

Sudan since the 2005 Comprehensive Peace Agreement: Prospects for Peace, Lessons Learned

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Abstract

Before the Republic of South Sudan can be considered a viable state, oil revenue-sharing, debt-sharing, borders, citizenship and migration, and infrastructure development must be considered. By analyzing the fragile peace in South Sudan, the international community can learn innumerable lessons on how to promote sustainable peace at the conclusion of enduring civil wars.

(Key words: Oil, development, Comprehensive Peace Agreement)

Overview:

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

The 2005 Comprehensive Peace Agreement:

The Comprehensive Peace Agreement (CPA) is a set of protocols signed in January 2005 between the Government of The Republic of Sudan and the Sudan People's Liberation Movement (SPLM) - Sudan People's Liberation Army (SPLA). The intended objectives were:

- To implement a ceasefire to end the second Sudanese civil war
- To agree on the principles of governance
- To equitably share resource revenues
- To equitably share power
- To properly invest in chronically neglected rural areas (“Sudan’s Comprehensive Peace Agreement”)
- To realize the right to self-determination for the people of South Sudan (Abedje)

With all its good intentions, the CPA had mixed results. The transition to agreed-upon democratic governance in the North has still not occurred, in large part because President Omar al-Bashir continues to push for the North to be ruled under Sharia law. With the unified government's failure to transform Sudan into a more equitable country, the 2011 referendum was meant to be an internationally recognized chance for the South to voice its will. “The

Comprehensive Peace Agreement opened an opportunity to turn the devastation of more than 20 years of [the most recent stage of the longer] civil war into a new era of peace and prosperity. But peace in southern Sudan remains fragile, with governance and rule of law structures in need of strengthening (“Sudan’s Comprehensive Peace Agreement”).

The Referendum and the First Six Months of 2011:

The January, 2011, referendum on southern independence is the focal point of the CPA that ended the protracted civil war between the North and South. Nearly four million people in Sudan and the diaspora registered to vote in the referendum. The preparation for the referendum was supposed to be done over a three-year period, but most of the preparatory work was done over a four-month period. Despite a few localized incidents of violence during the voting, the Carter Center, United Nations, African Union and European Union all commended Sudan for remaining peaceful during the voting process (“Last Day of Voting”). Following a six-month interim period in which the new state of governance is being enforced, the Republic of South Sudan is set to become its own independent nation on July 9, 2011. After decades of suffering and mistrust, the referendum initially appears to have been a success.

Sources of Mutual Distrust:

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

Oil

“Natural resources are usually geographically concentrated in a particular part of a country, so countries that are heavily dependent upon natural resource exports are likely to be prone to secessionist movements” (Collier and Hoeffler, 41). As the primary force behind Sudan’s economy, it is easy to see that oil played an integral role in financing the government war effort. Sudan is a perfect example of the issues caused by oil. In fact, “it is estimated that the government spent up to \$1 million per day for the war in 2001. Apart from making arms acquisition impossible, the oil revenue has given rise to an internal arms industry catering for the

[Northern] government war effort” (Ylönen, 123). The problems with Sudan’s resource allocation are as follows:

- 90% of Sudan’s oil fields are in the South, but they must work with the North to get it to refineries and seaways for export.
- The CPA established a 50-50 revenue-sharing agreement, but right now the North is taking advantage of the situation and seizing the majority of the revenues.
- The US Energy Information Administration says, “In 2009, according to the International Monetary Fund, oil represented over 90 percent of export earnings. For South Sudan (Juba), oil represented 98 percent of total revenues for the year compared to Khartoum at 65 percent” (Thurston). With clearly no other viable options for export revenues, many believe the South should receive the majority of oil revenue.

Simply put, the majority of the oil found in Sudan is in the South but the only way to get it out of the country is to ship it through pipelines and refineries located in the North. In light of the formation of a new country, a new revenue-sharing agreement must be negotiated to which both sides must be willing to implement fully.

Debt

“Most of Sudan’s debt dates back to the days of late president Ga’afar Nimeiri. It grew from \$9 billion in 1985 to \$37.8 billion. It is believed that Sudan owes Britain close to \$1 billion in debt” (Suleiman). Khartoum and Juba will have to work together to decide how to divide this vast quantity of debt. Jon Temin, director of the Sudan Program at the Washington-based US Institute of Peace, says there are various ways to solve this issue (“Sudan’s Comprehensive Peace Agreement”):

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

To be respected by the international community, both sides must agree on how to allocate this colossal financial burden.

Abyei

Sudan's north-south boundary is one of the longest between neighboring African countries ("Sudan's Comprehensive Peace Agreement"). The main flashpoint of this aspect of the dispute is Abyei, an oil-rich enclave that encompasses an area of about 10,460 square kilometers (Moulid). In addition to ongoing disputes about the allocation of Abyei's oil resources, the town has also become a helpless pawn in the dispute over which side of the country this town's oil belongs. The heart of this dispute is about grazing rights for cattle, which are central to the traditions and economies of both sides of this conflict. The two sides of this bloody battle can be distinguished as follows:

- On one hand, Abyei is the traditional home of the Ngok Dinka, a tribe with a strong identity to the South and a history of joining forces with the South during the most recent civil war.
- On the other hand, this town is also the frequent home to and the nomadic Misseriya tribe, who strongly identifies with the North. For years, the Misseriya tribe has used this town on their migratory route as grazing grounds for their cattle during the dry season.

The two tribes shared this land peacefully for centuries before the discovery of oil (Moulid). Unfortunately, with the devious support of Khartoum, the two tribes are now fighting each other in a bloody battle for this land. The issues remain unresolved.

"The Abyei Protocol safeguarded Misseriya migration routes...[But now] critics like [Roger] Winter argue that Khartoum manipulates the Misseriya by not explaining that peace protects their rights. 'It is too easy for those who wish to undermine the CPA to exploit the fear on the part of the Misseriya that ceding Abyei to the south would cut them off from access to dry-season grazing'... The north argues that Abyei ...has always been part of the Arab north. 'Even during World War II, Abyei was supporting the Middle East by sending cows,' the chairman of the National Congress Party in Abyei, Zachariah Atem Payin said" (Griswold).

It is of the utmost importance that solutions be found to issues of cross-border migratory issues like routes, movement, security, and taxation (“Sudan’s Comprehensive Peace Agreement”). Without an agreement, localized conflict over this unresolved issue is inevitable.

Citizenship and Migration

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

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

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

Returning Refugees

UNHCR and other relief agencies believe as many as 800,000 southerners will return from the north this year alone. Through February, 2011, an estimated 200,000 southerners had

returned, and UNHCR expected about 75,000 more in the coming months (Schlein). Of course, these returning refugees will require help restarting their lives in:

- Learning local farming techniques
- Legally acquiring land
- Finding their families
- Building homes

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

Infrastructure Development

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

- *Build a new capital.* Juba as the historical regional capital lacks land for investment and therefore countries that recognize the existence of South Sudan will not easily be able to build embassies. The issue of establishing a new capital was renewed at a Council of Ministers meeting in early 2011 in which the government reached a decision to relocate the capital to a new, more suitable

location elsewhere in the South, potentially at Gondokora Island in Central Equatoria,

- *Build roads.* There are currently less than 30 miles of paved road in a country the size of Texas, making imported food and aid distribution prohibitively costly. Work crews recently started the country's first paved highway, a 192 mile, USAID-funded stretch that will cost \$225 million ("Highway Project"). It will connect Juba to Uganda, making it the first paved road to connect South Sudan to the international community.

Not to be ignored, there is also much country development to be done in regards to social policy formation, security, education, and healthcare. Both tangible and intangible development must be considered for the Republic of South Sudan to be a viable state.

Lessons Learned:

Does "Institutionalization before Liberalization" work?

There is no way to tell with any certainty that Paris' "institutionalization before liberalization" approach is working in South Sudan. "Institutionalization before liberalization" includes postponing elections until moderate political parties have been established, designing electoral rules that reward moderation rather than extremism, encouraging non-violent and diverse civic associations, promoting equitable economic reforms; and creating a neutral bureaucracy. With a six-year interim period between the CPA and the referendum, South Sudan was able to begin this institutionalization. By delaying democratic and market-oriented reforms until effective domestic institutions had been established, South Sudan will hopefully remain peaceful now that they are becoming independent. Certainly, the "processes of democratization and marketization are inherently tumultuous transformations that have the potential to undermine fragile peace" (Williams, 169). Using the Republic of South Sudan in the next decade as a case study, the "institutionalization before liberalization" approach could be further analyzed to better determine its level of usefulness. Hopefully, analysts will find that this approach has promise in keeping countries in transition at peace.

Is South Sudan's Self-Determination an Invitation for Other Countries to Secede based on Ethnic Criteria?

Some believe that South Sudan's secession will provoke a domino effect of unwarranted secessionist tendencies elsewhere in Africa. Others also warn that citizens will realize the failures of their national governments and that many countries on the continent will disintegrate. As can be seen in the current dissent in North Africa, many countries in Africa and the Middle East are not only upset with their governments but also with the fundamental structures of the states themselves. The interest in separation is spreading, as is suggested by the following cases ("Africans Debate Wisdom"):

- Somaliland has been inspired by the secession of South Sudan. Somaliland declared its independence 20 years ago and since then the south has been engulfed in anarchy and civil war. Somaliland is determined now more than ever to get the AU and Somalia to recognize it.
- Nigeria is a lot like Sudan in that it also has tensions between the Muslims and Christians, and, has oil as the leading resource. It was thought the early defeat in Biafra had made country division impossible, but Sudan's recent experience is rekindling the hope by some for secession. However, a key difference is that Nigeria is more "state-divided" than "region-divided." Most analysts hope that Nigeria remains unified and secure.
- Twenty years ago, the south of Yemen was its own state. Activists are beginning to fight for a separate state again.
- The best candidate for secession is Kurdistan in northern Iraq. Already considered a quasi state, it is working almost entirely on its own. A majority of the residents hope for statehood. Senegal, Angola, Tanzania, and Western Sahara all have had separatist movements in their recent past, but it is less clear if secessions within will occur.

What Makes Sudan's Case Different from Other Countries Hoping for Self-Determination?

Many analysts believe that there is a specific reason that other countries will not have a successful secession movement as previously considered. Jon Temin of the US Institute for Peace singles out the two countries in particular that have had long, bloody wars for independence: 30+ years in Eritrea (from Ethiopia) and 50+ years in Sudan. Nowhere else in Africa is there such a bloody history in the long fight for independence, and therefore he believes that nowhere else will a seriously fight for self-determination erupt (“Africans Debate Wisdom”).

What is the Role of Outside Support in Secessionist Movements?

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

Conclusion:

Wars fought over self-determination are both deadlier and more entrenched than wars fought over any other ideology (Jenne, 8). The immense losses of life and homes for millions of Sudanese people are extreme. Issues of revenue-sharing, debt-sharing, border disputes, citizenship, refugees, and infrastructural development all must be effectively handled to promote peace in South Sudan -- and improve relations elsewhere in the Horn of Africa.

“Of the African Union’s 53 members, eight or nine could currently be described as war zones, and there are plenty more – such as Chad, Togo, and Guinea – that could go that way at any moment” (Ellis, 2). It is possible, though unlikely, that other countries will follow suit and secede as South Sudan has. Either way, the international community must remain vigilant to the

human rights atrocities associated with marginalization due to war in this region. Authoritarian governments are largely to blame. To reduce the loss of innocent life, we must learn to understand the progression of conflict and peace building, and better analyze the foundational factors that cause conflicts to endure. And when there is no other option, we must learn to embrace and support the creation of a new state.

Bibliography:

- Abedje, Ashenafi. "Sudan's Comprehensive Peace Agreement." *Voice of America*. 31 Dec. 2010. Accessed 2 Feb. 2011. <<http://www.voanews.com/english/news/africa/Sudans-Comprehensive-Peace-Agreement-CPA-112719954.html>>.
- Collier, Paul, and Anke Hoeffler. "The Political Economy of Secession." *Negotiating Self-Determination*. Ed. by Hurst Hannum and Eileen Babbitt. Lanham, MD: Lexington, 2006. 37-59. Print.
- Eagle, William. "North and South Sudan: Challenge of Forming Cooperative Ties." *Voice of America*. 14 Jan. 2011. Accessed 15 Feb. 2011. <<http://www.voanews.com/english/news/africa/North-and-South-Sudan-Challenge-of-Forming-Cooperative-Ties--113629619.html>>.
- Eagle, William. "Sudan's Comprehensive Peace Agreement: Success or Failure?" *Voice of America*, 28 Dec. 2010. Accessed 10 Feb. 2011. <<http://www.voanews.com/english/news/africa/Sudans-Comprehensive-Peace-Agreement-Success-or-Failure--112560784.html>>.
- Ellis, Stephen. "How to Rebuild Africa." *Foreign Affairs*. Oct. 2005. Accessed 20 Feb. 2011. <<http://www.foreignaffairs.com/articles/61028/stephen-ellis/how-to-rebuild-africa>>.
- Griswold, Eliza. "The Man for a New Sudan." *New York Times*. 15 June 2008. Accessed 20 Feb. 2011. <http://www.nytimes.com/2008/06/15/magazine/15SUDANt.html?pagewanted=1&_r=>>.
- Jenne, Erin. "National Self-Determination: A Deadly Mobilizing Device." *Negotiating Self-Determination*. By Hurst Hannum and Eileen Babbitt. Lanham: Lexington, 2006. 7-36. Print.
- Langfitt, Frank. "In Southern Sudan, New Nation Begins 'From Scratch' : NPR." *NPR : National Public Radio : News & Analysis, World, US, Music & Arts : NPR*. 21 Feb. 2011. Accessed 21 Feb. 2011. <<http://www.npr.org/2011/02/01/133374383/in-southern-sudan-new-nation-begins-from-scratch?ps=rs>>.
- Moulid, Hussein. "Abyei: Flashpoint on the Sudan Border." *The New American*. 2 Feb. 2011. Accessed 19 Feb. 2011. <<http://www.thenewamerican.com/index.php/world-mainmenu-26/africa-mainmenu-27/6144--abyei-flashpoint-on-the-sudan-border->>>.
- Richmond, Matt. "Highway Project Will Connect Southern Sudan to Outside World." *Voice of America*. 12 Feb. 2011. Accessed 15 Feb. 2011. <<http://www.voanews.com/english/news/africa/Highway-Project-Will-Connect-Southern-Sudan-to-Outside-World-116079884.html>>.

- Richmond, Matt. "Last Day of Voting in Sudan." *Voice of America*, 15 Jan. 2011. Accessed 15 Feb. 2011. <<http://www.voanews.com/english/news/Last-Day-of-Voting-in-Sudan-113784724.html>>.
- Schlein, Lisa. "UN Gears Up To Help Sudanese Returning To South." *Voice of America*. 12 Feb. 2011. Accessed 17 Feb. 2011. <<http://www.voanews.com/english/news/africa/UN-Gears-Up-To-Help-Sudanese-Returning-To-South-116081914.html>>.
- Smillie, Ian, and Larry Minear. "The Sudan: Aid in Conflict." *The Charity of Nations: Humanitarian Action in a Calculating World*. Bloomfield, CT: Kumarian, 2004. 108-14. Print.
- "South Sudan to Establish a New Capital City and Relocate from Juba after Independence." *Sudan Tribune: Plural News and Views on Sudan*. 6 Feb. 2011. Accessed 18 Feb. 2011. <<http://www.sudantribune.com/South-Sudan-to-establish-a-new,37886>>.
- Stedman, Stephen J. "International Implementaiton of Peace Agreements in Civil Wars: Findings from a Study of Sixteen Cases." *Turbulent Peace: The Challenges of Managing International Conflict*. Ed. by Chester A. Crocker, Fen Osler Hampson, and Pamela R. Aall. Washington, D.C.: United States Institute of Peace, 2001. 737-52. Print.
- "Sudan: Farming the Future in the South." *IRIN: Humanitarian News and Analysis from Africa, Asia and the Middle East*. 17 Feb. 2011. Accessed 21 Feb. 2011. <<http://www.irinnews.org/Report.aspx?ReportID=91951>>.
- Suleiman, Mahmoud A. "Britain Looking into Debt Relief for Sudan: Envoy." *Sudan Tribune: Plural News and Views on Sudan*. 13 Feb. 2011. Accessed 19 Feb. 2011. <<http://www.sudantribune.com/Britain-looking-into-debt-relief,37988>>.
- Thurston, Alex. "Five Challenges South Sudan Will Face after Referendum - CSMonitor.com." *The Christian Science Monitor - CSMonitor.com*. 27 Jan. 2011. Accessed 27 Jan. 2011. <<http://www.csmonitor.com/World/Africa/Africa-Monitor/2011/0127/Five-challenges-South-Sudan-will-face-after-referendum>>.
- Williams, Paul D. "International Peacekeeping: The Challenges of State-Building and Regionalization." *International Affairs* 81.1 (2005): 163-74. Print.
- Ylonen, Aleksi, "Greivances and the Roots of Insurgencies: Southern Sudan and Darfur", *Peace, Conflict and Development: An Interdisciplinary Journal*, Vol. 7, July 2005. Accessed 19 Feb. 2011. <<http://www.peacestudiesjournal.org.uk>>.