2011).

[45] As the two nations gain experience with confederation and confidence working together, future possibilities are limitless.

This brings us to the second part of the question: what are the chances of its success; and whether the two communities share equal enthusiasm for a project of confederation to guarantee its faithful implementation. If Sudan's history is any guide, then one is more likely to expect an end with a pessimistic note.[46] Failure to implement important CPA protocols on southern Kordofan, Blue Nile, and Abyei does not make for an optimistic forecast of what might befall any internationally agreed pacts between the Sudanese and South Sudanese partners, now or in future.[47] Yet South Sudan and Sudan could choose to put that bitterness behind them and fashion new and better futures for their peoples by reading their common history through "the lenses of the future" as opposed to reading it through "the lenses of the past".[48]

Sections 3 and 4 will gauge in greater details the feelings of the communities in South Sudan and Sudan towards the debate on the possibility of considering confederation option irrespective of whether or not it is meant to be for short, medium, or long term.

3. The Chances of a Confederation Being Accepted by South Sudan

At official level, SPLM leaders have been dismissive of the idea. Publicly, they had maintained that there will be relationships with the North in case of secession and especially in regards to four (4) freedoms: movement, ownership, residence, and employment. This was confirmed by then First Vice President of Sudan, and currently President of Government of the Republic of South Sudan, Salva Kiir Mayardit, in one of a series of exclusive interviews with Rafayda Yassin of Al-Sudani newspaper that was published beginning on 27 October 2010 and continued for a number of days. According to President Salva Kiir Mayardit, as far as it depended on his government "the people [of North and South Sudan] will be free to work, live, and move and pay visits to friends and relatives in the North and the South, and that the presence of the borders will be meaningless".[49] Asked of what he thought about "a third way" between unity and separation, Kiir responded:

> "I do not know about any other *third way* between unity and separation other than confederation. And if that is what is meant by the third way, it does apply in the context of two sovereign independent states, as opposed to one and same country. Hence, let our focus be on making sure that referendum takes place on time on 9th January 2011 so that South Sudan can exercise the right to self-determination. If the choice of the South is secession, only then will it be possible for us to enter into negotiations with the North

---

[46] That is not to ignore populations in Darfur, south Kordofan, and Blue Nile as these are likely to welcome the return of South Sudan to what this author may call the "Sudanese sphere". At the moment the common feeling is that the above communities have lost an important ally through secession.

[47] Failure of Sudan government to honour Hague's ruling on Abyei is a case in point that further undermines confidence that Sudan will abandon military might as a means of settling political issues with South Sudan. See Deng, Luka Biong: "Will Abyei be a dagger in South Sudan – Sudan relations?", *Sudan Tribune*, 9 September 2013, at http://www.sudantribune.com.

[48] Idris, Amir (2013): *Identity, Citizenship, and Violence: Reimagining a Common Future,* New York, Palgrave McMillan, p. 123.

[49] Yasin, Rafaya: "Exclusive Interview with Salva Kiir Mayardit", *Sudani,* October 2010. The interview was published in Arabic. Akec, John A.: "South Sudan ...", *op. cit*. The use of the phrase of "meaningless borders" seems to echo the phrase "artificial borders" which appeared in this article written by the author in November 2009 and I quote: "In not too distant future….. Abyei Walls will eventually tumble as people pour across the divide to embrace each other and move freely across the artificial borders without hindrance or impediment from anyone". The phrase "Abyei Walls" which is analogous to the Berlin Walls was first used by an optimistic Al-Sahafa newspaper commentator whose name the author did not record.

about confederation, and if we both agree [on confederal arrangement], each country will [also] have its own constitution and own government".[50]

Responding to a proposal by Egypt to the government of Sudan to consider confederation as one of post-referendum arrangements regarding the relationships between the North and the South in case of secession of South Sudan, the SPLM Secretary General and then Minister for Peace and CPA Implementation in the government of South Sudan, Pagan Amum, rejected the call for confederation and instead appealed to "all to work towards a timely conduct of referendum and recognition of the outcome and that in case of Southern secession they will be ready to agree any form of relationships that will serve the interests of the North and the South and maintain peaceful coexistence".[51]

It is worth pointing out (as previously mentioned in the introduction of this paper) that a confederation was initially proposed by the SPLM far back in the Abuja negotiation in 1992, then in Machokos in 2002 and later by Malik Agar on the third anniversary of the death of the SPLM Chairman John Garang de Mabior in January 2008. These earlier proposals were rejected by the National Congress Party (NCP), but when raised again in 2008, the party expressed its interest to discuss the issue of confederation with the SPLM.[52] And since full independence is of 'higher value' than a confederation in which the South must concede some power to an inter-state authority, it was not surprising to see the SPLM was reluctant to warm up to a revival of the idea in the 11th hour. Intuitively it looked like taking two steps backwards.

And as far as public opinion was concerned in the South Sudan regarding confederation, it was either dismissive or received the proposal with great skepticism, while asserting the full exercise of right to self-determination by the South.[53] For many South Sudanese, the call for confederation was a distance thunder, until President Thabo Mbeki, the Chairman of African Union High-Level Implementation Panel shocked everyone with an unexpected announcement when he put confederation on the table as one of the four (4) post-referendum options the CPA partners must consider during launching of post-referendum negotiation in Khartoum in July 2010.[54] Here, Mbeki proposed the parties to consider negotiating around four (4) post-referendum options: unity, separate states requiring citizens of successor and

---

[50] Yasin, "Exclusive Interview with Salva Kiir Mayardit", *op. cit.*, part 3.

[51] Dagash, Ahmed: "SPLM Rejects Confederation", *Sudani*, 5 November 2010, p 1.

[52] Chol, *op. cit.*

[53] Awolich, *op. cit*, notes about confederation that: "The whole thing about confederacy is a conspiracy to obliterate the CPA and to shift the focus onto something extraneous". Okuk, James: "Confederation for South Sudan a Betrayal to Self-Determination", *Sudan Tribune*, 18 January 2008. The author argues that SPLM has value only if it champions the right to self-determination: "The right of Self-determination is what has made the SPLM popular and strong in Southern Sudan and not the 'shadow-chasing' ideology of 'New Sudan' as it is claimed by the SPLM pro-unionists". Okuk, James: "Confederation for South Sudan a Betrayal to Self-Determination", *Sudan Tribune*, 18 January 2008. The author argues that SPLM has value only if it champions the right to self-determination: "The right of Self-determination is what has made the SPLM popular and strong in Southern Sudan and not the 'shadow-chasing' ideology of 'New Sudan' as it is claimed by the SPLM pro-unionists".

[54] Heavens, "Sudan to Mull", *op. cit.*

predecessor states to get visas, independent states with soft borders and thus no strict visa requirement, and two sovereign independent countries joined up by a confederate union.[55]

Some of the skepticism amongst South Sudanese to the proposal of confederation made by Malik Agar as well as the version that was being placed on the table by president Mbeki was due to the result of confusion that confederation was being put forward as a substitute for secession in the referendum options or a substitute for the whole exercise of self-determination.[56] Possibly if it was explained clearly that the referendum will go on as scheduled and its result will be recognized, then people in the South might be prepared to consider the idea. That does not mean there are no Southern nationalists who regard confederation as a new tactic by the unionists in Sudan supported by the NGOs and international community with vested interests.[57] And admittedly, some of writings were emotive, too Southern nationalistic, and devoid of reason, yet not surprising at all. Consider the excerpt from a poem published on internet condemning the unionists and proponents of confederation amongst South Sudanese:[58]

Unity is a mamba snake,
Unity is a thoroughfare to Golgotha
A trap door of a gallows
Does the South deserve the guillotine?
Beware of Jallaba [Northerners] mendacity
Confederation is a ticket to Armageddon
A camouflaged lure to uninterrupted misery

If anything, this is a reflection of the deep rooted mistrust which South Sudanese hold against their fellow countrymen in the North for historically well documented injustice. It was this kind of well founded cause for disappointment that prompted the veteran Sudanese statesman, Abel Alier, to write his well known book, *Southern Sudan: Too Many Agreements Dishonoured.*[59] To overcome this mistrust would require exceptional statesmanship in both North and South in order to steer the people of Sudan through these turbulent times to the shores of peace, stability, prosperity, mutual trust and understanding between the citizens of Sudan.

And despite the widespread reservation, there are bright spots of positive response to the call for confederation in post-referendum Sudan if the South secedes. For example, consider this quote:[60]

---

[55]About two weeks before launching negotiation of post referendum arrangements, NCP delegation headed by Vice-President Ali Taha was reported to have tossed off the idea to First Vice President Salva Kiir and his deputy Riek Machar in Juba in the launch of "Make Unity Attractive Projects".

[56] Okuk, *op. cit*. The writer said he did not mind considering confederation as one of post-referendum options in case South Sudan secedes: "Confederation might only be possible between the country of North Sudan and South Sudan if the people of Southern Sudan decided to establish legitimately an independent and sovereign State of South Sudan, first and foremost".

[57] Akol, Yoanis Yoar: "All Separatists Unite!", *The Citizen*, 2010. Mr. Akol is a respected lawyer and former SPLM parliamentarian who contested as independent candidate in April 2010 elections.

[58] Marsu, Peter Lokarlo: "On Deliverance Day", a poem that was posted on SPLM Diaspora discussion mailing list, 4 August 2010.

[59]Alier, Abel (1992): *Southern Sudan: Too Many Agreements Dishonoured,* Paul & Co Pub Consortium.

[60] Biar, Zechariah Manyok: "Confederation: Is it a good idea?", *Sudan Tribune*, 5 July 2010.

"A confederation is not a bad idea because it answers some tough questions that we cannot answer under unity-separation-only model. But this confederation will only be an option if South Sudanese have chosen to be a different country in 2011. The confederate government will give both the North and the South a bigger market that we desperately need in the world of today".

As a follow up to an earlier contribution to the debate,[61] this author has argued elsewhere that confederation is a good strategy for South Sudan to tactically choose secession and then enter into a confederate arrangement with the North and be ready to give up some of its oil revenue to the North to improve its chances of building its new nation in peace and stability, and that the South should not see secession as an end itself, but rather as a means to attaining freedom.[62]

The deadlock that ensued after South Sudanese independence over the amount of transit fees South Sudan should pay Sudan in order to continue to transport its oil through Sudanese ports, and the subsequent shutdown of oil production in January 2012 is a testimony to the absence of a negotiated holistic strategy to manage post-secession Sudan and South Sudan relationships.

4. How does North Sudan Feel about Confederation? Is it a Better Form of Secession?

At official level, there was a clear readiness to discuss the issue of confederation as previously mentioned in the paper. For example NCP leaders were positive about proposals made by Egypt regarding confederation. The wisdom that loosing one limb is better than loosing two applies to the NCP-led Khartoum government which would rather not take all historical responsibility for splitting up of the country into a Northern and Southern independent states. There is no easy answer as to why the NCP rejected confederation when it was initially proposed in Abuja in 1992 and Machakos in 2002.

However, we may get some clues from when Egypt invited the SPLM and the NCP to discuss post-referendum arrangements in June 2010. The two parties then locked horns trying to trade secularism against Islamic Sharia constitutions.[63] As Idris observed, "some northern elements campaigned for separation of the South to ensure the formation of a purified Arab-Islamist state in the North".[64]

An NCP insider and former minister of finance and economic planning in the Sudan central government, Abdel Rahim Hamdi, made some bold if not blunt recommendations to the government regarding North-South relationships in the event of a secession vote in a

---

[61] Akec: "Call for Renewable Confederation", *op. cit*. Also refer to Arabic translation by Ahmed Hassen Mohamed Salih in *Rayaam* daily, 18 June 2010.

[62] Akec, "To Confederate or not to Confederate", *op. cit*. The author argued that unity, independence, and confederation are all strategies to achieving freedom; and that our concern should be to find what works best to achieve the goal, and not what it is called.

[63] "Egypt Invites Sudanese Partners for Talks on Post-Referendum Arrangements", *Sudan Tribune*, 28 June 2010. Here the parties agreed to disagree and ended up signing a vague MOU and a roadmap on issues of oil, security, demarcation of borders etc.

[64] Idris, *op. cit*., p. 124

workshop organized in Khartoum by the Faisal Islamic Bank.[65] The former finance minister called for normalization of relations with the South in the event of secession, through opening up of North-South border, and provision of four (4) freedoms: movement, employment, ownership, and residence. He also advised the parties to the CPA not to tie borders´ demarcation with referendum, and called for the formation of an economic union between the North and South Sudan with inter-state institutions to manage the relationships between two independent states.

On the academic front, a number of researchers and political experts called for a constitution to regulate the relations between the predecessor and successor states; maintaining that since it was highly likely there was going to be a secession vote, there was no need for the government to conduct a referendum as it should declare South Sudan´s independence inside the National legislative Assembly instead.[66] They also called for open borders, and a summit of heads of states where there must to be an equal representation in inter-state bodies. They also proposed that decision-making in inter-state bodies be by unanimity.

At the level of political parties, both the Umma and DUP parties support confederation as an alternative to full secession.[67] The National Popular Party leader, Hassan Al-Turabi, however, dismissed the recent Egyptian proposal of confederation as "valueless and arcane" in an interview with Al-Sharq Al-Awsath.[68]

At a popular level, a new campaign organization named Movement for Assertion of Rights and Confirmation of Citizenship was formed in Khartoum. It called for dual nationality for Southerners in the South and Southerners in the North and four (4) freedoms for all the citizens in the North and the South.[69] This quick overview of North Sudanese feelings about confederation or other models of cooperation is not exhaustive by any stretch of imagination. However, it points to the possibility that with time, the majority of Northern Sudanese could welcome an initiative to confederate with South Sudan.

5. The Stance of the International Community in Respect to Confederation

As the date of conducting South Sudan´s self-determination approached, the international community was getting concerned about the lack of a road map that clearly addressed vital post-referendum arrangements that included the nature of North-South relationships capable of tackling the unresolved outstanding political issues such as the Abyei referendum, management of oil and water resources, demarcation of North-South border, and the citizenship rights of the soon to be independent neighbouring states, movement of people and ownership of property, among others.

[65] Zain Albdeen: "Faisal Bank Workshop on Implications of Referendum", *Al-Sahafa*, 17 October 2010, p. 7.

[66] Azreg, Khalid Al-Balula: "North-South Relationships: Experts Call for Declaration of South Independence and Formation of National Government", *Future Trends Foundation Workshop*, October 2010.

[67] Al-Bashir, Mona: "Post Referendum Sudan: Confederation a Safety Valve against Secession", *Sudan Vision Daily*, 18 July 2010. Mona reports that Sadig Al-Mahadi submitted the proposal to SPLM during Juba meeting. Also that the DUP leader, Osman Al Merghani lea welcomed confederation caution that it needs to be carefully studied first.

[68] "The interview of Dr. Turabi", with *Sharq Al-Awsath,* republished *in Akhbar Al-Youm Daily*, 11 November 2010, p. 7.

[69] Personal communication with organizers and reading their press release dated 25 October 2010.

Some analysts went as far as expressing deep doubts, though in good faith, about the practicality of South Sudan´s secession without making compromises in regards to sharing of oil revenue, and reaching a framework agreement on institutional cooperation with the North.[70]

This concern caused the head of AU High Level panel, President Thabo Mbeki to propose a confederation to the CPA partners as one of viable post-referendum options in the event of South Sudan´s secession by encouraging them to consider forming: "two independent countries which negotiate a framework of cooperation, which extends to the establishment of shared governance institutions in a confederal arrangement".

President Mbeki also reminded the NCP and the SPLM of the changing times, saying: "In the 21st century, the world has changed, and especially Africa has changed. No nation is an island sufficient unto itself. The African Union is itself an expression of the African continent's desire for integration and unity".

The US Secretary of State, Mrs. Hilary Clinton, warned the international community to do more in preparation for January 2011 and described the referendum process as a 'ticking time bomb', given that the outcome was more likely to be in favor of Southern secession. She prodded the South to agree some accommodation for the North to reduce the chances of a renewed conflict.[71]

President Barack Obama in his September 24 New York meeting of UN Security Council underlined his concern for Sudan's future when he said: "What happens in Sudan in the days ahead may decide whether a people who have endured too much war move towards peace or slip backwards into bloodshed. And what happens in Sudan matters to all of sub-Saharan Africa, and it matters to the world…".[72]

What's more, the Egyptian foreign minister made a proposal in November 2010 to two of the CPA partners (the SPLM and the NCP) to consider confederation in the event of Southern secession.[73]

The then UK Secretary for International Development, Mr. Andrew Mitchel, stressed in his visit to Sudan in November 2010 that he discussed with the government officials the importance of holding referendum on time and setting up "cooperative institutions after Southern secession".[74]

---

[70] Vertin, Zak: "Look Beyond January for Sudan", *International Crisis Group*, 29 October 2010. Vertin sees NCP to be striving to win concessions and that it would be short-sightedness if South fails to agree a solid framework for a peaceful post-referendum era. Asworth, *op. cit*, p. 19. Asworth concluded his comments on confederation as one of viable post-referendum options by saying: "At the moment southerners do not want to hear talk of anything but secession. However the possibility that an independent South Sudan may one day in the future want to form a confederation on equal terms should not be ruled out". See also Mc Hugh, *op. cit,* p. 9.

[71] Clinton, Hillary: "South Sudan referendum is 'time bomb'", *BBC News Afric*a, 9 September 2010, at http://www.bbc.co.uk.

[72] Kaufman, Stephen: "Obama Urges Sudanese Leaders to Embrace a Peaceful Future", *AllAfrica* , 24 September 2010, at http://www.AllAfric.com.

[73] "Egypt Proposes Confederation between North and South Sudan", *Almasryalyoum*, 3 November 2010, at http://Almasryalyoum.com.

[74] "UK To Assist in Demarcation of North-South Borders", *Sudan Tribune*, 9 November 2010, at http://www.sudantribune.com.

All this expressed concern demonstrates the importance the international community attached to post-referendum Sudan and how relationships could be managed in order to create two viable states.

6. The Economics of Secession and Implications for North and South Relations

Before South Sudan´s independence, seventy five percent of Sudan's 6 billion barrel proven oil reserves was found in the South. Transportation and sale of oil takes place through the North. Ninety eight percent of the revenue of the government of Southern Sudan came from oil revenue. When South Sudan seceded, the government of Sudan lost fifty percent of its oil revenue. There were 1.5 million Southerners with families living in the North. 6 million Northern nomads spent 8 months in a year in the South Sudan in search for pastures and water for their livestock. Unquantifiable number of South Sudanese travel to the North for medical treatment. There were a large number of Northern traders in the South. Northern Sudan needed South Sudanese labour in construction sector and other productive industries. At least fifty (50) percent of academic staff in Southern universities were Northern Sudanese.

What all this showed is that the economic interests between the North and the South were too intertwined to be sorted successfully by any system of political accommodation except through structured and institutional cooperation between the Northern and the Southern states.

7. General Discussion

This paper has tried to trace the evolution of confederation as a concept in Sudan- South Sudan political vocabulary with a view to renewing the debate on the topic. Most specifically, the paper has addressed itself to highlighting the reasons why confederation between Sudan and South Sudan has the potential of managing good relationships during the first few years of South Sudan´s transition to independence with a possibility to adopting it in the long-term. As Sudan and the international community prepared for referendum in January 2011, it became very apparent to all that agreeing on a number of post-referendum arrangements could speed up the process and could result in a more acceptable outcome for all, leading to recognition of the result if South Sudan independence vote.

The ruling party in the North (the NCP) was suspected to be playing delaying tactics in order to score as many concessions as possible from SPLM which is the ruling party in South Sudan and cosignatory to the CPA. Moreover, this author suspects that the NCP was reluctant to take full moral responsibility for splitting up of the country and thus is looking for a face-saving grace. On its part, instead of taking the lead in making the necessary compromises, SPLM was fearful of its political popularity and future in the South Sudan and hence decided to follow the public mood, wherever it might lead. That is, SPLM is did things right as oppose to doing the right things.

Moreover, confederation, as far as Southern opinion (SPLM included) was concerned, is akin to taking one step forward and two steps backward. This, in SPLM view, may unnecessarily be giving a moral victory to the NCP, which would likely jump up to the claim

of having won the 'battle for unity.' On the other hand, by dragging its feet in honoring the Hague ruling on Abyei's border and putting countless obstacles in the way of completing the referendum, the NCP succeeded in deepening mistrust and blowing away any chances for South Sudan to consider a confederate arrangement with the North. Given these seemingly insurmountable political obstacles, it appears at the surface as if the deadlock over Abyei will jeopardize future relation between the two countries.

Furthermore, the psychological scares for those who have been affected by South and North going their ways without proper institutional arrangements to resolve problems and address issues that are common in nature to the two Sudans, specially in transition zones, are too grave to calculate or quantify. For example, the Messyria tribe depends on the NCP to defend their interests. People of Nuba Mountains and Blue Nile states were thriving in the shadows of the SPLM protection. And when the SPLM uprooted and moved southwards, its protective shadows moved with it, thus jeopardizing the livelihood of those who depend on its presence in the union.

Yes, confederation gives some, albeit superficial moral victory to the NCP which it needs in order to save its face, but does not compromise the independence of South Sudan. On the NCP side, it should try to honor what it has agreed to without hesitation even if it has to take some hard decisions like what Ariel Sharon had to do with the Jewish settlers in the West Bank when he forcefully removed them to honor Israeli pledges to Palestinians. It would be instructive if this confederation is adopted initially for, say four years, after which its performance may be reviewed by the North and the South. It should be an internationally recognized pact and supported with guarantees. The cooperation agreement reached between South Sudan and Sudan in Addis Ababa on the 27th July 2012 if successfully implemented, could be a good starting point to push the relationship towards a confederate arrangement. And although the initial intention is to smooth the way to South Sudan independence, nothing will prevent the parties from developing it to any possibilities as they see it fit.

8. Conclusions and Recommendations

There is no slightest doubt that confederation is the missing link in Sudan's South Sudan post-referendum relations. It creates a win-win situation for all people of Sudan, with the South taking most out of it than it can do with separation-only paradigm. While allowing the South to satisfy long held yearning to determine its future, it does so without doing away with historical, economic, and cultural ties with the North. It also absorbs any adverse effects that would result from splitting Sudan after more than a century of coexistence with all its imperfections. An initial agreement or a guaranteed signal in that direction will go a long way in easing the rising tensions. The promised four freedoms the CPA parties have been touting and have been later included in Addis Ababa Agreement of September 2012, are better served under confederate arrangement. Thus, it rests on the international community to encourage Sudan and South Sudan to make a bold move towards striking a deal on future confederate arrangements.

If and when the parties move towards confederate arrangements, Sudan will be symbolically united; that is, united more by mutual interests as opposed to history, prestige, or birth rights. Practically, there will be two independent states cooperating and complementing each other's economies; each bringing into the union its comparable advantage.

OBAMA AND THE MIDDLE EAST, ROUND TWO

Dan Tschirgi[1]

The American University in Cairo

Abstract:

After years of diplomatic inertia, the seemingly endless Palestinian-Israeli "peace process" was given a new lease on life by the Obama Administration in the summer of 2013. Despite Washington's expressed desire during Obama's first term to "pivot" U.S. foreign policy toward Asia, the revived peace process, along with the Syrian crisis, Iran, and the "Arab Spring" combined to keep Washington focused on its longstanding traditional concerns in the Middle East. Unlike earlier periods, however, American public opinion today may be ready to support a president who seeks to salvage the goal of peace predicated on a two-state solution by directly challenging Israel's policy of promoting increased Jewish settlement construction on occupied Arab lands.

Keywords: Obama, Two-state solution, Peace process, Arab Spring, U.S. public opinion, Palestine, Israel, Netanyahu.

Resumen:

Tras años de inercia diplomática, el aparentemente interminable "proceso de paz" Palestino-Israelí recibió un nuevo empujón por parte de la Administración Obama en el verano del 2013. A pesar del deseo expresado por Washington durante el primer mandato de Obama de girar la política exterior de los EEUU hacia Asia, el proceso de paz reavivado, junto con la crisis Siria, Irán y la "primavera árabe" se han conjurado para que los EEUU mantengan su interés en las tradicionales preocupaciones ligadas al Medio Oriente. En contraste con periodos anteriores empero, la opinión pública estadounidense hoy en día puede estar dispuesta a apoyar a un presidente que persiga lograr el objetivo de un acuerdo de paz basado en una solución en dos estados desafiando directamente la política exterior de Israel de promover la construcción de asentamientos en las tierras árabes ocupadas.

Palabras clave: Obama, solución en dos estados, proceso de paz, primavera árabe, opinión pública de los EEUU, Palestina, Israel, Netanyahu.

---

[1] Professor of Political Science, The American University in Cairo. Portions of this paper were written while Dr. Tschirgi served as Visiting Professor of Political Science at Istanbul's Kadir Has Universitesi.

1. Introduction

On Tuesday, July 16, 2013, the European Union, following "guidelines" adopted in late June by its Executive Commission, announced that financial assistance to Israeli organizations operating in the occupied territories would be barred as of 2014. The decision blocked a variety of forms of assistance, including grants, loans, and prizes, and was—according to one EU official—explicitly taken to signal the 28-member international organization's "frustration with [Israel's] continued settlement expansion."[2]

Three days later, U.S. Secretary of State John Kerry unexpectedly announced to reporters in the Jordanian capital of Amman that Israel and the Palestinian Authority had agreed to resume negotiations toward a definitive settlement after a years-long hiatus in the peace process.[3] By Sunday, the 21st, rumors, reports, and credible sources in the Middle East were casting serious doubt on Kerry's initial claim.[4] Former Israeli foreign minister Avigdor Lieberman declared on Facebook that there was "no solution to the Israeli-Palestinian conflict, at least not in the coming years… what's possible and important to do is conflict-management."[5] On the other hand, Hamas, the ruling Palestinian group in Gaza, predictably branded any participation in negotiations a "betrayal."[6] At the same time, spokesmen associated with the (West Bank) Palestinian Authority insisted that no firm decision had been taken on the question of resuming direct contacts with the Israelis.[7]

In contrast, key members of the dominant Israeli and Palestinian "establishments" supported John Kerry's originally optimistic announcement. Israeli Prime Minister Benjamin Netanyahu told his cabinet that a resumption of the peace process was "a vital strategic interest of the state of Israel." At the same time, Israeli President Shimon Peres praised his Palestinian counterpart's decision to return to the negotiations and encouraged him to ignore the skeptics in the Palestinian camp, saying "you did the right thing."[8]

Last summer's events proved particularly significant for a presidency that has still not clarified the role to be played by the Middle East in the administration's second term, a question of special significance in light of Obama's declared hope of re-focusing foreign policy in order to allot Asia a greater share of official attention.

If a clear and purposeful U. S. foreign policy is to emerge during Obama's second term, major steps must soon be taken to determine whether events in the Middle East will permit even a minimal effort to reorient the established priorities of Washington's approach to foreign policy. The region's fast moving developments—including the UN General Assembly's decision in late November, 2012 to grant Palestine the status of a non-member observer state, and another Gaza Strip crisis that same month, as well as Egypt's counter-revolution in the summer of 2013, and, of course, the events on the diplomatic front of last

---

[2] Croft, Adrian and Fisher-Ilan, Allyn: "EU Bar on Aid to Israelis in West Bank Stokes Israeli Anger", *Reuters Online,* 16 July 2013,
at www.reuters.com/.../us-israel-settlements-eu-idUSBRE96F0OM2013071...
[3] "Kerry Says Israel, Palestinians to Meet to Work Out Final Details for Relaunching Peace Talks", *Associated Press,* July 19, 2013, at http://www.nydailynews.com/news/politics/kerry-israelis-palestinians-meet-week-washington-...
[4] Sherwood, Harriet: "Israeli-Palestinian peace talks' resumption put in doubt by both sides," *The Guardian*, July 21, 2013, at http:// www.guardian.co.uk/world/2013/jul/21/israel-palestinian-peace-talks-doubt.
[5] *Ibid.*
[6] *Ibid.*
[7] *Ibid.*
[8] *Ibid.*

July and August related to Syria, make it doubtful that a second-term Obama Administration will enjoy a respite in which to explore "reorientation" options.[9]

2. Washington: Reorienting Foreign Policy Priorities?

The November, 2011 issue of *Foreign Policy* carried a seminal article by then Secretary of State Hillary Clinton proudly proclaiming "America's Pacific Century." Ms. Clinton noted that the United States had arrived at what she called "a pivot point."[10] The title's possessive hubris telegraphed the piece's main thrust: given that "the Asia-Pacific has become a key driver of global politics," Mrs. Clinton wrote, "one of the most important tasks of American statecraft over the next decade will…be to lock in a substantially increased investment— diplomatic, economic, strategic and otherwise—in the Asia-Pacific region."[11] She devoted much of the article to warning against those who "seek a downsizing of our foreign engagement in favor of our pressing domestic priorities." Although conceding that such views were "understandable," she charged they were "misguided." The truth, she added, was that those "who say that we can no longer afford to engage with the world have it exactly backward—we cannot afford not to."[12]

Reaction to Clinton's article was immediately forthcoming, and has not subsided to this day. Harvard's Joseph S. Nye concluded that Obama was "right to 'pivot' American foreign policy toward East Asia" because the move sent the right message to China while avoiding further friction with Japan.[13]   On the other hand, the editorial staff of the online political publication *"This Week,"* worried that "Obama is probably moving too fast to extend military ties to eager-but-unsavory governments in Myanmar, Laos, Cambodia and Thailand."[14]   In contrast, UCLA political geographer John Agnew employed a critical geography framework to utterly dismiss Hillary Clinton's claim that US foreign policy was "pivoting" to the Asia-Pacific region.[15] He flatly asserted that the "idea of a pivoting of US foreign policy from the trans-Atlantic to the Asia-Pacific …makes no sense."[16] Agnew warned against "beguiling metaphors and terms such as "pivoting" that provide the simple language and sound bites that are the stock-in-trade of contemporary politics. Like advertising jingles, they bamboozle even was they seem to clarify."[17]

There is much to commend Agnew's critique. The inherent implication of the pivoting metaphor—that the US ignored the Asia-Pacific in foreign policy considerations—is patently false. With the exceptions of Iraq and Afghanistan, every major international conflict in which

---

[9] See Clinton, Hillary: "America's Pacific Century", *Foreign Policy*, November 2011, at http://www.foreignpolicy.com/articles/2011/10/11/americas_pacific_century.

[10] *Ibid.*

[11] *Ibid.*

[12] *Ibid.*

[13] Joseph S. Nye, "A Pivot That is Long Overdue", *New York Times*, November 21, 2011, at http://www.nytimes.com/roomfordebate/2011/11/21/does-the-us-need-troops-in-australia/marines-in-australia-its-about-time.

[14] "Obama's second term: The case for pivoting to Asia," *The Week*, November 20, 2012, at http://theweek.com/article/index/236664/obamas-second-term-the-case-for-pivoting-to-asia.

[15]   Agnew, John: "Is US Security Policy 'Pivoting' from the Atlantic to Asia-Pacific? A Critical Geopolitical Perspective," Dialogue on Globalization, *Friedrich Ebert Stiftung*, September, 2012, at http://library.fes.de/pdf-files/iez/global/09318.pdf.

[16] *Ibid.*, p. 8.

[17] *Ibid.*, p. 5.

the US has engaged since the Spanish-American War—including World Wars I and II, the Korean War, and Vietnam—has seen American troops involved in combat in Asia. Moreover, the degree of the US military, economic, political, and cultural investments linked to the region resulted from policies that had been consciously pursued by administrations long antedating Obama's so-called "pivot."

Looked at carefully, the text of Hillary Clinton's 2011 article is a curious combination of misdirection, hyperbole, and factual assertion. Misdirection comes at the article's outset, in the first sentence, in which Clinton claims that the United States "stands at a pivot point."[18] A few pages later, however, she offered the following—hardly contentious—justification for an Asian-Pacific orientation to US foreign policy:

By virtue of our unique geography, the United States is both an Atlantic and a Pacific power. We are proud of our European partnerships and all that they deliver. Our challenge now is to build a web of partnerships and institutions across the Pacific that is as durable and as consistent with American interests and values as the web we have built across the Atlantic. That is the touchstone of our efforts in all these areas. [19]

Jean-Loup Samaan, a Middle East expert in NATO's Defense College, offers a sober and balanced view of Obama's purported "pivot":

Despite all the talks of a US shift to Asia, the efforts of the Obama administration have lately been dedicated to Middle Eastern crises. The diplomatic agenda of the last months is revealing: last November, in her last days of Secretary of State, Hillary Clinton had to postpone a scheduled visit to Asia to go to Israel to seek truce after the Israeli operation "Pillars of Defense" in retaliation to rocket strikes by Palestinian factions in the Gaza Strip. The first key decision of her successor, John Kerry, was not directed at the Pacific theater but was a pledge for US commitment to provide non-lethal aid to the Syrian opposition amounting to $60 million. Additionally, Chuck Hagel, freshly nominated as Secretary of Defense after a long controversy in Congress regarding past positions on US-Israel, met …his first foreign counterpart: Ehud Barak, Defense Minister of Israel. In fact, during his hearing at the Senate, Hagel evoked Israel 136 times in the hearing and Iran 135 times. Conversely, China was barely mentioned. [20]

Mrs. Clinton's article notwithstanding, it appears that the new Obama administration will have no choice but to confront the perilous problems rooted in the Middle East.

3. The Middle East as a Problem

For Washington, the problematical nature of today's Middle East stems from two issues: the various events linked to the so-called Arab Spring, and—on the other hand—the perennial problem of Palestine.

The late political sociologist David Apter once wrote that the study of modernization brings one's attention back to "first principles," both analytic and normative. Apter claimed

---

[18] Clinton, *op. cit.*
[19] *Ibid.*
[20] See Samaan, Jean-Loup: 'US Locked into the Middle East', *Al Monitor,* 13 March 2013, at http://www.al-monitor.com/pulse/originals/2013/03/us-pivot-asia-middle-east-crises-obama-kerry-aid-syria.html.

the challenge of studying "modernization"—or what is now called "development"—mainly lay in determining how we might learn something about the flow of history and its moral significance. [21] These large issues are essentially philosophical and not amenable to scientific inquiry. It is necessary to recall this point as we look at today's Arab world.

For two solid years, the central feature of Middle East politics has been the so-called "Arab Spring," the generalized series of political upheavals currently wracking the region. The roots of the problem can be traced to the area's recent history. As Ibrahim Elnur writes:…sixty years of postcolonial authoritarianism in the Middle East was instrumental in eroding old forms of political associations and platforms. Under the forms of government that prevailed during those six decades, governmental authority based on political patronage was characterized by expanded access to basic needs, including education and health. But that same authority also served to build up and maintain a form of crony capitalism that was cultivated carefully through selected interaction with an increasingly globalized world.[22]

The process Elnur describes took time, allowing at least two generations to experience its full effects. The slow rate of change permitted immediate circumstances to affect the central economic dynamic Elnur outlines. Thus, depending on local conditions, ethnic, regional, tribal, sectarian, and, ultimately, ideological (secular/religious), fault lines colored the progression that led to the Arab Spring. This insidious process eventually undermined social cohesion.

In addition, the nature of the patronage package changed over the years. Essentially, the initial formula was similar throughout the region, produced by a context that saw citizens accept non-participatory political roles in exchange for tangible benefits. The basic problem was that the resulting authoritarian systems became victims of their own success. Rising expectations among the general populations and the early successes of increased health care and social services eventually fueled a negative dynamic. It was not long before the poorer societies of the region were forced to modify existing patronage systems. Thus, for example, Egypt, with the Arab world's largest population and a relatively weak resource base, found itself forced to drastically limit the regime's commitment to guarantee full employment by the late 1970s.[23] At the same time, Egypt's government had to witness a steady decline in the quality of state-sponsored educational and social welfare programs to levels that were often only third-rate mockeries of models copied from abroad. Forty years later, even the oil-rich rentier societies of the Gulf—including Saudi Arabia, Bahrain, and Kuwait—also faced the problem of restructuring their patronage packages.[24]

The problem of education was central to the unproductive course of the Arab world's development. Under the impact of population growth, its role as an avenue to social mobility rapidly collapsed. Coupled with the stark reality of growing unemployment and the existence

---

[21] Apter, David E. (1965): *The Politics of Modernization*, University of Chicago Press, pp. 5-6.

[22] Elnur, Ibrahim (2013): "The Implosion of Political Patronage Regimes in the Middle East," in Dan Tschirgi, Walid Kazziha, and Sean McMahon, *Egypt's Tahrir Revolution*, Boulder, CO and London, UK: Lynne Rienner Publishers, p. 131.

[23] Binzel, Christine: "Decline in Social Mobility: Unfulfilled Aspirations among Egypt's Educated Youth", IZA DP No. 6139, November 2011, p. 8, at http://ftp.iza.org/dp6139.pdf.

[24] Forstenlechner, Ingo and Rutledge, Emilie: "Unemployment in the Gulf: Time to Update the "Social Contract", at http://www.mepc.org/journal/middle-east-policy-archives/unemployment-gulf-time-update-social.

of fossilized authoritarian political systems, the region's "youth bulge" set the stage for the Arab Spring's 2011 eruption.[25]

The first events of the Arab Spring were played out in Tunisia and Egypt. Initially, they were produced by the disaffected educated youth of both countries. As time went on, however, the demand for democracy led to the victory of Islamist groups. Tunisa came under the sway of the El Nahda Party in 2011, while in the summer of 2012, Egypt found itself under a parliament in which Islamists—the   Muslim Brotherhood and various Salafi parties—held over 65% of the seats. The spreading popular upheavals soon engulfed Jordan, Bahrain, Yemen, Libya, and Syria. What these events "have unleashed is a complex set of reconfigurations and reinventions that are likely to yield an untidy blend of old and new".[26] Egypt's counter-revolution was played out in in the summer of 2013, and provided a compelling example of the uncertainties generated by the region's turmoil.

But the ongoing problems of the Arab world are best symbolized by the ferocity of Syria's civil war. The country's authoritatian president, Bashar al-Assad, can only label his opponents "traitors" and "terrorists." On the other hand, the multi-faceted opposition forces, among which Islamist militants are playing an ever-growing role, refuse to consider any solution that does not entail al-Assad's removal from office. The viciousness and inflexibility marking all sides in the conflict is linked to its character as a struggle over the definition of Syrian identity. At the same time, of course, what may have begun as a civil war soon metamorphosed into a far more complex issue as it became internationalized, turning into "a regional   proxy war…within the territorial limits of the Syrian state." [27] The primary protagonists in the Syrian conflict have actually become Iran, the Arab Gulf states, and the latter's allies.

The fundamental question of identity lies at the root of the various conflicts that collectively form the Arab Spring. Each of the societies experiencing it has also undergone forms of what might be termed "arrested" or "distorted" development, caused by historical circumstances which constrained their socio-political options.

From the outset, Washington exhibited deliberate caution in its reaction to the Arab Spring. To date, this approach has remained definitive. Notwithstanding the object of policy—whether Tunisia, Egypt, or any other polity—the administration's response has been cautiously formed, and carefully formulated. Above all, it has—at least until very recently--been careful to avoid excessive commitment.[28]

---

[25] See, for example, Stanojević, Nataša: "Social and Economic Implications of Demographic Trends in the Region of the Near East and North Africa", *Megatrend Review*, vol. 2, no.2 (2005), at http://www.megatrendreview.com/files/articles/003/e06-Stanojevic.pdf; and Mirkin, Barry: "Population Levels, Trends and Policies in the Arab Region: Challenges and Opportunities," United Nations Development Programme, Regional Bureau for Arab States, Arab Human Development Report, *Research Paper Series,* (2010), at http://www.arab-hdr.org/publications/other/ahdrps/paper01-en.pdf

[26] Shokr, Ahmad: 'Reflections on Two Revolutions', *MERIP*, no. 265 (Winter 2012), at http://www.merip.org/mer/mer265/reflections-two-revolutions; Although Shokr's descriptive phrase was originally applied only to Egypt, I believe it can be validly applied to the Arab Spring as a whole.

[27] McMahon, Sean: "Syria's Two Years Crisis: 2011-2013", Lecture Delivered at the American University in Cairo to the Model Arab League, September 17, 2013.

[28] Tschirgi Dan: "The United States and the Tahrir Revolution," in Tschirgi, Dan; Kazziha, Walid and McMahon, Sean F. (eds.) (2013): *Egypt's Tahrir Revolution*, Boulder, CO and London, Lynne Rienner Publishers, pp. 233-54.

The most to be hoped for a second Obama administration is that it will manage to replicate this difficult achievement. The hard but unavoidable truth is that the Arab Spring can only be defined as a "Developmental Crisis." Such a phenomenon is unique as an issue affecting an entire region of the world. Moreover, it also presents a singular challenge for all external actors having to formulate policies toward the region.   The prolonged and fruitless hand-wringing of all major non-Middle East states in reaction to Syria's plight is the most obvious case in point.

4. The Palestine Issue

It is a supreme irony that the second issue confronting the Obama II administration in the Middle East today is of a far simpler order of complexity than the Arab Spring. For decades, the Palestine problem was billed as the world's quintessential political dilemma. The familiar theme of a tragic clash between two equally justifiable positions was raised and re-raised over the decades, particularly after the 1967 War's outcome dealt a virtual death blow to propagandistic imagery of an outgunned Israel bravely defending itself against malevolent Arab aggressors.

In the 1970s, Egypt broke ranks with the Arab world and embarked on the series of diplomatic maneuvers that culminated in its 1979 Peace Treaty with Israel.   In due course, this was followed by the Israel-Jordan Peace Treaty of 1994, along with a visible relaxation of the Arab world's rejection of the Jewish State.   In 1993, the Oslo Process appeared to have finally penetrated the barrier of implacable hostility that had divided Arabs and Jews in Palestine since the early years of the Twentieth Century. Predicated on the idea of an ultimate two-state solution, Oslo led to Palestinian self-government through the Palestinian National Authority in the occupied territories.

With that, the Palestine issue returned full circle to its original nature as a clash between Zionists and Palestinian Arabs. However, the two decades since the Oslo Process' launching have seen little movement toward a two-state solution. This result has been partly due to the rise of Israel's right wing and the corresponding political eclipse of that country's more liberal tendencies. It was also the result of Palestinian leader Yasser Arafat's stubborn determination to refuse opportunities to compromise prior to his death in 2004.[29]

In 2001, Palestinian and Israeli negotiators at the Egyptian town of Taba came soclose to reaching agreement on the modalities of a two-state solution that Israeli Foreign Minister Shlomo Ben Ami exuberantly told reporters "We can say we have the basis for an agreement, which can be implemented and achieved after the elections in Israel." [30] Ben Ami spoke too soon. Israel's 2001 elections toppled the Labour government of Ehud Barack and led to the

---

[29]   The White House became very active in peacemaking, hosting the Camp David Summit of 2000 and continuing to promote a settlement right to the end of Clinton's term in January, 2001. Clinton's efforts culminated in the Taba Summit of January 21-January 27, 2001, which marked the collapse of the US peacemaking   drive   (See,   Plen,   Esther: "Middle   East   Peace   Plans   Background,"   CFR,   at http://www.cfr.org/israel/middle-east-peace-plans-background/p7736; See also, Jewish Virtual Library: "The Clinton Parameters," January 7, 2001, "Excerpts of U.S. President Bill Clinton's Remarks to the Israeli Policy Forum   on   Israeli-Palestinian   Violence   and   His   Proposals   for   a   Peace   Accord",   at http://www.jewishvirtuallibrary.org/jsource/Peace/clintplan.html.
[30] "Mideast Negotiators Want to Continue Talks After Israeli Elections", *CNN.Com*, January 27, 2001, at http://archives.cnn.com/2001 WORLD/Mideast/01/27/Mideast.02/index.html.

Likud government of Ariel Sharon, a man already on record saying he would not honor any agreement that might be reached between Barack's negotiators and the Palestinians.

The next decade or so saw a string of right-wing Israeli governments, none of which viewed the possibility of a two-state solution with enthusiasm. Ariel Sharon whose government ruled from 2001 to 2006, until a stroke ended his political career, seemed to have had a change of heart in the final months of his active political life, for he founded a new party—Kadima—and apparently hoped to lead it to victory on a platform that would have supported some version of a two-state solution. Ehud Olmert assumed Sharon's responsibilities after the fateful stroke and then became Prime Minister in his own right, presiding over a government from 2006 to 2009. Finally, there was Benjamin Netanyahu, who clung to the original right wing option, the Likud Party, and is again Israel's leader today. Each of these leaders presided over policies that progressively expanded the range of Israeli settlements on occupied Arab territories.

By late 2012, Israel's increasingly aggressive settlement policies had so alienated international opinion that they helped produce the overwhelming U.N. General Assembly vote (138 – 9) that raised the Palestine delegation's status to a "non-member state observer." In the days just prior to the November 29, 2012 General Assembly vote, British foreign minister William Hague called "on the United States to show the necessary leadership…because they have crucial leverage with Israel…" He went on to note "we're coming to the final chance maybe for a two-state solution for the Israeli-Palestinian conflict," echoing a point also made earlier to the General Assesmbly by Palestinian leader Mahmoud Abbas.[31] Hague's own government proceeded to cast one of the forty-one abstentions in the vote over upgrading the Palestinians' status.

Having won his re-election bid—despite Netanyahu's obvious preference for his Republican rival—Barak Obama prepared to make an official visit to Israel early in his second term. He went in the latter part of March, 2013. The full text of the president's speech to a largely young audience in Jerusalem's Convention Center on March 21 was run in the New York Times. It makes for fascinating reading. On one level, it was clearly a paean to Israel and virtually all things Israeli. On others, however, it seemed intricately constructed, multi-layered and often pregnant with unstated meanings. In part, the discourse called on young Israelis to protect Israel's long-term security by supporting the two-state option, in part the speech also appealed to Israelis' sense of fairness, asking them to put themselves in Palestinians' shoes, and in part it also held out the possible economic benefit of future Israeli-Palestinian cooperation. At the same time, the speech could also have been understood as Obama's apology to history for having failed to fight for the two-state solution.

On the whole, though, Obama's address was received as a ringing endorsement of the existing relationship between the United States and Israel. As discussed in the following section, strong grounds exist for questioning Obama's failure to challenge the Netanyahu government directly over its devastating assault on the two-state solution. In the meantime, though, it will be useful to look a bit more closely at Obama's March 21 Jerusalem speech.

---

[31] Aronson, Geoffrey: "The Occupation Returns to Center Stage," Foundation for Middle East Peace, *Settlement Report*, Vol. 22, no. 6 (November-December, 2012), p. 1., at http://www.fmep.org/reports/archive/vol.-22/no.-6/the-occupation-returns-to-center-stage; See: "Full Text of Mahmoud Abbas's Speech to the UN General Assembly, November 29, 2012", *The Times of Israel*, November 29, 2012, at http://www.timesofisrael.com/full-text-of-mahmoud-abbass-speech-to-the-un-general-assembly-november-29-2012/.

The art of politics is that of incorporating power-relations into the body of human interactions. At the outset of his speech Obama made light of the well-known frictions that had long marred his personal relations with Benjamin Netanyahu by referring to a popular satirical Israeli television show:

…I—I want to clear something up, just so you know: any drama between me and my friend Bibi over the years was just a plot to create material for Eretz Nedheret. That's the only—only thing that was going on. We just wanted to make sure the writers had good material. [32]

Having reassured the audience that all was well between "Bibi" and himself, Obama moved on to more substantial issues. He was very clear that his administration remained committed to a two-state solution: "Negotiations," he said, "will be necessary, but there's little secret about where they must lead: two states for two peoples—two states for two peoples." [33]

Obama suggested no means for persuading Israel to pursue this goal other than the good-hearted idealism of some of those in his youthful audience. On relations between the United States and Israel, Obama offered a dynamic vision, one that left room for change. It might—though with difficulty—be argued that in the following passage Obama left himself some room for flexibility by suggesting that not all change in the relationship would necessarily be positive:

But the source of our friendship extends beyond mere interests….We are governed not simply by men and women but by laws. We're fueled by entrepreneurship and innovation, and we are defined by a democratic discourse that allows each generation to reimagine and renew our union once more. So in Israel we see values we share, even as we recognize what makes us different. [34]

On a different tack, Obama used Ariel Sharon's own words to remind his audience of the view Sharon developed late in his career:

"It is impossible to have a Jewish, democratic state and at the same time to control all of Eretz Israel. If we insist on fulfilling the dream in its entirety, we are liable to lose it all." [35]

The president only raised the issue of power twice during his speech, but did so in two consecutive sentences that contrasted Israel's status as "the most powerful country in this region" with America's stature as "the most powerful country in the world." [36] Any reading of the remarks must reveal them for what they were: a pointed reminder of the power differential between Israel and the United States. Moreover—while many who heard the speech would probably say that it indicated "unconditional support" for Israel, the president went out of his way to deny that interpretation. In his own mind, then, he saw himself as expressing sympathy and support, but only limited support:

[32] "Transcript of Obama's Speech in Israel", *New York Times*, March 21, 2013, at http://nytimes.com/2013/03/22/world/middleeast/transcript-of-obamas-speech-i...
[33] *Ibid.*
[34] *Ibid.*
[35] *Ibid.*
[36] *Ibid.*

…politically…the easiest thing for me to do would be to put this issue aside, just express unconditional support for whatever Israel decides to do. That would be the easiest political path. [37]

Finally, near the end of his talk, Obama turned to what was earlier suggested might be seen as an "apology", or explanation, to history and to the Palestinian people:

…as a politician, I can promise you this: Political leaders will never take risks if the people do not push them to take some risks.

It takes little imagination to see how Obama's personal situation at the outset of his second term would have allowed—perhaps almost forced—him to relate to these words at a very gut-wrenching level.

So, what did the president's Jerusalem address accomplish? On the one hand it seems to have effectively repaired, at least for a while, the strained relationship between the Obama administration and Israel's current government. It also effectively placed the United States—once again—on record as supporting a two-state solution in Palestine and opposing Israel's settlement policies as counterproductive to the cause of peace. It also strongly suggested that the Obama administration would be pleased to see a change in Israel's settlement policies brought on by the activism of Israel's youth. Then too, Obama managed to get on record his explanation, or apology, for not having confronted Netanyahu's obstructionist approach to the two-state goal. Finally, the speech reinforced Washington's commitment to Israel's security, going so far as to have the president pledge in Hebrew, "so long as there is a United States of America, 'Ah-tem lo lah-vahd.' You are not alone." [38] But it had also indicated quite clearly that Obama did not think he was extending unconditional support to the Jewish State.

From a perspective that views the Israeli public as still deeply traumatized by the Holocaust, the solicitude Obama demonstrated for Israel's security fears makes sense. Under the influence of this paradigm, Israel's insecurity elicits sympathy and understanding. In time, the thinking goes, Israel will normalize and it may then be treated as a state which understands that security can never be absolute. Other perspectives are not so charitable. Many observers see Israel's policies as not springing from the traumatic experiences of past generations, or, at best, as being only partly generated by them. In this view, trauma has in effect long since been supplemented, if not supplanted, by less sympathetic motivations, among which are ideological fanaticism, racism, and simple short-sightedness combined with the arrogance of power.[39]

Americans should be alarmed by the ease with which Washington has committed them to support a government such as Netanyahu's, which seems to care not at all how much

---

[37] *Ibid.*

[38] *Ibid.*

[39] On "ideological fanaticism," see the 1987 article by Rosemary Ruether, Georgia Harkness Professor of Theology at Garrett-Evangelical Theological Seminary in Evanston., Ohio, **"**Invisible Palestinians: Ideology and Reality in Israel," which originally appeared as an article in *The Christian Century*, July 17, 1987 and now can be found online at http://www.religion-online.org/showarticle.asp?title=1026   On racism, see Prusher, Ilene: "Let's Face It: Israel has a Racism Problem," *Ha'aretz,* April 16, 2013, at http://www.haaretz.com/blogs/jerusalem-vivendi/let-s-face-it-israel-has-a-racism-problem.premium-1.508926; on "short-sightedness", see Kashmeri, Sarwar: "Time Running Out As Israel Cuts the Grass," at http://www.huffingtonpost.com/sarwar-kashmeri/us-israel-policy_b_2161000.html; on "arrogance of power", see Noam Chomsky's interview with Al-Mufti, Nermeen: "The Arrogance oOf Power", *Al Ahram Weekly*, Aug. 17-23, 2006, at http://weekly.ahram.org.eg/2006/808/re701.htm.

hostility it generates in the Muslim world. Israel's practices in the occupied territories—the rampant new construction of settler facilities, the frequently tolerated acts of settler violence against Palestinians' property and persons, and the wide array of legal restrictions impinging on Palestinians' daily life—have all mightily contributed to the widespread sense of grievance among Arabs of all religions in the Muslim World. [40] On the whole, Europeans have long been acutely aware of this and have wisely moved to distance themselves from Israel, and particularly from that country's leading right-wing elements. In contrast, the United States, at least until now, has been slow to recognize the danger of too close an association with the Jewish state.

In early December, 2012, following the UN General Assembly's modification of Palestine's status and the Israelis' furious reaction, Peter Beinart published an article in Newsweek indicating that unnamed   "senior officials within the administration" were predicting that the Obama team would adopt a new approach to the Palestine issue in its second term: "Benign Neglect." [41] According to one official, the new approach hinged on the notion that "the tide of global opinion is moving [against Israel]." This led the official to the conclude that "America's 'standing back' is actually 'doing something.'" The strategy's full logic is that the United States should now stand back and let the rest of the world do the confronting, for: once Israel feels the full brunt of its mounting international isolation, its leaders will be scared into changing course.[42]

"To some outside observers," notes Beinart, "it all sounds too clever by half." He goes on to point out that one critic, former U.S. ambassador to Egypt and Israel, Daniel Kurtzer, maintains that so long as Washington continues to "protect Israel from prosecution at the International Criminal Court, Netanyahu won't suffer enough internationally to reconsider his ways." [43] Others charge the president is simply motivated by cowardice, and fears to confront Israel and its well organized supporters in the United States.[44] If Obama's recent visit to Israel was a product of the administration's "Benign Neglect" approach, its limitations are glaringly evident.

5. What Now? The Rest of the Obama Era

Should Beinart's theory of Benign Neglect pan out, the rest of Obama's second term promises to be bleak for peacemaking efforts in Palestine. The president left himself very little "wiggle room" in his Jerusalem speech. Beinart's appraisal of the administration's new approach as being "too clever by half" may not only turn to have been correct, but also the most appropriate epitaph for the two-state solution.   Benign Neglect seems, to say the least, very unlikely to sway Netanyahu into abandoning his determined effort to devour the West Bank.

Presuming that tensions with Iran remain more or less static, the remainder of Obama's tenure will therefore probably be marked by intermittent quarrels between Washington and Jerusalem over Israeli policy-makers' efforts to increase the numbers of Jewish settlements in

---

[40] See FMEP Reports; see also http://www.fmep.org/about.
[41] Beinart, Peter: "Why Obama Will Ignore Israel", *Newsweek*, Dec. 10, 2012, at
http://www.thedailybeast.com/newsweek/2012/12/09/why-obama-will-ignore-israel.html.
[42] *Ibid.*
[43] *Ibid.*
[44] *Ibid.*

the occupied Arab territories or to expand existing ones. The precedent set by Obama in his Jerusalem speech suggests a predictable pattern: the Obama Administration will express verbal disapproval, and perhaps even condemnation, of Israel's practical steps to strengthen its settlers' presence on the West Bank, but will take no effective action to influence the Jewish state's policies. In turn, this will probably lead to a prolongation of the current situation, including recurrent clashes between Israel and the Hamas regime in Gaza with the attendant danger of a spiral of violence spinning beyond the control of any actor. If Obama succeeds in kicking the ball down the road, he will bequeath the same problem to a successor, complicated by the additional time Israel will have gained to incorporate settlements into its national system.

On the other hand, it is not yet totally impossible for Obama to reverse his position and commit himself to rescuing the two-state solution. Although there is but a small chance of this—and one that will rapidly diminish as his second term unfolds—the president did manage to squeeze into the March 21 Jerusalem speech sufficient qualifications to reverse himself. In the unlikely event that this were to occur, history, as well as changes in American public opinion, may carry useful lessons for navigating the tricky currents of White House-Israeli relations.

In 1944, at a time when the acerbic American Zionist leader Abba Hillel Silver had come close to entering into a direct confrontation with President Franklin D. Roosevelt, the moderate Zionist leader Dr. Nahum Goldmann cautioned his colleagues on the American Zionist Emergency Council in these stark words:

Antagonizing the president of the United States is a serious matter.... If this fight…and this policy of attacking the Administration is continued it will lead us—and I choose my words very carefully—to complete political disaster.[45]

A key feature of the American political system is what Theodore Roosevelt once called the "bully pulpit," the office of the presidency's power to manufacture, and appeal to, public support for White House policy preferences. It was this powerful weapon that President Dwight D. Eisenhower employed to force a very reluctant Israeli Prime Minister, David Ben Gurion, to order the withdrawal of Israeli troops from Egypt's Sinai Peninsula following the 1956 Suez War. Failing to find congressional support for for his demand that Israel pull back from the occupied Egyptian territory, Eisenhower brought his case directly to the American people. His stand led to Israel's departure from the Sinai the following month. In a major television and radio speech to the American public on February 20, 1957, Eisenhower rhetorically asked and answered one major question:

Should a nation which attacks and occupies foreign territory in the face of United Nations disapproval be allowed to impose conditions on its own withdrawal? If we agreed that armed attack can properly achieve the purposes of the assailant, then I fear we will have turned back the clock of international order.[46]

---

[45] Cited in Schechtman, Joseph B. (1966): *The United States and the Jewish State Movement*, New York, Herzl Press, p. 83; See also Tschirgi, Dan: "The Context of Israeli-Palestinian 'Final" Negotiations," *UNISCI Discussion Papers*, no. 26 (May, 2011), p. 18, at
http://www.euromesco.net/index.php?option=com_content&view=article&id=1731%3Athe-context-of-israeli-palestinian-final-negotiations-&catid=88%3Amembers-publications&Itemid=79&lang=en.

[46] "Eisenhower's Radio and Television Address to the American People on the Situation in the Middle East", *Jewish Virtual Library*, February 20, 1957, at
http://www.jewishvirtuallibrary.org/jsource/History/ikewarn1.html.

The bully pulpit was also the same weapon that years later—in 1977—another American president, Jimmy Carter, refused to use when he clashed with Israeli Defense Minister, Moshe Dayan, much to the distress of National Security Advisor Zbigniew Brzezinski. On that occasion, the issue involved plans for a general peace conference in Geneva. Brzezinski, along with Secretary of State Cyrus Vance and Israeli Ambassador Simcha Dinitz, was in the New York hotel room where the events unfolded. Brzezinski recalls the encounter in these words:

Dayan in effect blackmailed the President…at one instance, Dayan said, 'We need to have some agreed formula, but I can go to Israel and the American Jews. I have to say there is an agreement and not a confrontation.' To which the President replied, 'We might have a confrontation unless you are willing to cooperate. But a confrontation would be very damaging to Israel and to the support of the American public to Israel.'

....In the end, we got a compromise statement [Carter] was quite tough; but he didn't go far enough, in my judgment, to indicate that if challenged he would go to the country and there would be an all-out confrontation.[47]

Public opinion in the United States is now clearly no longer as reflexively pro-Israel as it was once. Alvin Richman, formerly an analyst of public opinion with the State Department and the US Information Agency, and now a private consultant, produced a paper in 2010 entitled "Attitude Factors in the Search for Israeli-Palestinian Peace: A Comprehensive Review of Recent Polls."[48] Richman's careful analysis reinforces the case that Obama might have successfully confronted Israel's right wing government.

While a significant majority of Americans retain their long-established preference for Israel rather than Palestinians (63% to 15%), "most ...prefer that the U.S. not take sides in the Israeli-Palestinian conflict."[49] When World Public Opinion. Org asked "which side the U.S. should take" in the Israeli-Palestinian conflict, "a majority of those replying said the U.S. should not take either side (71%), compared to 21% who wanted the U.S. to take Israel's side and 3 percent take the Palestinians' side."[50]

Since 1994, Gallup Polls have "consistently shown that Americans predominantly favor the establishment of an independent Palestinian state on the West Bank and the Gaza strip."[51] This is in keeping with earlier studies of U.S. public opinion. Polls taken by the Program on International Policy Attitudes (PIPA) going back to 2001 found a solid majority of Americans (77%) supporting the idea of a Palestinian state. [52] Earlier polls further established two major additional aspects of public opinion in the United States. The first was the 2003 Gallup finding that Americans overwhelmingly (87%) considered resolution of the Palestinian-Israeli conflict as an "important goal" for U.S. foreign policy.[53] The second finding of polls taken in

---

[47] Brzezinski, Zbigniew (1983): *Power and Principle: Memoires of a National Security Adviser*, New York, Farrar, Straus, Giroux, pp. 108-09.
[48] Richman, Alvin: "Attitude Factors in the Search for Israeli-Palestinian Peace: A Comprehensive Review of Recent Polls", *World Public Opinion*, September, 2010, at
http://www.worldpublicopinion.org/pipa/articles/brmiddleeastnafricara/666.php.
[49] *Ibid.*, p. 10.
[50] *Ibid.*
[51] *Ibid.*
[52] "Israel and the Palestinians, Support for a Palestinian State", *Americans and the World Digest*, at http://www.americans-world.org/digest/regional issues/israel/palestinians/pressure.cfm.
[53] "Israel and the Palestinians, Importance of the Middle East to the US", *Americans and the World Digest*, at http://www.americans-world.org/digest/regional issues/IsraelPalestinians/pressure.cfm.

2002 (PIPA as well as a poll conducted by the <u>Christian Science Monitor</u> and <u>Investors Business Daily</u>) related to the issue of Israeli settlements in the occupied territories. Both surveys found that "a modest majority" believed that Israel should not construct settlements in the West Bank and Gaza. [54]

In 2012, the broad outlines of US public opinion remained essentially similar. At the height of Israel's attack on the Hamas-controlled Gaza Strip in November, 57% of Americans held that Israel was "justified" in taking military action against Hamas and the Palestinians in the area known as Gaza, while only 25% viewed Israel's policies as "unjustified."[55]   Just before the end of 2012, one major analyst of public opinion in the United States reviewed several polls and concluded that:

While there are differences among Americans, most support the Israelis more than Palestinians. But a very clear majority also looks forward to a two-state solution.[56]

Politically, this is very much what was in the balance as the summer of 2013 appeared on the calendar.

Events in the Middle East moved quickly over the next several months. In mid-June, Iran's presidential elections produced a landslide victory for Hassan Rouhani—a prominent cleric who was well known to the West as a committed moderate. Rouhani soon showed a willingness to live up to his reputation, calling for renewed dialogue with the West aimed at "reducing enmities."[57] The White House immediately responded that Rouhani's presidency offered Iran "an opportunity to…act quickly to resolve the international community's deep concerns over Iran's nuclear program." [58]

In early July, Egypt's military overthrew the legitimately elected Islamist-dominated government of Mohammed Morsi and established an interim military regime under the leadership of Morsi's Minister of Defense, General Abdel Fattah el-Sisi. Six weeks later, Egypt's new rulers unleashed a bloody offensive against die-hard Muslim Brotherhood supporters who insisted that Morsi be restored to the presidency. [59]

In the meantime, the pace of the summer's fast-moving events in the Middle East did not abate. On July 19, Secretary of State John Kerry announced that Israel and the Palestinian Authority had agreed "on a 'basis' for returning to peace talks on 'final status' issues." [60] As of now, these talks—replete with all their dramatic uncertainty—are still ongoing.

A week after the massacres in Cairo, some 1,500 Syrians were killed by a gas attack in the environs of Damascus. Although nobody denied the fact of the attack, the Syrian regime and the rebels blamed each for the atrocity. Convinced of the Asad regime's culpability, the

---

[54] "Israel and the Palestinians, Attitudes Toward Israeli Settlements", *Americans and the World Digest*, at http://www.americans-world.org/digest/regional issues/IsraelPalestinians/pressure.cfm.

[55] Enten, Harry J.: "Where is US Public Opinion on Israel, Palestine and the Gaza Conflict?", *The Guardian,* November 19, 2012, at http://www.guardian.co.uk/profile/harry-j-enten.

[56] *Ibid.*

[57] Rezaian, Jason: "Ruhani Sworn In as Iran's President", *The Washington Post*, August 4, 2013, at http://articles.washingtonpost.com/2013-08-04/world/41067340_1_hassan-rouhani-iranian-president-iran-s.

[58] *Ibid.*

[59] The full death toll remains uncertain, although it seems very likely to have fallen between the government's figure of approximately 1000 and the claims of Muslim Brotherhood spokesmen, which ranged up to 4000.

[60] LaFranchi, Howard: "John Kerry: 'Basis' Reached for Renewed Mideast Talks; Initial Round in D. C.", *The Christian Science Monitor*, July 19, 2013, at http://www.csmonitor.com/USA/Foreign-Policy/2013/0719/John-Kerry-Basis-reached-for-renewed-Mideast-talks-initial-round-in-D.C.

Obama administration found itself virtually required to act aggressively against the alleged violation of a so-called "Red Line" long since established by its own declarations.[61] The upshot was that the President ordered Tomahawk-laden warships and submarines to positions offed the Syrian coast and informed the American people he was contemplating a limited military strike to ensure that Damascus would pay for having used a weapon of mass destruction against its own people. At this point Russian Foreign Minister Sergei Lavrov, responding to a clear diplomatic signal from Secretary of State Kerry, suggested a diplomatic resolution to the crisis: Syria—while not admitting guilt for the August 21 gas attack—would surrender its complete stock of chemical weapons to the international community which, in turn, would then destroy those same weapons. In return, the United States would not attack. The final act of this fascinating diplomatic ballet has not been reached yet.

Still, it remains clear that if an American president is going to rescue the two-state project from the headlong rush into expansionism that Israel's right-wing governments have promoted, Washington must very soon draw the line at countenancing further Israeli steps to undermine that solution. This, of course, will almost certainly require a major political confrontation between the U. S. and Israeli governments. President Obama should not have balked at the prospect earlier. So long as the United States retains its commitment to ensure Israel's security, he or any other president, would probably still be able to count on the support of most of the American people, including the bulk of American Jews, as well as that of the international community, and, quite possibly, a significant measure of support within Israel as well.

The real question is whether President Obama will have the required political courage to confront the issue effectively in a second term that may otherwise witness the full demise of the two-state option.

---

[61]"America, Syria and chemical weapons: Guttering, choking, drowning", *The Economist*, August 27, 2013, at http://www.economist.com/blogs/democracyinamerica/2013/08/america-syria-and-chemical-weapons.

IN PURSUIT OF 1 SRI LANKA: LESSONS FROM A MALAYSIAN COUNTERPART[1]

Salma Yusuf[2]
University of Colombo

Abstract:

The quest for national unity has become a leadership challenge for successive leaders of both Malaysia and Sri Lanka. While the two countries record significant differences in contexts and background, the similarities are equally striking. The following is an article that is based on a two-country study undertaken by the author to unpackage and explore the "1Malaysia" Programme that was launched in 2009 following the election of Malaysian Prime Minister's, Tun Najib Razak into his first term in office. The author spent a two week resident attachment at the 1Malayisa Foundation in Malaysia in the summer of 2012 to study further the facets of the governance programme that had been formulated with the intention of resolving the ethnic tensions that have plagued Malaysia since it gained independence, or Merdeka. The purpose of the endeavour was three-fold: First, to identify and extract aspects of the 1Malaysia Programme as relevant to the Sri Lankan context so as to formulate a potential 1Sri Lanka programme that is cognizant of the variables at stake. Secondly, the article seeks to critique the already existent framework of the 1Malaysia Programme by providing recommendations for improvement where necessary. Third, to begin dialogue and deliberations on the rich learning and exchange that can be cultivated between the two countries by providing a framework for bilateral cooperation between the Governments of Malaysia and Sri Lanka.

Keywords: Programme "1 Malaysia", Malaysia, Sri Lanka, Ethnic Conflict.

Resumen:

La búsqueda de la unidad nacional se ha convertido en un desafío para el liderazgo de sucesivos gobernantes tanto en Malasia como en Sri Lanka. Mientras ambos países presentan notables diferencias tanto en sus contextos como en sus orígenes históricos, existen igualmente grandes parecidos. Lo que sigue es un artículo basado en el estudio de dos países llevado a cabo por el autor con el fin de analizar y explorar el Programa "1 Malasia" lanzado en el 2009 tras la elección del primer ministro de Malasia, Tun Najib Razak durante su primer mandato. La autora pasó dos semanas en la Fundación "1 Malasia" en Malasia durante el verano del 2012 para estudiar las facetas del programa que había sido formulado con la intención de resolver las tensiones étnicas que llevan afectando a Malasia desde su acceso a la independencia (Merdeka). El propósito de esta búsqueda es triple: primero, identificar y extraer aquellos aspectos del Programa "1 Malasia" relevantes para el contexto de Sri Lanka para poder así formular un potencial Programa "1 Sri Lanka" que tenga en cuenta las variables en juego. Segundo, el artículo busca criticar el marco ya existente del Programa "1 Malasia" ofreciendo recomendaciones para las mejoras pertinentes. Tercero, iniciar un diálogo y deliberaciones sobre el rico aprendizaje y el intercambio que se pueden cultivar entre los dos países ofreciendo un marco para la cooperación bilateral entre los gobiernos de Malasia y Sri Lanka.

Palabras clave: *Programa "1 Malasia", Malasia, Sri Lanka, conflicto étnico.*

---

[1] An earlier version of the article has been presented to the 1Malaysia Foundation in Selangor, the Offices of the Malaysian Prime Minister, the Deputy Prime Minister, the Minister in Charge of National Unity in Malaysia, the then High Commissioner of Sri Lanka in Kuala Lampur and the High Commissioner of Malaysia in Colombo.

[2] Salma Yusuf has a Master of Laws with a specialization in Public International Law from Queen Mary University of London and a Bachelor of Laws with Honours from University of London. She is Lecturer at University of Colombo; and at University of Northumbria - Regional Campus for Sri Lanka & Maldives. She currently serves in the fields of Public International Law and Human Rights, Social Justice, Transitional Justice, Peace-building and Reconciliation in Post-War Societies at both national and international organizations including the German International Cooperation and the Asia Foundation. She has previously served at the United Nations Development Programme and the Canadian International Development Agency. She provides expertise in legal analysis, policy development, advocacy, research and publishing. The author may be contacted at salmayusuf@gmail.com.

I. MALAYSIA

1. The Context

Upon ascending to Malaysia's highest public office in April 2009, the Prime Minister of Malaysia, Dato' Sri Najib Tun Razak introduced a vision that he hoped would bring about inter-ethnic harmony and national unity to his country, once and for all.[3] It is not the only, but definitely the latest, expression of resolve by the Malaysian government to foster peaceful ethnic relations between the communities living in the country since it gained independence from British colonial rule. It also serves as an unwitting acknowledgement of the necessity for inter-ethnic amity that has thus far eluded the country.[4]

The "1 Malaysia concept",[5] as it is called, espouses a culture of excellence, perseverance, acceptance, education, integrity, meritocracy, humility and loyalty.[6] It also encompasses National Key Results Areas (NKRIs) and Key Performance Indicators (KPIs) on six major issues.[7]

Since independence, national unity has been made top priority involving unity in education, culture, socio-economy, political and regional affairs. "1 Malaysia" seeks to improve the relations of all Malaysians, regardless of racial, religious or cultural backgrounds.[8]

Despite the commitment to foster ethnic harmony between communities since Independence, there remain certain major concerns that need to be addressed in order to seriously engage the "1 Malaysia concept". Without addressing the major concerns, all efforts towards national unity will be in vain.[9]

The "1 Malaysia concept" essentially unveiled the guiding principle to build a united and progressive nation, and to inculcate the spirit and values of togetherness and sense of belonging, regardless of race, religion and creed.[10] A caveat however is that "1 Malaysia" does not seek to abrogate affirmative action and privileges granted to the Malay and Bhumiputra communities; rather it looks to improve implementation of such policies in a fair manner and to keep intact the spirit of 1955-1957 which has been agreed upon during the drafting of the Malaysian Federal Constitution on the eve of Independence. Being a concept

---

[3] Wong, Steven C.M.: "Avoid the paths of mutual recrimination, Higher Ground: It is essential to depersonalize politics", *New Straits Times*, 22 May 2012.

[4] Kessler, C.S. (2008): 'Islam, the State and Desecularization: The Islamist Trajectory During the Badawi Years', in Noraini, Othman; Puthucheary, M.C. and C.S. Kessler (2008): *Sharing the Nation: Faith, Difference, Power and the State 50 years after Merdeka*. Petaling Jaya, Strategic Information and Research Development Centre.

[5] Mohamed Salleh, Hasnul: "1Malaysia – Concept and Values", at http://www.kettha.gov.my/sites/default/files/uploads/1Malaysia%20-%20Concept%20and%20Values.pdf.

[6] *Ibid.*

[7] Rosli, Firdaos and Ning, Hwa En: "Working Group Meeting on "Sharing the Experiences of Inclusive Growth – Malaysia's perspective", Co-Chaired by NEAT Singapore and NEAT Indonesia, *Network of East Asian Think-Tanks* (*NEAT*), 28 June 2012.

[8] Muzaffar, Chandra: "1 Malaysia: The twin challenges", *1 Malaysia Foundation*.

[9] Reid, Anthony: Understanding Melayu (Malay) as a Source of Diverse Modern Identities, *Journal of Southeast Asian Studies*, vol. 32, no. 3, (October 2001), pp 295-313.

[10] Aziz, T.A. (2009): "1Malaysia: A Blurred Vision", *Transparency for a Democratic Malaysia*. 2 May 2009, at http://tunku-aziz.org/2009/05/02/1-malaysia-a-blurred-vision/.

of national governance, "1 Malaysia" becomes relevant not only to the ruling elite but also to the people of the country.[11]

2. The Background

Prior to the 1970s, Malays were deemed rural in lifestyle as well as livelihood. The Chinese were seen as the tycoons, pillaging away the rich bounty of the land. The Indians were restricted to thrive between the shades of rubber trees.[12]

Needless to say, the aforementioned segregations and economic disparity was a recipe for doom. In 1969, the infamous bloody riot of May 13 occurred. This was the ultimate display of intolerance and was sadly and eternally recorded in the annals of the country's history. The tragic event of May 13 had made the government of the day realize that the matter of racial harmony ought to be the foremost of all priorities. [13]

Accordingly, respective measures were drawn up so as to find an equilibrium which would work for all communities. For instance, the New Economic Policy (NEP) was introduced as a means to tackle the great economic disparity between races in Malaysia and to eradicate poverty regardless of race.[14] Money, and general wealth by extension, was indeed a sore point. Affirmative action, which is what NEP is all about, was seen as a mechanism to counter such problems. It however, came under fire with growing discontent among certain groups who felt that the fruits of development were being enjoyed by selected groups only. The redistribution of wealth was deemed as a "Robin Hood-like manoeuvre" which would hamper the nation's growth. Unfazed by critics, the NEP continued and managed to bring Malaysia out of the hostile era of the late 1960s into the more peaceful period of the 1980s.[15]

Flash forward, and now, many years later, the issue of achieving racial harmony is still top priority.[16] This is where "1 Malaysia" fits into the current discourse on national governance. According to the Prime Minister's personal website, "1 Malaysia" is described as intending to "…provide a free and open forum to discuss the things that matter deeply to us as a Nation. It provides a chance to express and explore the many perspectives of our fellow citizens. What makes Malaysia unique is the diversity of our peoples. "1 Malaysia"'s goal is to preserve and enhance this unity in diversity which has always been our strength and remains our best hope for the future. I hope this Website will initiate an open and vital dialogue exploring our Malaysian identity, purpose, and direction. I encourage each of you to join me in defining our Malaysia and the role we must play in its future. Each of us — despite our differences — shares a desire for a better tomorrow. Each of us wants opportunity, respect, friendship, and understanding."

---

[11] Hasnul, *op. cit.*

[12] Barr, M.D. (2002): *Cultural Politics and Asian Values: The Tepid War*, London, Routledge.

[13] *Berita Nasional (BERNAMA)* (2007): "Abdullah chides Opposition for spinning out issues", 27 August 2007, at http://www.bernama.com/bernama/v3/news.php?id=281491.

[14] Bin Mohamad, Mahathir: "Malaysian: The Way Forward (Vision2020)", at http://www.epu.jpm.my/ 02/28/1991; Victor, Wee: VISION 2020 AND ENHANCING COMPETITIVENESS, PRIME LEADERSHIP AND MANAGEMENT COURSE (JUSA) SERIES 28 NO. 2/2003 INTAN, BUKIT KIARA ON 11 JULY 2003

[15] *Berita Nasional (BERNAMA)*: "Be Truthful to the People, PM tells Leaders", 7 May 2009, at http://www.bernama.com.my/bernama/v5/newsindex.php?id=409363.

[16] *Berita Nasional (BERNAMA)*: "Public feedback will determine ministers' KPI", 30 April 2009, at http://www.bernama.com/bernama//v3/news_lite.php?id=408105.

3. Malaysia: The Vision

As the above quote from the Prime Minister's website makes clear, it is the intention of the Malaysian government that the people of Malaysia be given ownership of the "1 Malaysia" project. The vision is expressed by the leadership, but the implementation is left to the people and hence allows a degree of flexibility and inclusiveness for fresh and innovative thinking and initiatives.[17]

The "1Malaysia concept" is grounded in and guided by the Malaysian Constitution. The proponent of the concept, Prime Minister Razak has made this clarification very clear.[18] "1 Malaysia" acknowledges that there are certain underlying socio-political ideas in the Constitution which will shape the journey towards a nation that is truly united in diversity. "1 Malaysia"'s lineage is not confined to the Malaysian Constitution. It is also guided by what are commonly referred to as Malaysia's "Documents of Destiny"[19] together with the Malaysian Constitution, namely, the Rukunegara with its commitment to national unity, among other goals, and the NEP that had pledged to eradicate poverty irrespective of ethnicity and restructure society in order to reduce the identification of ethnicity with economic function. The third document is Wawasan 2020 or Vision 2020 which aims to bring Malaysia to a 'middle-income' status country by the year 2020.[20]

Accordingly, "1 Malaysia" is the latest in a series of ideas and visions which seek to promote unity among diverse communities in Malaysia. It is significant that such ideas and visions have emerged at regular intervals in the history of the nation – the Rukunegara and the New Economic Policy (NEP) 13 years after the 1957 Constitution; Wawasan 2020, 21 years after the Rukunegara and then the NEP; and now "1 Malaysia", 18 years after Wawasan 2020.[21] They represent renewal and rededication to an ideal which continues to elude the nation.[22] It has been considered that one of the reasons why Malaysia is nowhere near its goal of a united nation is because of the absence of real efforts to inculcate in its people a profound understanding and appreciation of the three "Documents of Destiny."[23] It is believed that this is one of the reasons that even 51 years after independence, or Merdeka, a huge segment of the non-Malay population refuses to acknowledge the Malay root of the nation's identity. Conversely, a sizeable section of the Malay population is reluctant to recognize the legitimacy of the non-Malay yearning for equality inherent in their status as long domiciled citizens of the land. Of course, developing a deeper understanding of the nation's "Documents of Destiny" is not a solution. Additionally, there needs to be constant efforts to bridge the gulf between Constitutional principles and the goals of the Rukunegara, on the one hand, and the realities that confront the lives of the people, on the other, especially in relation to national

---

[17] Chong, T. (2006): "The Emerging Politics of Islam Hadhari", in Saw, Swee-Hock and K. Kesavapany (eds.): *Malaysia: Recent Trends and Challenges*, Singapore, Institute of Southeast Asian Studies.

[18] Rosli, Firdaos and Ning, Hwa En: Working Group Meeting on "Sharing the Experiences of Inclusive Growth – Malaysia's perspective", Co-Chaired by NEAT Singapore and NEAT Indonesia, *Network of East Asian Think-Tanks (NEAT)*, Thursday, 28 June 2012.

[19] Bin Mohamad, Mahathir, Malaysian : "The Way Forward (Vision2020)", at http://www.epu.jpm.my/ 02/28/1991; Victor, Wee: VISION 2020 AND ENHANCING COMPETITIVENESS, PRIME LEADERSHIP AND MANAGEMENT COURSE (JUSA) SERIES 28 NO. 2/2003 INTAN, BUKIT KIARA ON 11 JULY 2003.

[20] Dupont, A.: "Is there an 'Asian Way'?", *Survival*, vol. 38, no. 2 (1996), pp. 14-26.

[21] Rosli and Ning, *op.cit.*

[22] Mahathir, Malaysian , "The Way Forward (Vision2020)", *op. cit.*; Wee, *op. cit.*

[23] Ghazali, K.: "The first keynote address of Abdullah Ahmad Badawi at the UMNO general assembly", *Multilingua – Journal of Cross-Cultural and Interlanguage Communication*, vol. 25, no. 1 (2006), pp. 129–142.

unity. More importantly, there is a growing need for Government and other actors to address the causes behind the failure to live up to such national goals.[24]

The "1 Malaysia" concept requires behavioural changes in society from Tolerance to Acceptance and finally to Celebration of the diverse ethnicities of the country. The Principles expounded in the "1 Malaysia concept" are as follows – Unity in Diversity: Accepting diversity, embracing unique qualities and celebrating diversity as a competitive asset for the nation; Fairness for All: No single group should be marginalized on account of any element of their background be it ethnic, religious, political or socio-economic.[25] Government is to provide support solely on the basis of individual need and merit in an attempt to balance the imperatives of meritocracy with social justice; Constitutional: Article 8 (1) which provides for equality of all Malaysians; Article 12 (1) which prohibits discrimination based on religion, race, descent or birthplace; Article 152 which safeguards reservations for the Bhumiputra in four specific areas – land, recruitment into public service; issuing permits or licenses for certain businesses; and scholarships and other forms of educational aid.

Both the Rukunegara and Vision 2020 have common aspirations for "1 Malaysia":[26] Rukunegara – Greater unity; democratic way of life; Just society; Liberal approach to rich and diverse cultural traditions; progressive society. Vision 2020 – 1 Bangsa Malaysia; a liberated, secured and developed Malaysia; democratic society; ethical society; liberal and tolerant society; progressive society; a fully caring society; an economically just society; a prosperous society. The objective of the vision is that the values of "1 Malaysia" find manifestation in the everyday lives of the Malaysian people, namely in their study, work and play.[27]

The key to this concept is the catchphrase 'unity in diversity'. It is not a government-sponsored programme in which to dilute the multi-cultural and multi-ethnic variations and create a singular hegemonic society, but rather to appreciate the plurality that is Malaysia and work together as one nation that can come to terms with and progress with diversity as its hallmark and strength.[28]

The "1 Malaysia concept" embodies the following key values in all its initiatives, activities, aims, objectives and goals: Tolerance; Integrity; a spirit of Moderation; widening Access to quality and affordable education; culture of excellence; raising the living standard of low income earners; waging a war against corruption; upgrading infrastructure in the rural and interior regions; improving public transportation in a modern period time; strengthening a system of meritocracy; reducing crimes; espousing qualities of perseverance and humility in all endeavors.[29]

---

[24] Inoguchi, T and Newman, E. (1997): "Introduction: 'Asian Values' and Democracy in Asia", in *'Asian Values' and Democracy in Asia*. 27 Mac. Shizouka: Shizuoka Prefectural Government, at http: //www.unu.edu/hq/unupress/asian-values.html.

[25] Kessler, C.S., *op. cit.*

[26] Mahathir, Malaysian , "The Way Forward (Vision2020)", *op. cit.* and Wee, *op. cit.*

[27] Rosli, Firdaos and Ning, Hwa En, Working Group Meeting on "Sharing the Experiences of Inclusive Growth – Malaysia's perspective" Co-Chaired by NEAT Singapore and NEAT Indonesia, *Network of East Asian Think-Tanks* (*NEAT)*, Thursday, 28 June 2012.

[28] Muzaffar, Chandra: "1 MALAYSIA: THE WAY AHEAD", *1Malaysia Foundation* (16 June 2009).

[29] Khoo B.T. (1995): *Paradoxes of Mahathirism: an intellectual biography of Mahathir Mohamad*, Kuala Lumpur, Oxford University Press.

The values of "1 Malaysia" are most certainly idealistic.[30] An understanding of those values would depict an emphasis on hard work and virtues. But one value, i.e. integrity is considered to stand tall above the rest, in which without it, the rest will be mere rhetoric. The core of any project or task undertaken is the integrity of the parties involved.[31] Should the moral compass of one side be skewed to fit whatever interests there may be, success would remain elusive. Integrity as described by the Prime Minister of Malaysia is all about government relations with the people. The government is expected to perform honourably and be honest to the people. In turn, the people are also to reciprocate by reposing trust and confidence in the government and acting in a manner that demonstrates trust in the fact that the government will act in the best interest of all the peoples of the country.

Human rights and equality before the law, another great concern of the people must also be respected. The people need assurance that no one is beyond reproach or above the law. They must be granted with the laws that respects and protects their rights. Only then they may accord the government similar courtesy and respect.[32]

It should be added that integrity in the concept of "1 Malaysia" is not intended to be just between the government in power with the people who puts them in power, but also between the government sector and that of the private enterprises. This is, as a matter of fact, the cornerstone of 'Malaysia Incorporated' as was proposed and executed by the former Prime Minister, Tun Dr. Mahathir Mohammad in 1983.

The present Prime Minister himself, in order to realize and measure progress on the "1 Malaysia concept", has introduced mechanisms such as NKRAs and KPIs.[33] The NKRA is the government's target in six major issues. For each one area, KPI has been set to gauge the progress of the proposed changes. Six lead ministers have been appointed to head each of the NKRAs. Furthermore, KPIs have also been set for all the other ministries to include the ministers as well. Their performances and progress will be checked every six months by the Prime Minister himself.[34]

The NKRAs will serve as a benchmark or a yardstick by which the government could continually assess itself and make improvements if and when necessary. Together with the KPIs, it is hoped that all bureaucratic procedures will be streamlined and all resources will be fully utilized in the public sector to achieve the targeted results within an acceptable time frame.[35]

The 6 NKRAs are i. Reducing crimes. ii. War against corruption. iii. Widening the access to affordable and quality of education. iv. Raising living standard of the low income earners. v. Upgrading infrastructure in the rural areas and the interior region. vi. Improving public transportation in a moderate period of time.

---

[30] Mohd Azizuddin , Mohd Sani; Yusof, Norhafezah and Kasim, Azahar: "Malaysia in Transition: A Comparative Analysis of Asian Values, *Islam Hadhari* and 1Malaysia", *Journal of Politics and Law*, vol.2, no.3 (September 2009).

[31] *Ibid.*

[32] Muzaffar, *op. cit.*

[33] Lee B.C. (2008): *Bagaimana Keris diganti dengan Merpati?*, Kuala Lumpur, Oriengroup Sdn. Bhd.

[34] Muzaffar, *op. cit.*

[35] Mohd Azizuddin , Yusof, and Kasim, *op. cit.*

4. "1 Malaysia": The Achievements and Challenges

It is believed that the "1 Malaysia concept" has helped foster a sense of 'togetherness' amongst a lot of young Malaysians. "1 Malaysia" has been associated with government upon extending assistance to the poor and needy, regardless of ethnicity. That social justice is more important than ethnic or religious affiliation is a key message of the "1 Malaysia" vision. For the first time the government of Malaysia is seen to be rewarding ability and excellence irrespective of ethnicity. The School Certificate Examination in 2010 which awarded scholarships to 9A plus scorers was testimony to this.[36] Through "1 Malaysia", efforts are being made to increase the intake of non-Malays into the Civil Service, Police and Armed Forces and to ensure greater mobility in the public institutions.[37]

Regarding the challenges, the first to be mentioned is the ethnically and linguistically polarized primary school system. The separate language streams at primary school level remain a key challenge for "1 Malaysia". Ninety per cent of Chinese children and fifty per cent of Indian children, at the most critical phase of their lives in terms of the formation of fundamental values and attitudes, do not have the opportunity to interact with Malays in the same age category.[38]

Second, certain state policies in the sectors of education, civil and public services, and the economy are not conducive to fostering the vision of "1 Malaysia".

Third, the Special Position of Malays and Bhumiputras in the Constitution and in particular the way they have been implemented is continuing to be an obstacle to achieving national unity.

Fourth, perceptions: Chinese perceive the Chinese school system as a protection of their identity. The Malays perceive the Special Position in the Constitution for themselves and the Bhumiputras as protection of their rights in a competitive capitalist economy where the real power lies with the Chinese elite.[39]

Fifth, there exist from time immemorial, persons with vested interests with a stake in perpetuating ethnic dichotomies: Among Malays and Bhumiputras, there are groups who abuse the Special Provision embodied in the Malaysian Constitution to advance their own interests. [40] Conversely, the Chinese community continues to actively propagate Chinese primary and secondary education within the Chinese community. A related challenge is that some groups within the political opposition view "1 Malaysia" as a propaganda tool of the ruling party, Barisan National. [41]

It is believed that this negative attitude has had its impact on sections of the Malaysian population preventing the concept from taking root in the hearts and minds of the citizenry. [42]

---

[36] Muzaffar, *op. cit.*

[37] Saad, Suhana: "Re-building the Concept of Nation Building in Malaysia", *Asian Social Science*, vol. 8, no. 4 (April 2012).

[38] Liew C. T.: Najib's Plots. *The Malaysian Insider*, 13 July 2009, at
http://themalaysianinsider.com/index.php/opinion/liew-chin-tong/32146-najibs-plots.

[39] Lopez, L. (2006): "Race rhetoric is part of Umno politics", *The Straits Times*. 17 November 2009, at http://malaysia-today.net/blog2006/newsncom.php?itemid=792.

[40] Muzaffar, *op.cit.*

[41] Mahathir M. and Ishihara, S. (1995): *The Voice of Asia: Two Leaders Discuss the Coming Century*, Tokyo, Kodansha International.

[42] Muzaffar, *op. cit.*

What needs to be emphasized is that "1 Malaysia" is anchored in the Malaysian Constitution and linked to the Rukunegara and Wawasan 2020 which are instruments of nation-building and not political party manifestos.

Sixth, a challenge is the unhelpful religious sentiments which undermine the practices and institutions of other religions ignoring the spirit of tolerance taught in all religions.[43]

A seventh challenge are communal pronouncements and ethnic distortions and misconceptions which are vented more than before in the public sphere. These mainly include those of the non-Malay intelligentsia to question the Malay position.[44]

Eighth, it is irrefutably true that the expansion and enhancement of the Special Position in the Constitution through the NEP in 1970 was a major factor in the economic and social transformation of the Malays. It is this massive transformation that has brought stability and relative peace and inter-ethnic harmony to the country. However, the implementation of Special Position and the NEP has its downside. The wealth gap within the Malay community has widened considerably partly because some individuals have exploited and manipulated the NEP to further their own interests. The NEP has also had a negative impact upon sections of the non-Malay communities as it has curbed and constrained educational opportunities and social mobility for some of them.[45]

5. "1 Malaysia": The Way Forward

In order to address these shortcomings, the government should give greater emphasis to social justice in the policies and programmes emanating from the Special Position. Only those who deserve assistance, from the perspective of justice, should be helped. Likewise, justice demands that the non-Malay is given a helping hand or that accomplishment is recognized and rewarded' when a need arises. The State should not hesitate to respond, in accordance with the constitutional provision on "the legitimate interests of the other communities."[46]

But justice itself should not be viewed through a communal lens. This is the bane of many a multi-ethnic society, Malaysia included.[47] If national unity is to be achieved, if "1 Malaysia" is to become a reality, justice should be approached from a more holistic and balanced perspective.

It is also believed that a needs-based approach – rather than the present emphasis on ethnicity in areas related to socio-economic justice could help to narrow the ethnic gap, which will in turn help to further the "1 Malaysia" vision.[48]

Avenues for interaction of students in the different language streams must be explored, including the setting up of sports teams or extra-curricular activities and clubs that draw on students from the different streams; monthly school assemblies, shared sports day and annual

---

[43] Saad, *op. cit.*

[44] Muzaffar, *op. cit.*

[45] O'Shannassy, Michael: "Malaysia in 2010: Between a Rock and a Hard Place", *Asian Survey*, vol. 51, no. 1 (January/February 2011).

[46] Abdullah A.B. (2006). *Islam Hadhari: A Model Approach for Development and Progress*, Petaling Jaya: MPH Publishing.

[47] Muzaffar, *op. cit.*

[48] O'Shannassy, *op. cit.*

concerts; A related strategy must endeavor to make the Bahasa Malaysia based primary school system attractive to all communities, the parents are the critical group to target in these efforts.

Yayasan "1 Malaysia" in fact submitted a 10 point proposal to the government in February 2010 aimed at improving the quality and image of national schools. Among the recommendations were the rebranding of the national school so that it is perceived as "multi-religious and inclusive"; the recruitment and employment of quality teachers; teacher training programmes that strengthen awareness of what national unity entails; improving the standard of English; effective teaching of Chinese, Tamil and other vernacular languages; emphasizing shared moral values; reducing bureaucratization in the administration of schools; and ensuring that education departments and the Ministry of Education become more representative of the multi-ethnic population mix. [49]

What regards the Special Position of Malays, it is imperative for Malaysians to understand its roots, its evolution and the real reasons for its institutionalization. Not many people know that the constituent elements of the Special Position of the Malays: land reservations; public services positions; educational scholarships; and trade licenses were spawned during British rule as a way of protecting the people of the land who were being marginalized by the colonial economy. They were integrated into the Constitution of independent Malaya in 1957 mainly because the conferment of citizenship upon a huge segment of the non-Malay populace on incredibly liberal terms made the majority community abysmally vulnerable. Accordingly, raising public awareness in a systematic and organized manner to rectify inter-ethnic misunderstandings is critical to further 1Malaysia project.

6. The Issues

6.1. The Constitution

Misunderstandings and misconceptions about the Malaysian Constitution have had their impact on ethnic relations in the country. [50] The issues have been the following: "Equality" as stated in Article 8 (1) prohibits discrimination except when expressly authorized in the Constitution such as the "special provision"[51] of Malays and natives of Sabah and Sarawak which was incorporated into the Constitution to protect the well-being of the abysmally poor indigenous Malays in the wake of conferment of citizenship upon more than a million recently domiciled Chinese and Indians on the eve of Independence.[52] The special provisions which were brought in, address gross ethnic inequalities.[53] It has been argued that if the original intention of the Special Provision is properly understood, it would not be seen as an affront to the principle of equality.[54] The expansion of the scope for citizenship which continued for at least 13 years after Independence brought into stark relief the gross inequalities between the communities.[55] Special Provision was therefore a form of affirmative

---

[49] *Agence France-Presse* (AFP): "Malaysian government playing Islamic card ahead of vote: Anwar", 8 January 2008, at http://news.my.msn.com/regional/article.aspx?cp-documentid=1179732.

[50] Muzaffar, Chandra: Malaysia and Citizenship, *1Malaysia Foundation*, 17 August 2009.

[51] Muzaffar, Chandra: Misconstruing the Constitution, *1Malaysia Foundation,* October 2010.

[52] *Ibid.*

[53] *Ibid.*

[54] Muzaffar, "Malaysia and Citizenship", *op. cit.*

[55] Muzaffar, "Misconstruing the Constitution", *op. cit.*

action that sought to redress socio-economic inequalities through the equalization of opportunities for hitherto marginalized groups.[56]

Article 153 of the Constitution is seldom highlighted as critical to inter-ethnic relations. The provision whilst calling to ensure special position of Malays and natives of Sabah and Sarawak, calls for the safeguarding of the legitimate interests of other communities.[57]

However this is a provision that might be criticized as not being practical. Even in theory it is not easy to balance competing interests on the same resources, and hence what becomes necessary is a framework or set of guidelines for assistance in implementing the provision.[58] Such will ensure that priorities are made clear and factors that guide the balancing of interests of the communities are laid out to avoid potential conflicts from arising during implementation of the provision. [59]

Much political rhetoric and media commentary has argued for the continuation of Chinese schools in the national education system but there is no such provision in either Article 12 which deals with rights in respect of education or in Article 152 which deals with national language.[60] It is reiterated that Chinese, Tamil, or any other language can be legally taught within the national school system and that Chinese and Tamil primary schools are part of the national education system and their status is protected in law and policy. Article 152 (1) reads "no person shall be prohibited or prevented from using (other than for official purposes) or from teaching or learning any other language."[61] Such a provision makes it clear that while other languages are protected under the law, it does not include mandatory usage in official contexts. This can be problematic as it immediately relegates the status of languages of non-Malay ethnic groups.[62] It has been argued that both ignorance and intensification of communal politics continues to impinge upon the fundamental character of the nation and the structure of the Constitution.[63]

6.2. History and Identity

The Malay pre-eminence and dominance in all spheres of public life has been attributed to the historic contribution of Malay peasantry to the progress of the country since pre-Independence. [64] Historic Malay political entities, distinguished by Malay Sultans since 1136, have been characterized by the Malay language and Islam as fundamental elements which determined Malaysia's identity.[65]

It has been asserted that accepting historical realities in no way relegates a citizen to 'second class'. Conversely, there are non-Malays who espouse a view of history which

---

[56] *Malaysiakini*. (2005): "Keris-waving: Hishamuddin must apologise", *Journal of Politics and Law* vol. 2, no. 3 (1 September 2005), at
http://www.malaysiakini.com/letters/39812.

[57] O'Shannassy, *op. cit.*

[58] O'Shannassy, *op. cit.*

[59] Muzaffar, "1 Malaysia and Citizenship", *op. cit.*

[60] Muzaffar, "Misconstruing the Constitution", *op. cit.*

[61] Muzaffar, "1 Malaysia: Looking Within: Reaching Without", *op. cit.*

[62] Mendes, E.P. (1994): *Asian Values and Human Rights: Letting The Tigers Free*, Ottawa: Human Rights Research and Education Centre, University of Ottawa, at
http://www.uottawa.ca/hrrec/publicat/asian_values.html.

[63] Muzaffar, "1 Malaysia - 20 Months after", *op. cit.*

[64] Muzaffar, "History and Ethnic Sentiments", *op. cit.*

[65] Muzaffar, "1 Malaysia: Looking Within, Reaching Without", *op. cit.*

ignores or downplays the role of other communities in shaping current Malaysia.[66] It is argued that the way how Chinese and Indians have become part of the Malay society is a theme that needs to be emphasized in the current Malay-centric text books. [67]

Ethnic biases on all sides together with other biases such as class and ideology and personal interests have all influenced the writing of Malaysian history. What is suggested is that there be a reappraisal and reduction of the element of subjectivity in the recording and writing of history. [68]

There have been calls for the establishment of a truly multi-ethnic panel of historians and other academics which would be tasked with conducting a thorough review of history syllabi, history books, and teaching methodologies employed in schools.[69] Local universities and Malaysian Historical Society should be consulted for the composition of such a panel. It is contended that while the country's history is the immediate concern, the panel should also emphasize the importance of World History.[70] In an increasingly globalized and borderless world, such becomes paramount. It has even been proposed that based upon its evaluation of the teaching and learning of History in school, the proposed panel can then recommend whether it is necessary to make a pass in History a requirement for the secondary school examination.[71]

6.3. A Quest for Identity

Usually identities express themselves in different ways and at different levels and do not conflict with one another.[72] But there are extraordinary circumstances that may lead to a clash of identities. In such situations the articulation of ethnic identity can sometimes be inimical to the quest for a national identity.[73] The Malaysian case is no exception.[74]

A monumental challenge in the country has been the evolution of a shared Malaysian identity that all communities can be comfortable with. The quest for identity is linked very close to the acceptance of a common undisputed historical narrative.[75] In the case of Malaysia, there is an intimate nexus between Malay identity and Malaysian identity.[76] Article 160(2) of the Malay Constitution defines Malay as those who profess Islam, habitually speak Malay and conform to Malay customs.[77] Two of these characteristics actually define the identity of the Malaysian nation. Hence, the intimate nexus between Malay and Malaysian is obvious.[78]

It is argued that if all citizens are loyal to the Constitution, there will not be room for a clash of identities. The critical factor here then becomes empathy for the "other" and

---

[66] Muzaffar, "History and Ethnic Sentiments", *op. cit.*

[67] O'Shannassy, *op. cit.*

[68] Muzaffar, "History and Ethnic Sentiments", *op. cit.*

[69] *Ibid.*

[70] Muzaffar, "History and Ethnic Sentiments", *op. cit.*

[71] Muzaffar, Chandra, "1 Malaysia - 20 Months After", *1Malaysia Foundation,* 3 January 2011.

[72] Muzaffar, Chandra, "Malay or Malaysian", *1Malaysia Foundation,* April, 2010.

[73] *Ibid.*

[74] Muzaffar, "1 Malaysia - 20 Months After", *op. cit.*

[75] O'Shannassy, *op. cit.*

[76] Muzaffar, "Malay or Malaysian", *op. cit.*

[77] *Ibid.*

[78] "Once again, what is 1Malaysia?", *The Malaysian Insider*, 16 April 2009. at http://www.themalaysianinsider.com/index.php/opinion/breaking-views/23484-once-again-what-is-1malaysia--the-malaysian-insider.

understanding the position of the other ethnic communities whilst safeguarding and defending one's own. This then becomes a prerequisite for the growth and development of a shared Malaysian identity.[79]

6.4. Religion

For a decade and a half since Independence, religion was not a hindrance to national unity.[80] Islam was recognized as the religion of the country and continued to be featured both in ceremony and substance in the expression of Malaysia's identity.[81] From the eighties onwards strains began to appear with rapid Malay urbanization which began in the seventies and created a situation in which Muslims today share physical and cultural space with people of other faiths as never before.[82] Together with this has been a rise of negative ethnic sentiments and because ethnicity is intimately intertwined with religion, ethnic antagonisms are often expressed as religious animosities and vice-versa.[83]

To overcome this challenge, the religious establishment, religious teachers at all levels and the media will have to develop a more enlightened outlook and meaning on the practice of faith in a multi-religious society.[84] The growing presence of Evangelical Christians resulting in "unethical conversations" has also been a recent phenomenon in Malaysia as it has the world over.[85] A number of Christian groups in Malaysia and other countries are opposed to such movements.[86] These Christians emphasize the universal values of their religion which they know are shared by Islam and other faiths.[87] It is these shared values that need to be highlighted as the country seeks to further a "1 Malaysia" vision and should be the foundation of unity in a multi-religious society.[88]

6.5. Education

A segregated system of schooling was inherited from the British colonial government in Malaysia. Efforts have been many to integrate the various school systems into one National System that would be acceptable to all while preserving the languages and cultures of all communities. The Barnes Report (1951), the Educational Ordinance (1952) and Ho SengOng (1952), all recommended the need for one single-type school system to cater to the needs of all ethnic groups. Hence, the Barnes and Ho SengOng proposed the gradual termination of all vernacular schools and proposed that ultimately no government funds would be expended on communal institutions.[89]

The Razak Report which is the educational charter of the nation has spelt out the main thrusts of achieving unity through education. These include a common content syllabus, common examination system and implementation of Bahasa Melayu as the main medium of

---

[79] Muzaffar, "Malay or Malaysian", *op. cit.*
[80] Muzaffar, Chandra: "Forging Unity through Religion", *1Malaysia Foundation,* August 2011.
[81] *Ibid.*
[82] Muzaffar, "1 Malaysia - 20 Months After", *op. cit.*
[83] "Liberalisation will not affect Bumiputra interests", *The Malaysian Insider,* 12 July 2009, at http://www.malaysianinsider.com/index.php/malaysia/32112-liberalisation-will-not-affect-bumiputra-interests.
[84] Muzaffar, "Forging Unity through Religion", *op. cit.*
[85] *Ibid.*
[86] *Ibid.*
[87] Muzaffar, "Malay or Malaysian", *op. cit.*
[88] Muzaffar, "Forging Unity through Religion", *op. cit.*
[89] "Anwar trains his sights on 1 Malaysia", *The Malaysian Insider*, 30 April 2009, at http://www.themalaysianinsider.com/index.php/malaysia/25013-anwar-trains-his-sights-on-1malaysia.

instruction in all schools.[90]   However, the Razak Report as a political compromise seeks to maintain in the short term, the multilingual streams in the education system.[91]

Despite the many achievements of the national education system, it has failed to unite the different communities, while polarization and prejudices are on the rise: Chinese schools are increasing their enrolment, so too are the Tamil schools, whereas the National schools are dominated by Malay children with a small percentage of Chinese and Indians. Thus, in effect, what exists at the primary level – the level that is most important in moulding values and attitudes of children in their formative years - are three mono-ethnic streams.

The reason has been that despite the several noble policies and missions, political compromises and bartering has over the years flawed the implementation process. Noteworthy is the extreme political pressure to which the government eventually succumbed regarding the controversial clause included in the 1996 Education Act which contained the faculties of the minister to convert vernacular schools and changes to the faculties of the Chinese Management Committees in the Education Act of 1961.

Malaysia remains unusual, even compared with its neighbor Singapore, in allowing multilingual government – funded school streams - to operate side by side with the national stream. This remains a critical stumbling block to the realization of ideals enshrined in the ethos of "1 Malaysia".

What remains is therefore the need for strong political will from the government of the day to reverse the process and make education a unifying factor towards achieving national integration.[92] It has been suggested that interim measures to improve the situation until the long-term goal is achieved must be put in place. This mainly includes undertaking initiatives that improve the quality and image of national schools which are currently perceived as 'Malay schools' and with a poor standard of English education.[93]

Accordingly, a series of measures have been proposed and include rebranding, together with provision of best facilities and infrastructure, instituting quality teachers from all communities who are trained in inter-ethnic issues and sensitivities, quality English language teaching, greater number of extra-curricular activities and opportunities for exposure and personality development and more importantly, increasing the attention to the teaching of vernacular languages. While measures above and other measures will help to foster a multi-ethnic image where every citizen feels a stakeholder in the national system of education, it is imperative that the teaching profession, Ministry of Education, government departments become more representative of ethnic distribution of the country and state variation.

It is strongly believed that the interim measures proposed above must be associated with and closely accompanied by a parallel strategy that will actively work towards evolving a single system of education for the country.[94]

---

[90] Muzaffar, "1 Malaysia - 20 Months After", *op. cit.*
[91] O'Shannassy, Michael: "Malaysia in 2011: The More Things Stay the Same, the More Things Change?" *Asian Survey*, vol. 52, no. 1 (January/February 2012).
[92] Muzaffar, "1 Malaysia - 20 Months After", *op. cit.*
[93] "Strengthening Confidence – Venturing into a New Era", *The Star Online* 7 November 2007, at http://thestar.com.my/services/printerfriendly.asp?file=/2007/11/7/nation/20071107132119.asp&sec=nation.
[94] Muzaffar, "1 Malaysia - 20 Months After", *op. cit.*

6.6. The Economy

The Malaysian economy has been "ethnicized"[95] since Independence when the economic vulnerability of the majority Malay population had led to the Special Provision being incorporated into the Federal Constitution of the country.[96]

The subsequent New Economic Policy led to the rapid social and economic transformation of one community in a single generation. For all its achievements, the ethnic approach to the economy had also negative consequences.[97] First, it has constricted educational and economic opportunities for important sections of the non-Malay communities and has constrained their social mobility.[98] Two, politically well-connected elements especially in middle and upper strata of the Malay community have benefitted much more from contracts, licenses, shares and dictatorships disbursed in the name of helping the community than ordinary Malays who continue to struggle to make a living. Three, the ethnic approach has increased ethnic polarization at various levels of society. [99]

It is believed that in the quest for "1 Malaysia", there is a burning need to reverse the adverse impact of the ethnic approach:[100] For this, the equilibrium established in the Constitution between 'Special Position' and 'the legitimate interests of other communities' should be faithfully observed in policy and implementation;[101] the concept behind the first prong of the National Economic Policy, 'the eradication of poverty irrespective of ethnicity' should be expanded to embrace the needy and the disadvantaged,[102] whatever their cultural and religious background.[103] That is, "need" and not "ethnicity" should be the guiding principle in providing assistance in areas such as education and housing. Hence, the challenge that remains is to make "de-ethnicizing" the economy and enhancing justice for all, the agenda of each and every Malaysian.[104]

The challenge of low incomes and widening inequalities in Malaysian society is yet another issue that has been flagged. To ensure inclusiveness, it is imperative that not only "a living income" for the bottom 40% is ensured[105] but also that there is a reduction in the increasing economic and social disparities that are an affront to human dignity.[106]

---

[95] Muzaffar, Chandra, "1 Malaysia, Ethnicity and the Economy" , *1Malaysia Foundation,* 17 December 2009.
[96] O'Shannassy, "Malaysia in 2011...", *op. cit.*
[97] Muzaffar, "1 Malaysia, Ethnicity and the Economy" , *op. cit.*
[98] *Ibid.*
[99] Zahiid, S.J. (2009): 'Najib's 1Malaysia in Smithereens, charges Kit Siang', *The Malaysian Insider*. 7 May 2009, at http://www.themalaysiainsider.com/lite/articles.php?id=25737.
[100] Muzaffar, Chandra: "Widening Income Inequality: A Challenge to 1 Malaysia", *1Malaysia Foundation,* August 2010.
[101] *Ibid.*
[102] *Ibid.*
[103] Muzaffar, "1 Malaysia - 20 Months After", *op. cit.* and Muzaffar, "1 Malaysia, Ethnicity and the Economy" , *op. cit.*
[104] *Ibid.*
[105] Muzaffar, "Widening Income Inequality: A Challenge to 1 Malaysia", *op. cit.*
[106] Zahiid, *op. cit.*

II. SRI LANKA

7. The Background

The root causes of the three-decade conflict in Sri Lanka can be traced back to unequal treatment of the Tamil population and both real and perceived discrimination by the State.[107] Many Tamils believed the State and its structures favoured the interests of the majority community, and several changes in State practices were seen as discriminatory and unjust. The Tamil community's campaign was against State structures and policies considered discriminatory of the Tamils rather than against the Sinhalese. The failure of the dominant sections of the Sinhala polity to address these grievances, the failure to rigorously examine changes in policy and practice by successive governments, so as to take into account possible adverse impacts on minorities and avoid such impacts, the subsequent creation of a Tamil political leadership which permitted the growth of unrealistic expectations amongst the Tamil youth, all contributed to the birth of Tamil militancy. Finally, the democratic Tamil political leadership lost control and the Liberation Tigers of Tamil Eelam (LTTE) monopolized the Tamil struggle, with disastrous consequences for Tamils as well as for the country as a whole.

In its assessment of relations between the different ethnic groups in Sri Lanka, the Soulbury Commission referred to a permanent Sinhalese majority of more than two thirds of the total population, with the next largest segment (Tamils exclusive of up-country Tamils) being around ten percent. The Commission argued that the character of majority-minority relations was shaped by these demographic realities and governed by deep-seated predispositions entrenched in the consciousness of both majority and minority which led to apprehension and distrust.[108]

Though some Tamil grievances were expressed early on, it was only after 1956, following the Official Languages Act, that the political agenda of the Tamil parties underwent a fundamental change. For the first time after independence, the statement of Tamil grievances is clearly presented in the Bandaranaike–Chelvanayakam Pact and explicitly linked to the need for political power at the regional level.

The Bandaranaike–Chelvanayakam Pact was unilaterally abrogated by Prime Minister Bandaranaike. Thereafter, broken pledges on the part of successive governments became a recurrent feature of the Sinhala–Tamil relationship and an overriding Tamil grievance. But the decisive rift in the inter-ethnic relationship came with the anti-Tamil riots of 1977 and 1981, the latter accompanied by a government motion of no-confidence in the leader of the democratic Tamil opposition. When this was followed by the Black July attacks of 1983, and the failure of the Government to provide adequate protection to Tamil citizens, while effectively driving the main Tamil political party out of parliament, militancy took over as the preferred option for many Tamil youngsters.[109]

With the emergence of armed groups in support of Tamil demands, the conflict took a different complexion with attacks and counterattacks resulting in the deaths of

---

[107] Final Report of the Lessons Learnt and Reconciliation Commission Report, Government of Sri Lanka, at slembassyusa.org/downloads/LLRC-REPORT.pdf.
[108] Economist Intelligence Unit releases latest Sri Lanka – Risk Briefing, at
http://www.ft.lk/2013/04/20/economist-intelligence-unit-releases-latest-sri-lanka-risk-briefing/
[109] Final Report of the Lessons Learnt and Reconciliation Commission Report, Government of Sri Lanka, at slembassyusa.org/downloads/LLRC-REPORT.pdf.

large numbers of civilians. This allowed the Government to refer only to a terrorist problem and ignore root causes, thus contributing to the continuing political problem receiving less attention. Attitudes began to harden amongst many on both sides of the communal divide, making it difficult for moderates to push for a just solution through negotiations.[110]

Successive governments attempted negotiations with representatives of the Tamil people, but these broke down for multiple reasons. The LTTE took advantage of such negotiations at times in its campaign to establish dominance and decimate all other Tamil groups and persons advancing a Tamil voice in national politics. These developments led to what is inevitable in armed conflict, the loss of civilian life on both sides.[111]

With the defeat of the LTTE in May 2009, the armed conflict came to an end. However, the root causes of the conflict remain and have to be addressed in order to prevent the recurrence of the past in whatever form. Further, the war caused additional negative fallouts such as physical destruction of infrastructure, an amplification of socio-economic deprivation in the war-torn areas of the country, and loss of life of Tamil civilians caught up in the final phase of the war. It also led to increased suspicion and resentment amongst the three main ethnic communities in the country and widened the gap in trust and understanding.[112]

8. The Sinhala Community

The State must not lose sight of the need to allay the fears and anxieties of the Sinhalese who, though a majority, have their own share of concerns, both real and imagined. Many actions that discriminated against minorities sprang initially from a widespread perception amongst the Sinhalese that they had been discriminated against by the British.[113] Assertion of the need for government to function in the language of the majority, positive discrimination to compensate for real and perceived educational inequalities, land redistribution to make up for the expropriation of peasant lands for plantations with the concomitant importation of labour from India, all sprang from the need to make up for deprivations imposed by the colonial government. In the process, however, they led to deprivation of the minorities because of failure to explore comprehensively the implications of any actions. Similarly, any solution meant to resolve the problems of Tamils and Muslims now must not be at the expense of the Sinhalese. That is not only unfair and unjust, but it would make such a solution unsustainable in the long run.[114]

With regard to specific grievances of Sinhalese in villages adjacent to former conflict areas, the LLRC Commission notes that the Government has tended to overlook those who lived in villages such as Weli Oya, Moneragala and Kebethigollawa, who survived the terror perpetrated by the LTTE. The people in these villages continued to live under tremendous threats to their lives without migrating to safe areas in the South. They faced

---

[110] Economist Intelligence Unit releases latest Sri Lanka – Risk Briefing, at
http://www.ft.lk/2013/04/20/economist-intelligence-unit-releases-latest-sri-lanka-risk-briefing/
[111] Final Report of the Lessons Learnt and Reconciliation Commission Report, Government of Sri Lanka at, slembassyusa.org/downloads/LLRC-REPORT.pdf.
[112] Economist Intelligence Unit releases latest Sri Lanka – Risk Briefing, at
http://www.ft.lk/2013/04/20/economist-intelligence-unit-releases-latest-sri-lanka-risk-briefing/
[113] Ibid.
[114] Final Report of the Lessons Learnt and Reconciliation Commission Report, Government of Sri Lanka, at slembassyusa.org/downloads/LLRC-REPORT.pdf

security risks, hardships in education, disrupted and fractured livelihoods, and paucity of healthcare and transport facilities. Moreover, the Sinhalese who resided in the Eastern Province faced inadequacies of the administrative system. For instance, Weli Oya is categorised under a number of districts, a section under the Mullaitivu district, a section under the Vavuniya district and another under the Trincomalee district. As a result, numerous difficulties were faced by people in the areas, where administration is carried out in Tamil, whereas people living in Weli Oya are predominantly Sinhalese.[115]

Communities across Sri Lanka have also suffered immensely as a result of the loss of family members who served in the armed forces. The severe psychological impact of the war on these communities often goes unacknowledged.[116]

9. The Tamil Community

The perception of discrimination and unequal treatment within the Tamil population arose from a series of administrative changes, such as discrimination against the use of the Tamil language in a context where education was segregated by language.[117] This contributed to deprivation in terms of jobs, which was exacerbated by the State being the predominant employer in the context of Statist economic policies. Discriminatory policies in education and in recruitment to the public services struck hardest at the well-educated Tamils in the North. The discrimination was seen as arising from the fact that central government and its decision making processes were far removed from the needs and aspirations of the Tamil people.[118] The many youth rebellions all over the country testify to the sense of alienation felt generally by the rural population, but in the North and East this sense was increased by the absence of representation at decision-making levels in government. In addition, State control of lands and colonization schemes were disproportionately beneficial to the majority community and were perceived by the Tamil communities as intended to effect demographic changes.[119]

Although the death and destruction caused by the war and the atrocities of the LTTE affected all communities, the suffering of the Tamil population in the war zones of the North and the East, particularly the people in the Vanni, were of an intensity and magnitude that far exceeded that of the population in the rest of the country.[120] The recognition of the special problems that have consequently arisen in the North and East must therefore guide and direct the National Policy on Reconciliation, at all times. The deprivations which this section of the population have undergone and the conditions that have been thereby created – the repeated

---

[115] *Ibid.*
[116] Economist Intelligence Unit releases latest Sri Lanka – Risk Briefing, at http://www.ft.lk/2013/04/20/economist-intelligence-unit-releases-latest-sri-lanka-risk-briefing/.
[117] "Final text of TNA MP M.A. Sumanthiran's speech in Parliament opposing the 18th Amendment", at http://groundviews.org/2010/09/13/final-text-of-tna-mp-m-a-sumanthirans-speech-in-parliament-opposing-the-18th-amendment/; http://tnamediaoffice.blogspot.com/2012/06/speech-by-hon-m-sumanthiran-in.html.
[118] Final text of TNA MP M.A. Sumanthiran's speech in Parliament opposing the 18th Amendment, at http://groundviews.org/2010/09/13/final-text-of-tna-mp-m-a-sumanthirans-speech-in-parliament-opposing-the-18th-amendment/; http://tnamediaoffice.blogspot.com/2012/06/speech-by-hon-m-sumanthiran-in.html;
[119] Final Report of the Lessons Learnt and Reconciliation Commission Report, Government of Sri Lanka, at slembassyusa.org/downloads/LLRC-REPORT.pdf.
[120] Final text of TNA MP M.A. Sumanthiran's speech in Parliament opposing the 18th Amendment, at http://groundviews.org/2010/09/13/final-text-of-tna-mp-m-a-sumanthirans-speech-in-parliament-opposing-the-18th-amendment/; http://tnamediaoffice.blogspot.com/2012/06/speech-by-hon-m-sumanthiran-in.html.

displacements, the destruction of homes, livelihood and infrastructure, the death and disappearance of loved ones –require affirmative processes for restoration and reparation, together with mechanisms for accountability and the protection of human rights that take full account of the special nature of their grievances.[121]

10. The Muslim Community

The Muslims, though not direct protagonists in the armed conflict between the LTTE and the Sri Lankan State, have undergone considerable suffering during the years of fighting in the North and East. The forcible eviction of the entire Muslim community from the Northern Province by the LTTE, the massacre of around two hundred Muslims while worshipping in mosques in Kattankudy and Eravur , the takeover of lands belonging to the Muslims in the Eastern Province, the deprivation of the livelihoods of Muslims in the conflict areas and the lack of adequate security to the Muslims were a few of the phenomena that contributed greatly to the sense of insecurity and unease that Muslims faced because of the conflict.

Unlike the Tamil community which challenged State structures as a means of addressing grievances, the Muslims took a separate political path and preferred to engage with the State and work within the mainstream of Sri Lankan politics. This created a great deal of misunderstanding between the Tamil and Muslim communities and caused a strain in their relationship. There are also perceptions that lands are being taken over for occupation by the security forces without due consultation or process.[122]

11. Inter-Ethnic Conflict

Discrimination against the Tamil population which is seen to lie at the root of the three-decade conflict has been attributed to the struggle between a majority community and a minority community, where the latter seeks space to operate within a larger polity. The notion of democracy dictates that a balance must be achieved for this in a manner that is not at the expense of any community.[123]

The balance to be found must be premised upon the common need for national integration and peaceful coexistence. In negotiating such a balance, trust is a prerequisite. There currently exists a trust deficit which has contributed to the view that, as the minority moves towards advocating geographical separation, any concession by the State will

---

[121] *Ibid.*

[122] Abdul Rauff, Salithamby: "Sri Lanka Muslim Congress: A Failed Leadership Of A Hapless Community", *Colombo Telegraph,* 4 May 2013, at http://www.colombotelegraph.com/index.php/sri-lanka-muslim-congress-a-failed-leadership-of-a-hapless-community/; Yusuf, Javid: "Developing a strong sense of nationhood: A Muslim perspective", *The Sunday Times,* 8 January 2012, at http://www.sundaytimes.lk/120108/News/nws_23.html.

[123] "Sweeping Reforms including Senate for Reconciliation", *The Sunday Times*, 11 March 2012, at http://www.sundaytimes.lk/120311/News/nws_04.html; "National Policy on Reconciliation, Final Draft"*, Peace in Sri Lanka*, August 2012, at http://www.peaceinsrilanka.lk/human-rights/national-policy-on-reconciliation-final-draft-august-2012.

be detrimental to the majority community. Conversely, the Tamil minority lacks confidence and trust as a result of failed aspirations and expectations.[124]

12. Challenges and Opportunities

As a result of the long-standing strife and struggle, two key challenges remain to be addressed so as to propel the country towards enduring and sustainable peace and prosperity. First, the root causes of the conflict need solutions that are satisfactory to all the communities and peoples of Sri Lanka. Second, there is a need to dispel suspicions and weld all communities into and within the fabric of one nation.

Sri Lanka is faced with a unique opportunity to foster sustainable peace, unity and national reconciliation. The present Government wields the broad support of the majority of the country and possesses the capacity to present a political solution that is acceptable to all peoples and communities. The present popularity of the President, in particular must be treated as an asset, which can be used to convince the majority community of the urgent need for national reconciliation whereby all communities could live in peace, dignity and equality.

A further opportunity has arisen in respect of the political representation of Tamil interests. With the demise of the LTTE, a moderate Tamil voice has been permitted to emerge and flourish. The present representatives of the Tamil people have expressed strong commitment to a political solution within a united Sri Lanka. This opportunity must be swiftly seized, as extremism within the Island and among the Diaspora can only be dealt with by empowering moderate and reasonable voices.

Finally, the end of the armed conflict has opened up space to address the task of nation building unhindered by preoccupation with a debilitating armed struggle, which was a drain on the nation's resources.[125] With the Sri Lankan Government's efforts to ensure large infrastructure development in the past two years, healthy growth rates have been achieved. There remains a need to take further steps so that economic achievements may be translated into meaningful and equitable benefits that will impact on the life of every Sri Lankan. In this context, there remains a need for political reforms that entrench empowerment and a willingness to bring closure for the suffering of individuals and communities as a whole.

13. The Context

The engagement of the Government and the Tamil National Alliance in talks aimed at a political settlement began with considerable interest following the end of the war in 2009, thereby awakening hope in the nation for a new era of peace. However, as it now stands, the talks have reached a stalemate. There is a need for the casting aside of political rivalries on both sides, to ensure that a framework of peace and understanding for both the majority Sinhalese community and the Tamil and Muslim minorities are arrived at and guaranteed through the early resumption of talks.

---

[124] *Ibid.*
[125] *Ibid.*

Two national processes are worthy of consideration in this context. First, the Lessons Learnt and Reconciliation Commission (LLRC) report calls upon the Government, among others, to work towards a political solution acceptable to all communities. The home-grown mechanism, independent in nature though commissioned by the Government, was developed to reflect upon and recommend action, and drew on solicited and unsolicited submissions from the public in all areas of the country and hence has been hailed for its credibility and transparency.

Second, and pursuant to its pledges at the United Nations' Universal Periodic Review, the Government embarked on drafting a National Human Rights Action Plan in 2009.[126] The Action Plan has sought to address the objective of improving the human rights protection and promotion in all aspects, with targets to be achieved in five years. The Action Plan has subsequently been adopted by the Cabinet. The efforts that have been invested in formulating the Action Plan will sadly be lost if subsequent action is not taken in an expedient manner. Furthermore, there is the risk, as is being seen, of such measures being labeled as mere rhetoric, if not translated into concrete and concerted follow-up action.

III. FROM "1 MALAYSIA" TO "1 SRI LANKA"

When assessing and evaluating the prospect of adopting a potential "1Sri Lanka" project along the lines of its Malaysian counterpart, it becomes critical that the inter-ethnic relations and tensions of the two countries be compared. Such will in turn be valuable in informing the framework of cooperation and initiating dialogue between Sri Lanka and Malaysia. There is hope that the recommendations emanating from the foregoing and subsequent discussion will inform Track 1 diplomatic efforts between the two countries while providing a platform for building upon diplomatic efforts at all other levels comprising the enterprise of Multi-track diplomacy.

Both Sri Lanka and Malaysia were former British colonies which were transformed in plural societies. Sri Lanka: Sinhala and Tamil communities were linked to Kandyan and Jaffna kingdoms which predated colonial occupation. Muslims too were established as a community prior to British rule. It was only the plantation Tamils that were brought down by the British to work in the tea estates as plantation workers and labourers. The majority of Chinese and Indian communities in Malaysia were established during colonial rule. Consequently, British colonial policies relating to labour and economy created a gulf between Sinhalese and the Tamils in Sri Lanka, and between the Malays and Chinese and Indians in Malaysia.

While both countries inherited seeds of inter-ethnic strife from the times of colonial rule, successive governments in both countries have compounded the issues. The Language Policy, namely the Sinhala Only Act, of the late S.W.R.D. Bandaranaike regime inflamed much anger in the Tamil speaking populations. Similarly, the language policy of sections of the United Malays National Organization (UMNO) resulted in anger among the Chinese and Indian communities.

---

[126] "National Human Rights Action Plan 2011-2016", Government of Sri Lanka, at http://www.hractionplan.gov.lk/posters/National_action_plan_for_the_protection_and_promotion_of_human_rig hts_2011_2016_English.pdf.

Scholars in both countries have agreed that the differences between the two countries regarding the inter-ethnic conflict are more important than the similarities: six key differences have been noted.[127]

First, unlike in Malaysia, both main parties to the conflict, Sinhalese and Tamil see themselves as indigenous to the land by way of linkages to ancient kingdoms in Kandy and Jaffna respectively that lived for centuries prior to British colonization. Hence, a higher language status, special economic assistance and dominant political position of either will not be acceptable to the other. In Malaysia, the Malay community is regarded as indigenous bonded by ties of history and culture to the land by both the Malay and non-Malay communities. Hence, special constitutional provisions regarding language, affirmative action and national politics have not been seriously contested or opposed.

Second, the economic model adopted in both countries is starkly different and has had an impact on ethnic relations. In Sri Lanka: a welfarist approach to subsidization of essential goods and services coupled with a dwindling capital base characterized by disinterest in foreign investment and capital. This in turn led to a rapidly shrinking resource base for redistribution amongst a growing Sinhalese working class. The parallel affluence of a small section of the Tamil community caused tensions between the communities. In contrast, Malaysia has emphasized economic growth with equity since independence. A key difference has been the industrialization programmes of both countries; Malaysia adopted an export based industrialization programme whereas Sri Lanka's import-focused industrialization programme failed to transform the economy. The continuing economic growth in Malaysia was cleverly used to address inequalities and redress imbalances existing within and between the communities at different points in its history.

Third, a lack of consensus on "ethnic fundamentals" in Sri Lanka exacerbated by economic stagnation has not been able to meet the needs of Tamil and Sinhala communities. In Malaysia, consensus has been achieved: on the eve of independence Malays agreed to accord full citizenship to non-Malays in return for the latter being given special provision in the form of affirmative action and political pre-eminence.

Fourth, Jaffna Tamils are associated with a certain geographical space making their struggle stronger. The Chinese and Indians are not associated with a specific geographic space in Malaysia.

Fifth, Jaffna Tamils also have the advantage of ethnic propinquity. They are in the vicinity of the Tamil heartland – Tamil Nadu in the South of India which has a population of 60 million. This has had a negative impact on inter-ethnic relations. In Malaysia, the Chinese and Indians do not have China and India as their immediate neighbours. Indonesia has maintained a policy of non-interference in Malaysian affairs for over 30 years.

Sixth, over the last 16 years, a small Tamil population has resorted to an armed struggled to address their grievances. The LTTE became synonymous with violence and terror. Malaysia, by way of comparison, has been free of political violence since Independence save for one or two violent eruptions which were contained immediately.

---

[127] Muzaffar, Chandra: "Comparing Notes, Sri Lanka & Malaysia: A Quest for National Unity, A Tribute to Neelan Tiruchelvam", Neelan Tiruchelvam Commemoration Lecture, Sri Lanka, 6 January 2000.

14. Externalization of inter-Ethnic Conflict

A significant distinguishing factor worthy of separate consideration is that unlike the inter-ethnic tensions prevailing in Malaysia, the inter-ethnic conflict in Sri Lanka has over the years been "externalized" and "internationalized." Hence, any response to the inter-ethnic tensions will have to also be accorded an "international dimension" even if not being "externalized" to the same extent as the conflict itself.[128]

Further, it cannot be disputed that as a result of the "internationalization" of the inter-ethnic conflict in Sri Lanka, international politics has had a significant bearing on ethnic relations; international politics has and continues to factor in national considerations and domestic political battles.[129]

It is beyond dispute that Sri Lanka's three decade conflict was externalized due to a combination of factors, among others, ranging from the presence of an active expatriate community abroad; the involvement of foreign facilitators in the peace process; and the presence of foreign peacekeeping forces in 1987. By the end of the war, Sri Lanka was placed well within significant cynosure of the international radar. Such international attention has spilled over into the country's post-war phase as well, but this time taking on new meaning.

As it currently stands, Sri Lanka faces a number of challenges in its foreign relations. Six key challenges need to be addressed with priority.

First, distinction needs to be drawn between, on the one hand, voluntary participation in international mechanisms and the subsequent rules of procedure, obligations of implementation, and reporting that come with it, and, on the other hand, an encroachment of a nation's sovereignty and territorial integrity that are not as a result of a nation's undertaking. The true test of our sovereignty will be to follow the nation's interest, assume strong national positions and communicate such positions effectively to the local and international communities. We must understand that the opportunity to justify our policies is an exercise of sovereignty, and not an encroachment of it.

Second, we live in an age of globalization and unprecedented connectivity that is characteristic of the twenty first century, permeating all aspects of governance including foreign and international relations. In an inter-dependent world the only way of maintaining sovereignty is not through hostility but through constructive engagement. Sovereignty is a relative concept. Accordingly, sovereignty in this era can only be maintained to the extent we learn to live in inter-dependence and not in hostility.

Third, the impact that the members of the heterogeneous expatriate community have on the politics and electoral campaigns of host governments must be given serious consideration in our foreign policy discourse. The best way to deal with it is to address the rights of minorities locally, both systematically and genuinely. Rights of minorities need to be coupled with assurances for the possibility of peaceful return and life in the country. This is once again illustrative of how domestic policy and foreign policy are inextricably linked.

---

[128]Palihakkara, H.M.G.S., Former Sri Lankan Ambassador to the United Nations, delivering the Prof. J.E. Jayasuriya Memorial Lecture, 14 Feb 2011 on Post-Conflict Foreign Policy Challenges for Sri Lanka, at http://www.lankaweb.com/news/items/2011/02/19/post-conflict-foreign-policy-challenges-for-sri-lankaprof-j-e-jayasuriya-memorial-lecture-%E2%80%94-14-feb-2011/.

[129] Yusuf, Salma: "Domestic Policy and International Positioning: A True Test of Sovereignty", *International Affairs Review*, at http://www.iar-gwu.org/node/420.

Fourth, the fostering and maintenance of credibility of national positions should be the underlying objective of the conduct of our foreign relations. This will require that there is one interlocutor between the state and international community. The internal consensus will not only prevent confusion and contradiction but also help maintain credibility and reveal the strength of the establishment – this will be the true test of exercising sovereignty in the conduct of our foreign affairs.

Fifth, most of the country's bilateral and multilateral engagements are haunted by a specter of reconciliation and human rights concerns. We must remember that human rights and inter-communal harmony are not alien to our country, the values of which are enshrined in our shared history, cultures and legal frameworks. We need to capitalize and draw on these strengths to forge a robust system of governance that will be able to function with independence and credibility. Hence, for every allegation made, we will have the availability of structures and norms to deal with such allegations domestically. In this regard, the implementation of the outcomes of the two national processes, namely the Lessons Learnt and Reconciliation Commission and the National Human Rights Action Plan will demonstrate that homegrown mechanisms can credibly provide solutions, while improving our foreign relations and prospects. Here once again is a demonstration of the link between domestic and foreign policy.

Lastly, due to the conflict, we were largely inward-looking, preoccupied with internal considerations and taking up defensive positions in human rights and other international forays. With the end of the war, there is now a need to broaden our areas of engagement into areas such as trade, science, environment, human and arms trafficking, terrorism, and regional cooperation. With a shift to the post-war phase, an identification of priorities and a policy of engagement must be pursued to find common ground.

In the final analysis, it is the consolidation of peace, freedom, democracy and the domestic rule of law that will translate into the ability for us to project our nation as sovereign and credible in the international domain – the link between the protection of our national interests and international positioning cannot be clearer.

15. Recommendations for a 1Sri Lanka Concept

Since the end of the armed struggle in May 2009, natural processes of reconciliation are taking place in Sri Lanka.[130] While the path to moderation, tolerance and coexistence must be paved as prerequisites for genuine peace and reconciliation, so must an organized process of reconciliation be put in place to prevent a relapse or resurgence of past animosities that initially led to hostilities.[131]

---

[130] Statement delivered by Ravinatha P. Aryasinha, Permanent Representative of Sri Lanka and leader of the Sri Lanka Delegation to the 23rd Session of the Human Rights Council on May 27, 2013, in response to the High Commissioner for Human Rights' update on her Annual Report to the Human Rights Council, at http://www.dailymirror.lk/opinion/172-opinion/30104-sl-has-made-significant-strides-in-reconciliation-process-.html.

[131] Yusuf, Salma: "The potential and promise, three years after the end of war", *The Sunday Times*, 13 May 2012, at http://www.sundaytimes.lk/120513/News/nws_29.html.

Accordingly, a four-pronged strategy can be proposed: The first, second and third have already been completed with the rehabilitation of 11,500 LTTE cadres,[132] the reintegration of 280,000 displaced and the process of reconstruction of the north and east, particularly the Wanni. [133]

It is now time for the active initiation of programmes on reconciliation highlighting its role in realizing the fourth aspect -- the building of relationships between and within communities.[134] This must, however, be state-led to have any meaningful value and outcome.[135] While not discounting the need and value of all actors and stakeholders joining hands to contribute towards reconciliation, the need for the state-led process is critical given the nature of the conflict in the first place, namely - one where the Tamil community sought to restructure the State with a view to removing features discriminatory of the minorities as opposed to what has been usually described as a struggle between the Sinhala majority community and Tamil minority community per se.

While the Government's efforts in the rehabilitation and resettlement processes in the North-East have been commendable, it is imperative that the important next step is taken - reaching out to the Tamil community to address their concerns and grievances.[136]

The Muslim community has oft been caught in the crossfire and hence needs to be taken seriously and made stakeholders in any endeavour aimed at peace and stability. Accordingly, the minority communities too must be urged to reposition themselves - by not only demanding equality but also conducting themselves as equals. One way of doing this is for the minority communities not to speak on issues affecting their respective communities only but also to participate in national issues and lead national campaigns.[137]

The key purpose of reconciliation is to address the underlying suspicion, mistrust and discrimination that have been manifest and symptomatic of the three-decade conflict. Creating a sense of inter-dependence between all communities is crucial if minority communities are to feel a connection to the newly-rebuilt nation.

In this connection, two positive developments in the current political context are worthy of note - increasing acceptance that the conflict requires a political settlement as opposed to the view that it is only a terrorist problem; and rather than operating through a top-

---

[132] Yusuf, Salma: "Transitional justice: Rehabilitation in review", *Daily Mirror*, 31 July 2012, at http://www.dailymirror.lk/opinion/172-opinion/20735-transitional-justice-rehabilitation-in-review.html.
[133] Statement delivered by Ravinatha P. Aryasinha, Permanent Representative of Sri Lanka and leader of the Sri Lanka Delegation to the 23rd Session of the Human Rights Council on May 27, 2013, in response to the High Commissioner for Human Rights' update on her Annual Report to the Human Rights Council, at http://www.dailymirror.lk/opinion/172-opinion/30104-sl-has-made-significant-strides-in-reconciliation-process-.html.
[134] Yusuf, Salma: "The potential and promise, three years after the end of war", *The Sunday Times*, 13 May 2012, available at: http://www.sundaytimes.lk/120513/News/nws_29.html.
[135] Yusuf, Salma: "Sri Lanka: A Nation Moves On: A Review of Sri Lanka's First National Reconciliation Conference titled "Reconciliation: The Way Forward for Post-Conflict Sri Lanka", *e-International Relations,* 3 January 2012, at http://www.e-ir.info/2012/01/03/sri-lanka-a-nation-moves-on/.
[136] Yusuf, Salma: "The potential and promise, three years after the end of war", *The Sunday Times*, 13 May 2012, at http://www.sundaytimes.lk/120513/News/nws_29.html.
[137] Yusuf, Salma: "Sri Lanka: A Nation Moves On: A Review of Sri Lanka's First National Reconciliation Conference titled "Reconciliation: The Way Forward for Post-Conflict Sri Lanka", *e-International Relations,* 3 January 2012, at http://www.e-ir.info/2012/01/03/sri-lanka-a-nation-moves-on/.

down approach of political patronage and proxies there is now a recognition of the need to engage elected representatives of the Tamil community in the nation building endeavour.[138]

That said, it must be remembered that reconciliation is both a process and a goal. Hence, it will necessarily require time and space to bear fruit. Reconciliation cannot be imposed or forced on a nation as an event. It requires both a strategy and a systematized response mechanism by the state and other stakeholders to deal with the likely obstacles that will emerge along the way.[139]

Another aspect of nation-building that requires immediate attention in Sri Lanka is the promotion and protection of the rule of law. The Rule of Law should be considered as the bedrock for achieving a democratic and economically developed society. The political and administrative will has to be garnered, or else nation building efforts will be hindered.[140]

Four aspects which remain critical to Sri Lanka's nation-building enterprise are: First, the need for internal consensus within government of positions related to issues of national importance:[141]such will augur well not only for keeping citizens and stakeholders informed of national decisions and plans but also for the country's international relations; Second and closely related, is the need for an improvement in the state's visibility strategy which will not only serve as a barometer for measuring progress but also identify gaps to be filled by providing direction for taking the nation-building and peace-building agenda forward; Thirdly, there remains a need for greater and more active involvement of citizens and relevant groups in national processes of consultation particularly in decisions that have an impact on those particular groups and persons. Additionally, such involvement will reap the invaluable benefits of fostering increased buy-in for the processes and programmes, while improving implementation and ensuring sustainability of dividends.[142] Fourthly, any state action ought to be as a result of deliberation and a conscious decision making process, as opposed to being perceived as knee-jerk and ad hoc sporadicism.[143]

Ultimately, it is a home-grown political process addressing the economic, social and political grievances and aspirations, acceptable to all sections of society that will address the critical aspects of nation building - a nation that yearns to metamorphose into one that finds its strength in multiculturalism and diversity

Finally, most of the country's bilateral and multilateral engagements are haunted by a specter of reconciliation and human rights concerns. We must remember that human rights

---

[138] Yusuf, Salma: "The potential and promise, three years after the end of war", *The Sunday Times*, 13 May 2012, at http://www.sundaytimes.lk/120513/News/nws_29.html.

[139] Yusuf, Salma: "Sri Lanka: A Nation Moves On: A Review of Sri Lanka's First National Reconciliation Conference titled "Reconciliation: The Way Forward for Post-Conflict Sri Lanka", *e-International Relations,* 3 January 2012, at http://www.e-ir.info/2012/01/03/sri-lanka-a-nation-moves-on/.

[140] Conference Report, Inaugural National Conference on Reconciliation, Lakshman Kadirgamar Institution of International Relations and Strategic Studies, available at
http://www.kadirgamarinstitute.lk/pub/inaugural_national_onference_on_reconciliation_session_1.pdf;

[141] Yusuf, Salma: "The potential and promise, three years after the end of war", *The Sunday Times*, 13 May 2012, at http://www.sundaytimes.lk/120513/News/nws_29.html.

[142] Yusuf, Salma, Sri Lanka: "Justice And Equity As Pathways To National Security – Analysis", *Eurasia Review*, 29 August 2012, at

http://www.eurasiareview.com/29082012-sri-lanka-justice-and-equity-as-pathways-to-national-security-analysis/

[143] Yusuf, Salma: "The potential and promise, three years after the end of war", *The Sunday Times*, 13 May 2012, at http://www.sundaytimes.lk/120513/News/nws_29.html.

and inter-communal harmony are not alien to the country, the values of which are enshrined in our shared history, cultures and legal frameworks. We need to capitalize and draw on these strengths to forge a robust system of governance that will be able to function with independence and credibility.[144] Hence, for every allegation made, we will have the availability of structures and norms to deal with such allegations domestically. In this regard, the implementation of the outcomes of the two national processes, namely the Lessons Learnt and Reconciliation Commission and the National Human Rights Action Plan will demonstrate that homegrown mechanisms can credibly provide solutions, while improving our foreign relations and prospects. Here once again is a demonstration of the link between domestic and foreign policy.[145]

It is in such a context, that a potential "1 Sri Lanka" project based on a model similar to the "1 Malaysia" project must be considered. A caveat is in order. Given the differences in nature, form and extent of the inter-ethnic relations and related occurrences and consequences between the two countries, the Malaysian model cannot be seen to be relevant or applicable to Sri Lanka "in toto". What becomes important then is to formulate a project for Sri Lanka that embodies the overall ethos and notion of the "1 Malaysia" project, that is to foster inter-ethnic harmony and national unity, but one that is framed within the contours of local Sri Lankan realities.[146]

The next point to consider is whether there is a need for such a project in Sri Lanka. Since the conclusion of the armed struggle with the defeat of the Tamil tigers by the Government of Sri Lanka in May 2009, the latter have put in place a mechanism called the Lessons Learnt and Reconciliation Commission (LLRC) which was to be modeled on a Truth and Reconciliation Commission along the lines of that instituted in South Africa on the heels of the collapse of the Apartheid regime. However, despite the almost unanimous welcome that the LLRC Interim and Final Report received both nationally and internationally, the implementation of the recommendations is still to take place.

Hence, the need for such a project becomes relevant now more than ever in Sri Lanka. Given the need for a nationally adopted policy on reconciliation, there currently exists a lacuna in post-war efforts in Sri Lanka: a vision for reconciliation and fostering of a sense of togetherness between the communities is starkly and conspicuous in its absence. A vision and policy that is state-led and has the consensus and buy-in from all factions in government is the need of the hour.

Such will serve four key purposes: First, it will help the process of reconciliation, inter-ethnic amity and national unity, by increasing faith in the State by the minority communities and also demonstrate to the international community that Sri Lanka as a nation is keen and serious about achieving inter-ethnic unity. The latter becomes critical given the fact that the Sri Lankan conflict and post-conflict era has been under international scrutiny as described in

---

[144] Conference Report, Inaugural National Conference on Reconciliation, Lakshman Kadirgamar Institution of International Relations and Strategic Studies, at
http://www.kadirgamarinstitute.lk/pub/inaugural_national_onference_on_reconciliation_session_1.pdf.

[145] Salma Yusuf: "Sri Lanka's tryst with Reconciliation: Where are we today?", *Groundviews,* 31 January 2013, at http://groundviews.org/2013/01/31/sri-lankas-tryst-with-reconciliation-where-are-we-today/.

[146] Yusuf, Salma: "Sri Lanka: Justice And Equity As Pathways To National Security – Analysis", *Eurasia Review*, 29 August 2012, at

http://www.eurasiareview.com/29082012-sri-lanka-justice-and-equity-as-pathways-to-national-security-analysis/.

an earlier part of this report. Third, such a project will provide vision and direction for post-war efforts in the country to the government, civil society, religious leaders, the business community, the media, the educationists and other stakeholders. Fourth, it will demonstrate commitment to reconciliation, inter-ethnic harmony and national unity by the State and the government.

Logically following from the conclusion reached in the foregoing discussion, that is, that there does in fact exist a need and relevance for a "1 Sri Lanka" project along the lines of its Malaysian counterpart, the next aspect to be considered is what such a project should entail. Though the details must be a result of further deliberation and multi-stakeholder participation and consensus, the following will be a springboard to catalyze and initiate dialogue towards such a discussion.

A "1Sri Lanka" concept must espouse, not unlike its Malaysian counterpart, a culture of excellence, perseverance, acceptance, education, integrity, meritocracy, humility and loyalty. It must also encompass National Key Results Areas (NKRIs) and Key Performance Indicators (KPIs) on issues that are seen as critical to generate inter-dependence between the majority and minority communities in the country with the aim of fostering inter-ethnic amity but also for an actual and perceived sense of justice and fairness and equality to all its peoples, the lack of which was one of the key drivers of violence and tensions between communities in the past.

As a prerequisite to instituting a "1 Sri Lanka" vision, the Government of Sri Lanka needs to engage major concerns that have haunted inter-ethnic relations in the country for over three decades. Without correcting them, all efforts towards a "1 Sri Lanka" notion will fail.

The policy recommendations that follow will also demonstrate how a "1 Sri Lanka" project, unlike the "1 Malaysia project", will need to challenge and generate consensus once and for all on the "ethnic fundamentals" of inter-ethnic relations in the country. This must be considered as much a challenge as an opportunity.

16. The Issues

16.1. Language

Perceptions of discrimination and inequitable treatment led to calls for separatism. Most upsetting among these was the introduction of a language policy that, whilst maintaining segregation in education on the basis of language, privileged those who knew Sinhala with regard to state employment as well as dealings with officials.[147] This extended later to restrictions on educational opportunities based on language distinctions. Though initially intended as a means of positive discrimination, implementation was callous, and in one instance the system was changed after unfair allegations with regard to Tamil language examiners, who were cleared following inquiry. Though measures have been taken to

---

[147] "Sweeping Reforms including Senate for Reconciliation", *The Sunday Times*, 11 March 2012, at http://www.sundaytimes.lk/120311/News/nws_04.html; "National Policy on Reconciliation, Final Draft", *Peace in Sri Lanka*, August 2012, at http://www.peaceinsrilanka.lk/human-rights/national-policy-on-reconciliation-final-draft-august-2012.

promote equity in development and language policies have been revised, there is still need of greater committed concern to ensure equity.

16.2. Identity

In order to rectify the above scenario, it is necessary that the State works towards inculcating a culture where each citizen becomes an active participant in society and feels a sense of belonging and of being Sri Lankan. To this end, the State should make every effort to identify and address the social, economic and political structures which caused dissension between communities in the first place.

Further, the Government needs to ensure equitable resource allocation and development of villages, bearing in mind that the reverse could lead to frustration and communal tension in clusters of villages dominated by different ethnic communities, particularly in the Eastern province of the country.

Moreover, building ownership is critical to safeguard sustainability of initiatives and hence every effort should be made to ensure that future development activities are carried out in consultation and with the participation of the local people so as to build ownership to the development activities, as well as give them a sense of participation in nation building.[148]

Recognizing that the ensuing minority grievances stem from deficiencies in the system of administration and lack of good governance that affect all citizens regardless of ethnicity, will guarantee that every citizen who has a grievance out of any executive or administrative act, particularly those based on ethnicity or religion, should have the right to seek redress before an independent institution.

16.3. Public Service

Efforts should be made to make the public service and the police inclusive of all communities with special attention to ensuring adequate representation of the population in any area. Though this should not depart from the principle of merit based recruitment and promotion, positive discrimination may be necessary for a limited period to restore the balance with regard to services where currently such balance is lacking.

To this end, measures should be taken to take further current measures for recruitment of Tamil speaking police officers; Recruitment to the police and armed services of Tamils and Tamil speaking citizens, with particular attention to officer cadres, should be accelerated.[149]

Recognizing that an independent permanent Police Commission is a pre-requisite to guarantee the effective functioning of the Police and to generate public confidence, the Government must make every effort to empower such a Police Commission to monitor the performance of the Police Service and ensure that all police officers act independently and maintain a high degree of professional conduct. This will increase the confidence of the minorities in the impartiality of the Police.

---

[148] Salma Yusuf: "Sri Lanka's tryst with Reconciliation: Where are we today?", *Groundviews,* 31 January 2013, at http://groundviews.org/2013/01/31/sri-lankas-tryst-with-reconciliation-where-are-we-today/.

[149] "Sweeping Reforms including Senate for Reconciliation", *The Sunday Times*, 11 March 2012, at http://www.sundaytimes.lk/120311/News/nws_04.html; National Policy on Reconciliation, Final Draft, *Peace in Sri Lanka*, August 2012, at http://www.peaceinsrilanka.lk/human-rights/national-policy-on-reconciliation-final-draft-august-2012.

16.4. Education

Bearing in mind the significant lapse of time since the introduction of standardization as a means of affirmative action by the State to mitigate the imbalance in educational opportunities afforded to different communities, it is time that the State, in the best interests of future generations undertakes a careful review of this quota system and works towards the introduction of a merit-based admissions system.

Coupled with the above, the Government must actively pursue a programme of equitable distribution of educational facilities and make a concerted effort to minimize any feeling of discrimination felt by the minorities. Further, the Government should make every effort to ensure that the inequality in the availability of educational facilities in different areas of the country is reduced and eventually eliminated.

More importantly, the Government must explicitly and unequivocally convey to the public that it strongly discourages disqualifying students on ethnic or religious grounds, in respect of admission to schools, as being a significant impediment to reconciliation. Additionally, the Government must reinforce its commitment to developing a pro-active policy to encourage mixed schools serving children from different ethnic and religious backgrounds. Such a policy must be implemented in such a manner so as to facilitate the admission of children from different ethnic and religious groups to these schools.

To make the above a reality, simple measures need to be worked out including assurance that at least bilingualism in the public service and other professions serving the public is required, whilst nationally the culture of tri-lingualism should be fostered by making passes in any two of the National Languages compulsory, along with Mathematics, at the GCE Ordinary Level Examination.[150]

16.5. The Constitution

It is acknowledged that grievances have been exacerbated by a sense of frustration that the political process has been hijacked by those in power. This contributed also to two youth insurrections in the South of the country, but this sense in the North has been reinforced by the absence of political leaders from that area contributing to decision making, with regard both to national questions as well as those affecting the regions.

In addition, it is generally accepted that decision making on many matters cannot be left to central government, which is often unaware of the ground situation, and has little political incentive to provide swift solutions to problems.[151] This makes both devolution with regard to policy decisions in certain matters and decentralization to ensure swift responses in most areas, a matter of urgency. The ideal therefore is three tiers of government with clear-cut responsibilities and systems of accountability, to ensure the best possible service to the people.[152]

---

[150] *Ibid.*

[151] Yusuf, Salma: "Sri Lanka's tryst with Reconciliation: Where are we today?", *Groundviews*, 31 January 2013, Available at http://groundviews.org/2013/01/31/sri-lankas-tryst-with-reconciliation-where-are-we-today/.

[152] Sweeping Reforms including Senate for Reconciliation, *The Sunday Times*, 11 March 2012, available at: http://www.sundaytimes.lk/120311/News/nws_04.html; National Policy on Reconciliation, Final Draft, *Peace in Sri Lanka*, August 2012, at http://www.peaceinsrilanka.lk/human-rights/national-policy-on-reconciliation-final-draft-august-2012.

As a matter of urgency therefore, political negotiations should lead to a readjustment of the Constitution, to promote empowerment of the people. Whilst some matters, in particular those pertaining to national security, interpreted in the broadest sense to ensure financial and food and environmental security and so forth in addition to physical security, must be the preserve of the Centre, but it is therefore important that the regions too should have a voice in decision making in this regard.

To the end, it has been suggested that the Constitution be amended to provide for a Second Chamber of Parliament based on the principle of equal representation for all Provinces of the country.

CRÍTICA DE LIBROS:

Gill, Peter (2010): *Famine and Foreigners: Ethiopia since Live Aid*
Oxford, Oxford University Press
ISBN: 9780199569847, 280 pp.

Elsa González Aimé [1]
Universidad Autónoma de Madrid (UAM)

En el verano de 2011, la declaración oficial por parte de la ONU de la hambruna que asolaba el Cuerno de África puso de nuevo a la región en los titulares de la prensa, en los debates de las organizaciones internacionales y fue objeto de campañas de ONG. Consecuencia de la sequía acumulada tras varios años con pocas lluvias, de la inflación económica y de los conflictos políticos, la crisis afectó a 13 millones de personas, especialmente en el sur de Etiopía, el centro y el sur de Somalia y el norte de Kenia. No fue una crisis nueva, los mecanismos de alerta temprana existentes señalaron el fenómeno antes de que llegase al umbral en el que se declara formalmente la hambruna, pero la respuesta humanitaria en los países de la región y fuera de ella fue a destiempo. El balance de la gestión política de dicha crisis en Etiopía tuvo luces y sombras; mientras que se resaltó su capacidad de respuesta gracias a los mecanismos implementados por el gobierno para velar por la seguridad alimentaria del país, las organizaciones humanitarias también señalaron las dificultades planteadas por el gobierno etíope para actuar en la región del Ogaden en la que la hambruna se superponía a enfrenamientos políticos con movimientos separatistas, y las dificultades para hablar abiertamente de lo que ahí sucedía sin poner en riesgo la propia intervención.

Publicado en 2010, el libro de Peter Gill, *Famine and Foreigners. Ethiopia since Live Aid*, no llega a cubrir la hambruna de 2011-2012 pero habla de la difícil situación que en 2009 se vivía ya en la región somalí, y especialmente de los cambios que se han operado en Etiopía desde la hambruna de 1984. Gill vuelve al país 25 años después de aquella crisis, de la que

---

[1] Elsa González Aimé es investigadora del GEA-Grupo de Estudios Africanos y del GERI-Grupo de Estudios de las Relaciones Internacionales de la UAM, donde realiza actualmente su tesis doctoral.
Email: elsa.gonzalez.aime@gmail.com / elsa.gonzalez@uam.es

informó como periodista, para tratar de comprender si transcurrido ese tiempo se podía afirmar que Etiopía estaba superando el hambre. Para responder a esta pregunta, Gill realiza un recorrido a lo largo y ancho del país, desde Korem, la ciudad en la región de Tigray en la que se localizó uno de los campos de refugiados de la hambruna de los ochenta hasta Gode en el Ogaden, desde Metemma en el norte de la frontera con Sudán hasta Awasa capital de la región de los Pueblos del Sur.

Articulado en cuatro secciones, el libro aborda la transformación del país: presenta primero el contexto sociopolítico del régimen del Derg en el que se produjo la hambruna de 1984-1985; plantea acto seguido los cambios del país tras su caída y la creación de la República Democrática Federal de Etiopía, especialmente en cuanto a la transformación económica, al crecimiento de la población y a las relaciones con los donantes internacionales; se detiene después en algunos de los aspectos más controvertidos de los 23 años de gobierno del TPLF/EPRDF (las elecciones legislativas del año 2005, la libertad de prensa y de asociación, y la persistencia de hambrunas); y cierra finalmente con una reflexión sobre la gestión política que caracteriza el país en la actualidad, sobre las relaciones establecidas con China, y sobre el impacto de la cooperación al desarrollo. La lectura fluida del libro se debe en parte al característico estilo periodístico de su autor, pero también al hecho de que de alguna manera nos encontramos con un libro de viajes, aunque la estructura del libro no lo sugiera a simple vista.

Los cuatro apartados no se construyen como una sucesión cronológica, sino que surgen al hilo de las reflexiones durante un periplo realizado en dos tiempos, con viajes en 2008 y 2009. Peter Gill no reflexiona sólo sobre la transformación de Etiopía sino que también apunta a la transformación de la sociedad internacional desde el fin de la Guerra Fría, y especialmente los cambios en las relaciones de Etiopía con la comunidad de donantes, con las instituciones financieras internacionales y con otros países. El trabajo de Gill no se detiene tanto en las características de las hambrunas como en las políticas que se han impulsado en el país en pro del desarrollo, subrayando el vínculo existente entre las hambrunas y el contexto político, local e internacional. Estas cuestiones están presentes de manera más o menos directa en las diferentes entrevistas que ha realizado tanto a la población en los diferentes lugares del país que visitó como a altos cargos del gobierno, especialmente al antiguo Primer Ministro Meles Zenawi, a miembros de la oposición, y a cargos de organizaciones internacionales y de ONG.

La diversidad de entrevistas es de hecho uno de los puntos fuertes del libro. A pesar de depender de intérpretes para realizar los encuentros con la población local, y a pesar de estar enmarcadas en ocasiones por funcionarios locales asociados al partido en el poder, Gill logra acercarse a su pregunta central desde diferentes puntos de vista, que ilustran la imposibilidad de lograr una respuesta taxativa a la misma y las diferentes interpretaciones existentes acerca de la transformación política del país.

Las palabras de Meles Zenawi reflejan en este sentido cómo el EPRDF ha logrado con éxito defender un proyecto político crítico con el neoliberalismo, y controvertido por su faceta autoritaria, frente a las presiones internacionales para la adopción de una economía de libre mercado y de los principios democráticos. En un hábil juego diplomático, esa resistencia, que podemos afirmar se sitúa en continuidad con una trayectoria a largo plazo de defensa de la independencia del estado etíope, no ha impedido que Etiopía sea uno de los principales receptores de la ayuda internacional al desarrollo en África, ni ha logrado de momento evitar necesitarla. Las palabras de diferentes sectores de la oposición al gobierno reflejan a su vez un cuestionamiento del autoritarismo que sigue caracterizando al gobierno a pesar de los cambios

de regímenes políticos, e ilustran cómo al hambre física se superpone a veces un hambre de mayor tolerancia política y de aceptación de las disensiones.

Con un característico estilo periodístico Peter Gill logra con este libro una obra divulgativa que ilustra la dimensión política de las hambrunas. Sin entrar realmente en un análisis más a fondo, algo que delega en unas pocas referencias bibliográficas aunque elegidas con buen criterio, la obra de Gill ofrece ejemplos de cómo el funcionamiento del EPRDF y la estructura política del país desde los noventa han influido en las hambrunas de la última década, repitiendo a veces los mismos errores que los gobiernos anteriores; de cómo se ha transformado el régimen internacional de la acción humanitaria desde la hambruna de mediados de los setenta; de los dilemas y dificultades que rodean estas formas de intervención; y de las razones del debate sobre la efectividad de la ayuda.

CRÍTICA DE LIBROS:

Deng, Francis M. (2010): *Sudan at the Brink: Self-Determination and National Unity*
New York, Fordham University Press, The Institute for International Humanitarian Affairs, ISBN: 978-0-8232-3441-7, pp. 55

Alba Ambrós Coso [1]
Universidad Complutense de Madrid (UCM)

En el presente libro se hace un recorrido a través de las negociaciones previas al referéndum de autodeterminación del Sur de Sudán que llevó a la partición de Sudán en dos Estados: Sudán y Sudán del Sur. El autor pretende contribuir al debate académico y político, reconsiderando el concepto de unidad como el objetivo principal fuese cual fuese el resultado del referéndum de 2011 en el Sur de Sudán. Para el autor, la decisión resultante del referéndum no debería ser determinante en tanto en cuanto se mantiene la proximidad geográfica y la interacción entre las dos partes. Deng pronostica que podrían generarse incluso relaciones de interdependencia crecientes y más relevantes que las existentes antes del Referéndum.

Todo esto muestra que sin duda hay elementos significativos de unidad más allá de la secesión, ya que ambos conceptos están relacionados y se sitúan en una misma escala de grados de parentesco. El reto para el norte y el sur de Sudan sería entonces trabajar en la negociación de acuerdos que conciliaran la secesión con los desafíos actuales de la unidad.

El libro comienza con una breve descripción de la situación con un enfoque favorable a la unidad nacional. A esto se le añaden dos declaraciones pertinentes: en primer lugar la declaración de 1989 sobre "Diálogo sobre cuestiones de Paz" convocado por la recién creada Revolución de Salvación Nacional, que había tomado el poder tres meses antes. En segundo

---

[1] Alba Ambrós Coso es licenciada en Ciencias Políticas por la Universidad Complutense de Madrid. Sus principales áreas de interés son la región de Asia-Pacífico, la cooperación entre los países del Mekong y la UE. *Email*: aambros.1985@gmail.com.

lugar un discurso de apertura de un simposio organizado en 2009 por la Misión de las Naciones Unidas en Sudán (UNMIS) acerca de la libre determinación y la unidad nacional.

A lo largo del primer capítulo, el autor hace un recorrido por las aspiraciones de unidad a lo largo de la historia reciente del país, recordando las diferencias entre las dos regiones y haciendo hincapié en la faceta religiosa, que influyó en las dos guerras civiles de larga duración, la primera entre 1955 y 1972, denominada guerra de liberación, que terminó con los acuerdos de Addis Abeba; y la segunda, de 1983 a 2005, que aspiraba a la liberación de Sudán mediante la creación de un nuevo Estado sudanés igualitario, sin discriminaciones en cuanto a raza, etnia, religión, cultura o género, que terminó con la firma del Acuerdo General de Paz.

Lo que explica el autor es que en estas dos guerras se querían corregir ciertas distorsiones históricas asociadas al antiguo Sudán. En primer lugar la percepción de un país predominantemente árabe; y en segundo lugar, la percepción propia del norte como marco de identidad para toda la nación, a pesar de la diversidad racial, étnica, cultural y religiosa del país.

Deng, que centra el libro en la cuestión separación vs unidad, argumenta a lo largo del mismo sus motivos para abogar por mantener la unidad del país antes de darse las negociaciones previas al Referéndum de autodeterminación del Sur de Sudán que posteriormente desembocó en la secesión de Sudán del Sur de Sudán.

El autor se cuestiona qué hubiera pasado si John Garang, líder carismático del SPLM, no hubiera fallecido dos semanas después de haber jurado su cargo como Vicepresidente de la República y Presidente del Gobierno de Sudán del Sur. Deng tiene la certeza de que, en caso de haber seguido con vida, Garang podría haberse convertido en un formidable rival para El-Bashir en la carrera presidencial debido a su gran capacidad de liderazgo, además de trascender más allá de la división norte-sur. El autor hipotetiza que probablemente, de haber ganado la elección presidencial, Garang habría utilizado eficazmente los medios a su disposición con tal de reunir fuerzas en todo el país y dar pasos hacia una transformación democrática del país, según lo estipulado en los acuerdos de paz. Sin embargo, a raíz de estos planteamientos, Deng se hace la siguiente pregunta: tras la muerte de Garang, ¿qué opción u opciones le quedan a Sudán? Para el autor está muy claro y es un concepto que repite a lo largo del libro: unidad, la cual sólo puede lograrse y mantenerse en un país que se adapte a la diversidad existente en él en un marco de igualdad, sin discriminación alguna por motivos de raza, etnia, religión, cultura y género.

El autor concluye brevemente con una visión optimista de un nuevo Sudán, dejando la puerta abierta a una futura reunificación pese a la probable separación tras el referéndum.[2]

---

[2] Recordemos que el libro está escrito antes del referéndum de autodeterminación del Sur de Sudán, por lo que en ese momento la división de Sudán en dos Estados seguía siendo una posibilidad y no una realidad.

CRÍTICA DE LIBROS:

Malamud, Carlos (2012): ***Ruptura y reconciliación, España y el reconocimiento de las independencias latinoamericanas***
Madrid, Fundación MAPFRE Y Santillana ed.
ISBN 978-84-306-0788-4, 402 pp.

Eduardo López Busquets[1]
Casa Árabe

Este libro es una obra fascinante para los estudiosos de este particular periodo de transición poscolonial. Coordinado por Carlos Malamud, los distintos capítulos abordan detalladamente los impedimentos para dicho reconocimiento de las nuevas repúblicas por parte de la metrópoli, enfocando la lente en las turbulencias políticas por las que pasaba España así como en las rápidas transformaciones de los gobiernos latinoamericanos, y por supuesto, en los resultantes encuentros y desencuentros. La presencia e injerencia de otros actores internacionales (Gran Bretaña, Francia, Estados Unidos, El Vaticano, etc.) también es analizada, ya que resulta fundamental para entender porqué algunos tratados tardaron más que otros en ser ratificados.

Precisamente estos factores externos determinan la dinámica que caracterizó al caso colombiano. La construcción del canal interoceánico afectó negativamente la negociación de España con Colombia, ya que Panamá formaba parte de Nueva Granada. Gloria Ospina aborda en su capítulo esta disputa y otros contenciosos desde la perspectiva colombiana, utilizando de forma brillante fuentes españolas, inglesas, estadounidenses y francesas. Ospina comienza por señalar que, entre 1819 y 1881 hubo seis intentos marcados por el desencuentro para llegar a un tratado de paz y amistad entre España y Colombia. La inestabilidad política en sendos Estados no facilitó las cosas, hasta que en 1878 comenzaron negociaciones en Caracas para la firma de un tratado. Varios temas espinosos fueron expresamente excluidos del documento, que se basaba en los tratados de México (1837) y Venezuela (1845). Debido a

---

[1] Eduardo López Busquets, Director de Casa Árabe.
Email: direccion@casaarabe.es.

las tensas relaciones entre Colombia y Venezuela, el expediente se traslada a París, donde la embajada española a través de la figura del marqués de Molins, se encontraba negociando tratados con los representantes de Chile, Bolivia y Perú. Cerca ya de su firma, el tratado hispano-colombiano fue nuevamente postergado debido a los matices en las condiciones del tránsito de España por el istmo de Panamá, cuestión en la que Estados Unidos estaba inmiscuido. El resultado final es un tratado corto, firmado en París en 1881, que revela la voluntad de "pasar página y mirar hacia el futuro", así como "poner fin a la incomunicación" entre Madrid y Bogotá. En la negociación España cedió más que Colombia, aunque recibe el tratado de nación más favorecida (al igual que Gran Bretaña y Francia) y la responsabilidad de arbitrar en los conflictos territoriales colombo-venezolanos. Con este atinado análisis histórico de Ospina se esclarecen los numerosos obstáculos, directos e indirectos, que determinaron los tardíos reconocimientos de algunas repúblicas, como es el caso de Colombia.

Cabe asimismo destacar a México como caso paradigmático, no solo por ser el primer tratado en ser ratificado en 1834, sino también porque se convertiría en modelo para otros acuerdos similares en la región. España y México demostraron una gran flexibilidad en las negociaciones debido a los profundos vínculos bilaterales y a la intensa relación comercial. En particular, la nueva república aceptó asumir la deuda contraída por las autoridades virreinales antes de 1821, y a cambio España no exigió compensación alguna. El capítulo del libro dedicado a México, escrito por Agustín Sánchez Andrés, detalla el previo conflicto hispano-mexicano que se detonó con las ambiciones de reconquista de Fernando VII. Tras la muerte del monarca en 1833 y el retorno de los liberales en el gobierno de España, la mediación británica retomó su cauce y Madrid finalmente hizo pública su intención de reconocer a México como nación independiente. Sin embargo, habría que esperar hasta 1837 para la ratificación final del tratado, que incluía una cláusula secreta en la que México se comprometía a respetar la soberanía española en Cuba.

Vinculado a Colombia también está el caso peculiar de la República Federal de Centro América, proyecto político de muy corta duración (1824-1840), cuyo desenlace de disolución marcaría durante décadas la historia política de la región, incluyendo rivalidades entre sus integrantes y alianzas con Gran Bretaña y Estados Unidos. Brasil también es un caso especial a destacar, además de Cuba y República Dominicana. El inédito traslado de la corte portuguesa a Río de Janeiro convirtió a Brasil en sede de un gran imperio ultramarino en competencia directa con España. A su vez, el destino de los dominicanos y su relación con Haití fue determinante en un reconocimiento tardío en 1874. Por su parte, Cuba estuvo vinculada al imperio español hasta 1898 -al igual que Filipinas y Puerto Rico- y sin duda merece una reseña aparte. Panamá, a pesar de su temprana independencia en 1821, sería el último país en obtener el reconocimiento, debido al sensible y complejo tema del canal. El libro es, tanto en segmentos como en su conjunto, una fuente invaluable para comprender cómo estos tratados y negociaciones sentarían las bases de las relaciones hispano-latinoamericanas, así como con París, Londres y Washington, durante el resto del siglo XIX hasta la actualidad.

CRÍTICA DE LIBROS:

Fernández Rodríguez, José Julio; Sansó-Rubert Pascual, Daniel; Pulido Grajera, Julia y Monsalve, Rafael (Coords.) (2011):

Cuestiones de inteligencia en la sociedad contemporánea.

Madrid, Ministerio de Defensa.

ISBN: 978-84-9781-721-9, pp. 256

Gabriel Cortina[1]
Grupo ATENEA

Antonio Alonso [2]
UNISCI / Universidad CEU-San Pablo

 "Cuestiones de inteligencia en la sociedad contemporánea" es el fruto de algunas actividades realizadas por el Seminario de Estudios de Seguridad y Defensa de la Universidad de Santiago de Compostela y el Centro de Centro Superior de Estudios de la Defensa Nacional (CESEDEN). La iniciativa, que cuenta con el apoyo del Centro Nacional de Inteligencia (CNI) para la promoción de la cultura de inteligencia, pretende sumarse a las publicaciones de la comunidad científica. El objetivo de los autores es que, el conocimiento que ésta aporta a los decisores públicos, tal vez asegure una base de razonabilidad y eficacia en el proceso de adopción de resoluciones y estrategias.

La obra agrupa un conjunto de dieciséis ensayos sobre retos y amenazas emergentes, que tienen como denominador común a la Inteligencia, entendida como una disciplina y una serie de recursos que sólo ella puede proporcionar a la hora de abordar dichas incertidumbres.

---

[1] Gabriel Cortina es Director Comercial del Grupo Atenea.
Dirección: Grupo Atenea, c/José Abascal, 18, 28003 Madrid, España. *E-mail:* gcortina@grupoateneasd.es
[2] Antonio Alonso Marcos es profesor del Instituto de Humanidades "Ángel Ayala", Universidad CEU-San Pablo, e investigador de UNISCI.
Dirección: Universidad CEU-San Pablo, c/ Julián Romea, 23, 28003 Madrid, España. *E-mail:* aalonso@ceu.es.

Los casos internacionales hacen referencia a diversos países: México (la transformación del Centro de Investigación y Seguridad Nacional y el caso "Nuevo León"), Ecuador (COSENA, DNI y la Comisión de la Verdad) y Perú (caso SINA). También cuenta con un interesante cuadro comparativo sobre el control público de inteligencia en la legislación de Panamá, Colombia, Ecuador, Uruguay, Venezuela y Bolivia.

Asimismo, cuenta con un ensayo sobre la posibilidad de crear un organismo común de inteligencia dentro de la Unión Europea, la protección de datos en Europa (SWIFT y PNR), y otro sobre la relación entre el análisis de políticas públicas e inteligencia estratégica, y las cuestiones de pueden aprender mutuamente. Otros temas tratados son la relación entre organismos España-OTAN; la intervención de comunicaciones digitales (SITEL); un completo planteamiento de la prospectiva y su relación con el desarrollo de escenarios y la toma de decisiones -"*esté donde esté, alguien tiene que ocuparse del futuro*"-; inteligencia tecnológica y su relación con la inteligencia económica, competitiva y la vigilancia tecnológica en el mundo de la investigación; y propuestas de futuro para abordar la criminalidad organizada. Uno de los ensayos que deseo destacar es el dedicado la inteligencia sociocultural y las variantes del análisis como especialización profesional.

Se trata de una publicación muy práctica, aconsejable para la comunidad docente e investigadora, pues todos los ensayos cuentan con un capítulo inicial, a modo de introducción del tema, bibliografía recomendada, y unas conclusiones finales, donde se exponen las ideas más importantes y las pautas de actuación que se proponen.

La obra refleja la paradoja que recorre el trasfondo de uso de servicios de inteligencia en democracia: por un lado, se debe garantizar al máximo la seguridad de los ciudadanos, pero por otro lado también hay que hacerlo desde y para la democracia, y por tanto respetando siempre los derecho fundamentales y las libertades civiles, el Estado de Derecho. Es la ya clásica dicotomía libertad-seguridad que quedó cristalizada en el artículo 3 de la Declaración Universal de los Derechos Humanos (1948): "Todo individuo tiene derecho a la vida, a la libertad y a la seguridad de su persona". Esto se ve en el libro de manera especial a la hora de hablar de SITEL, donde precisamente le faltaría hacer un pequeño paralelismo con la red ECHELON, menos conocida en España por el público general pero que fue fundamental para desarticular el núcleo duro de ETA en 2001 y hasta 2004, principalmente. También, se podría haber hecho alusión a los cambios legislativos operados en EE.UU. tras el 11S con la USA PATRIOT Act, que es el acrónimo de *Uniting (and) Strengthening America (by) Providing Appropriate Tools Required (to) Intercept (and) Obstruct Terrorism*, de 2001.

De entre los estudios de caso propuestos en esta obra colectiva llama la atención la precisión y claridad con la que exponen las complejas relaciones entre las distintas agencias de un mismo país o incluso, en el ámbito europeo, entre agencias de distintos países. En este punto surgen al menos dos problemas, tratados también en el libro (p. 126, entre oras): la radical desconfianza entre agencias, llegando incluso a rivalizar entre sí con un cierto "juego sucio", y la falta de total transparencia por la sospecha de poner en peligro operaciones propias que pueden llevar años en marcha. El resultado de estos dos problemas es al final el mismo: falta de cooperación entre agencias (ver p. 91).

Otra de las utilidades del libro es la introducción de términos clásicos en las discusiones dentro de la comunidad de inteligencia, expresiones que han pasado al –o provienen del— mundo empresarial, pero que apenas han llegado al público general. Nos referimos a conceptos como "inteligencia sociocultural" o "inteligencia tecnológica".

Aunque la comunidad da por buena esta nomenclatura, denominar "amenazas preeminentes" (pp. 143ss) al terrorismo transnacional, a las armas de destrucción masiva y al crimen organizado transnacional no parece muy adecuado. Es como la manida expresión "nuevas amenazas". Ninguno de estos problemas es nuevo. Ni siquiera la piratería es nueva, como tampoco lo es el terrorismo. Todos estos fenómenos existen, prácticamente, desde que el hombre es hombre. Lo que sí ha variado ha sido su proliferación –el número se ha incrementado exponencialmente— y la capacidad de alcance, es decir, de afectar a un número de personas muchísimo mayor, además de traspasar las fronteras nacionales –cosa que los delincuentes pueden hacer con soltura, mas no así los defensores de la Ley—. Sin embargo, estos cambios no hacen que esas amenazas sean nuevas ni preeminentes, pues simplemente responden a los movimientos naturales del ser humano, es decir, el hombre usa en cada momento la tecnología que tiene a su disposición; si en la Antigüedad el hombre sólo disponía de catapultas, sólo podía usar catapultas, pero no bombas atómicas; no hay, por tanto, cambio sustancial. Hay más terrorismo, entre otros muchos factores, porque hay más población mundial y es casi inevitable que surjan perturbados *"freedom fighters"*.

Como toda obra, tiene sus puntos de debate. Aún así, podemos decir que estamos ante un libro bien coordinado y estructurado que ofrece una amplia panorámica sobre los estudios de inteligencia. Cosa que no es nada fácil de conseguir.

NOVEDADES

UNA DEVASTACIÓN INCIPIENTE
LA SEGURIDAD ALIMENTARIA
EN EL MAGREB

EDITOR
ANTONIO MARQUINA

Carlos Corral Salvador

MORAL INTERNACIONAL

Dykinson, S.L.

60 horas - 6 créditos
LIBRE CONFIGURACIÓN
Resolución de la Comisión
de Formación Continua
de 27 de Febrero de 2006

17ª PROMOCIÓN

UNIVERSIDAD COMPLUTENSE DE MADRID

DIPLOMA EN PREVENCION DE CONFLICTOS

CÓDIGO: D0037/8

Curso 2013/2014
Del 1 de abril del 2014 al 31 de mayo del 2014
Inscripción:
Septiembre 2013- abril 2014

Director: Antonio Marquina Barrio
Secretaria: Gloria Inés Ospina

PROGRAMA

1. **Los conflictos tras la guerra fría: continuidad y cambio**
2. **Prevención de conflictos. Conceptualización:**
   - Arreglo pacífico de controversias y diplomacia preventiva.
   - Crisis y control de crisis.
   - Alerta temprana.
   - Centro de prevención de conflictos: decisión, efectividad, movilización de recursos y actores.
   - Imposición de la paz.
   - La reconstrucción de la paz tras el conflicto.
   - Desarme, desmovilización y reintegración.
3. **Respuestas de las Organizaciones Internacionales:**
   - Naciones Unidas: Medios y actuaciones.La diversidad de operaciones de Mantenimiento de la Paz.
   - La Organización para la Seguridad y la Cooperación en Europa, OSCE.
   - La OTAN, gestión de crisis y postconflicto.
   - La Unión Europea y la prevención de Conflictos: Aspectos Civiles y Militares
4. **Lecciones de la experiencia de prevención de conflictos: éxitos, fracasos, equivocaciones**
   - El caso de Mali
   - Los casos de Siria y Libia
   - El caso de Afganistán.
   - El caso de Bosnia y Kosovo
   - El caso de Irak.
   - El conflicto árabe-israelí y palestino-israelí.
   - El África Subsahariana.

Prácticas:
   - Sistema de Alerta Temprana para afrontar posibles situaciones de conflicto
   - Gestión de Crisis-OTAN
   - Gestión Post-Conflicto: Misión de Paz ONU en Africa

PROFESORADO

Miguel José Moro Aguilar Subdirector General para Oriente Medio, Ministerio de Asuntos Exteriores y Cooperación.

Cor. Carmelo Escribano: Ex-Profesor de la Academia General Militar de Zaragoza. Desplegado en Bosnia y Kosovo

Javier Ignacio García: Profesor de Relaciones Internacionales IE Universidad

Antonio Marquina Barrio: Catedrático de Seguridad y Cooperación Internacional, UCM.

José Manuel Albares:: Subdirector General para África Subsahariana, Ministerio de Asuntos Exteriores y Cooperación.

Gracia Abad: Profesora de Relaciones Internacionales, Universidad de Londres, Investigadora UNISCI, UCM.

Profesores de Prácticas:
Gracia Abad, María Angeles Alaminos,

Duración y organización

Del 1 de Abril -31 de Mayo 2014 (lunes a jueves de 16:30 a 20:30 horas). 60 horas (48 teóricas, 12 prácticas. La parte teórica se imparte durante el mes de abril quedando 4 tardes salteadas en mayo para la realización de las simulaciones en grupo). Las clases se impartirán en la Facultad de CC. Políticas y Sociología de la UCM, Campus Universitario de Somosaguas (autobuses A, B, H, I), tren ligero.

Admisión, matricula

La matriculación se realiza en la Fundación de la UCM, calle Donoso Cortés 65, planta 5, entregando el impreso de solicitud y el comprobante del pago de la matrícula, una vez realizado el pago en Caja Madrid. El coste de la matrícula es de 290 €. El impreso se baja de página de Formación Continua de la UCM (http://www.ucm.es/pags.php?a=estudios&d=0001707). Este documento más el documento de pago, escaneados, donde ha de constar con claridad el nombre y apellidos del alumno, el curso y el código del curso, se puede también enviar a <organero@pas.ucm.es> o por fax al 91-3946405

Información

Universidad Complutense de Madrid. Facultad de Ciencias Políticas y Sociología. Departamento de Estudios Internacionales.
Despacho 2413. Tel.: 91 3942924 - Fax: 91 3942655
Página Web: www.ucm.es/info/unisci
e-mail: marioant@cps.ucm.es, gloriainesospinas@cps.ucm.es,

UNISCI / *ABOUT UNISCI*

La **Unidad de Investigación sobre Seguridad y Cooperación Internacional (UNISCI)** es un grupo de investigación de la Universidad Complutense de Madrid, formado por profesores e investigadores especializados en el área de las Relaciones Internacionales y la Seguridad Internacional.

Desde su fundación en 1989, UNISCI ha realizado las siguientes actividades:

- *Docencia:* cursos y títulos propios universitarios.

- *Investigación:* proyectos financiados por instituciones públicas y privadas.

- *Publicaciones:* libros, colección de monografías UNISCI Papers, revista *UNISCI Discussion Papers.*

- Organización de *seminarios y reuniones científicas* en España y el extranjero.

The **Research Unit on International Security and Cooperation (UNISCI)** *is a research group at Complutense University of Madrid, composed by Professors and Research Fellows specialized in the field of International Relations and International Security.*

Since its foundation in 1989, UNISCI has conducted the following activities:

- Teaching: *university courses and diplomas.*

- Research: *projects funded by public and private institutions.*

- Publications: *books, monograph series UNISCI Papers, journal* UNISCI Discussion Papers.

- *Organization of* conferences and workshops *in Spain and abroad.*

UNISCI
Departamento de Estudios Internacionales,
Facultad de Ciencias Políticas y Sociología, Universidad Complutense de Madrid.
Campus de Somosaguas, 28223 Madrid, Spain

Tel.: (+ 34) 91 394 2924 • *Fax:* (+ 34) 91 394 2655
E-mail: unisci@cps.ucm.es • *Web:* www.ucm.es/info/unisci

EQUIPO UNISCI / *UNISCI TEAM*

DIRECTOR	Research Areas	E-mail
Prof. Antonio MARQUINA BARRIO *Chair in International Security and Cooperation, Department of International Studies, Complutense University of Madrid*	European Security, Mediterranean, Asia-Pacific, Arms Control.	marioant@cps.ucm.es

SENIOR RESEARCHERS	Research Areas	E-mail
Dr. Gracia ABAD QUINTANAL *Royal Holloway, University of London*	Asia-Pacific, European Security	graciaabad@cps.ucm.es
Prof. Antonio ALONSO MARCOS *"Ángel Ayala" Institute of Humanities, CEU San Pablo University, Madrid*	Central Asia	aalonso@ceu.es
Prof. Carlos CORRAL SALVADOR *Department of International Studies, Complutense University of Madrid*	Religions, Fundamentalism	ccorral@res.upco.es
Prof. Carlos ECHEVERRÍA JESÚS *Department of Political Science, UNED University, Madrid*	Mediterranean, Subsaharian Africa, Energy	cecheverria@poli.uned.es
Prof. Javier DE QUINTO ROMERO *Department of General Economics, CEU San Pablo University, Madrid*	Energy	quirom@ceu.es
Prof. David GARCÍA CANTALAPIEDRA *Department of International Studies, Complutense University of Madrid*	US & European Security, Transatlantic Relations, WMD	dgarciacan@wanadoo.es
Prof. Javier Ignacio GARCÍA GONZÁLEZ *Department of Juridical, Economic and Social Sciences, SEK University, Segovia*	Conflict Prevention, Crisis Management, European Security	javier.garcia@sekmail.com
Prof. Mercedes GUINEA *Department of International Studies, Complutense University of Madrid*	European Union	mmguinea@cps.ucm.es
Prof. Rubén HERRERO DE CASTRO *Department of International Studies, Complutense University of Madrid*	Foreign Policy Decision-Making	rubenherrero@cps.ucm.es
Dr. Belén LARA FERNÁNDEZ *Arms Control and Disarmament Expert*	Arms Control, Early Warning, Conflict Prevention	mbelen.lara@gmail.com
Dr. María Angeles MUÑOZ *Department of International Studies, Complutense University of Madrid*	European Union	mngeles.muoz@gmail.com

Prof. Santiago PETSCHEN VERDAGUER *Department of International Studies, Complutense University of Madrid*	Religious Forces, Holy See, EU	spetschen@cps.ucm.es
Prof. Clara PORTELA *School of Social Sciences, Singapore Management University*	International Sanctions, International security, Arms control and disarmament	claraportela@smu.edu.sg
Prof. Alberto PRIEGO MORENO *University of Comillas*	Caucasus, Central Asia, European Security	albertopriego@cps.ucm.es
Dr. Xira RUIZ CAMPILLO *Department of International Studies, Complutense University of Madrid*	ESDP, Conflict Prevention, Crisis Management and Post-Conflict Reconstruction	xiraxirorum@yahoo.es
Col. José Antonio SÁINZ DE LA PEÑA *Spanish Army (Ret.)*	Mediterranean, Northern Africa, Iran, Caucasus	jasdlp@hotmail.com
Dr. Eunsook YANG *Department of International Studies, Complutense University of Madrid*	Asia-Pacific	sylviasorey@yahoo.com
Dr. Javier MORALES HERNÁNDEZ *Oxford University*	Russia, International Security	javier.morales@cps.ucm.es
Dr. Gustavo DÍAZ MATEY *Department of International Studies, Complutense University of Madrid*	Intelligence	gdiazmat@cps.ucm.es

JUNIOR RESEARCHERS	Research Areas	E-mail
Ms. María Ángeles ALAMINOS HERVÁS *Department of International Studies, Complutense University of Madrid*	Africa, Conflict Prevention	ma_alaminos_h@hotmail.com
Ms. Raquel BARRAS *Department of International Studies, Complutense University of Madrid*	Human Rights, International Law	raqueltejudo@yahoo.es
Ms. Mónica MIRANZO *Department of International Studies, Complutense University of Madrid*	Food Security	mmiranzop@yahoo.es
Ms. Sara NSO *Centre de Géopolitique du Pétrole et des Matières Premières (CGEMP), Université Dauphine, Paris*	Africa	saranso@yahoo.com
Ms. Gloria Inés OSPINA SÁNCHEZ *Department of International Studies, Complutense University of Madrid*	Migrations	ginesos@hotmail.com

Mr. Eric PARDO SAUVAGEOT *Department of International Studies, Complutense University of Madrid*	Energy Geopolitics, Post-soviet Space, Asia-Pacific	epardosauvageot@hotmail.com
Ms. Beatriz TOMÉ ALONSO *Department of International Studies, Complutense University of Madrid*	Islam	beatriz.tome@hotmail.com
Ms. Nieva MACHÍN OSÉS *University Juan Carlos I*	Human security, Food security, European Union	nieva@hotmail.es

INSTRUCCIONES PARA LOS AUTORES

Las líneas temáticas de *UNISCI Discussion Papers* son las propias de las Relaciones Internacionales y la Seguridad; ambas entendidas en sentido amplio y desde un enfoque multidimensional, abierto a diferentes perspectivas teóricas. El Comité de Redacción invita a los autores interesados a enviar propuestas de artículos **originales**, según el procedimiento que se indica a continuación.

Propuestas de artículos

Las propuestas se enviarán como archivo adjunto a la dirección de correo electrónico unisci@cps.ucm.es, en formato Word para Windows. La extensión habitual de los artículos es de entre 15 y 40 páginas en letra Times New Roman de 12 puntos a espacio sencillo, y de entre 2 y 5 páginas para las recensiones de libros.

En el cuerpo del mensaje se indicará el nombre y apellidos del autor, categoría profesional, institución a la que pertenece, principales líneas de investigación, dirección postal y correo electrónico de contacto.[3] En la primera página se incluirá un resumen del artículo de entre 100 y 150 palabras, así como varias palabras clave que describan adecuadamente su contenido. Las imágenes y gráficos se insertarán dentro del texto en el lugar correspondiente, adjuntándose también como archivos separados (.bmp, .gif o .jpg.).

Evaluación y selección

UNISCI Discussion Papers es una revista con evaluación externa de los artículos. El sistema empleado es el de *double-blind refereeing,* es decir, anonimato del autor para los evaluadores y viceversa. En consecuencia, el autor no debe incluir ninguna identificación personal en el manuscrito. Cada artículo es revisado por dos evaluadores externos a la revista.

Los criterios para la selección de artículos son los siguientes:

- Relevancia del tema.
- Rigor y coherencia en la aproximación teórica.
- Adecuación de la metodología de investigación a los objetivos.
- Originalidad de las fuentes.
- Aportación a la literatura existente.
- Claridad del estilo.
- Cumplimiento de las normas de formato.

La plantilla para los informes de los evaluadores puede consultarse en la página web de la revista, www.ucm.es/info/unisci. La decisión será comunicada a los autores de forma motivada, indicándoles en su caso las modificaciones necesarias para que el artículo sea publicado.

Copyright

A partir de su aceptación para ser publicados, el *copyright* de los artículos pasa a ser propiedad de UNISCI, sin perjuicio de los derechos de los autores de acuerdo con la legislación vigente. El contenido de la revista puede ser citado, distribuido o empleado para fines docentes, siempre que se haga la debida mención de su fuente. No obstante, es necesario el permiso del Comité de Redacción

---

[3] Si el artículo es aceptado y publicado, estos datos aparecerán en su primera página para permitir a los lectores que lo deseen contactar con el autor.

para republicar un artículo, debiendo además indicarse claramente su aparición previa en *UNISCI Discussion Papers.*

Formato

Se emplearán apartados y subapartados de forma apropiada a la estructura del texto. Los títulos de los apartados estarán numerados por una cifra y un punto: "1.", "2." ... etc. Los títulos de los subapartados estarán numerados "1.1.", "1.2."... etc.

Las notas irán a pie de página. De forma optativa, puede añadirse una bibliografía al final. **La revista no publicará artículos que no respeten el formato aquí indicado.**

La primera cita de cada obra será completa. La segunda y siguientes indicarán sólo el apellido del autor, seguido de *"op. cit.",* y la(s) página(s) citadas. Si se han mencionado varias obras del mismo autor, se indicará el apellido, el comienzo del título, *op. cit.* y las páginas.

Si los autores o editores son más de dos, la primera vez que se cite se indicarán todos. A partir de ahí, sólo el apellido del primero, seguido de *"et al.".*

Cuando la fuente de una cita sea igual a la de la cita inmediatamente anterior, se sustituye por *"ibid."* más las páginas correspondientes, si varían.

Ejemplos:

[6] Véase Keohane y Nye, *op. cit.*, p. 45.

[7] *Ibid.,* pp. 78-79.

[8] Un ejemplo aparece en Snyder *et al.*, *Foreign Policy Decision-Making, op. cit.*, pp. 51-52.

A) Libros

Apellido, Nombre (Año): *Título del libro,* nº ed., colección y nº si los hay, Ciudad, Editorial.

Waltz, Kenneth N. (1979): *Theory of International Politics,* Boston, Addison-Wesley.

B) Libros colectivos

Apellido, Nombre del Autor 1; Apellido, Nombre del Autor 2 y Apellido, Nombre del Autor 3 (Año): *Título del libro,* nº ed., colección y nº si los hay, Ciudad, Editorial.

Buzan, Barry; Wæver, Ole y De Wilde, Jaap (1998): *Security: A New Framework for Análisis,* Boulder / Londres, Lynne Rienner.

C) Libros con un editor o coordinador

Apellido, Nombre del editor (ed.) o coordinador (coord.) (Año): *Título del libro,* nº ed., colección y nº si los hay, Ciudad, Editorial.

Lynch, Dov (ed.) (2003): *The South Caucasus: A Challenge for the EU,* Chaillot Papers, nº 65, París, EU Institute for Security Studies.

D) Capítulos de libros

Apellido, Nombre (Año): "Título del capítulo", en *Título del libro,* nº ed., colección y nº si los hay, Ciudad, Editorial, pp. xx-xx.

Wendt, Alexander: "Three Cultures of Anarchy", en *Social Theory of International Politics,* Cambridge, Cambridge University Press, pp. 246-312.

E) Capítulos en libros con un editor o coordinador

Apellido, Nombre del autor del capítulo: "Título del capítulo", en Apellido, Nombre del editor (ed.) o coordinador (coord.) (Año): *Título del libro,* nº ed., Colección y nº si los hay, Ciudad, Editorial, pp. xx-xx.

Sakwa, Richard: "Parties and Organised Interests", en White, Stephen; Pravda, Alex y Gitelman, Zvi (eds.) (2001): *Developments in Russian Politics,* 5ª ed., Durham, Duke University Press, pp. 84-107.

F) Artículos de revista

Apellido, Nombre: "Título del artículo", *Revista,* vol. xx, nº x (mes año), pp. xxx-xxx.

Schmitz, Hans Peter: "Domestic and Transnational Perspectives on Democratization", *International Studies Review,* vol. 6, nº 3 (septiembre 2004), pp. 403-426.

G) Artículos de prensa

Apellido, Nombre: "Título del artículo", *Periódico,* día de mes de año.

Bradsher, Keith: "China Struggles to Cut Reliance on Mideast Oil", *New York Times,* 3 de septiembre de 2002.

H) Artículos en publicaciones de Internet

Igual que los anteriores, pero añadiendo al final "en http://dirección.página/web."

Gunaratna, Rohan: "Spain: An Al Qaeda Hub?", *UNISCI Discussion Papers,* nº 5 (mayo 2004), en http://www.ucm.es/info/unisci.

I) Otros recursos de Internet

Título del documento, en http://dirección.página.web.

Charter of the Shanghai Cooperation Organization, en http://www.ln.mid.ru.

Datos de contacto

Para cualquier consulta, pueden dirigirse a:

UNISCI Discussion Papers
UNISCI, Departamento de Estudios Internacionales
Facultad de Ciencias Políticas y Sociología
Universidad Complutense de Madrid
Campus de Somosaguas
28223 Madrid, España

E-mail: unisci@cps.ucm.es
Tel.:   (+ 34) 91 394 2924
Fax: (+ 34) 91 394 2655

242

INSTRUCTIONS TO AUTHORS

The thematic scope of *UNISCI Discussion Papers* is that of the International Relations and Security, both understood in a broad sense and from a multidimensional approach, open to different theoretical perspectives. The Editorial Committee welcomes proposals of **original** research articles, according to the procedure explained below.

Article proposals

Proposals should be sent as an attached MS Word for Windows file to unisci@cps.ucm.es. The usual length is 15-40 pages for articles and 2-5 pages for book reviews, in 12 points Times New Roman font, single-spaced.

The author's full name, professional category, institution, main research areas, postal address and e-mail should be stated in the body of the message.[4] On the title page, authors should include an abstract of 100-150 words, as well as several keywords that accurately describe the contents of the article. Images and graphs should be included in the text and also attached as separate files (.bmp, .gif or .jpg.).

Refereeing and selection

UNISCI Discussion Papers is a refereed journal: the "double-blind refereeing" system is used. Consequently, authors should not include any personal identification in the manuscript. Each article is reviewed by two external referees.

The criteria for article selection are the following:

- Relevance of the topic.
- Theoretical rigour and coherence.
- Adequation of the research methods to the objectives.
- Originality of the sources.
- Contribution to the existing literature.
- Clarity of style.
- Compliance with the formatting rules.

The checklist for referees is available at www.ucm.es/info/unisci. Authors will be informed of the motives of the decision, as well as of the corrections (if any) recommended by the referees and required for the article to be published.

Copyright

Once an article is accepted for publication, its copyright resides with UNISCI, notwithstanding the rights of the author according to the applicable legislation. All materials can be freely cited, distributed or used for teaching purposes, provided that their original source is properly mentioned. However, those wishing to republish an article must contact the Editorial Committee for permission; in that case, its previous publication in *UNISCI Discussion Papers* must be clearly stated.

---

[4] If the article is accepted and published, these details will appear in the title page in order to allow readers to contact the authors.

Formatting

Headings and subheadings will be used according to the structure of the text. Headings will be numbered "1.", "2." ... etc., and subheadings "1.1.", "1.2."... etc.

All notes should be footnotes; additionally, a list of references may be included at the end of the article. **The journal will not publish articles that do not follow the style indicated here.**

The second and further times that a source is cited, it should include only the author's surname, *"op. cit.",* and the pages. If several works by the same author have been mentioned, the footnote should include the author's surname, the beginning of the title, *op. cit.* and the pages.

If there are more than two authors or editors, all of them should be mentioned the first time. The following citations will include only the first author's or editor's surname, followed by "*et al.*".

When the source is the same as that of the previous citation, *"ibid."* is used, followed by the page numbers (if different).

Examples:

[6] See Keohane and Nye, *op. cit.*, p. 45.

[7] *Ibid.,* pp. 78-79.

[8] An example appears in Snyder *et al.*, *Foreign Policy Decision-Making, op. cit.*, pp. 51-52.

A) Books

Surname, First Name (Year): *Book Title,* x[th] ed., Book Series, No. x, Place, Publisher.

Waltz, Kenneth N. (1979): *Theory of International Politics,* Boston, Addison-Wesley.

B) Collective Books

Surname 1, First Name 1; Surname 2, First Name 2 and Surname 3, First Name 3 (Year): *Book Title,* x[th] ed., Book Series, No. x, Place, Publisher.

Buzan, Barry; Wæver, Ole and De Wilde, Jaap (1998): *Security: A New Framework for Analysis,* Boulder / London, Lynne Rienner.

C) Edited Books

Editor's Surname, First Name (ed.) (Year): *Book Title,* x[th] ed.*,* Book Series, No. x, Place, Publisher.

Lynch, Dov (ed.) (2003): *The South Caucasus: A Challenge for the EU,* Chaillot Papers, No. 65, Paris, EU Institute for Security Studies.

D) Book Chapters

Surname, First Name (Year): "Chapter Title", in *Book Title,* x[th] ed*.,* Book Series, No. x, Place, Publisher, pp. xx-xx.

Wendt, Alexander: "Three Cultures of Anarchy", in *Social Theory of International Politics,* Cambridge, Cambridge University Press, pp. 246-312.

E) Book Chapters in an Edited Book

Author's Surname, First Name: "Chapter Title", in Editor's Surname, First Name (ed.) (Year): *Book Title,* x[th] ed.*,* Book Series, No. x, Place, Publisher, pp. xx-xx.

Sakwa, Richard: "Parties and Organised Interests", in White, Stephen; Pravda, Alex and Gitelman, Zvi (eds.) (2001): *Developments in Russian Politics,* 5th ed., Durham, Duke University Press, pp. 84-107.

F) Journal Articles

Surname, First Name: "Article Title", *Journal,* Vol. xx, No. x (Month Year), pp. xxx-xxx.

Schmitz, Hans Peter: "Domestic and Transnational Perspectives on Democratization", *International Studies Review,* Vol. 6, No. 3 (September 2004), pp. 403-426.

G) Press Articles

Surname, First Name: "Article Title", *Newspaper,* Day Month Year.

Bradsher, Keith: "China Struggles to Cut Reliance on Mideast Oil", *New York Times,* 3 September 2002.

H) Articles in On-line Publications

The same as above, but adding "at http://www.xxxxx.yyy".

Gunaratna, Rohan: "Spain: An Al Qaeda Hub?", *UNISCI Discussion Papers,* No. 5 (May 2004), at http://www.ucm.es/info/unisci.

I) Other On-Line Sources

Document Title, at http://www.xxxxx.yyy.

Charter of the Shanghai Cooperation Organization, at http://www.ln.mid.ru.

Contact details

If you have any queries about the journal, please contact us at:

246