

An Evaluation of the Partitioning of Sudan and US Contribution

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ABSTRACT

A country is partitioned when a region within her existing boundary breaks its legitimate bonds with such a country or state in order to become an independent state in its own right. This does not include, independence after colonization, unilateral declaration of independence or de facto control of a region/territory by militias.

This thesis evaluates the impact of US diplomatic engagement in Sudan. Why did the US spend her resources, time and energy to bring about the division of Sudan? Was the original intention of the Comprehensive Peace Agreement (CPA) partition or peace? Is Sudan normatively one or two countries? To what extent did US decisive diplomacy helped or hindered the peace process in Sudan? This thesis is inductive and it is a mixture of qualitative and quantitative data. The data (secondary) is set-off by propositions such as: Sudanese fruitless search for a cohesive national identity, center-periphery inequality and economic exploitation, conflict over resources and the breakdown of governance in rural Sudan plus the struggle to consolidate the state. The overall impact of US diplomacy in the Horn of Africa was putting an end to the twenty-two year old civil war in Sudan. The thesis developed the recommendations that: ethnic separatists have to keep waging war while simultaneously seeking peace, if they want the international community to be committed to their demands of self-determination; any further studies on Sudan should take a look at why South Sudan is increasingly becoming a failed state.

Keywords: Diplomatic relation, war, national partition, peace process.

ÖZ

Varolan devlet içinde bir bölge kendi başına bağımsız bir devlet olabilmesi için mevcut devlet meşru bağları kırıldığında Milli bölümdür. Bu, kolonizasyon sonrası bağımsızlığını, bağımsızlık veya milisler tarafından bir bölge / topraklarının fiili kontrolün tek taraflı beyanı içermez.

Bu tez Sudan'da ABD diplomatik angajman etkisine bakar. Neden ABD Sudan'ın ulusal bölünme meydana getirmek için ona kaynaklar, zaman ve enerji harcamak mı? Kapsamlı Barış Anlaşması (CPA) bölümü veya barış asıl niyeti miydi? Sudan normatif bir ya da iki ülke var mı? Ne ölçüde ABD'nin belirleyici diplomasi yardım veya Sudan'da barış sürecini engellediğini mi için mi? Bu tez endüktif ve bu nitel ve nicel verilerin bir karışımıdır. (ikincil) veri mahsup edilir önermeler tarafından gibi: bir yapışkan ulusal kimlik için Sudanlı sonuçsuz arama, merkez-çevre eşitsizlik ve ekonomik sömürü, çatışma kaynaklar üzerinde ve kırsal Sudan yönetim arıza ve devlet pekiştirmek için mücadelesi. Afrika Boynuzu ABD diplomasisinin başarı hikayesi Sudan'da yirmi iki yaşındaki iç savaşa son vermesi oldu. Tez etnik ayrılıkçılar da uluslararası toplumun kendi kaderini tayin taleplerini taahhüt istiyorsanız anda, barış ararken savaş yürütmekle tutmak zorunda olduğu tavsiyesini geliştirdi.

Anahtar kelimeler: Diplomatik ilişkiler, savaş, ulusal bölüm, barış süreci.

To humanity.

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First and foremost, glory to God in the highest.

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Chapter 1

INTRODUCTION

1.1 Introduction

The emergence of so many new States represents one of the major political developments of the twentieth century. It has changed the character of international law and the practice of international organizations. It has been one of the more important sources of international conflict.¹

Sudan, the area of study of this research, has compelling academic importance. Until now, armed conflict(s) in several parts of the country (conflicts between the predominantly Arab/Muslim North and the largely animist/Christian-native African-speakers in the South and the marginal Arab oligarchy in Khartoum) has formed the essence of the internationally known recent history of the country, Herman (2012). Two catastrophic civil wars ravaged Sudan since her colonial independence. This culminated in millions of casualties, the wanton destruction of lives and properties with hundreds of thousands of people being internally displaced. Enduring conflict related to national identity, power politics and resource control lasted for nearly half a century, being brought to an apparent halt on 9 July, 2011 with the partitioning of the country and internationally affirmed independence of Southern Sudan.

The independence of South Sudan, as it turned out, was the ultimate outcome of the peace treaty, the Comprehensive Peace Agreement (CPA) signed by the ruling

¹ Crawford. J. (2006). *The Creation of States in International Law*. Oxford: Clarendon Press.

National Congress Party of Khartoum (government of Sudan) and the one-time embattled Sudanese People's Liberation Movement/Army (SPLM/A) of Juba, in 2005. These two groups represented both sides of the Sudan divide. The CPA was not actually the first source of the right to self-determination for the periphery Southern region as it were. The right was first acknowledged in the failed 1994 Declaration of Principles spear-headed by the Inter-Governmental Authority for Development (IGAD), Woodward (2011).² However, it could be said that the primary objective of the CPA was not the breaking away of the South. But rather, the indivisibility of the country as might usually be supposed of any comprehensive peace. Without a doubt, the CPA was a *consensus ad idem*. In other words, it was the agreement between the two warring factions which also expected enhanced efforts to "make unity attractive", Asteris (2012). Yet, for the second time in the history of the state of Sudan, Southern region's independence, if it wished for it, in a bid to satisfy its quest for self-determination, was guaranteed. To this effect, John Garang, the leader of SPLM/A, doubled as the president of South Sudan and the vice-president of the entire republic of Sudan.

The CPA remained a compromise which included a referendum for the southern region after six years of transitional governance to decide whether to continue in a united Sudan or break away to form a parallel country of her own right. At the expiration of the transitional period, over 98% of the South Sudanese voted in favor of independence and consequently, Sudan was unavoidably partitioned. The new state of the Republic of South Sudan born out of this country's partition was given international recognition and welcomed into the community of states without any reluctance or contradiction

² In, Asteris. H. (2012). The unanticipated break-up of Sudan: causes and consequences of redrawing international boundaries. *Commonwealth & Comparative Politics* Vol. 50, No. 3, 257 – 270.

from already independent states. It is safe to conclude that the drafters of the CPA would have assumed that the referendum would have such implication. But, we should bear in mind too that the CPA looked like it was originally designed to make unity attractive to the renegades of southerner region. Khartoum was expected to work towards achieving this. It is equally safe to opine that the drafters of the CPA would have equally assumed that Khartoum would make unity attractive to the renegades and as such the referendum would not have had such implication . The big question is, how was Khartoum expected to make unity attractive to the southerner renegades?

On the continent of Africa, where Sudan sits, the issue of state partition/formation of a new country from an existing one, international boundary alteration, ethnic separatism and most especially, the question of secession today appear as almost a great impossibility. Unlike Europe, this has been granted when sought within established constitutional/diplomatic precedent such as decolonization or dissolution of a federation, collapse of a union, Christopher (2011). Since inception in 1963, the Organization of African Unity (OAU) (later, in 2002, reformed as the African Union (AU)), has labored to keep and tenaciously affirmed the principle of *uti possidetis juris* (UPJ)³ that is, the protection of colonial boundaries. The peculiar cases of Namibia and Eritrea are few exceptions to this tradition. Irrespective of these irregular cases and perhaps the failed experience of Somaliland, the prospect of secession and/or international boundary alteration arising from creation of a new state from an existing

³ Uti possidetis juris (UPJ) is a principle of customary international law that seeks to preserve territorial boundaries of now independent colonies from fratricidal fights provoked by irredentism or by secessionism. See Cornell Law School's Legal Information Institute: http://www.law.cornell.edu/wex/uti_possidetis_juris) and/or Legal dictionary at The Free Dictionary Web: <http://legal-dictionary.thefreedictionary.com/Uti+possidetis>) for a better understanding.

one on the continent has thus been discouraged, condemned or suppressed. From the more remote instance in Nigeria to the immediate occurrence in Mali.

In global discourse, the justification for self-determination, international recognition of seceded states, state partitioning and ethnic separatism remain more controversial. These alternatives, most times, have been argued by their protagonist, to be a clear-cut means for pacifying ethnic conflicts. The instrumentality of ethnic separatism, secession or state partitioning as a medium of actualizing the right of self-determination has largely faced international disapproval despite self-determination being a fundamental human right, codified as international law. Moore (1998), acknowledged that often international diplomacy and domestic/international military collaboration help suppressed state partitioning, secession and ethnic separatism disguised as self-determination.⁴ Ethnic separatism desires would be attainable because of the relevance of the international community to support state partition or even pay more than lip service to a right of self-determination leading to the creation of a new state disregarding the account that existing states' territorial integrity is sacrosanct.

This is not likely because ethnic separatism that creates state partitioning is frequently construed as secession which is generally perceived as a parasite with the wherewithal to eat up the fiber of the existing international order of state sovereignty. Notwithstanding, the international order has supported these cases in some instances but, international recognition of state partitioning or its support is not a legal process up for grabs in terms of, "satisfying a checklist criteria for eligibility", Matthew (2000).

⁴ In, Christopher. A. (2011). Secession and South Sudan: an African precedent for the future? *South African Geographical Journal*, 93:2, 125-132

The inference here is that to have a new state and for the new state to be internationally recognized are two separate issues. Therefore, whether a partitioning struggle for an independent state will succeed or whether a new state born out of such struggle will have *de facto* or *de jure* status; in terms of international recognition is not, absolutely, an international law affair. On this note, it will not be out of order to conclude that partitioning, its success and the recognition of the state created out of it, is remarkably an international political/diplomatic feat.

If we were to consider a series of related, if not all identical cases of state partitioning, from Kosovo to Palestine, Kashmir to Tibet, Chechnya to North Cyprus, the question of Hong Kong and the Kurdish case in Turkey, one would wonder where South Sudan got her luck from! Perhaps, there is an answer in the argument of Tir who submitted that state partitioning and not secession occurs in a situation where a “homeland region” of an existing state becomes an independent state of her own right. We know similar to the case of South Sudan in terms of ethnic separatism and state partitioning, these cases all bothered on the question of self-determination. However, in Tir’s conclusion colonial independence or *de facto* control of a territory by militias or certain internal changes in state of affairs of a country like unilateral declaration of independence, do not amount to state partition. This is because such instances, most often times, do not alter recognized international boundaries like the case of South Sudan did. Therefore, since all afore mentioned cases (except that of South Sudan) do not alter international boundaries, they are all instances of secession and not state partition. It follows therefore that the emergence of the state of south Sudan was not a product of secession. Why are all these cases, except that of South Sudan an exception? This is because any case of secession will always have its sovereignty unrecognized (internationally). In other words, for the sovereignty of the republic of South Sudan to

be recognized, if we put Tir's argument in perspective, it means that in the opinion of the international community her breaking away from the north did not amount to secession. Whereas, in other cases of similarity mentioned above, their sovereignties remained a question of international recognition because there are international embargos that forbid the recognition of such sovereignties.

Sudan's transformation from civil unrest to relative peace and to the ultimate partitioning was a culmination of the unalloyed support of the signatories to the CPA and most significantly, unflinching diplomatic involvement of international actors. The US was in the fore front of the formulation, negotiation and signing of the CPA. Furthermore, her consecutive administrations, particularly from that of President Clinton onwards, set out a plethora of foreign policy instruments orchestrated to challenge the exploitative/dictatorial regime in Khartoum. Through humanitarian assistance, development aid and capacity building projects she helped alleviate the trauma of the Southern people and facilitated a peace process. Considering excerpt from BBC interview of one-time US special envoy to Sudan, John Danforth:

The question is are we damned if we do and damned if we don't? Meaning, does it make any difference with respect to relations with the United States whether we achieve peace with the SPLM or whether we don't achieve peace? Is the United States going to react favorably towards us, positively toward us if we have peace?⁵

We found out that Khartoum cooperated in the peace negotiations, signed the CPA, allowed the independence referendum of her southern region to hold and ultimately recognized the new state of South Sudan because she did not want a strain in her

⁵ *BBC NEWS*. 2005. John Danforth Interview Transcript. July 3. <http://news.bbc.co.uk/2/hi/programmes/panorama/4647211.stm>. Retrieved 15th July, 2015.

relations with the US which was at that time the most central interest of the government of Sudan.

The focus of this thesis is to examine the causes of the partitioning of Sudan viz-a-viz US constructive diplomatic engagement in the country; her contributions as external factor to the emergence of the state of south Sudan. The first chapter introduces us to an overview of the Sudan question with reference to the purpose and methodology of the study. The second chapter will deal with specific issues; background to Sudan; Sudan wars/peace deals; factors of partition; self-determination. The third chapter deals with external contribution to the partitioning of Sudan with a focus on the US. To this end, the chapter will recount the role played by the US in the partitioning of the country, concentrating on how she exerted her leverage on Khartoum to put an end to the longest conflict in Africa and brought about South Sudan's independence. This chapter is significant in the sense that the permutations that produced the state partitioning of Sudan received attention. Chapter four is the conclusion and it covers a wide range of impressions and discussions; assessments, observations, submission and recommendation arising from the partition of Sudan.

1.2 Purpose of study

The purpose of this work is to examine the circumstances through which the partition of Sudan took place. Also, to consider the involvement of the US as the main reason Khartoum conceded to the independence of the new state of south Sudan. The successful partitioning of Sudan has contributed to the heated debate on the question of secession, state division, ethnic separatism and ultimately self-determination. In part, this work intends to show Sudan as an exceptional case to international model and regional tradition when it comes to the formation of a new state. A subsidiary

significance of this study is to contribute to the literature on how a new state can emerge, in the contemporary system of states, outside the context of decolonization or the debacle of a federal system.

There are clear-cut research questions this work will attempt to address:

- Does the South Sudan independence indicate an end of OAU/AU long tradition of African stability through the tenets of noninterference?
- Does the partitioning of Sudan provide an answer to the fundamental question, “is Sudan normatively one country or two?”
- Was the CPA designed for peace or partition?

While these particular questions are kept in the mind, we will also attempt to answer subsidiary questions to create a clearer picture of our subject-matter:

- Are there unresolved issues that could tarnish the diplomatic legacy of the US in Sudan?

1.3 Research Justification

This study is significant and relevant for a number of reasons. Firstly, the successful partitioning in Sudan is an exception to the tenacious commitment of independent states to the principle of *uti possidetis juri*. South Sudan which was created out of ethnic separatism in Sudan, becomes a unique experience particularly to Africa that is known for her practice of stability and noninterference, Knox (2012: 2). What made a principal international actor such as the US to support the partitioning of a country like Sudan and confer diplomatic recognition on South Sudan is an important matter of academic investigation.

Secondly, what ensued in Sudan was a fascinating diplomatic “theatre of the absurd” with intriguing competing national/international interests. In few international instances have global power dynamics played out as clear-cut as we saw in Sudan. Some writers like Knox (2012: 5) have asked whether the US was actually committed to the independence of South Sudan or else whether she had no choice simply because of her role in the CPA process. Others, Casey (2012: 7), have argued that US involvement in the peace process and partitioning of Sudan was constrained by certain interests associated with the east bloc and that it did not have as great an impact as claimed in many quarters.

Thirdly, Sudan, in 1956, was “made in error” as an amalgamation of separate tribal/ethnic nations with quite unidentifiable features, Daoud (2012). Might this be said about South Sudan following the recent internal violence and the question of her minorities? Such depicts a strong inference that the independence of the South Sudan may not be a long-term solution to the Sudan conflict. Considering exogenous causality approach to the partitioning might shed light on whether the independence of South Sudan was a long-term solution to the partitioning. Perchance, *ab initio*, Sudan was normatively two states or one (or maybe none?).

Again, the importance of referendum as a tool for realization of self-determination other than unilateral declaration of independence has been reinforced in Sudan. This research offers also an opportunity to understand referendum as a calculus of the partitioning in Sudan. And, in the case of international involvement in Sudan, such as that of the US, of how it was used to liberate South Sudan from the shackles of what was believed to be exploitation and marginalization.

Lastly, in the Middle East and North Africa, it was only in Sudan that the US was seen to have taken leadership role from the front. Especially, during President Obama's first term, Jackson (2011).⁶ The partitioning of Sudan happened during a period the geopolitical region was experiencing democratic revolution (Arab Spring) and nowhere else was it seen, that the US was a frontrunner of diplomatic engagement as it was so obviously in the case of Sudan.

1.4 Literature Review

Several authors have acknowledged that the Sudan since political independence has hardly witnessed a stable polity. Authors like, Medani (2012); Deng and Morrison (2001) and De Waal (2007) posited that the Sudan, before now, has never been relatively peaceful. While, Hartog (2008: 1), pointed out that Sudan had been at war for more than four decades of her 51-year independence.

Observers, such as Currey (2003); Brown (2003); Nmoma (2006); Huber (2011) and Lyman (2011) have commented that civil war became part of the fabric of the Sudanese society ever after the independence of the country in 1956. Sudan's experience with peace building occurred within the context of a half-century of deep-seated, often brutal civil wars that have harmed large numbers of civilians in different parts of the country. The question that readily comes to mind, therefore, is why the Sudan polity has been at war virtually ever since 1956?

⁶ In, Colin, C. (2012). *Waging Peace in Hostile Territory: How Rising Powers and Receding Leadership Constrained US Efforts in Sudan*. Center on Democracy, Development, and the Rule of Law, Stanford University.

In his survey on social and political science literature on Sudan, De Waal (2007) explained the cause(s) and continuation of civil unrest in the country by providing five propositions:

- Clash of identities and its variant (fruitless search for a cohesive national identity);
- Centre-periphery inequality and economic exploitation;
- Conflict over scarce resources and the breakdown of governance in Sudan's rural areas;
- Intra-elite competition at the center and the struggle to consolidate the state;
- "Brute causes": criminality, individual agency and the perpetuation of a cycle of violence.

As denoted in these hypotheses, it is believed that literatures on the subject matter have compelling arguments. This is depicted by the synergy of second and fourth positions with which an archetype of political brokering in Sudan was developed. This described the unsteadiness at the core/center and the lingering, recurring violent conflicts in the peripheries/coordinate units. From this came three general conclusions:

- That Sudan's unrest was "over-determined". That is to say, each of the dissimilar propositions (second and fourth above) retained some rationale. Nonetheless, this would only give the causes of the unrest a multiplicity outlook and makes Sudan's conflicts a crisis that is noticeably unconquerable;
- That the prevailing elite oligarchy, though with unresolved internal rancor and inability to institute a consolidated state, could continue to perpetrate their hegemony and even burgeon amidst dissents and crisis in the peripheries;

- That the pathway to a stable polity in Sudan lay through the center. Stability within Khartoum was the answer to be given should progress be made on all the other issues facing Sudan.

This analysis contrasts most sharply with “journalistic analysis” (Deng (2007); Huliaras (2006); Nmoma (2006)) of Sudan’s crisis that presented ethnic and ideological causes as responsible for the governmental strategies of Sudan’s successive administrations. The impression given here was that state managers in Sudan failed to consolidate power at the center and by consequence they could not suppress the influence of a particular class of people who had turned bourgeoisie and were feeding fat on the rottenness of the obnoxious situation of governance failure in Sudan. Therefore, according to this argument, governance failure was responsible for tribalism, ethnicity and the quest for national identity not the other way round. Hence, government in Sudan could not ensure unity in diversity or national cohesion by creating a federal structure; an inability greeted by protracted conflicts. This view is corroborated by Paglia’s firm stand that “concentrating on ethnicity as the primary cause for conflict underestimates the complexity of African societies and politics, and deviates policymakers’ attention from the real causes of conflict.”

If we consider the five propositions and the three general conclusions, this work posed a rhetorical question (very fundamental) to us, “is Sudan normatively one country or two?” The question is particularly significant in that it has helped categorize authors within the social-sciences writing on Sudan or causes of her wars into two camps; the normative two states view point and the normative one state school of thought. Authors from the former represent the causality believe that takes its strength from ethnicity, religion, tribalism, cultural complexity and quest for nation identity factors. This view

point sees Sudan as fundamentally bi-zonal and bi-communal. But, is it? This controversy, invariably, is expressed in the assertion that Sudan was “made in error” by Daoud (2012). This is because, “the Condominium government, seeking to extricate itself from residual colonial responsibility, left the Sudanese with no consensus on the two defining issues of self-governance: whether Sudan would be a federal or unitary state, and whether it would have a secular or Islamic constitution”, Casey (2012: p. 17). Hence, her independence in 1956 created a pseudo state as implied by the author above.

Likewise, Brown (2003), posited that the Sudan civil unrest is not a conflict between the Islamist northern regime and non-Muslim southerners or a Muslim versus Christian conflict (discarding an element of religion as a primary cause). Explaining further he asserted that even during the first Sudan civil war the government in Khartoum was not an Islamist regime regardless that it was Muslim in appearance. The fact also should be considered that many southerners who were part of the war were Muslims! He pointed out that a good number of them already held positions within the Khartoum regime. By this, Brown shows that he belongs to the “one normative Sudan” category of authors. Nevertheless, he contradicted his first stance, where he opined that a central issue of concern in the Sudan civil war relates to the country’s crisis of national identity which included the inability of state builders to agree on the character of the country; whether it was a Muslim or a secular state. To buttress this point he quoted:

...That conflict has usually been referred to as one between a Muslim north and a Christian south, but that description is highly misleading. Conflict in the Sudan is neither exclusively regional nor exclusively religious given the country’s enormous complexity... . In this culturally complex situation... contemporary conflict is fueled by vastly divergent historical identities. For the Sudan, there is no unifying identity; diversity is division (p. 9).

It is apparent here the flagrancy with which Brown glides from one normative Sudan perspective to two normative Sudan view. Notwithstanding the flagrancy of Brown, the double standard expressed here lends credence to the dichotomy about the national identity of Sudan. Howbeit, “culturally complex situation”, “divergent historical identities” and “there is no unifying identity; diversity is division” all of these phrases indicated that Sudan was “two normative states”.

Providing support to the two-normative Sudan perspective is a very famous statement by Ugandan President, Yoweri Museveni:

We saw here the reality of the Sudan when they were dancing, the people of the turbans and the people of the ostrich feathers. How do they live together respecting each other’s culture? This has been the problem of the Sudan, Simmons and Dixon (2006: p. 6).

In Museveni statement, there is an undertone of two distinct national identities in Sudan. The “people of the turbans” he mentioned represent the Arabs in Sudan and the “people of the ostrich feathers” typifies the native African society in Sudan. Having identified these two main national identities in Sudan he submitted that the unrest in the country was caused by the inability of the two major civilizations to peacefully co-exist under a united Sudan. Therefore, in Museveni’s opinion, persistence in trying to keep the country as a one normative state will only cause wrong assumptions and more wars. This was what he called “the reality of Sudan”.

Let us take a break from the rhetoric of two normative Sudans. Simmons and Dixon (2006) in a sharp reaction to Museveni’s statement, commented that the statement implied a vague generalization which explained Sudan’s conflicts in basic terms; north and south, Arab and African war. They noted that the north-south war was just an

appendage of a far-reaching chain of conflicts concerning contending claims by several, unstable groups.

In a similar view, el-Battahani (2006) in his background analysis to the Sudan conflict, presented a helpful insight of how governance in Sudan since colonial period has been a history of profiteering, and assimilating; marginalizing certain ethnic nationalities and tribal geopolitical zones; concluding that this has propelled protracted wars. As he boldly observed, “successive regimes have manipulated administrative structures to undermine the control of local people and authorities over resources”.

He recounted that the Sudan conflict is an offshoot of state perpetual marginalization and such marginalization transcends that of the South alone (that is, Sudan conflict is not about Southern grievances alone). On this note he submits that the Sudan conflict is, “interlocking civil wars” with intertwined ethnic, cultural, religious, resource control and economic causes and that all are reinforced politically as a result of the state’s lack of acceptance (legitimacy) from the generality of its subjects coupled with the fact that the state is an apparatus for economic exploitation. He argued also that identity (Arabism) and ideology (Islamism) were created to make up for uneven development and backlash against government policies. In his words, “identity and ideology, particularly Arab nationalism and political Islamism, have been used to mobilize support to compensate for the governance and development failings of state policies”. To buttress this point, Deng (2007) has this to add:

The ruling elite in Sudan opted to see such diversity as a curse and a threat to unity and strove to eliminate it by adopting the Arab-Islamic paradigm as a framework for ensuring national unity. This paradigm instead of unifying the country has haunted Sudan and created division and deep sense of marginalization and exclusion that forced the rural Sudan to wage violent conflict against the center and ruling elite.

Moving away from lack of consolidation thesis, the study by Ayoub (2006) is noteworthy in that it brings to bear on the question of resource control the very importance of land as it accounts for the tension caused by politicization of land ownership; he pointed out how western tenets caused the corrosion of traditional notions of land use in Sudan. Ayoub observed that the most central interest of the Sudanese and extremely important to their well-being was land. Either for cultivation, cattle-grazing, oil exploration or access to water, he posited that the ownership of land was incidental to individual/community wealth and power:

Sudan's conflicts have many causes, but at the root of each conflict are questions over the control and distribution of resources. The most important resource is land: whether exploited for agriculture, cattle-herding or subterranean resources such as oil or water, land ownership is the key to wealth and power.

During colonization, he recalled that Sudan remained divided into "tribal homelands". As a result, major tribes (aborigines) retained the monopoly to control natural resources within their homeland and fight against external incursions, "the strong relationship between a tribe and its homeland..., has allowed the major tribes to use and monopolize the natural resources within their dar and to deny minor tribes any claim to rights or ownership...". He recounted that this traditional trend was reversed by the 'Lands Act' which gave extreme powers to government to acquire land by force and a government policy of mechanized farming (oil exploration) which encouraged acquisition of land by rich investors from minority tribes (aliens). As a consequence, he mentioned that native communities' rights to land were taken from them and to worsen the situation, they were dislodged from their homelands. As he recalled:

This alienated agro-pastoralists from their traditional homelands, denied any formal legitimacy or juridical status to traditional property rights, and implied the cancellation of all rights – and income – relating to water, land and grazing by pastoralists.

In other words, this encouraged “a culture of land-grabbing and created large landless groups”. The general implication was land displacement which cumulated into grievance and conflict. In the bid to redress this, Sudan has been enveloped in series of violent conflicts, unhealthy rivalries, historical animosity and gross disregard for the authority of the central government in Khartoum. Collaborating Ayoub on the importance of land as a flash point to consider if one must understand the Sudan conflict, Sorbo (2010) has this to say:

Land is a central issue for both rural and urban communities in Sudan, as a means for livelihoods and survival, and with profound cultural and socio-political dimensions. It is fundamental to understanding the way in which the Sudanese conflicts and humanitarian crises have evolved, and it has been fought over in many different ways De Waal (2009). Land dispossession has been used by successive governments as part of their drive towards modernizing agriculture (mechanized rain-fed and irrigated schemes), which has led to impoverishment, to displacement of large populations and to political mobilization and serious conflict, as among the Beja in eastern Sudan or the Nuba in South Kordofan (p. 178).

Hale (2001: 127) in a radical counter development noted that, “despite good intentions, Sudan is usually explored through the binary model of north and south; integration-segregation or unionist-separatist”. This is a lamentation that it is increasingly becoming difficult in the world of social-sciences today to read about the Sudan or her wars without coming across such controversial issues like national identity, ethnic and religious discourse at the top of the debate. To Hale, any social-science monograph about Sudan or the cause of her civil unrest should carry at the peak of its discussion class and gender analysis.

If we have established that Sudan has been a country at war in almost all the years of her independence and we have equally looked into what possibly could be the cause(s) of such wars, it is important also that we dive into how the seemingly unending wars

have been abated. In any case, many commentators have different opinions about the CPA, but to analysts who cast skeptical eyes on the CPA it was, “a peace agreement doomed to fail”, Huliaras (2012). In a pessimistic analysis, De Waal (2007) negated a general impression that the CPA was signed so that peace could be worked out and unity made attractive in Sudan. De Waal (2007: 2), SCBC (2010) acknowledged that the CPA had brought about certain progress; militancy changed hands for diplomacy, a system of governance introduced in war-torn areas foresaw, fast-tracked reconstruction and rehabilitation, increase in oil revenue, increasing awareness on human rights, freedom of movement and electioneering.

Even if other commentaries, for instance, KV Pax Christi (2010), likened the CPA to a mere ceasefire agreement rather than a holistic solution to the conflict, others held that the impact of the CPA, on general perception of security in Sudan constituted a significant difference, Rolandsen (2009: 7) and that regardless of whatever incomprehensiveness there is, the CPA has been “a decisive agreement” Hartog (2007).

What made the transformation of Sudan from war to relative peace noteworthy was not just the scheming of Sudanese statesmen/state builders or the insistence of Sudanese populations, but the untiring and passionate involvement of the international community in the transformation process, Casey (2012). The height of the involvement of international actors, wrote Gruiters (2010), was the signing of the CPA in which a quite number of them: EU, UN, the Netherlands, Norway, United Kingdom and the United States, were guarantors. In his own opinion, the historic signing of the CPA, “represented a triumph for the dogged, patient and unrelenting negotiating skills of senior African and international, particularly American, interlocutors” Anver (2005).

The “barrage of international actors who thrust themselves into the peace process, employing a range of foreign policy tools to shape the incentives of Sudanese policymakers”, as mentioned by Casey (2012), were actually led by the US. This most have been the reason Dagne (2011) noted that a great deal of stalemates were overcome as a result of US diplomatic interventions at critical periods of Sudan peace negotiations. These are yet to answer why Sudan was able to concede to the independence of south Sudan. In trying to answer this, Huliaras (2012) observed that:

The US administration exercised some emergency diplomacy, exerting pressure on the African Union and individual African countries to make southern Sudan an exception to the territorial integrity norm that is considered as sacrosanct in the continent (Pg. 263).⁷

From the above, we can see how the US has managed to remove the independence of south Sudan from international/regional controversy. No wonder its territorial status and statehood was not in question. That is, the lawfulness of south Sudan’s independence was never questioned. Notwithstanding, south Sudan’s independence would have been controversial if Khartoum had not accepted it. To this effect, it was yet the US that mounted pressure on Khartoum to concede to south Sudan’s independence. His is interview with the BBC, special envoy Danforth had noted that, “Khartoum was intensely. That the government of Sudan was intensely interested in the United States and what the response of the US would be to whatever they did”. So, in a bid not to strain the relations with the US, Khartoum had to accept the partition of the country.

⁷ Huliaras, A. (2012). The unanticipated breakup of Sudan: causes and consequences of redrawing international boundaries. *Commonwealth & Comparative Politics*. 50:3, 257-270.

The United Nations Covenants 1966 (Civil and Political Rights as well as Economic, Social, and Cultural Rights) made self-determination (inalienable right of peoples, individuals or group of persons without fear or intimidation, to determine political status, and pursue economic, social and cultural advancement) an issue of Fundamental Human Rights.⁸ Today, in every instances of partition, just has the case of South Sudan, this covenants are not perceived as human right but are viewed as secession, Christopher (2011). Now, the logomachy is not whether partition is a right embellished in the principle of self-determination but, about the ethical institutional questions asked by Buchanan (1997):

Under what condition(s) does a group has a moral right to secede, independently of any questions of institutional morality and in particular apart from any consideration of international legal institutions and their relationship to moral principles?, and, under what conditions should a group be recognized as having a right to secede as a matter of international institutional morality, including a morally defensible system of international law?

In his gap-bridging thesis, Buchanan observed that there are limitations enforced on accounts of the right to self-determination, especially if it is obviously comprehended as a proposal to codify ethnic separatism/secession as an international legal right. However, he theorized ‘Remedial Right Only’ and ‘Primary Right’ in a bid to express the benchmarks to be observed by any ethical model of the right to self-determination geared towards providing direction for defining what the international legal reaction to ethnic separatism/secession should be. Remedial Right Only maintains that there could be ethnic separatism or state partitioning or secession only in the event that a group or ethnicity has suffered injustices of which separation/partition is the only option of redress. Primary Right holds that ethnic separatism/secession/state partition

⁸ G.A Res. 1960; 1514.

is possible even in the absent of injustices. This is to say that this right is possible only if there has been a promise to the effect or a fundamental agreement or a constitutional framework that backs up such right.

In a related previous opinion, Heraclides (1992), had submitted that, “If we are to make sense of militant separatism (in other words, state partitioning or ethnic separatism), the following issues need to be analyzed: why separatism occurs and how movements for it develop; the etiology of minority politicization and territorial separatism; the internal politics of separatism, including the rise of separatist leadership and its legitimization and control; conflict politics, involving the interaction between separatists and central government; the international activity of movements seeking self-determination; the reaction of the international system, notably third-party involvement; and the normative regime on secession.” Explaining the issue of international involvement as mentioned by Heraclides (which is central to this thesis), a recent clarification advanced that the question of self-determination, ethnic separatism and secession bring about the interconnectivity of international politics and domestic politics because self-determination, ethnic separatism state partitioning and secession are always about territorial claim (domestic) which impedes on territorial integrity of states (international) and as such any matter arising therefrom becomes an international problem. Toft (2012: 582), posited, “...although self-determination movements tend to be defensive, territorially confined, and limited in scope, the dynamics of bargaining and the nature of stakes compel patron states and outside actors to get involved.

Driessen (1993), noted that while the international model did not as a rule support ethnic separatism or state partitioning but had supported state(s) right to self-

determination or state partition when the situation is completely irreversible. This irreversible situation was described by Shelton (2011; p. 4) as “Remedial Secession” which is alluding to Buchanan’s remedial theory of secession.

A contrary opinion, trying to distinguish secession from state partition, claimed that what happened in the Sudan was not actually secession but state partitioning. Tir (2002), posited that state partition rather than secession occurs in a situation where a “homeland region” of an existing state (patron state) becomes an independent state in her own right (with international recognition) and not by *de facto* control of an homeland region by militias or certain internal changes in state of affairs of a country like a section of a country’s unilateral declaration independence. The argument posited that all of such actions as mentioned above do not amount to state partition but most probably, secession. In Tir’s position, such incidents often create *de facto* states and as such they do not altered recognized international boundaries. This is because they are not recognized as independent states but as mere geographical expressions.

1.5 Research Method

Study Area

Sudan, as a study area is however compelling as an exception to an international model and a regional tradition. As it is, the country is the latest colonial boundary that has been divided through partition into two separate independent and internationally recognized states. Apart from this, it is endearing to understand why her divorce was irreversible. Having justified the suitability of the study area for the research, the observations and findings could be presented for a comparison to similar study areas.

Philosophy

The philosophy of the phenomenologist shall be employed as a result of its centrality to this research hence, ethnic separatism/state partitioning and secession are all global phenomena. This is because they allow for varieties in the establishment of views on US foreign policy/diplomatic relations with Sudan; the question of division; geopolitics; referendum as well as involvement of other international actors. Also, it allows evolution of hypothesis from data analyzed.

Approach

This research shall be based on the inductive approach for flexibility, effectiveness and most importantly to explore literature on the area of study. Cox (1996) suggested that we cannot, correctly, separate man and state so that we define their “substances” or “essences” as pre-historical. On this perception, historical analysis shall be adopted for this research work. Taking a cue from Koskenniemi (2009) on the importance of history as a tool of liberation and illumination; an account of what has been done in Sudan will be used as a lens to understand what was and is as we try to answer the research questions and then make recommendation based on findings. For a better comprehension and ease of access, inferences shall be drawn from timeline of international actors’ involvement in Sudan’s Peace Process.

Strategy

Following the above mentioned, the thesis will undertake a content analysis of relevant data on Sudan partition as well as US involvement in the partition. Hence, the apparatuses for data collection shall be a mixture of qualitative and quantitative data. This involve collection of observations others have made on the study area by accessing records of documents. To this effect, the research methodology entails collecting relevant data from designated documents. Such data will consist of interviews, maps, photographs, biographies, demographics, television broadcast,

statistical records, news reports, surveys, government or organizational documents and diplomatic communications which will become the central data of the research. Other documents (books, articles, journals, monographs, theses, dissertations, working papers, unpublished documents, etc.) that can shed light on the subject-matter and give additional information about the study area shall also be consulted in order to get a rich and in-depth data framework to aid in the understanding of issues from all angles. The next chapter focuses on how Sudan evolved by reconstructing the historical development(s) that were responsible for the age-long mutual suspicion and animosity between North and South Sudan. This will bring into context the reason for international involvement (in, as it was a domestic matter) particularly that of the US. It will equally try to answer certain research questions, especially, defining the country in a normative perspective.

Chapter 2

HISTORICAL PRECURSORS TO SUDAN'S PARTITION

2.1 Introduction

Falk (2011) declared, “any “people” living in a geographically distinct area, if suffering from gross abuse of human rights, could claim sovereign independence and statehood”. To further understand the partitioning of Sudan, it is imperative to reconstruct the historical context in which the Sudanese state has emerged. This is very significant in order to establish how justified was the “sovereign independence and statehood” of republic of south Sudan especially, if we put in perspective Falk’s declaration.

To begin with, this chapter provides an overview of Sudan geography, demography and her centrality in the African continent and the Middle-East. This is important because Sudan’s strategic geographic reality defines her heterogeneous character and multi-religious nature. And her demography presents the tribal and ethnic composition which indicated the extent of national marginalization and the differences in regional development. As the chapter would review, the Sudan civil wars looked at its best as a history of mutual dislike between two dis-similar civilizations, people and cultures as each persisted in trying to give her own definition of Sudan’s national identity absolute truth.

Political power and the coercive apparatus of state since Sudan's independence, arguably, have been in the hands of the Arab elites who were since seen as northern hegemony by other parts of the country especially, the South. On the other hand, marginalization, regional discrimination, political segregation and belligerence could be said to have been the lot of the native African Sudanese who constitute the peripheries and are widely referred to as the South and have, conversely, over the period displayed gross intransigence towards Khartoum. The chapter will equally review Sudan's history of pre-colonization, colonization and independence to bring to bear the clash of Arab and African civilizations viz-a-viz the impact of western colonization on the country. Thirdly, the chapter will take a look at the accounts of civil wars and major peace deals to further understand the chronicles of grievances in Sudan and the attempts to ameliorate them. Lastly, the chapter will not forget to highlight the reason South Sudan's independence became absolutely remedial and inevitably resort of the last order.

2.2 An Overview Background

2.2.1 Geographical Character

Sudan is a sovereign state found on the northeastern belt of the African continent⁹ with Khartoum as the national capital. Before 2011, she was the largest state on the continent¹⁰ and within the league of Arab countries. Before her partition, Sudan occupied the tenth position on the list of the largest countries in the world. She had an area of 967,495 square miles about 2,505,813 square km.¹¹ From fig. one below, it can be seen that Sudan has nine African neighbors: Egypt to her north; Libya in the

⁹ Oxford Dictionaries: Definition of Sudan in English. http://oxforddictionaries.com/us/definition/american_english/Sudan. Accessed July, 2013.

¹⁰ Hartog, J. (2007). Political Transition in the Sudan: The Role of Political Actors. *M.A Thesis*. Institute of Development Policy and Management, University of Antwerp. Thyne (2007, 735).

¹¹ UN Data: country profile on Sudan. <http://data.un.org/CountryProfile.aspx?crName=SUDAN>. Accessed May, 2013.

northwest; Chad in the west; Central African Republic and Democratic Republic of Congo in the southwest; Uganda and Kenya in her southeast and Ethiopia and Eritrea in her east. She also has a Red Sea coastline that spans over 800 km.¹² According to a 2009 census, Sudan's population stood at 39.15 million.¹³ Daoud (2012) confirmed that Sudan's population later in 2010 rose a little above 41 million with a growth rate of 2.143 and approximate 43 percent of the population residing in urban cities.¹⁴



Figure 1. Political Map of Sudan¹⁵

¹² Italian Development Cooperation, "Utl Sudan": <http://www.sudan.cooperazione.esteri.it/utlsudan/EN/country/intro.html>. Accessed July 2013.

¹³ Ibid.

¹⁴Daoud, D. (2012). Factors of Secession: The Case of South Sudan. *M.A Thesis*. College of Graduate Studies and Research, University of Saskatchewan.

¹⁵ From: Mapsofworld.com accessed June, 2013. For updated version of the map see: <http://www.mapsofworld.com/country-profile/sudan.html>

Climatically speaking, Sudan's conditions depend on her zones. Northern Sudan falls along the Sahara desert axis while her south lies along the Equator. By implication, the arid desert of the north is hot and dry, while the tropical habitat of the south is warm and humid. It should be pointed out here that Sudan, ab initio, has nine geographical/historical regions of: Eastern, Northern, Darfur, Khartoum, Kordofan, Central, Upper Nile, Bahr El Ghazai and Equatoria.

2.2.2 Ethnic, Cultural, Linguistic and Religious Features

Sudan is interestingly divided along linguistic, cultural, ethnic and religious affinities. This makes the country a particularly complex heterogeneous society and justifies her description as a miniature representation of Africa. According to the much talked about population census of 1955/56¹⁶, Sudan plural society statistics in terms of the classification of her ethnic groups showed that: Sudanese Arabs were about 39%; Southerners were 30%; West Darfurians 9%; Beja 6%, West Africans 6%, Nuba people 6%, Nubia tribe 3% and the Funj clan 1.7 % of the total population.¹⁷ In other accounts of the ethnic composition of Sudan, the country plays host to around 19 main nationalities¹⁸, about 56 ethnic groups and over 595 sub-ethnic groups.¹⁹

In terms of cultural diversity, Sudan culture can be classified into two different major cultures; the Arab culture and African (Black) culture. These two distinct cultures possess different demographics, religions, historical backgrounds and political prejudices.²⁰ Putting this in perspective, we could further break the two into four: the

¹⁶For clarity of understanding on the vivid description of ethnic groups in Sudan by the 1955/56 Census, see El-Battahani (2007) footnote 1, pp. 39.

¹⁷El-Battahani, A. (2007). Tunnel Vision or Kaleidoscope: Competing Concepts on Sudan Identity and National Integration. *African Journal on Conflict Resolution*. 7:2, 37-61.

¹⁸ Daoud (2012, 21) and El-Battahani (2007, 40).

¹⁹ Deng (2007, 261).

²⁰Thyne, C. (2007). "Civil War in Sudan, 1983-2005." In De Rouen, K. & Heo, U. (2007). *Civil Wars of the World: Major Conflicts since World War II*, eds. Santa Barbara, CA: ABC-CLIO, 735-751.

Azande, that is, African animists found in southwestern Sudan; the Fur, Muslim Africans in the far western part of the country; the Humr tribe of the Baqqarah Arabs, of the west-central Sudan; and the Otoro tribe of the Nuba, in the east-central Sudan.²¹ It is believed that a total of 115 languages are spoken in Sudan²² out of which 89 are dialects and 26 constitute active spoken languages.²³ Arabic is by far the most widely spoken language with more than 50% of the population using it, though over 40% of the population engage in other languages²⁴ such as Nilotic and Nilo-Hamitic.²⁵ However, for post-independence linguistic convenience, Arabic and English were chosen as lingua franca and they are both recognized as the languages of official communication in the country. It is reported that the use of Arabic as mode of communication (official and unofficial) is peculiar to the North while English is essentially official in the South because indigenous languages were widely used in the South than English.²⁶ In other words, English became a general language of communication in the South to ease the problem of communication posed by many indigenous languages.

Diversity in the Sudan is equally noticeable in her religion. Islam, Christianity and African traditional religions and beliefs form the essence of the Sudanese belief system. About 70-90% of Sudan population followed the Islamic faith while traditional

²¹ SomaliPress.com. 2008. *Cultural, Languages & Ethnic Groups of Sudan: Sudan Overview*.<http://www.somalipress.com/sudan-overview/cultural-languages-ethnic-groups-sudan-1151.html>. Accessed July 2013

²²Daoud (2012, 21); Deng (2007, 261).

²³El-Battahani (2007, 40).

²⁴ Ibid.

²⁵Hartog (2007, 8).

²⁶Daoud (2012, 22).

worshippers constitute 25 percent or one-third of the population and Christians only make up 5-10% of the entire population.²⁷

In accounting for these diversities in Sudan, we should bear in mind that two of her neighbors, in the North and the North-East, respectively define themselves, in terms of identity, as Arabs and only based on location, as Africans. Whereas, every other neighbor, exclusively define themselves, irrespective of identity and location, as Africans. If indeed, an Arab is believed to be “a person whose spoken language is Arabic and whose religion is mostly defined as Islam and of Arabic-speaking nationality”, we are safe to infer that both Egypt and Libya are defined in terms of their religion as exclusively Islam while other African neighbors maintained secularity. This is not to say other religions are not practiced in both Egypt and Libya and that there are no other tribes or ethnicities within these countries who do not consider themselves as Arabs.

The striking significance of these differences is that *Arabism* and *Islamism* are the identity and ideology of North Africa and most parts of the Middle-East and this has not only divided the Sudanese population but also her regions. To this effect, North Sudan is considered, predominantly as Arab and Muslim population while South Sudan is predominantly traditional Africans and Christians. Hence, Sudan is understood as *Afro-Arab* axis of the African continent (one part of her sitting on the Middle-East and the other on the continent of Africa). More so, the northern region of Sudan is, arguably, defined by *Arabism* identity and *Islamism* ideology. However, the southern region is secular in terms of its ideology and African by identity. The meaning

²⁷ Ibid. Also see Sudan.net. 2011. *Sudan: Society and Culture*. <http://www.sudan.net/society.php>. Accessed July 2013

of the word “Sudan” in the Arabic translation implies, “land of the Blacks”; how it doubles as “land of the Blacks and land of the Arabs” will be the *origo* (source of reflection) here.

Our discussion here agrees with De Waal’s first proposition that clash of identities and a fruitless search for a cohesive identity was responsible for the protracted civil unrest in the Sudan. Nonetheless, it also negates the standpoint that failure to consolidate power at the center was responsible for tribalism, ethnicity and the quest for national identity in the Sudan. Therefore, ethnic, cultural, linguistic and religious features of Sudan must have influenced Huliaras (2006), Nmoma (2006) and Deng (2007) positions. These authors believed that ethnic and ideological causes are responsible for why successive governments in Sudan have not been able to consolidate power at the center.

2.2.3 Historical Context

Throughout her complex political history, Sudan has witnessed several types of political ruler-ship but with a constant rigid centralized system of government that in all of its ramifications was unitary. To this extent, the country could be seen at different times as (1) an “empire of indigenous rulers”; (2) “a kingdom of foreign invaders”; (3) “an outpost of political influence of neighboring Egypt”; (4) a colonial protectorate and (5) an independent political unit in the 20th century.²⁸

²⁸Maitra, S. Sudan: Weighing the Burden of History? Retrieved from globalindiafoundation.org.

Pre-Colonization

What became the Republic of Sudan in 1956 was formerly known as the Kingdom of Kush.²⁹ The kingdom was one of the first few civilizations to be cultivated in the Valley of the Nile River; at least, it was earlier than the Arab civilization in the region. It was the first organized society known to have existed in the Nubia before 3100-2890 B. C. E, that is, before the advent of the Egyptian first dynasty. It was a kingdom reputed for its vibrancy in trade and commerce resulting from its advantageous physical location on important trade routes.³⁰

As the Egyptians began expansion towards the South, they prevailed and the kingdom of Kush fell under the Egyptian suzerainty. Diverse dynasties (The Turkiyah, 1821-85; The Mahdiah, 1884-98) have established empires which encompass Egypt and Kush (Sudan). This continued until around 8th century B.C. when the Kashta dynasty rendered the Kushite kingdom vulnerable by her invasion of Egypt. In retaliation, Egyptian army attacked Kushite empire capital of Napata and also invaded the Lower Nubia. All these prompted the Kushite kingdom to make a swift change in the location of power. As a result, the Kushite seat of power was moved from Napata to Meroe (which was significantly distant south than Napata was) where the Meroitic kingdom developed, extending to Swaba (an area very close to present day Khartoum) and greatly independent of Egypt.

At Meroe, the kingdom came in contact with the Greek merchants who were new entrants in the region. This contact ushered in a significant change in the trading pattern

²⁹ Ibid; BlackPast.org (2007/20011) -<http://www.blackpast.org/?q=gah/ancient-kush-2nd-millennium-b-c-4th-century-d>; New World Encyclopedia (2012) - http://www.newworldencyclopedia.org/entry/Kingdom_of_Kush. Both were accessed July 2013.

³⁰New World Encyclopedia (2012) - http://www.newworldencyclopedia.org/entry/Kingdom_of_Kush. Accessed July 2013.

of the kingdom; export of merchandise moved eastward towards the Red Sea and the contiguous newly acquired Greek trade colonies. This was a paradigm shift in trade and commerce which was dependent on the Nile before now. We should point out here; consequent upon this reverse in trend, two political entities now existed in the kingdom, one at Napata and the other at Meroe. The importance of this dichotomy is the fact that the kingdom became a loose empire. Napata turned out to be the religious headquarters while Meroe became administrative. The kingdom (if you like Meroitic people) subsisted and sojourned the areas along the Atbara River and Nile Rivers (Blue and White) between 590 B.C. and 350 A.D., until the Ethiopian incursion which weakened the kingdom. This was the juncture at which Christianity surfaced in the region of Sudan, coincide with the spread of Byzantine (Greek) influence in the region which aided the propagation of the religion. Hence, three Nobatae (Nuba) political entities-Nobatia, Makuria and Alodia – that succeeded the kingdom of Kush were not only remarkable as Christian territories, they heralded the decline of the kingdom of Kush.

Sudan was subdued by Arab influence way back 641 A.D and as a result Islam gained ascendancy. *Ab initio*, these Arabs were immigrants who were allowed, to settle in the region of Sudan based on peaceful co-existence; an agreement reached with the native aborigines, some of which were recent Christian converts. However, within the space of subsequent seven centuries, Christianity was overwhelmed as more Arabs migrated to the area. More so, the Kush native aborigines were operating a rather customary secular society to a very large extent. The area referred to as the north of Sudan became increasingly populated by immigrant Arabs who were merchants and who intermarried to become settlers. This is why the ancestry of the Nobatae that formed the states which supplanted the kingdom of Kush (Meroe) remains a historical puzzle. All we know is

the possibility of them been a mixture of many things: merchants, nomads, invaders, and impostors who forced their language and cultures on the native aborigines.

Colonization

If colonization is synonymous with the European imperialist expansion, then, the record by some literature that the colonization of Sudan began before 1899 is incorrect. Notwithstanding, one cannot rule out the influence of Egypt on Sudan which had established several dynasties and suzerainties in Sudan before this period. But, these suzerainties and dynasties were not instruments of colonization.

The colonization of Sudan started with the 1899 pact that conferred and defined mutual British-Egyptian sovereignty over the Sudan. After Britain helped Egypt to reestablish her reign in Sudan, the duo entered into an agreement known as the Anglo-Egyptian Condominium. Just as Egypt from 1821-1898 was overseeing Sudan for the Ottomans, the Anglo-Egyptian agreement granted Britain the competence to share sovereignty over Sudan with the Khedive³¹. It was in this process that Britain had the opportunity to colonize Sudan for more than fifty years using Egypt, which it already occupied, as a “rubber-stamp” co-authority in Sudan. Though, the third and fourth articles of the condominium provided that absolute military and civil command of the Sudan shall be vested in the governor-general, to be appointed and removed, by a khedival decree on the recommendation and consent of Her Majesty British government.³² The reality on ground was that the governor-general conducted the administrative affairs of the condominium like that of a colonial system; he did not report to the khedive but to the

³¹ Khedive is a title which is granted to the hereditary pasha of Egypt by the Ottoman sultanate which indicates one of several Turkish viceroys ruling Egypt.

³² Gale Encyclopedia of the Middle East & North Africa: Condominium Agreement (1899). Retrieved from answers.com. Accessed July 2013. <http://www.answers.com/topic/condominium-agreement>

colonial office. The British created asymmetric colonial policy for the North and South sides of Sudan. The South, was not only made a protectorate but it was also made a “Closed District”. Whether this separate policy for the South was a curse or blessing is open to debate. All we could deduce, according to Mayo (1994: 166), is that the asymmetric colonial policy, “Closed District”, was designed to forestall the Arabs from trading, settling or joining the civil service in the South.³³ In other words, the apartheid colonial policy in Sudan was the British desire to prevent Arabism and Islam from Black Africa, Deng (1994: 38).

Independence/post colonization

The political institutions and statehood handed down to the Sudan after decades of British imperialism brought about bewilderment immediately the country became independent. The handing over of state power and its apparatus was successful but with a lot of intrigues. The British never really gave up Sudan because it was central to Egypt’s interest. Once the British were finally gone, it was assumed that Egypt would do everything to reassert her influence on Sudan. To this effect, British influenced the outlook of nationalism in Sudan to forestall pro–Egyptian centrifugal forces from taking over the country in the lead up to independence.

Sudan became independent amidst her structural glitches. And neither was any capacity in her independence to address the problems. Geographically, Sudan is a large country and historically it has diverse regions. These regions were not fully integrated before independence. At independence, the control of state machinery fell on Khartoum. Khartoum therefore became sole beneficiary of socio/economic

³³ Mayo, D. N. N. 1994. The British Southern Policy in Sudan: an inquiry into the Closed District Ordinances (1914-1946). *Northeast African Studies*. Vol. 1, N0 2. Pp. 165-185.

developmental projects at the expense and detriment of other regions. This led to a lack of an integrated constructed independent state of Sudan. As a consequence, regional movements, political parties and marginalization sentiments were developed as an alternative, creating a regional, tribal and ethnic awareness and affinities as against national consciousness and nation-building.

Noah Bassil remarked that Sudan structural glitches could not be addressed in independent Sudan because, “sectarian rivalry and internal party factionalism distracted the ruling elite from forming a program on which the post-colonial Sudan could be remodeled.”³⁴ This is apparently a deliberate structural inaccuracy which confirms Daoud (2012) assertion that Sudan was “made in error”. Equally, this explains why governments in post-colonial Sudan could not institute a consolidated state, leaving the ruling oligarchy no other choice than to foster hegemony over the country amidst crises and dissent which was spreading rapidly in the periphery.

Imperialism permitted Sudan to be independent but made sure that the architecture of the independent state lacked credible political leadership. In the overall outcome, Sudan’s political authority and power, control of the state machinery and apparatus came under the hegemony of the North (believed to be successive governments in Khartoum) which was pretty soon hijacked by the “khaki boys”³⁵ (the military). This was never taken lightly by other marginalized regions, especially the south. Before anybody could say “Jack Robinson”, civil war broke out and destroyed the euphoria of Sudan nascent independence.

³⁴Noah B. (2009). *The Crisis of the Sudanese Post-colonial State and Conflict in Darfur*. School of Modern History, Politics and International Relations, Macquarie University. Pp. 228.

³⁵ The military are referred to as Khaki boys since their uniforms both regular and the camouflage are made of the Khaki material.

2.2.4 Sudan Wars

British imperialist succeeded in preventing the rise of a Muslim sect in the Sudan. However, the price for this was the resuscitation of theocratic dictatorship. Any opposition is addressed with ruthless incarceration and cruel enslavement, if not brutal killing. In the account of devolution of power in the Sudan, leading up to independence, power was transferred from the British to the Arab sects. The much anticipated independence did nothing to address the issues of national prejudice and regional inequalities. Other regions east, west, south became victims instead of mutual beneficiaries in a united Sudan. They were neglected in socio/economic developmental projects. The independence which was supposed to be the fulcrum for Sudan's "unity in diversity" and the harbinger of *sudanization* or building of a national character turned out to be a mirage. The north, which now controls the powers and functions of state, fostered a northern hegemony and parochial Arab/Islamic interests throughout the country what this thesis describes as theocratic dictatorship. Other regions then perceived independence as a change of master (from British imperialism to Arab imperialism) rather than an exercise of self-rule or a birth of nationalistic government.

The first Civil War

The result of the 1953 agreement between Egypt and the British imperialist on Sudanese self-determination, was the countdown to the country's self-rule which kicked off with the emergence of the first parliament in 1954. Two years after, January 1st 1956, Sudan was proclaimed and recognized as independent. In the lead up to this, the control of state apparatus and its apparatchik, civil service and public administration, has increasingly become northern Sudanese monopoly- principally segregating other Sudanese from other regions from the scheme of governance. This was coupled with the defiance of the ruling Arab elites in Khartoum to create a federal

system that will integrate the country in equity and fairness with devolution of powers between all existing regions. The snowball effect was a military mutiny at Torit, in 1955 by some aggrieved members of the Equatoria Corps, a military outfit which mainly composed Sudanese from other regions especially southerners.

The first Sudanese civil war became a full-blown civil war seven years into the country's independence. It was at a period Sudan was already moving away from the most susceptible moments of her nascent independence. As observed in certain quarters, the first civil war broke out during a period of political stability. It is a compelling argument that if the 1955 mutiny³⁶ had taken place after the imperialist, had gone, there would not have been the possibility of military intervention by the British (the British airlift). This would have been after independence and the British would not have moral justification to intervene. Therefore, the mutiny would have been bloody and would have passed as a civil war³⁷ but the mutineers were not circumspect. It was believed that the British would not have intervened to quell the mutiny if not that they wanted to allay the fear expressed by the northerners, who claimed that the mutiny was a covert scheme of the British to circumvent independence.³⁸

Retreaters, self-exiled and refugees from the mutiny organized themselves into a guerrilla movement and began waylaying Sudanese army convoys to get hold of sophisticated munitions. As a result of the political undertone in their agitation which was greater autonomy for other regions of Sudan, southern renegades formed Sudan

³⁶ The 1955 mutiny took place in a town called Torit by members of the Equatoria Corps. The military outfit of predominant southerners revolted against what appears to be exploitation of other regions. Live shots were fired in a defiant attitude and this formed the prelude to the first Sudanese civil war.

³⁷ James, F. and David, L. (2006). Sudan. Random narratives draft, Stanford University. p. 13.

³⁸ Ibid. p. 9.

Africa Closed Districts National Union later, in order not to make the rebellion against Khartoum a southern thing alone, the union was renamed Sudan African National Union (SANU).³⁹ It was from this formation that the separatist guerilla movement, Anya Nya (snake venom) developed. The Anya Nya movement later became Southern Sudan Liberation Movement (SSLM) and was led by Joseph Lagu, a former Sudanese army captain who was reputed for diplomatic correspondence on behalf of the movement. We should mention here that the formation of SSLM implies that other regions of Sudan (south, east and west) came under a singular umbrella as southerners. Once the movement has gotten enough weaponry and diplomatic support, it swung into real action, taken over many southern districts from the control of the Khartoum government. It was the 1972 Addis Ababa agreement that ended the war following the concession of government of Sudan (GoS) led at that time by Colonel Jafar Nimeiri to grant the south a considerable degree of regional autonomy.

The Second Civil War

The second Sudanese civil war became full-blown in 1983 following a catalyst of events. A key trigger was the decision of the GoS to fully integrate Islamic law into the country's penal code in September 8, 1983. Likewise, it was the continuation of the hitherto abated civil war in 1972. This war stemmed from the failed Addis Ababa peace process as a result of a dysfunctional GoS that broke her promise to provide for a referendum in Abyei among other things. During the negotiations of the Addis Ababa Agreement, the Southerners demanded that the Abyei region be administratively transferred back to the south. In addressing the issue, the agreement defined the Southern region according to the boundaries as they were on January 1,

³⁹ Ibid. p. 11.

1956. And made a provision for a referendum to determine the status of other areas presumed to be geographically and culturally south. Abyei was one of the areas which the GoS refused such right of referendum.

In the early 1980s, some surviving rebels of the vanquished Anya Nya separatist guerilla movement organized a second Anya Nya Movement. But, this was just an isolated insurgence movement. It was the emergence of the Sudan People's Liberation Army/Movement (SPLA/M) that sets the ball rolling for the war of national liberation. A lot of southern Sudanese joined the group: the Equatorians, the leftist students' guerrilla movement (Southern Sudan Liberation Front), the Anya Nya 2 and many southern Sudanese of diverse backgrounds and vocations. By the beginning of 1983, before President Nimeiri's offensive actions some of which has been mentioned earlier, the die had already been cast for the war of national liberation to begin. The national liberation war was determined to "restructuring the power configuration at the center". The war subsided in 1989 following GoS suspension of the Islamic penal code. Unfortunately this suspension did not see the light of the day as a result of the military coup led by Omar Al-Bashir whose government later negotiated and signed the Comprehensive Peace Agreement (CPA) in 2005. The Enough Project (2011), reported that a gross estimate of two and a half million people lost their lives and four million others were reportedly displaced as a result of the war.⁴⁰

2.2.5 Major Peace Deals

The conflict in Sudan was malicious, protracted and particularly brutal. A conflict that slaughtered around two million people or more, internally displaced four million extra

⁴⁰ Mollie Zapata (2011). Sudan: Independence through Civil Wars, 1956-2005. Enough Project. <http://www.enoughproject.org/blogs/sudan-brief-history-1956>

and sent about five hundred thousand others to exile, the Enough Project (2011); Rogier (2005:1). The conflict, arguably, is deep-rooted in Sudan's identity plurality and duality. Brokering peace in such a state of affairs, no doubt, would not be an easy task. In other words, it is indisputable that to bring peace to a country that barely has stability or tranquility in her national existence will not be a lame man job. Hence, any peace-meal must be predicated on a resolution process that aimed to accommodate the grievances of the GoS and the SPLM/A; a win-win solution to be precise. Judging from the fact that the conflict had degenerated into a zero sum game, peacemaking in Sudan was a herculean task and many who ventured to shoulder it collapsed under its weight. However, peace initiatives in Sudan did recorded certain success. It must be said that to get to where Sudan is today, two distinct independent countries existing as neighbors, any peace initiative in the old Sudan had always been a development on a previous one. Likewise, the abated period between the first and second civil war was a result of peace initiatives. With this in mind, let us now consider some of these peace initiatives.

The Addis Ababa Agreement

The harbinger of this agreement was the accession of General Jaafar Nimeiri to power, in a coup that overthrew the coalition government led by Mohamed Ahmed Mahjoub on the 25th May, 1969. Nimeiri was determined to end the ongoing civil war and address the "problem of the South". In June, he backed his determination with a "Policy Statement on the Southern Question" which among other things was anchored on three major points: determination to reverse the uneven developmental trend between the center (which is the North) and the peripheries (which are other regions, particularly, the South) as well as cultural, traditional and religious autonomy for Southerners and amnesty for renegades, Shinn (2005). As he took concrete steps to

implement the terms of his policy statement, he began to win the confidence of the Southerners which opened the way for dialogue between GoS (government of Sudan) and the Anya Nya guerrillas which has now evolved as a political unit, Southern Sudan Liberation Movement (SSLM). Both sides realizing a military victory was increasing becoming impossible, came up with draft agreements which were formally signed in Addis Ababa in February of 1972. This was the landmark peace process that led to the emergence of the Addis Ababa Agreement that abated the first civil war.

Among other things ratified in the Addis Ababa Agreement, some important articles and interim protocols held that:

- The provinces of Bahr el Ghazal, Equatoria and Upper Nile, based on the boundaries as they stood on 1 January 1956, were to constitute a self-governing region within the republic of Sudan and be referred to as the Southern Region.
- The Southern region would have its own legislative (Peoples Regional Assembly) and executive (High Executive Council) arms of government.
- Juba would constitute the capital of the southern region as well as the seat of power of both the Peoples Regional Assembly and High Executive Council.
- Arabic would remain the official language for Sudan while English became the “principal language” for the southern region “without prejudice to the use of any other language or languages”.
- There would be a tentative armed forces for the southern region (that is, the Southern Command) which would comprise 6,000 men and officers each from South and North.
- There would be a full coverage on Fundamental Human Rights and Freedoms.
- There would be an extensive section that deals with revenue, items and grants-in-aid for the southern region.

- Importantly, the agreement specified a cease fire in the southern region and a general agreement to forbid acts of violence or wanton destruction of lives and properties (Wama, pp. 9; Shinn, pp. 242-243).

In spite of the unconcealed enthusiasm expressed in the Addis Ababa Agreement, it lasted barely a decade. The outbreak of the second civil war in 1983 made the agreement *ultra vires*. It is common to attribute the cause of the second civil war or the torpedo of the Addis Ababa Agreement to surface issues like imposition of Arabic in the South. Though this could be one immediate cause but, at the background of causation was the argument that Northern interests constantly prevail over Southern agitations⁴¹ and as seen in the abated period (the ceasefire period), Khartoum paid lip service to making the Addis Ababa Agreement work. A major flaw was an obvious inability of Khartoum to abide by the percentage of military deployment to the Southern region which the Addis Ababa Agreement kept the ratio at one-to-one.⁴² That is, fifty-fifty.

Another flaw was the grand design to divide the south into three regions by Khartoum's crass Republican Order 1 in mid-1983. This order would incapacitate the south by making it fully reliant on GoS for her economic survival since all her independent sources of revenue would be exclusively taken over by the central government in Khartoum. Apart from this, the order was a constitutional aberration in that it reversed the state of affairs created for the south in the 1972 agreement by

⁴¹ Shinn, D. (2005). Addis Ababa Agreement: was it destined to fail and are there lessons for the Current Sudan Peace Process? In *Annales d'Ethiopie*. Volume 20, pp. 245.

⁴² See the Addis Ababa Agreement: PROTOCOLS ON INTERIM ARRANGEMENTS, Chapter II, Article 2.

purporting to restore the south back to where it was before the emergence of the Addis Ababa agreement. It was an obvious annulment, though very systematic.

In a similar development, instead of GoS to decisively disband and reintegrate the Anya Nya guerilla forces, it was rather busy with unhealthy and reckless transfers of these troops to the central. This wave was perceived as a deliberate attempt by Khartoum to neutralize the powers and weaken the base of the peripheries forces. The resultant effects of this were incessant mutinies at the central of which a consequential one was at Akobo in 1975. This same mutiny, led to the emergence of the Anya Nya II in neighboring Ethiopia. The discovery of crude oil and its subsequent exploration constituted a major catalyst to the collapse of the 1972 agreement as well. Oil issues, from refinery to pipeline down to who gets what from the oil proceeds is always placing the central and the peripheries on different sides of the divide. These situations, again, created hopelessness in Sudanese from peripheries and the intermittent cry to pick up arms against the central government a second time became louder.

The Comprehensive Peace Agreement

This agreement was brokered during the IGAD⁴³ peace talks that started in the early 1990s between the GoS and SPLM/A (a metamorphosis of the SSLM). It was finally ratified in Nairobi in January of 2005. A peace process like this could best be described as “peace by pieces”. This is because it composed and chronicled different, separately negotiated agreements: the Machakos Protocol of 20 July, 2002; the Covenant on Security Arrangements of 25 September, 2003; the Covenant on Wealth-Sharing of 7 January, 2004; Protocols on Power-Sharing as well as Resolutions of the conflicts in

⁴³ Intergovernmental Authority on Development otherwise known as IGAD is an inter-governmental trading bloc which after its creation in 1986 initiated peace process in Sudan.

Southern Kordafan, Blue Nile state and Abyei of 26 May, 2004 and annexes on permanent ceasefire and outlined modalities on implementation of agreements of 31 December, 2004.⁴⁴ The CPA changed the economic, social and political state of affairs in Sudan. As a matter of fact, IKV Pax Christi (2010) observed that the CPA shifted the scope of Sudan from military to political.⁴⁵ To a very large extent, this agreement was an advancement on the Addis Ababa Agreement. Though, they shared similarity in many respects but the *interim transitional period* clause and that of *independence referendum* marked the CPA out. If peace and tranquility must reign in Sudan between her central government and her peripheries, three germane issues must be put in perspective; devolution of power, wealth sharing and cultural tolerance. It is very important, at this juncture, to briefly consider how the CPA covered these issues.

Devolution of Power

The protocol on power sharing concluded in May 2004 maintained that all signatories are of the opinion that devolution of governmental powers, decentralization of governance and supremacy of governments at all levels is sine qua non to effective administration of the Sudan. To this effect, a three-tier power sharing formula was introduced and this created three supreme, independent and sovereign governments; government of national unity (GNU), government of southern Sudan (GOSS) and government of respective states within the country. With respect to executive, legislative and judicial composition of the GNU which shall be the national government, National Congress Party (NPC) holds 52% stakes, Sudan Peoples' Liberation Movement (SPLM) 28% while the remaining 20% is shared evenly

⁴⁴ Emeric. R. (2005). No More Hills Ahead? Sudan's Tortuous Ascent to Heights of Peace. Netherlands Institute of International Relations, Clingendael. Security Paper No 1, p. 105.

⁴⁵ CPA ALERT: The State of Sudan's Comprehensive Peace Agreement (Alert No.2). *IKV Pax Christi*, Utrecht, September 2010, p. 6.

between other elements in the North and South. Apart from guaranteed wholesome representation for the peripheries in the GNU, there was now a de jure government for the southern region (Government of South Sudan). This was more than the pseudo-regional scheme created in the Addis Ababa Agreement where the Peoples Regional Assembly and High Executive Council were nothing more than just rubber stamps. It should be pointed out here that this devolution of power did not create a true federalism in Sudan. By implication, it created a very loose federation with the central still very powerful.

Wealth Sharing

The discovery and subsequent exploration of oil in Sudan added another dimension to the negotiations. Oil, it was believed, would bring enormous wealth to the country but significantly, the greatest deposit were found in the South. This is what made the covenant on wealth sharing an integral part of the CPA. Further, even though, oil was largely located in the South, its onward exportation depended on pipeline scheme that would run through the North. Thus, for the north to get the oil, it had to rely on southern cooperation just as the south would have to depend on the north if the oil were to be exported. Hence, drilling and sale of oil became a synergetic situation and its revenue sharing, a deuce. Therefore, any wealth sharing formula that did not give six to the North and half a dozen to the South could not augur well. Little wonder the CPA shared the net oil proceeds on a 50-50 basis between the GNU and GOSS after an initial 2% had been turned back to oil producing states. GOSS was given the competency to collect taxes in the South while GNU could do so nationwide. There was also a system of dual banking with both GNU and GOSS maintaining different currencies.

Cultural Tolerance

In the Machakos Protocol, that is, the first chapter of the CPA, Sudan was recognized to be bi-zonal, bi-communal as a result of her multi-cultural, multi-racial, multi-lingua, multi-religious and multi-ethnic nature. The CPA upheld the pluralism reality of the country and provided that, “eligibility for public office or public service and enjoyment of all rights and duties is based on citizenship and not customs, religion or beliefs.” It is very significant to point out that in ensuring cultural tolerance the CPA created a consociational state of affairs in Sudan.

The CPA appeared to be comprehensive enough in its enactments. However, whether it is rational to describe it as a win-win solution for both sides of the Sudan divide is open to debate. Yet, what is most striking is that the south, in a referendum, still opted for the partitioning of the country at the expiration of the interim transitional period. Why?

2.2.6 Factors Of partition

The CPA in its extensive coverage was actually designed, as widely believed, to “make peace attractive” in the Sudan between her center and her peripheries. However, making peace attractive was implied in two ways. (a) A united Sudan of bi-zonal, bi-communal and consociational system and (b) a divided Sudan of two distinct independent and sovereign countries. The agreement created a six year interim period for the realization of either of these options. There is no doubt the CPA addressed the grievances between the center and the peripheries of the North/South dichotomy; it gave both a sense of belonging, allayed their fears and created a win-win solution. Notwithstanding, the document upheld that at the expiration of the interim period, the south would decide her own fate by a referendum. South Sudan opted for the second

option. What went wrong that South Sudan was inclined to partition; disregarding a united Sudan of bi-zonal, bi-communal and consociational arrangement which, as seen during the interim period made the southern government supreme, independent and sovereign within its areas of powers and functions? A possible answer might be national bias. Failed democratic institutions could be adduced as another reason. Successive Arab/North dominated regimes and governments in the Sudan have been dictatorial and authoritative with zero tolerance to opposition and freedom of speech. Lastly, a central point that would suffice was the support and influence of a third party. Let us now consider these possible answers.

2.2.6.1 National Bias

Normally, the conflict in Sudan is between the center and the peripheries. Simplifications identified Arab, Muslim northern elites ruling in Khartoum as the center. While, African, Christian animist of the South make up the peripheries. Being that as it may, Iris Seri-Hersch (2013) acknowledged that the center pursued Arab and Islamic identity for Sudan, while the peripheries stressed cultural tolerance in a united Sudan or regional autonomy of outright separation from the center.⁴⁶ In addition, special envoy John Danforth recounted that the government of Sudan was an “Arab and Islamic regime”, that Sudan was divided along the sentimental axis of “ Arab Africa and black Africa”. He submitted that, Sudan had “a government trying to exercise maximum central control on a country that was very large and very fractured and splintered ethnically, racially, religiously, all kinds of ways.... and tough”.⁴⁷ Moreover, both Addis Ababa Agreement and the CPA created a concept of north and south Sudan which was gotten from Sudan’s colonial experience. The consequence of

⁴⁶ Iris. S. (2013). From One Sudan to Two Sudans: Dynamics of Partition and Unification in Historical Perspective. Telaviv Notes. Volume 7, Number 13, p. 2.

⁴⁷ *BBC NEWS*. 2005. John Danforth Interview Transcript. July 3.
<http://news.bbc.co.uk/2/hi/programmes/panorama/4647211.stm>. Retrieved 15th July, 2015.

this is that Sudanese elites and most writers on Sudan, like the one just mentioned, have succeeded in dividing the country along the axis of religion, ethnicity and region. Thereby creating a national bias that Muslims hate Christians (vice versa), Africans hate Arabs (vice versa) and that the conflict in Sudan was because government was using coercive apparatus of state to oppress certain tribes.

Daoud (2012), wrote that, “the call for separation of the peripheries was always dependent on the kind of government at the center (Khartoum)”⁴⁸ This means that not all successive governments in Sudan have been islamists and pan-Arab. Though, Since the regime of Ibrahim Abboud (1958-64), Khartoum’s ruling class had always been dictatorial. However, regimes such as that of Jaafar Muhammad Nimeiri (1969-85) and Omar al-Bashir (1989 to date) were radical in nature as they labored hard to harmonize the country’s identity steadily through centralized governance, rigid political and social policies anchored on Islamic injunctions or Sharia tenets. This is not enough reason to generalize that those who control the coercive apparatus of state in Sudan (fortunately the northern elites) are maltreating a particular ethnic group.

The major reason for the Sudan divorce is rooted in her national bias. The predominant tribe in the south believed that the predominant tribe in the north would perpetually rule Sudan. Whereas, the predominant tribe in the north do not believe that the predominant in the south should rule. During the six years interim period, the interim national president could have been someone from the predominant tribe in the south!

⁴⁸ Daoud, D. (2012). Factors of Secession: The Case of South Sudan. M.A Thesis. College of Graduate Studies and Research, University of Saskatchewan, p. 49.

2.2.6.2 Failed Democracies

Sudan has witnessed four democratic dispensations before her partition. Though momentary, Sudan's democratic governments failed to find a path for the country on grounds of equitable regional representation, economic and social distribution. The complete absence of effective state institutions in a democracy that will uphold the rule of law and hold government accountable to its people has led Sudan politicians to gross insensitivity and corrupt practice. Even though the CPA brought about the fourth democratic dispensation, over the interim period, the Sudanese state had crippled her opposition parties and subdued her civil society (a period that was meant for unity to be made attractive). These have been exchanged for manipulations of ethnic relations, human rights abuses, and incarceration of journalists coupled with suspension of diplomats. There are only two strong institutions that run the affairs of the country, though from different axis and ideology. These are quite identifiable, the NCP and the SPLM. This is because all the institutions and state apparatus created by CPA were left to be over seen and managed by these two major players. It is very important to point out here that the 2010 general election results (especially the parliamentary election result) was a major contravene of the CPA. The CPA, in its provisions granted NPC the leave to hold 52% stake in the parliament but with the result of the election, NPC gained a whopping 72% with 323 seats out of 450 contestable seats.⁴⁹ However, the 52% stake granted NPC was not enough to have a clear majority needed to avoid being held back by the SPLM on major bills perceived to be parochial; forgetting that the development undermined democratic goodwill, sabotaged a very important agreement, endangered the prospect of a unified and secular Sudan and rekindled national bias in terms of mutual suspicion, distrust between the NCP and the SPLM.

⁴⁹ African Elections Database: <http://africanelections.tripod.com/sd.html> accessed 13th February, 2014.

2.2.6.3 Third Party Factor

Both sides of the divide in the Sudan received tremendous support(s) from different regional and international players before, during and after the civil wars. Either by design or default, it was these supports that initiated two de facto normative states in the Sudan. First, a quasi-autonomy of the South guaranteed by the Addis Ababa Agreement and secondly, a de facto independence for the South as we implied from the interim period provision as well as the self-determination and the referendum clauses in the CPA. It is noteworthy that the pendulum of the CPA swung in favor of the South in all ramifications. If we put the agreement in a perspective, we can see that the amount of autonomy provided for the South in the agreement equaled to independence. To begin with, the CPA removed the presence of the Sudanese forces from the South. It created a government for the South called Government of South Sudan (GOSS) which is supreme, sovereign and independent within its areas of powers and functions. It created a fifty-fifty formula for sharing of oil revenue. To crown it all, it provided that the people of south Sudan can, in a referendum, after the interim period, the right to decide to have a country of their own, officially. Without mincing words, if not for external influence, Khartoum would not have signed the CPA; Khartoum might not have allowed the referendum to be held neither would it accept the result and would not have recognized the independence of the South.

2.2.6.4 Dysfunctional Government in Khartoum

Khartoum turned her back on the implementation of the CPA thereby reducing the agreement to a mere ceasefire. This was the only obvious part of the agreement that was somewhat implemented by Khartoum. As for other sensitive areas of the agreement the government of Sudan discountenanced them. On the lackadaisical attitude of Khartoum, special envoy Richard Williamson noted:

The north did not disarm and demobilize its proxy Arab militias as it had committed to do in the CPA. The north did not fully integrate joint security forces, nor did it provide transparent accounting for the sharing of oil revenues as agreed to in the CPA. The point is that ...the south has developed a deep distrust of Khartoum's reliability.⁵⁰

2.3 Conclusion

This chapter has been devoted to a number of precursors to the partition of Sudan. These precursors has intimate us with the historical precincts from which the Sudan has evolved. It has been revealed that the country is heterogeneous replicating racial, religious, linguistic and cultural diversities begotten from her Arab and African identities. A major significance here is that we can see that Sudan's diversity affects her topography and geography on the national and the international scene. At home, Sudan is somewhat divided into the Northern and the Southern regions. Through national bias, Arab identity is championed in the Northern region (though there were Africans in the north) and African in the Southern region (though there were Arabs in the south). On the international scene, Sudan doubles has Africa and Middle East. This left us ambivalent in terms of her national identity and her location. All we could infer is that Sudan has two civilizations: African and Arab. According to the national bias, her civil wars have revolved round the supremacy battle of these identities and her peace deals have been brokered between more or less tribal groups representing either of these civilizations. State partitioning was inevitable because these civilizations kept clashing and one will not accept the supremacy of the other notwithstanding the edge the Arabs had by wielding coercive apparatus of state.

The agreements that ended the two civil wars in Sudan created a quasi and de facto state in southern region of the country at different intervals respectively. If we consider

⁵⁰ Huliaras, A. (2012) The unanticipated break-up of Sudan: causes and consequences of redrawing international boundaries, *Commonwealth & Comparative Politics*, 50:3. Pp. 261.

the most compelling definition of statehood, that is, Article 1 of the 1933 Montevideo Convention on Rights and Duties of States that defined a state as a legal entity with a *permanent population, defined territory, government* and the *ability to enter into relations with other states*.⁵¹ We would find out that the political entity created in southern Sudan by the Addis Ababa agreement certified three out of the four qualifications of a state. The provision in Article 4 (“the provinces of Bahr el Ghazal, Equatoria and Upper Nile...were to constitute a self-governing region within the republic of Sudan and be referred to as the Southern region”) met the Montevideo criteria of a defined territory. That of Article 5 (“the southern region shall have legislative and executive organs...”) met the one on government. As for the CPA, it moved the entity away from being a quasi-state to a state having certified all the requirements of statehood spelt out in the Montevideo Convention. Under *Agreed Principles*, the CPA provided that, “*the people* of southern Sudan have the right to control and govern affairs in *their region*...”. If we allude to *the people* and *their region*, it shows that the entity created by the CPA has certified the criteria on population and defined territory. The CPA, in section 3.1, further declared that, “...there shall be a *government* of southern Sudan and it shall consist of the legislative, executive and judiciary arms”. Here, the qualification on government was taken care of. Finally, in section 3.4, the CPA maintained that, “a primary responsibility of the government of southern Sudan will be *to act as an authority* in respect of the states of southern Sudan...”. This means that the government of southern Sudan can relate on behalf of her states.

⁵¹ Article 1 of the 1933 Montevideo Convention on the Rights and Duties of States. <http://www.cfr.org/sovereignty/montevideo-convention-rights-duties-states/p15897> Retrieved from Foreign Relation 14th July, 2015.

Chapter 3

THE CALCULUS OF PARTITION

3.1 Introduction

The Comprehensive Peace Agreement (CPA) was the major breakthrough in the Sudan peace process. It not only brought relative peace to Sudan but equally it kick-started the beginning of a new political era. Sequel to it was the enactment of the Interim National Constitution (INC). The overall significance was that of a political transition process which envisaged either a united but democratic and consociational Sudan or a national division whereby two independent countries would co-exist side by side.

Commenting on the CPA, Young (2007) noted that:

It is a milestone in the history of Sudan and will have a major impact on the country, the region, and beyond. Its achievement was greeted with joy in most parts of the south, muted optimism in the north, and hopes in the international community that it would bring peace to the south and provide the model for peace agreements in Darfur and elsewhere in the country.⁵²

However, the viability and actualization of this hope remained under doubt, especially in light of the highly polarized and fragmented sociopolitical configuration of the country as a result of national bias. The outbreak of crisis in the Darfur region undermined the euphoric atmosphere created by the CPA. Such circumstances did not translate into total despair as political willingness of domestic actors and players, their commitment to democratic principles would generate genuine political leadership

⁵² John Young. 2007. Sudan IGAD Peace Process: an evaluation. Institute of Governance Studies, Simon Fraser University, Vancouver, Canada. Pp. 6.

necessary to overcome whatever doubts that might exist about the CPA. In addition, the international actors who brokered the peace also have a role to play. As exogenous influence(s) they could mar or make the transition process, ensuring domestic actors keep track with the spirit of the CPA or else by permitting them to serve as agents of discord, Hartog (2007).

It was not only the involvement of the US in Sudan that led to the emergence of the CPA. Though, the US spearheaded the peace process that bequeathed the landmark peace accord in the war-torn country, there were also other external influences that contributed to the signing of the CPA. This chapter, however, maps out strategic step-by-step partition permutations. In other words, the chapter accounts for the exogenous causality effect in the partition of Sudan which led to the establishment of the new state of Republic of South Sudan.

3.2 Division by Peace: The Addis Ababa Agreement

About four months into her independence, in late 1955, crisis broke out in Sudan. It turned rapidly into civil war grounded on the rift between the center and the peripheries, later known as the north and the south. Over time this conflict degenerated into a more multifaceted and long-drawn-out chain of conflicts. The effect of colonialism as well as power struggles and disputes over control of resource, (more specifically over water, land and crude oil) were fundamental. However, one cannot discount the impact of adjunct issues such as national identity, ethnic sentiments and religious affiliations summed up in the country's national bias. Sudan was plagued by instability for close to four decades with only eleven years of relative tranquility recorded in her state existence. As one of the most protracted and vicious arenas of armed struggle on the continent of Africa, Sudan's internal unrest accumulated a death

toll of millions of lives. People became victims as a result of both direct brutal killings and of consequential starvation and diseases.

When contemplating Sudan, it was common to use the terms north and south as indices of regional detachment and identification of belligerent factions. The North basically implied the central, western, eastern and northern axis of the country which amounted to fifteen provinces (about $\frac{2}{3}$ of Sudan's land mass and population density).⁵³ The South referred to all the ten southern axis provinces. That is: Jonglei, Upper Nile, Bahr el-Jabal, Unity, Warrab, Lakes, Western Bahr el-Ghazal, Northern Bahr elGhazal, Eastern Equatoria and Western Equatoria.⁵⁴

Most views concerning the cause/origin of the Sudanese conflict have elucidated on two major distinct parameters. The first parameter, explained from Huntington's point of view has been that there is bound to be a clash when two civilizations or cultures interface or overlap. In his hypothesis, Huntington (1993), hypothesized that culture would be a major source of conflict and it will greatly divide the human race. He maintained that the clash of civilizations would become a dominant issue in global politics and that the fault lines between civilizations would be the battle lines of the future.⁵⁵ It is safe to infer that the Sudan civil wars which were finally brought to an end in 2005, approximately twelve years after the assertion by Huntington, could be address in line with the submission. Therefore, the wars, especially the 2nd, could be seen as a result of the clash between Arab and African civilizations and cultures if we are considering the sentiments created by the north/south dichotomy. From a different

⁵³ Institute for Justice and Reconciliation. 2006. Peace in the Balance: The Crisis in Sudan.

⁵⁴ Ibid.

⁵⁵ Huntington, S. P. 1993. The Clash of Civilizations. *Foreign Affairs*. 72:3, 22-49.

perspective, however, it is maintained that the conflict was a result of Sudan's colonial legacy. In this opinion, it is believed that the Anglo–Egyptian condominium created two normative Sudans. Either by design or default, creating what amounted in the opinion of the Institute for Justice and Reconciliation (IJR) (2006), to “artificial boundaries”. If we put this in context, we mean that the roots of the conflict lay in the British policy of indirect rule via traditional rulers and chiefs and the “Closed District Ordinance” that disconnected the two regions of north and south in the 1920s.⁵⁶ Thus, the condominium maintained different administrative policies for the north and the south.

As the country moved towards independence, her historical rivalry and incompatibility of the two major regions became more glaring. In its take on the subject matter, IJR (2006) argued:

The federal arrangement granted to the south under the Independence Resolution was violated when the newly established National Constitutional Committee consisting of 46 members (only three of whom were from the south) rejected the provision for federal arrangement. Not only were southerners disappointed, they lost trust in the government and began a struggle for their right to self-determination and autonomy with the hope of eventual secession.⁵⁷

The inability of Khartoum to form an all-inclusive government of national unity, arising from instituting a federalism, made fugacious the country's euphoric atmosphere of independence which invariably led the country to an abysmal, sardonic and lugubrious state of anomie that resulted in seventeen years of avoidable bloodshed. And that was the first civil war.

⁵⁶ Institute for Justice and Reconciliation. 2006. Peace in the Balance: The Crisis in Sudan.

⁵⁷ Ibid. Pp. 11.

President Nimeiri made frantic efforts to solve the Sudanese unrest with domestic political solutions. His replacement of Joseph Garang (minister of state for southern affairs) by Abel Alier, his proposal that the south be given some degree of regional autonomy as well as his plan to broaden amnesty for opposition elements in the south were all attempts to win back southern confidence.⁵⁸ Nonetheless, it was the intervention of the World Council of Churches (WCC) and the All African Conference of Churches (AACC) with the support of Emperor Haile-Selassie of Ethiopia's good office that initiated the peace process that brought about the Addis Ababa Peace Agreement of 1972, essentially ending the first Sudanese civil war. Both the WCC and AACC were religious private entities; they possessed no formal foreign policy and mediated as non-state actors. This status of the mediators helped to keep the negotiations private and by so doing, allowed them to win the confidence of the interlocutors. Rothchild and Hartzell (1993), added that the non-threatening nature of such private organizations affords them ability to facilitate the conciliation process.⁵⁹ As bright as this looked, there is usually a limit to the extent to which such non-state mediators can advance truce. This accounted for the inability of these mediators to proceed with the negotiations when they came to the hard issue of military matters. They had to turn for assistance to a third party with state actor-ship.

It was not until emperor Haile-Selassie stepped in that the stalemate was overcome and an eventual peace accord was signed. Coercive apparatus of states make arbiter like emperor Haile-Selassie to possess the means of coercion and means of credible threats necessary to compel aggrieved parties in the Sudanese conflict to make

⁵⁸ Rothchild, Donald S. 1977. *Managing Ethnic Conflicts in Africa: pressures and incentives for cooperation*. Washington D.C: Brookings Institution Press. Pp. 240.

⁵⁹ Rothchild, D and Hartzell, C. 1993. *The peace process in Sudan: 1971-72*. In *Stopping the killing: how civil wars end*, Roy Licklider, 63-93. New York: NYU Press.

concessions. As arbiter of last resort, Selassie put up win-win proposals before the negotiating parties. To overcome the military/security stalemate on the composition/formation of the armed forces in the south, Selassie proposed that half of the southern military would be comprised of the Anya-Nya militias and half of northern troops.⁶⁰ Selassie's formula moved the negotiations out of deadlock not because it was a fifty-fifty solution but more because he represented a state arbitrator with suggestively implied coercive capacity. Rothchild and Hartzell (1993), argued that Selassie could have threatened the Sudanese government with the possibility of once again creating a safe haven for the southern rebels in Ethiopia should the northern negotiators prove intractable. Or he might no longer have allowed Sudanese refugees who were displaced by the civil war to remain in Ethiopia. On the other hand, the southerners might have been compelled by possible threat of dwindling military supplies which would eventually weaken the southern coalition and the fire power of the Anya-Nya rebels. More importantly, the Emperor gave a personal guarantee that there would not be any repression on the Anya-Nya returnees should the south concede to his proposal.⁶¹

At its core, the Addis Ababa agreement of 1972 included the devolution of power and military control in particular. In other words, governmental/authoritative powers and functions were divided between the Democratic Republic of the Sudan and the southern region. That is, the southern region was accorded (regional) self-rule within the republic. In military terms, the agreements absorbed the Anya Nya guerrilla warriors into the national armed forces. Responsibility for internal security in the

⁶⁰ Rothchild, Donald and Hartzell Caroline. 1993. The peace process in Sudan: 1971-72. In *Stopping the killing: how civil wars end*, Roy Licklider, 63-93. New York: NYU Press. Pp. 84.

⁶¹ *Ibid.*

southern region was placed on the shoulders of the Southern Command which was an equilibrium of northern and southern troops.⁶² According to the IJR (2006), it was estimated that 60% of the Anya Nya rebels would be integrated into the Sudanese national armed forces while an estimated 40% would either find placement in the southern police force or the prison service or the civil service.

Moreover, the agreement granted the southern region leave on financial matters too, the region being made competent, for example to raise regional tax and other local revenues. Juba was made the Capital of the Southern Region and the seat of the Region's Executive and Legislature. Also created was an Interim High Executive Council, an administrative body with 18-month interim mandate. This body would be responsible for kick starting self-rule in the south by setting up administrative institutions like the regional civil service and assembly. In so doing, the agreement granted political authority, control, and leadership of the south to the Southern Sudan Liberation Movement (SSLM). It should be pointed out here that the agreement amidst its provisions for the southern region did not grant the southern region complete self-government and the regional authority lacked competence and jurisdiction on matters of National Defense, External Affairs, Currency and Coinage, Air and Inter-Regional Transport, Communications and Telecommunications, Customs and Foreign Trade (except for border trade and certain commodities, which the Regional Government would specify with the approval of the Central Government), Nationality and

⁶² Southern Command is the national force responsible for internal security in the southern region. According to the Addis Ababa agreement, it composed 12,000 officers and men in all. Of whom 6,000 are meant to be indigenous southerners and the other 6,000 are citizens from outside the southern region.

Immigration (Emigration), Planning for Economic and Social Development, Educational Planning and Public-Audit.⁶³

Though economic arrangements were given less consideration, the agreement actually became an organic law. That is, it was incorporated as the Democratic Republic of Sudan's national Constitution in 1973. And as a safeguarding measure, the agreement/law was a rigid one, "which cannot be amended except by a three quarters majority of the People's National Assembly and confirmed by a two-thirds majority in a referendum held in the three Provinces (Bahr el Ghazal, Equatoria and Upper Nile) that make up the southern region of Sudan".⁶⁴

The agreement was sacrosanct and provided constitutional foundations for Sudan. Nevertheless, it was unable to survive more than a decade for it was sullied after eleven years of its existence when the government of Ja'far Nimeiri unilaterally imposed sharia law throughout the country. Coupled to this was Nimeiri's catastrophic and disastrous fiat to redraw the north-south boundary and his unfortunate, crass, egregious action to split the three provinces of the south. Thereafter, the countdown to the Sudanese second civil war began. Commenting on the opinion of the south on Nimeiri's ill-fated division of the south, the IJR (2006) observed that the Southerners saw these developments as an effort to undermine the role of their regional government and silence their voice through a policy of divide and rule.⁶⁵ Let us quickly say here, prestissimo, that it was the discovery of oil, mostly in areas the Addis Ababa agreement recognized as the southern region that motivated Nimeiri's infamous actions. In 1978,

⁶³ Chapter III Article 7 of the Addis Ababa Agreement on the Problem of South Sudan.
http://peacemaker.un.org/sites/peacemaker.un.org/files/SD_720312_Addis%20Ababa%20Agreement%20on%20the%20Problem%20of%20South%20Sudan.pdf

⁶⁴ Ibid. Article 2.

⁶⁵ Institute for Justice and Reconciliation. 2006. Peace in the Balance: The Crisis in Sudan. Pp. 13.

oil was found in Bentiu (a district along the north-south boundary), 1979 in southern Kordofan and Upper Blue Nile, 1980 in Unity, 81 in Adar and 82 in Heglig.⁶⁶ No doubt, this would bring economic wealth and fortune but to Nimeiri controlling the oil fields was more important than respecting the Addis Ababa agreement.⁶⁷

3.3 Breaking Away by Peace: The Comprehensive Peace Agreement

Efforts to put an end to the second Sudanese civil war began with the peace initiative in early 1986 at the Koka-Dam conference in Ethiopia. It was a convocation of virtually all political and interest groups in Sudan except, the Nation Islamic Front (NIF) and Democratic Unionist Party (DUP), the two parties that formed the coalition government that introduced sectarian laws and parochial policies in Sudan during that period. The conference deliberated amongst other issues on the country's need for secularism and democratization. The conference led to the birth of the political merger later known in Sudan as National Democratic Alliance (NDA). However, the conference rose with a communique (Koka Dam Declaration) calling for a National Constitutional Conference. Unfortunately, the koka-Dam declaration was momentary, the 1986 parliamentary election outcome put a stop to further action on the declaration. According to the Sudan Peoples' Liberation Movement web page (Splmtoday.com), the declaration did not see the light of the day as a result of Prime Minister Sadiq Al-Mahdi's refusal to commence implementation on the declaration. His reasons were that, "the persons who signed the agreement on behalf of his party were not authorized to do so, and secondly, that the DUP, a junior partner in his Government, was not a signatory to the Agreement".⁶⁸

⁶⁶ Ibid.

⁶⁷ Ibid.

⁶⁸ Sudan Peoples' Liberation Movement. Civil War: History of Peace Initiatives. <http://www.splmtoday.com/index.php/the-civil-war-splm-30>

The 1989 coup not only put an end to a democratic era, it also marked the end of the internal peace process. On the other hand, the coup opened up the country to more robust external peace initiatives by internationalizing the conflict. External engagements in the Sudan peace process (Nigeria during Babangida-Abuja Accords I and II, 1992, 1993; The Inter-Governmental Authority on Development (IGAD), 1993–94, 1997; Egypt–Libya Initiative (ELI), 1999–2001) as well as constructive engagement of the US, all paved the road that led to the major breakthrough on Sudan peace, the signing of the Comprehensive Peace Agreement in January 2005.

The CPA established an interim six years period to enable the south to practice self-governance without fear or intervention from the government of Sudan as well as participate in their own right in national government. The CPA recognized two distinct and independent governments within Sudan, the government of South Sudan (GoSS) and the government of Sudan (GoS) or national government (NG). Still, the agreement upheld that after the six years, that is, when the interim period would come to an end, southerners would have the right to determine, through a referendum, whether to dissolve into a unified, consociational Sudan or to break away and form a new state. However, the CPA stressed that the interim period was intended for the national government to make unity in a consociational Sudan attractive to southerners. The CPA was an enactment of a completely new state of affairs in Sudan politically, socially and economically. This is because an exceptional amount of self-rule was granted the south beyond the more ordinary regional autonomy granted by the Addis Ababa agreement. “While the public thought that The Addis Ababa Agreement was

quasi-independence the CPA was thought to be the actual independence of the South”.⁶⁹ To safeguard the CPA, it was embedded in the Interim National Constitution.

The CPA was a great improvement on the Addis Ababa agreement for the peripheries especially the south. Yet, as promising as the CPA appeared for the south, the future of the region was still blurred. It remained unclear as to whether or not the southerners would vote overwhelmingly, in the referendum, for a national division of Sudan into two independent countries and in the event they were to do so, whether Khartoum would allow the result to stand. In January 2011, at the expiration of the interim period, southerners, did, in fact vote overwhelmingly to break away from the north. Votes for a united consociational Sudan numbered only 44,888, that is, only 1.17%. While, votes for partition were 3,792,518, that is, 98.83%.⁷⁰

Let us put this in perspective, the CPA had already divided Sudan into two countries not two regions like the Addis Ababa. It created a self-determination status quo in the south and in addition to this, was a six years self-government practicability leave after which it granted the south another right to either sustain the self-determination status quo or revert to the previous state of affairs. As such, it looked like the CPA favored the south rather than the government of Sudan. Ordinarily national partition would spell economic woe for the center and in this respect, it would seem unlikely that Khartoum would agree to a peace such as that of the CPA. No doubt, Sudan’s economic hub was in the north, nonetheless the country was heavily reliant on the vast resources of crude oil and water deposited in the south. About 75% of the nation’s oil

⁶⁹ Ibid.

⁷⁰ BBC. 2011. South Sudan backs independence: results. BBC News Africa, February 7. <http://www.bbc.com/news/world-africa-12379431>; Southern Sudan Referendum 2011. Results for the Referendum of Southern Sudan. <http://southernsudan2011.com/>.

reserves lay south of the border, the waters of the Nile flow from the south, and the south had far more agricultural potential than the desert terrain of the North, Dalal (2012: 22-23). What then made Khartoum sign the CPA and accept the outcome of the southern referendum? A major clue lay in the fact that the current radical and Islamist government in Sudan led by president Omar al-Bashir lacked international legitimacy. On this matter, Dalal (2012) submitted that, “Bashir had to believe that signing a peace agreement could improve his standing in the international arena”.

3.4 National Partition by US Diplomacy

For the government of Sudan and the periphery renegades of the south, the two warring factions in Sudan, to settle for peace (through acceptance of the CPA) and national partition (via respect for the outcome of the referendum), we must assume that peace and national partition were the best options for both parties. The regime of President Omar al-Bashir must have relied on peace and national partition as a major guarantee of his regime’s acceptance among the committee of nations. He must have equally believed that Khartoum would be economically reliant should the south break away and that military settlement was not an option as the south could balance the northern fire power (this was the reason for the protracted war in the first instance). It should be added, however, that the US economic and military, coupled with her global leadership and decisive diplomatic initiatives, molded the inducements that guided Sudan’s political development.

There are two major issues that need to be kept in mind if one is to understand the role of the US. First and foremost, we should know that the July 9th, 2011 South Sudan independence was not an out-of-the-way incident. It was a carefully thought about event. As a matter of fact, it was the cumulative effect of decades of long-drawn-out

civil unrest in Sudan. Likewise, it was the sum total of years of intense negotiations between Khartoum and SPLM. If one will not mince words, it was a consequence of the CPA which ended the second civil war in 2005 by granting the southern region referendum, in their own right to break away from the rest of the country if they so wish. In rightful words, Casey (2012) posited, “the secession was not an isolated event”.⁷¹ Thus, to hypothesize Sudan’s national division as the product of two major phenomena: the Comprehensive Peace Agreement of 2005 and the Southern referendum of 2011 is to understand US constructive diplomacy to bring about a national division scenario in Sudan. We should not forget that the US led in the front (diplomatically) to broker the Comprehensive Peace Agreement in which a referendum clause for self-determination was included. Equally, it was the same US that mounted pressure on Khartoum to allow the conduct of the referendum and her acceptance of the result thereafter.

Secondly, though Sudan, both the north and the south, are mixture of a large quantity of tribal groups, ethnic affinities, political parties, and militias, the warring factions were basically two: the National Congress Party (NCP)/government of Sudan and the Sudan People’s Liberation Movement (SPLM). As a consequence, negotiations that ended the war and divided the country into two independent nations were essentially between these two domestic actors. In his testimony before the US Senate Committee on Foreign Relations, Scott Gration, one-time US special envoy to Sudan, clarified that, “we must never forget, though, that it's really this NCP and the SPLM who are really the only essential parties to the negotiations”.⁷² If there had been more

⁷¹ Casey, C. 2012. *Waging Peace in Hostile Territory: How Rising Powers and Receding Leadership Constrained US Efforts in Sudan*. Center on Democracy, Development, and the Rule of Law. Pp. 13.

⁷² U.S. Congress. Senate. Committee on Foreign Relations. 2010. *Sudan: A Critical Moment for the C.P.A., Darfur, and the Region*. Senate Hearing 111-749.

negotiating parties peace and partition would have been difficult if not impossible (the more the aggrieved parties, the more complex would have been the negotiations).

3.4.1 Unilateral Economic Sanctions

Consecutive US administrations have relied on economic sanctions as a way to checkmate President Bashir's regime and induce cooperation from Khartoum. As we saw in an earlier chapter, the Clinton administration first imposed economic sanctions on Sudan in 1997. President Bush further expanded sanctions in 2007 by blocking all Sudanese government properties in the US and forbidding its officials from entering the US. Later in the same year this sanction was stiffened to prohibit further US persons/companies from transacting business with Sudan or its agents. Casey (2012) informed that, "Bush added 31 companies to a list of 101 barred from the US financial system, among them is Sudan biggest oil producer, the Greater Nile Petroleum Operating Company".⁷³

3.4.2 Provisional Debt Relief

Just as the negative economic sanctions were geared towards forcing a change in Khartoum's behavioral habit, a provisional debt cancelation was also initiated, believed to be orchestrated to guide the Sudanese talks by adding an economic carrot and fiscal leverage to foster favorable outcomes during negotiations. The US was quite aware that Sudan's national debt was increasing to skyscraper proportion and was thus extremely burdensome in the run up to the negation of the CPA and the pivotal referendum. By 2010 Sudan's external debt was said to be approximately 64% of the country's GDP; cumulating in 426% percent of its annual export receipts, and totaling 423% of government internal generated revenue (IGR).⁷⁴ As should be envisaged,

⁷³ Casey, C. 2012. *Waging Peace in Hostile Territory: How Rising Powers and Receding Leadership Constrained US Efforts in Sudan*. Center on Democracy, Development, and the Rule of Law. Pp. 71.

⁷⁴ *Ibid.*

Sudan's rising debt was believed to have paved the way for the US to collaborate with Sudan's creditors to build the inducements required for the working of the CPA and referendum.⁷⁵ The US, no doubts, possesses the global influence to facilitate Western states, the Bretton Woods institutions and other international creditors to initiate wholesome economic and fiscal policies for Sudan geared towards debt cancellation. However, this would be predicated on getting a favorable disposition from Khartoum regarding the north/south peace talks. Casey (2012), observed that, "mounting debt created a significant financial burden for Khartoum, and though Western efforts to condition debt relief undermined by the Eastern creditors, debt was nonetheless an important part of Bashir's political calculus".

3.4.3 Multilateral Embargos

The US also forged international cooperation and partnership with her most reliable allies across the globe in a bid to achieve a breakthrough in the Sudan peace negotiations. For example, the US joined her forces with the UK and the Norwegian government to form what is known as the Troika in 2000. The Troika was basically designed to keep the two sides of the Sudan divide at the negotiating table. The initiative particularly worked with the AU and IGAD in mounting pressure on both sides of the Sudan divide especially, Khartoum. A further important leverage of the US in terms of multilateral action resulted from her status in the UN Security Council as a permanent member with veto power. Again, Casey (2012) maintained that the US maximized her influence within the Council to the fullest by sponsoring draft resolutions and throwing her weight behind the Council's resolutions especially the resolution that created the United Nations Mission in Sudan (UNMIS) and most importantly Resolution 1556 placing an arms embargo on Khartoum.

⁷⁵ Ibid.

3.5 Conclusion

Apart from US diplomacy which was the backbone of Sudan's partition and the reason behind homeland (Khartoum) acceptance of south Sudan's independence, the calculus of partition in Sudan is also a consequence of the major peace agreements that ended both civil wars; especially the Addis Ababa and the CPA. For the Addis Ababa agreement created an ambivalent two Sudan, an imaginary boundary by defining a territory for southern region. We should recall that this agreement divided Sudan into two regions thereby creating a bi-communal, bi-zonal new state of affairs in Sudan. The High Executive Council created by this agreement gave the southern region the status of self-rule. This was some sort of autonomy which could be viewed as a quasi-independence. Whichever way we want to look at it, the agreement created a precedent from which Sudan's national history later take a clue.

Over the progress of Sudan's transformation in the 21st century, especially as it concerned the independence of South Sudan, if one considered the barrage of encomium that was showered on the US, one will have no further doubts that at the forefront of international actors that employed a range of foreign policy tools to shape the incentives of Sudanese policymakers was the US. Casey (2012) acknowledged that President Salva Kiir of South Sudan was always wearing a cowboy hat given to him by President Bush (Jr.) and this, in his opinion, was a gesture that symbolized appreciation for the US constructive diplomacy in Sudan. Equally, the *New York Times* reported that a native south Sudanese man held a placard with the inscription, "thank you George Bush" on the day of South Sudan's independence.⁷⁶ Capitol Hill was not left out as political thinkers expressed their praises on the US administrations

⁷⁶ *The New York Times*. 2011. After Years of Struggle, South Sudan Becomes Independent Nation. 9 July.

diplomatic breakthrough in Sudan. For example, a congressman, Johnny Isakson, in his opening statement during a Congressional Hearing of July 14, 2011 stated that:

...between the Bush administration and the Obama administration, there are no less than five special envoys, beginning with Mr. Danforth. And their work really has brought about the comprehensive peace agreement, culminating in the peaceful election that took place to create the independent Nation of the South Sudan.⁷⁷

News websites equally joined the discourse about US diplomatic engagement in Sudan as they took turn to acknowledge President Bush (Jr.) as the valiant of South Sudan's independence. Jim Hoft post on the *Gateway Pundit* declared that, "South Sudan celebrates independence, thanks to efforts by George Bush".⁷⁸ Likewise, Jamison Jane of the *Rightwing News* asserted that the partition in Sudan was a "triumph for President George W. Bush".⁷⁹ The Obama administration was not left out of the praise either. For instance, Deputy Editorial page editor of the *Washington Post*, Jackson Diehl stated that:

After two decades of war, years of exhausting negotiations and a last-minute burst of bloodshed, the new nation of South Sudan will be born this week. Some 8 million Africans, many of them Christian, will be freed from the Muslim Arab dictatorship based in Khartoum. For this considerable breakthrough, substantial credit should go to the Obama administration — which has demonstrated what can be achieved when U.S. power and influence are fully engaged under the president's direction.⁸⁰

In his speech recognizing the sovereignty of the Republic of South Sudan, President Obama declared thus:

I am proud to declare that the United States formally recognizes the Republic of South Sudan as a sovereign and independent state...the United States of

⁷⁷ U.S. Congress. Senate. 2011. Two New Sudans: A Roadmap Forward. 112 Congress, 1st session. Pp. 5.

⁷⁸ *The Gateway Pundit*. 2011. South Sudan celebrates independence, thanks to efforts by George Bush. 9 July 2011.

⁷⁹ *Right Wing News*. 2011. South Sudan celebrates independence, thanks to efforts by George Bush. July 10.

⁸⁰ *The Washington Post*. 2001. South Sudan shows what Obama can do when he leads. 3 July.

America welcomes the birth of a new nation...It is also a tribute to the support that has been shown for Sudan and South Sudan by so many friends and partners around the world...the United States has been proud to play a leadership role across two administrations.⁸¹

These excerpts show that peace and partition in the Sudan was not a Sudanese making as it were but that of the US. This is because as an external influence with decisive diplomacy and a state actor that has made ending the Sudan civil war a foreign policy priority, the US had initiated multi/unilateral actions which in turn pushed both sides of the Sudan divide to take their respective seats at the negotiating table. The outcome of this was the redrawn political map of the world via the birth of a new country.

⁸¹ *US today*. 2011. Obama recognizes new nation of South Sudan. 9 July: <http://content.usatoday.com/communities/theoval/post/2011/07/obama-recognizes-new-nation-of-south-sudan/1#.VVEPIfmqrBE>

Chapter 4

CONCLUSION

4.1 General Summary

In the first three chapters, we have tried to explain the rationale behind the partitioning of Sudan as well as the role played by the US. In so doing, we have established that the partitioning of Sudan was the cumulative outcome of one of the most protracted civil unrest in recent times. Likewise, we have shown that ceasefire was the major arithmetic of the CPA which was achieved by diplomatic pressures from international peace-brokers, especially the US. As it was, US assertive efforts brought about the independence and international recognition of the Republic of South Sudan. We developed in chapter one, that is, in the introductory part that Sudan is a study area with fascinating academic significance. This established that her transformation from civil wars to peace and thereafter to state partition became an internationally known (exceptional) state of Sudan's metamorphosis.

In chapter two, we considered certain characteristic feature of the Sudan state in order to arrive at some possible factors that made the partition of the country inevitable. To this effect, the chapter reenacted the pre-colonial, colonial and post-colonial history of the country. It was discovered that the colonizer administered the country with different apartheid policies for the North and the South thereby created a dichotomy. An example was the "Closed District Ordinances" for the South. The national effect of this was mutual distrust which produced structural glitch and by extension,

unconsolidated state at Sudan's independence. In the chapter, we also identified two major national identities in Sudan. The Arab identity and the African identity. However, in pre-colonial Sudan, the chapter pointed out that the Arabs were sojourners who later became settlers and the name Sudan means "the land of the black".

It was equally revealed that Sudan went through two devastating civil wars. The first Sudanese civil war was caused by grievances from marginalized ethnic groups and regions by the government in Khartoum. Those who control coercive apparatus of state in Sudan were unable to form a nationalistic government and the imperial lord failed to institute a true federalism for such heterogeneous country like Sudan. The second civil war was at the instance of the breakdown of the Addis Ababa Agreement that ended the first civil war. The government of the day, in a *republican order*, attempted to create three regions out of the three provinces that made up the southern region.

Ultimately, this chapter identified certain precursors that made state partition remedial. We mentioned that there was national bias. The government in Khartoum tended to exalt Arab civilization and Islam. While the periphery south insisted on the African civilization and state secularity. This created unhealthy rivalry between major ethnic groups and tribes. The story of ethnic and tribal relationship in Sudan, however, became the popular "we/they" dichotomy. An example were attempts to Islamize the entire country as seen in the actions of presidents Nimeiri and Bashir respectively. Above all, we considered the influence of third party especially in Sudan's peace drives from the Addis Ababa Agreement to the CPA. These were very important documents in the history of Sudan as one regionalized the country and the other one partitioned it.

In the third chapter were discussed US inducements (carrots and sticks) in Sudan. We looked at the calculations that produced the comprehensive settlement and the partitioning. We saw how the US prevailed on Khartoum to sign and honor the implementation of the CPA as well as accept the outcome of the independence referendum. We equally saw the limitations of conflict mediators who are non-state actors. Both WCC and AACC could not proceed when there was an impasse in the negotiations aimed at settling the first civil unrest in Sudan. This is because unlike state actors, non-state actors tend to lack means of coercion that is required sometimes to bring a negotiation to a desired end.

4.2 Assessments

The independence of South Sudan has raised important questions concerning Africa's stability, territorial integrity and non-interference. Writers like Knox have claimed that stability is the reason behind the persistence in African boundaries. With ethnic separation in Sudan and global recognition of the state of South Sudan, other opinion holders believe the unprecedented event to be a harbinger of a paradigm shift in the African tradition of stability, sovereignty, territorial integrity and non-interference.

Historical configurations had it that the European imperialists indiscriminately adjusted borders and boundaries in Africa without taking cognizance of her heterogeneity and diversities in terms of linguistics, culture, religion, and ethnicity. Amazingly, these colonial boundaries have largely survived the test of time and remained unchanged since the European colonialists deserted the continent. Albeit, we have certain exceptions such as Ethiopia and Namibia. After its creation in 1963, the Organization of African Unity (OAU) became known for its rigid stance on African stability, territorial integrity and non-interference which further helped maintain rigid

borders within Africa. This doctrine has helped to keep secessionist movements and national partition at bay throughout the continent.

Notwithstanding, the OAU has been widely criticized for her strong adherence on principles of state sovereignty and noninterference. This was the singular reason the regional body did not intervene in Rwanda, the Democratic Republic of Congo, and Somalia when crises broke out in those countries. Even, during the first Sudanese war, the OAU maintained it was internal and refused to intervene. This would have been the reason Emperor Haile Selassie discountenanced what was going on across the borders of Ethiopia until the clergy body beckoned on him when there was an impasse in their mediation. The OAU in which Ethiopia is a member would have accused the Emperor of illegal intervention if not encroachment. Frustrations accumulated over what was perceived as OAU ineffectiveness and this has been considered the chief reason the organization was superseded by the African Union (AU) in 2002. Hanson (2008) asserts that, the AU, formed from the rubble of the OAU, intends to protect the security of the continent, rather than the sovereignty of individual states.⁸² The AU, unlike the OAU acknowledged the right to intervene in internal matters of member states based on humanitarian and human rights grounds, Knox (2012: 16). In other words, AU now believes in the *Responsibility to Protect* which maintains that, “Sovereign states have a responsibility to protect their own citizens from unavoidable catastrophe...from mass murder and rape, from starvation...but that when they are

⁸² Hanson, S. 2008. The African Union. *Council on Foreign Relations*, May 2008. Retrieved from The Washington Post.

unwilling or unable to do so, that such responsibility must be borne by the broader community of states”.⁸³

In its new spirit and orientation, AU peacekeeping missions intervened in Somalia and Darfur and were part of the peace process that brought about the CPA despite that the cases were domestic. No doubt, the AU’s new stance (limits to state sovereignty) led to the acceptance of the self-determination clause in the CPA and the recognition of the Republic of South Sudan. The independence of South Sudan is indeed a quintessential case in African history but it should not be seen to have altered the continent’s tradition of stability, sovereignty, territorial integrity and non-interference. Neither has it rendered the boundaries of Africa vulnerable nor served as a precedent for ethnic separatism in Africa. We have since seen the NATO-led intervention in Libya, where no new state was created. Somaliland still has no international recognition. Likewise, in April 2012, almost a year after South Sudan independence, when the Tuareg ethnic group in Mali announced the creation of a new state called Azawad, it was widely condemned by the AU and globally. With the support and cooperation of the AU, French military were able to intervene and recapture the said territory for Mali. Therefore, to AU the national partition of Sudan implies stability. This notwithstanding, if indeed, “redrawing colonial boundaries, which was held in the past as a cause of war is now, in the modern day, increasingly becoming a strategy for conflict resolution”, then, the far-reaching consequence of south Sudan’s independence remains a question of time.

⁸³ United Nations. General Assembly. (2005). *2005 World Summit Outcome*. Sixtieth Session, A/RES/60/1. Paragraphs 138 & 139. Pp. 31.

The US was attracted to Sudan because of conflict with the Soviet Union and the Arab/Israeli imbroglio. The US, through Sudan, purported to stop the spread of communism in the Horn of Africa and intended to make Sudan a model for peace in the Middle East. However, regime change became somewhat of an option when the fundamental Islamist movement grew and began aiding and abetting terrorist organizations. In other words, the domestic violence in Sudan was not initially a concern of the US. During the first Sudanese civil war and in the negotiations of the Addis Ababa agreement, we noticed the absence of US decisive engagement. However, the US recognized that she could not achieve her national goals (counter terrorism) in Sudan without stability in the country. To this effect, she sought a peace process that would lead to a relatively stable Sudan. Hence, the US was committed to the negotiation of the CPA. The CPA later turned out to be the major instrument of partition. It was a manuscript that called for both unity and disintegration at the same time, knowing fully well that unity was ultimately most unlikely.

The real architect of independence and international recognition of South Sudan was indeed the US. If the US had not supported the independence and recognition of South Sudan, it would have amounted to abandoning the peace process that she had kick-started and to which she had committed substantial human and other resources.

The conflict in Sudan is widely believed to be a war between the north and the south. That is, between the “the Arab/Muslim” (north) and “the African/animist Christians” (south). Though we are convinced, based on her pre and colonial history, that Sudan had regions and the major ones were the northern and southern regions. The north is very prominent not because it is dominated by Arabs and Muslims but because all the heads of state and presidents Sudan had ever produced were from provinces/states in

the northern region. Likewise, the south is of importance not because the region is predominantly populated by blacks and Christians but for the fact that most renegades fighting the government in Khartoum were from states/provinces in the southern region.

However, the independence of the southern region has, once again, reduced the conflict in Sudan to a regional one. Maintaining that, in the long run, the south became the winner while the north remained the vanquished. This is not the true story of Sudan.

4.3 Observations

The much talked about partition of Sudan would not have been possible if the rebels of the southern periphery had unilaterally declared independence. Other cases of ethnic separatism or internal arrangements towards realization of self-determination have failed to receive universal/international recognition and such configurations or entities remain at best de facto states. Most of these yet-to-be internationally recognized states had unilaterally declared independence. It follows therefore that any ethnic group that wants to break away from a preexisting state must have her independence declared and sanctioned by the international community. Especially, through referendum.

Again, the case of South Sudan has lend credence to the efficacy of using the referendum in the actualization of self-determination. The referendum has been strengthened as a means by which self-determination could be achieved. Before now, African experience had been founded on two options. The first one is now defunct and the second option is becoming increasingly difficult. Decolonization after the Second World War constituted the basis for the first option, however, in the world today there is no longer colonization. The second option or route to self-determination is through

the dissolution of a federation or the debacle of a union as in the cases of Yugoslavia, the Soviet Union and Senegambia. Contemporarily, no federation is willing to dissipate, at least not by free and political will of the central/federal government. So, referendum towards self-determination or ethnic separatism has been tested in Sudan and it had worked with the resultant effect of the creation and recognition of the republic of South Sudan. In a recent development in the United Kingdom, Scotland held an independence referendum. Though most Scots voted against independence from the United Kingdom, if it had been the other way round, Scotland would have been an independent country today. These are the two most recent instances of option of referendum in a case of self-determination. These instances might not be the first but it seems that the international community, has opened itself up for the creation of new states and this time around, by the instrumentality of referendum. Therefore, ethnic separatists should know that arms struggle would not give them a recognized state but a referendum would. Nevertheless, while the independence referendum of Scotland was achieved through common understanding and dialogue with the United Kingdom, that of South Sudan was achieved by armed struggle with Sudan. These cases, in the opinion of Buchanan (1997) amounted to *primary* and *remedial* rights to secede.

The South Sudan case confirmed that some pre-existing states are not willing to part with their territory in ethnic separatist struggle. It may follow therefore, that the international community would only be committed to demand of self-determination by ethnic separatist if they keep waging war while simultaneously seeking peace. (especially if they do not have a committed and willing pre-existing state like we saw in the United Kingdom). The international community could not discountenance South Sudan because her war went on for a very long time and the casualties were enormous.

While both sides of the Sudan divide were negotiating peace, there were still violent skirmishes here and there until the CPA was signed and a transitional period was ushered in. If there had been relative peace while negotiations continued, it is not certain whether the civil war would have ended let alone South Sudan being independent. The Turkish Republic of Northern Cyprus is still a de facto state till now. Why? The global community is more or less indifferent because there is relative peace. If there were violence, the probability that the international community would get involved in a more determined manner and push aggrieved parties to make concessions so as to prevent wanton destruction of lives and properties, in other words, responsibility to protect. Even if those concessions among other things would lead to the recognition of the state of Turkish Republic of Northern Cyprus.

The conflict in Sudan was multifaceted. But at the top of it was the unevenness in the extent of her development in terms of education, health, economy, religion, infrastructure, political participation and human capital development. The conflict, therefore, arose from marginalization of Sudan's peripheries. It was the marginalized peripheries that formed themselves into rebel group(s) that have hitherto engaged the government of Sudan in series of unrests and two civil wars. Accordingly, the conflict was not between the entire people of the north and the whole people of the south. Neither was it between Muslims and Christians nor Arabs and Africans. The story of Sudan is the one between two domestic actors, the government of Sudan and the Sudanese Peoples Liberation Movement/Army. The conflict, including the two civil wars, were all between these domestic players.

4.4 Submission

The US spent her resources to drive home the CPA, which was used to achieve the state division of Sudan, because it was a rare opportunity for her to prove to skeptics that her global influence was not on the decline. President Bush (Jr.), under whose administration the landmark CPA was achieved, saw an avenue to redeem his image and that of the US in the Arab World and Middle East after leading a purposeless US unilateral campaigns against terrorism in Iraq and Afghanistan. To President Obama it was an opportunity to change US rules of engagement to show that the US is neither the world police nor a bully state as believed in many quarters, but a friendly state committed to human rights, global peace and democratic practices.

Bearing this in mind, the question is how would breaking-up a predominantly Arab state redeem the US image in the Middle-East? This takes us to the fundamental result of US diplomatic engagement in Sudan at that point in time. Which would, invariably, provide the answer to the first research question of this academic work. The partition of Sudan was not the end target of the US interest in the country. In other words, the US did not spend her resources et al simply to partition Sudan. This is because the partitioning in itself was a means to the end. In evaluating US contribution to Sudan division, one would observe that her constructive engagement and decisive diplomacy was not actually the “cosmetic” independence of South Sudan but ending the twenty-two year old devastating war in Sudan. By our calculations, as we have seen in the actions of the US, to end such protracted, catastrophic civil unrest, the longest in the Horn of Africa and the Middle-East, Sudan must be partitioned. This is why it is believed the AU saw the development as stability in Africa.

What could have made the US, amidst other options, to have considered that of partition would have been the perception that Sudan is normatively two. The normative two concept developed during the pre-colonial period when the Kushite kingdom was systematically divided. If we did not forget, in chapter two, this work established that the Kushite seat of power was moved from Napata to Meroe. Consequently, two political entities existed in the kingdom. While Napata became the religious headquarters, Meroe was the administrative. The apartheid colonial policy was another attestation to this. The asymmetric closed district colonial ordinance maintained for the southern region did not only created national bias (battle of supremacy between ethnic groups, tribes and races) in Sudan but also, a mental picture of two parallel but disconnected regions. One normative Sudan, therefore, surfaced less than a decade to Sudan's independence with the colonial amalgamation of the country in 1947.

South Sudan would not have emerged as an independent state if the OAU had not changed to AU with certain reforms in statute and organizational policies especially on intervention in member state domestic affairs. This is coupled with the fact that US decisive unilateral and multilateral diplomatic engagement brought about the instrumentality of the CPA which was the eventual tool of partition. This (ending of the protracted war and not the independence of South Sudan) showed what could be achieved when US global power and influence are fully engaged in a peace process under the command of the president. The outcome, as we saw in Sudan, if it ended in independence of a new country, then such country would have international recognition. Such separation should therefore not be referred to as secession rather state partition. Because all seceded states, most often than not, are de facto and since Republic of South Sudan is not de facto it means that she did not seceded from Sudan but broke away in a process of state partitioning.

During Presidency of Clinton, US methods and approaches did not bring about peace in Sudan. It achieved almost nothing as rumors of regime change spoiled the trust and confidence Khartoum had in the US as an honest arbiter. Subsequent US administrations of Presidents Bush and Obama respectively were able to mend this relationship, leading to the signing of the CPA in 2005 and to South Sudan becoming the 193rd member of the United Nations in 2011 thereby marking the end of the civil war between the government of Sudan and the SPLM/A.

If there were unresolved issues that could tannish the diplomatic legacy of the US, these would not be the partitioning of Sudan. Neither should it be the fact that South Sudan is increasingly becoming a failed state. On the contrary, the neglect of the Abyei referendum which was supposed to hold simultaneously with that of South Sudan as agreed in the CPA was a major dent on the US efforts to bring the country and the region to the verge of peace. Abyei is a disputed area between the northern region and southern up till date. It was supposed to have a referendum to determine which side of the Sudan divide it would follow in the eventuality of a partition. But such referendum was never held. Sudan and South Sudan still lay claims to ownership of the territory even when the civil war between the two of them had ended! Again, the recent developments in South Sudan where violence has again erupted between tribal groups and the Darfur crisis which is nothing short of genocide, question the real intention behind the CPA. Though the CPA led to the independence of south Sudan and did ended the civil war in Sudan, it is worthy to note that there were default in the implementation of its provisions as it affects other regions of Sudan.

One wonders whether the CPA's original intention was partition or peace. If we consider the fact that the civil war ended, we may settle for peace. On the other hand,

if our basis of judgement is clouded by south Sudan's independence then we say it was partition. If the US was actually committed to peace and had only used the CPA as an instrument for it, then she ought to have influenced the inclusion of a referendum clause on federalism in the CPA instead of that of independence. The first civil war broke out in Sudan because of the fears exhibited by the minority groups. These fears would have been properly taken care of had Sudan been a federal state. Because in a federal state, coercive apparatus of state, governmental powers and functions are divided between the center and the peripheries. But by design or default, British imperialist amalgamated an heterogeneous Sudan and created a unitary country at independence with fusion of governmental powers. The US should know that the real solution to the Sudanese crisis is not to create a new country out of her southern region but to give the country true federalism, being a federal state herself. Conversely, federalism would have addressed the issue of Darfur, the question of Abyei and all other regions/provinces of Sudan. This is because, in federal system, all these regions/provinces would have certain coercive apparatus of state and governmental powers and functions which would make them supreme, independence and sovereign within their areas of powers and functions.

Peace achieved, partition achieved yet the killings continue. This notwithstanding, it is a candid opinion that the US or the international community should not be blamed for the fact that republic of south Sudan is increasingly becoming a failed state. There have been violent outbreaks within the borders of the new country but the fault should go to the government, elites, civil society and members of her general public for failing or having failed to consolidate their state.

In lieu of this, any further study or research on Sudan should take into cognizance why South Sudan is increasingly disintegrating and degenerating into a failed state as well as why the US discountenanced the implementation of the CPA in other affected areas of Sudan.

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