SECESSION AS A CAUSE OF ETHNIC CONFLICT: THE CASE OF SOUTH SUDAN

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DECLARATION

I declare that this research project is my original work and has not been presented for a degree in any other university.

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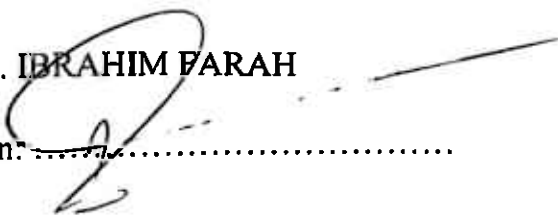
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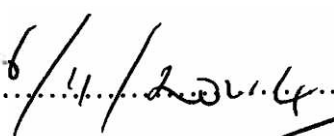Sign: ....   Date:.6.11.1.14..............

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DEDICATION

I dedicate this research project to my family. Thank you for your support.

ABSTRACT

Secession is an attempt to resolve a domestically based territorial dispute by dividing a country's home- land territory into new, secessionist and rump. the World has experienced secessionist movements from the including the latest case in Africa, the Sudan. Nationalism and self determination is a modern phenomenon not only in Africa but also in the world, such as the United Kingdom case of Scotland wanting to secede. However, the process of secession is often one that is conflictual in nature as many states are not willing to give up part of their territory. Additionally, secessionism may not resolve the original dispute to the states' satisfaction. In the aftermath of a secession, the leader of the rump state is motivated to use force by the benefits of retaking (some of) the land lost to the secessionist state, while the secessionist state's leader is motivated by the benefits of acquiring even more land. The objectives of the study are to examine and analyze secession as cause of conflict, how ethnicity and secessionism are linked, the challenges involved that implicate on the national and regional security. To achieve these objectives the study will employ research methodology of content analysis with an emphasis of the Sudan secessionism. The study uses theories of nationalism and ethnicity to explain the reasons why 'nations' secede. Some of the findings of the study are that the peaceful versus violent secession process affects whether these desires escalate into the violent conflict while peaceful secessions lead to peaceful relations. However the study also notes of the emerging issue of redrawing of the African states boundaries that were previously set by colonialists, noting of the new possibilities of more future secessionist movements.

CHAPTER ONE

INTRODUCTION TO THE STUDY

1.0 Introduction

In May 1991, Eritrea and "Somaliland" proclaimed their independence after seceding from the states to which they were formerly united. In the wake of events that accompanied the end of the Cold War, the birth of these two new states may have gone somewhat unnoticed. Yet this was a momentous event, not only for Africa, but also for international society more broadly. At decolonisation, African states had pledged their commitment to the sovereignty and territorial integrity of the states inherited upon achieving independence.[1] In doing so, they were reaffirming the prevailing interpretation of national self-determination that had granted them their independence and which was understood to apply only to overseas possessions.[2] In accordance with this interpretation, and as tragically illustrated by the failed attempts of Katanga and Biafra, secessionist movements were forcefully quelled. And, with the exception of Bangladesh in 1971, no clear-cut example of state creation by secession occurred during the Cold War period.4 Such intransigence stemmed from the fear that granting recognition to secessionist movements would prompt similar demands elsewhere and would thus eventually lead to the disintegration of states.

Two approaches have characterised analysis of the postcolonial state in Africa. One empha-sises the territorial integrity of the postcolonial state, with inherited colonial borders being viewed as sacrosanct and state-centred rights being given primacy. The other questions the sacrosanctity of colonial borders and seeks to promote the primacy of people-centred rights. The increasing frequency in recent years of quests for self-determination and secession in Africa

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[1] Ian Brownlie. *Basic Documents on African Affairs*,(Clarendon Press, Oxford, 1971) 360.
[2] United Nations General Assembly Resolutions 1514 (XV) and 1541 (XV). For the full text of Resolution 1514 (XV).

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poses an existential challenge to the postcolonial state on that continent. Note addresses this emerging trend.[3]

The question of why African borders have persisted for so long is largely a question of stability. Historical accounts of Africa note that the European colonists haphazardly drew borders and boundaries in Africa with little regard for ethnic, religious, or cultural identity.[4] However, these colonial-era borders persist long after colonization ended. With the exception of Ethiopia, the map of Africa remains largely unchanged from the time the colonists left the continent for good. Also important to this puzzle is the notion of ethnic secessionism, and the willingness of the international community to confer recognition onto a secessionist movement based purely off of ethnicity. Differing conceptions of ethnic identity certainly exist in Sudan, but were they the tipping point that led the international community to support secession for the South?

The presumption that secession bring peace, security and stability, however, seems to be an illusion. A critical existential situation faces Africa that needs to be addressed in the 21st century. If Africa continues to uphold colonially inherited borders it is unclear that the postcolonial state will continue to exist. Should the map of Africa be redrawn to reflect ethnic, cultural and geographic diversity, as some scholars argue, it is not clear that peace, security, stability and development will result. The study analyses the issue of ethinic secessionism and its impacts as the case of South Sudan is used to demonstarate this scenario.

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[3] Ian Spears 'Debating Secession and the Recognition of New States in Africa', *African Security Review* 13, no. 2(2004): 35-48.
[4] . Robin C.A. White, 'Self-determination: Time for Re-assessment', *Sijthoff and Noordhoff International Publishers*, XXVIII-NILR (1981): 147-70.

1.1 Background

The ending of Cold War prompted or enabled new secessionist movements and reinvigorated dormant sep- aratist claims all over the world.[5] The right of people to self-determination is invariably defined and understood to mean the right of people to freely determine their government. The variability in the forms of free determination also points to the sometimes uneasy relationship between self-determination and secession.

Athough secession has long been a staple of the interstate system, recent secessions,for example, in Abkhazia, East Timor, Eritrea, Kosovo, Somaliland, South Ossetiaand the tremors from the disintegration of three federal republics - the Soviet Union,Yugoslavia and Czechoslovakia - have brought renewed attention.[6] Over the pasttwo centuries, dozens of secessions have occurred in Africa, Asia, the Americas, EuRope and Oceania. All told, the last two centuries witnessed the emergence of fiveto six dozen de facto and de jure independent secessionist states. Although many of these turned out well—i.e., established peaceful and prosperous states—a significantproportion did not.

Some of the early quests for self-determination and secession have been resolved, while others linger. New instances have also surfaced. Examples of all three types are Somaliland, Puntland, Zanzibar, Niger Delta (Biafra), Western Sahara, Casamance, Cabinda, Ogaden, Ormia (Oromo Liberation Front), Tuareq (Azawa), Comoros, Darfur, South Kordofan, Blue Nile, Abyei and Mombasa. The fall of Kaddafi also reactivated old divisions in Libya, with Cyrenaica seeking to become a separate state.

One category of quest for self-determination relates to en tities created by colonialism but later annexed by a neigh-bouring country. Here three cases are highlighted: Namibia, Eritrea and

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[5] C.A. Crocker, F. Osler Hampson and P. Aall (eds.) Taming Intractable Conflicts : Mediation in the Hardest Cases Washington, D.C. : United States Institute of Peace Press, 2004.
[6] Ibid

Western Sahara. While similar in some aspects, these cases also display significant differences. The UN supported the Namibian quest for self-determination and statehood, but completely ignored the Eritrean quest. Regarding Western Sahara, the UN could not pursue a decisive policy.[7] Various big powers, focused on their ge- ostrategic interests, frustrated the UN in its search for a solution to the Western Sahara predicament. Eritrea was the creation of Italian colonialism.

Following Italy's defeat in the Second World War, the area was federated with Ethiopia by UN General Assembly Resolution 390A (V) that was enforced in 1952. Ethiopia immediately began to dismantle the federal provisions in the union and in 1962 it formally and arbitrarily ended the federation. Eritrea was then annexed and became a sim- ple province of the imperial state. Eritreans therefore felt compelled to launch an independence struggle in order to achieve their right of self-determination and delayed decolonisation. They finally achieved self-determination in 1991 after defeating the military occupation force in Eritrea.[8] Germany was divested of its colony of South West Af rica after its defeat in the First World War. The territory was then placed under South African administration by the League of Nations. The UN began to become involved in the case of Namibia in 1945 when it resolved to place Namibia under South African trusteeship.[9] In 1966, the General Assembly adopted Resolution 2145 (XXI) that reaffirmed the right of Namibia to self-determination, terminated South Africa's mandate and placed the terri- tory under UN administration. However, South Africa ignored the UN decision and continued to occupy the territory. Powerless against South Africa's defiance of its recurrent orders to respect the right of self-determination of the territory, the UN then rescinded South

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[7] T.R. Gurr and B. Harff, in Tullberg, J. and B.S. Tullberg. 1997. 'Till death do them part? (roundtable response)'. *Politics and the Life Sciences* 16 (1988): 273-277
[8] Idem, 'Separation or unity?' A Model for Solving Ethnic Conflicts.' *Politics and the Life Sciences* 16: 237-248, pp. 237-8
[9] . T.R. Gurr, 'Communal Conflicts and Global Security,' *Current History*, Vol. 94, No. 592 (May, 1995): 212-213.

Africa's mandate and gave Namibia UN "associate"membership. The South West African People's Organisation (SWAPO) was recognised as the sole representative of the people of Namibia. Following the end of Spanish rule in Western Sahara in 1975, the region was annexed by Morocco. Although the Polisario has been recognised as the legitimate representa- tive of the Saharawi people, its struggle to achieve self- determination has not resulted in independence. Morocco has rebuffed all efforts to resolve the problem and the UN seems to be divided and unable to resolve the problem.[10]

1.2 Statement of the Research Problem

Simultaneously destroying and creating order, secession is a watershed event marked by Significant political change: the rise and fall of regional and global powers, new patterns of international and domestic alliances, and sudden opportunities for states and groups to improve or defend their relative positions. Secessionist conflicts account for the deaths of tens of millions, not to mention the rape, torture, and disfigurement of millions more.[11] Secession is at the core of political conflict in country after country, afflicting both the developing and the developed world. In fact, according to one estimate, no more than twenty-five member states of the member United Nations can claim to be free of such conflicts.[12] Studying secession and conflict around the globe is a sobering experience. Al-though secession has long been a staple of the interstate system, recent secessions, for example, in Abkhazia, East Timor, Eritrea, Kosovo, Somaliland, South Ossetia and the tremors from the disintegration of three federal republics - the Soviet Union,

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[10] A.B. Downes, 'The Holy Land Divided: Defending Partition as a Solution to Ethnic Wars,' *Security Studies*, vol. 10 no. 4 (Summer, 2001) 58-116
[11] T.R. Gurr. *Peoples Versus States: Minorities at Risk in the New Century* (Washington, DC: United States Institute of Peace Press, 2000).
[12] Milica Zarkovic-Bookman, The Economics of Secession Palgrave MacMillan, 1992, 7.

Yugoslavia and Czechoslovakia - have brought renewed attention. Over the past two centuries, dozens of secessions have occurred in Africa, Asia, the Americas, Europe and Oceania. All told, the last two centuries witnessed the emergence of five to six dozen de facto and de jure independent secessionist states. Although many of these turned out well, established peaceful and prosperous states – a significant proportion did not. This study examines why. In particular, it asks: why do some secessions produce peace and order, while others lead to violence and instability? A careful assessment of this question brings into sharp relief the theoretical and policy issues at stake. At the same time, it underscores the broader debate over possible solutions to ethnic conflict of which it is a part.[13]

1.3 Objectives of the Study

The overall objective of the study is to analyze secessionism as a cause of ethnic conflict; and with a case study of the Sudan.

More specifically the study aims to:

i. Examine secession as a cause of ethnic conflict in Africa and in the Sudan

ii. Analyze the implications and challenges of secessionism for national and regional peace and security

iii. Explore the linkage between secessionism and ethnicity in Africa

1.4 Literature Review

The postcolonial state in Africa is still at a crossroads. The choices are aptly expressed as whether to preserve the in- herited colonial borders that were declared sacrosanct in 1964 or to provide ethnic groups the right to seek self- determination and statehood. But at this crossroad there are also paradoxes and predicaments arising from seemingly irreconcilable principles or

[13] C.A. Crocker, F. Osler Hampson and P. Aall (eds.). Grasping the Nettle: Analyzing Cases of Intractable Conflict, Washington, D.C. : United States Institute of Peace Press, 2005

rights. Two principles are juxtaposed, one giving primacy to people's rights and the other to the state's territorial integrity. Prioritising one, it seems, will violate the other.[14] The paradox is further demonstrated by the fact that the sacrosanctity of the inherited borders has failed to spare the continent bloody conflicts, while respect for people's rights also seems to be failing to avert such conflicts. The principle of the state's territorial integrity is consid- ered to lie at the epicentre of the rampant conflict Africa has witnessed.[15] Consequently, it has been felt that dismantling colonial borders and giving primacy to the principle of rights of people would solve the problem.

1.4.1 Conceptualising Secession

Self-determination is a notion of political rights that can be traced back to ancient Greece and Rome. Nonetheless, it was during the French Revolution that self-determination was declared to be a right of nations to statehood and sovereignty. Since then, self-determination has become a political instrument in the quest by nations to determine their future destiny. Thus, the concept acquired political content.[16] The wave in the quest by nations for self-determination and independence indeed crested in conjunction with the First World War. Nationalist movements in Europe seeking secession from the Austro-Hungarian and Russian empires were evident all over the continent. However, between the two World Wars the notion of self-determination as a peo- ple's right to constitute their own states was confined to eastern and central Europe.[17] The Wilsonian doctrine that popularised the notion of self-determination during the First World War

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[14] Mayall, James, 1999, 'Sovereignty, Nationalism, and Self- determination', Political Studies, vol. XLVII, pp.474-502.
[15] Kohen, Marcelo G. (ed.), 2006, Secession: International Law Perspectives. Cambridge and New York: Cambridge University Press.
[16] Ferdous, Syed Robayet, 2007, 'Self-determination: Idea and Pragmatism', Asian Affairs, vol. 29, no. 3, pp. 29-43
[17] White, Robin C.A., 1981, 'Self-determination: Time for Re-assessment', Sijthoff and Noordhoff International Publishers, XXVIII-NILR, pp. 147-70

perceived societies outside Europe as less qualified to exercise the right of self-determination. In the aftermath of the Second World War, self-determination assumed universal meaning and was seen as applicable to all peoples, including those under colonial domination.

This universal applicability was reinforced by provisions adopted in the UN Charter that served as political and legal instruments for peoples and nations to make demands for independence and statehood. The UN Charter referred to two groups, notably (i) colonial people and (ii) people subjected to foreign domination, as entitled to the right of self-determination. Yet, the conceptual challenge of defining the people and nation holding this right precluded clarity of implementation. Generally, however, UN Resolution 1514 (XV) of 1960 and UN Resolution 2625 (XXV) of 1970 boosted the rights of peoples and nations to constitute their own statehood.[18] The prioritisation of self-determination over state in tegrity was interpreted as an assault on the Westphalian Convention, which celebrated absolute state integrity. At the same time, the UN Charter also upholds the territorial integrity of states. Thus some sort of contradiction was apparent in the UN's stance. The ending of Cold War prompted or enabled new secessionist movements and reinvigorated dormant sep- aratist claims all over the world. The right of people to self-determination is invariably defined and understood to mean the right of people to freely determine their government. The variability in the forms of free determination also points to the sometimes uneasy relationship between self-determination and secession. Self-determination centres on the free will of a people who are legally as well as politically entitled to decide their destiny.

This free will could express itself in constituting an independent state (political independence); joining another state (union); or autonomy within a state (cultural independence).

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[18]Marcelo G Kohen. (ed.), 2006, Secession: International Law Perspectives. Cambridge and New York: Cambridge University Press.

Secession is generally interpreted as splitting from an existing state. It involves separation of a part of that state from the rest of its territory, leading to political withdrawal of a region from the original state. While self-determination is seen in positive terms, secession is frequently perceived negatively. Some of the early quests for self-determination and secession have been resolved, while others linger. New instances have also surfaced. Examples of all three types are Somaliland, Puntland, Zanzibar, Niger Delta (Biafra), Western Sahara, Casamance, Cabinda, Ogaden, Ormia (Oromo Liberation Front), Tuareq (Azawa), Comoros, Darfur, South Kordofan, Blue Nile, Abyei and Mombasa. The fall of Kaddafi also reactivated old divisions in Libya, with Cyrenaica seeking to become a separate state.[19]

1.4.2 Procedure for Secession

From the above observations, it is obvious that the argument favours the right to secede. The other quary is the procedures involve in the process of seceeding. The world community of states has increased from 30 in 1945 to about 200 counties in 2006.[20] This means that, approximately, 2-3 new secessions occur every year. Consequently, the right question is not whether secession should be allowed and if so under which conditions. Secession usually hppens either as a result of decision by a representative body or else resulting of referenda about secession. Scholars who support secession do argue in favour of referenda, as the best instrument for expression of voters' opinion on secession. For instance, Buchanan[21] states that three-quarter majority ought to be required Norman[22] argues in favour of majority of registered voters. The best procedure is to insist on two-third majority of all the voters. The reason for this as the best procedure is the

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[19] Kohen, Marcelo G. (ed.), 2006, Secession: International Law Perspectives. Cambridge and New York: Cambridge University Press
[20] White, Robin C A., 1981, 'Self-determination: Time for Re-assessment', op cit.
[21] Buchanan, Allen, 1991: Secession: The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec, Westview Press, Boulder, 50
[22] Norman Cigar, 1995: Genocide in Bosnia: The Policy of "Ethnic Cleansing, Texas A&M University Press, College Station, 38

following: First, modern democracies need supermajority for the change of constitution. Since the secession of a territory actually changes constitutional arrangement of that particular country, it is absolutely justified to demand supermajority. Furthermore, secession influences constitutional arrangement further than, changes from semipresidentialism to parliamentarism. Thus, it is unacceptable to secede on the foundation of majority of votes cast. On the contrary, secession procedure ought to more demanding than for a change of political system. Therefore, even though many countries facilitate changes of constitution with no referenda, secession lacking expression of will of the population is less preferable a solution.

The requirements for a qualified majority of the population in referenda is likely to defend also based on political realism. If only a small majority of population supports secession, military action on behalf of the central government has much favourable chances for success. Still, if a very high percentage of population –such as, ninety percent – supports secession, then it is not only immoral but as well, more likely, fruitless to prevent secession by force. Thus, referenda on secession as well as demand for supermasjority enable both sides – secessionist and antisecessionist – a practical assessment concerning odds for success. additionally, a referendum is counting of potential number of bayonets on secessionist as well as anti-secessionist side. For instance, Iraq shows that it is quite difficult, even for the very strongest superpower, to control a country that does not want foreign troops.[23]

In the same way, if central government wishes to prevent secession by force, people may start to perceive central governments forces as occupying forces therefore, they may start to resist the occupation militarily. Croatia and Slovenia for instance did not have any better opinion regarding Yugoslav National Army, after it begun military action against secession of these two

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[23] Ibid: 40

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republics, than the Russians had regarding German troops in their country during the WWII.[24] Towards the end, these two republics – in which the overwhelming majority supported secession – defended themselves from military intervention on behalf of central government. Alternatively, if a significant majority opposes secession, anti-secessionist troops have a better advantage, since they may count on military supply on behalf of the central government. On other words, if there is inadequate support for secession, secessionists might give up or postpone demand for independ- ence. In contrast, when an overwhelming majority supports secession, central government might accept secession as well as try to do develop friendly relationship with the newly established country. The Scandinavian states are a good example of such a rational approach towards secession.

The second most important question to be addressed is whether it ought be the lowest threshold in number of population at certain region that may require secession. If this provision is inexistence, it would mean that, for instance, a group of neighbours may require an independent state. Independent state offer many privileges like the vote in the General Assembly of the UN and duties, for instance, to open embassies in other countries. Thus, it is logical to demand certain threshold so that one unit may be recognized as an independent state. Almost certainly the best lower limit would be 100,000 population. In conclusion, secession is supposed to be allowed when the cost of suppressing secession is higher than the cost of allowing secession. In actual terms, it means that secession should be permited when an overwhelming majority, at least two-third of all the voters, are in support secession.

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[24]Daniel Weinstock. 2001: Constitutionalizing the Right to Secede, *The Journal of Political Philosophy* 9:2

1.4.3 Historical Backround of South Sudan Secession

At the center of the Sudan conflict, as Deng writes, is that the historical process that has separated the Arab Muslim North and the African South has its roots in the Arabization and Islamization of the North and in the resistance to those forces in the South.\ The assimilation processes favored the Arab religion and culture over African race, religions, and cultures, which remained prevalent in the South.[25] The strands of this Northern hegemony go back to the days of Sudan's administration as a colony of Great Britain. The British put greater stock into the success of the North, thus leaving the South mostly to survive on its own in a pre-modern existence. The British merely wanted to keep order in the South; they were not interested in establishing a fully functioning political society there.[26] Thus, the North was primed to assert its dominion over the South when the country finally gained its independence. And the assertion of Northern hegemony began in earnest almost immediately upon Sudan's birth as a sovereign nation. In order to successfully implement the strategies of Arabization and Islamization in the South, the Sudanese military began to occupy that territory in 1958. This only further inflamed tensions between the two regions of the country, which led to the commencement of a long and bloody civil war in the 1960s.[27]

1.5 Justification of the Study

The concern of this study if to link secessionism and ethnic conflict as is the case of South Sudan. This is necessary to understand why 'nations' seek separitism and leave their host states to form their own. By showing why the ethnonationalist approach ultimately constitutes a variant to the primordialist approach, this study has argued that the primordialist-modernist debate to the

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[25] F.M Deng. War of visions: Conflict of identities in the Sudan. (Washington, D.C.: Brookings Institution.1995), 9

[26] Ibid: 11

[27] F.M Deng. War of visions: Conflict of identities in the Sudan. (Washington, D.C.: Brookings Institution.1995), 12

study nationalism stili prevails. The study seeks to prove that ethnicity is the 'independent and causal force' behind nationalism, modernisation being 'only a catalyst and amplifier of existing forces.' On the other hand, are those who, following Gellner, see nations as created by nationalism, itself a product of the changes brought about by modernity. These changes can in turn be attributed either to: the idea of national self-determination, socio-economic transformations, or to the emergence of the modem state, particularly in conditions of war . Along with ethnicity, these factors will therefore constitute the framework for the analysis of the emergence of nationalism in in Africa particulary South Sudan.

This study, from the findings and recommendations will provide valuable insights to the government and policy analytics concerned with the cases of the secession of the Sudan. This will be used to prepare its own policy and to engage other Governments and policy makers in the region on new challenges facing regional ethnic conflicts that related to secessionism or affected by the internationalization of such conflicts.

The study is expected to generate new information about in the academia of conflict management. This particularly being the case of secessionist conflicts as the current situation of the redrawing of African borders may bring up more reasons to secede. This study will therefore be important in future study of secessionist movements. Furthermore, once the study is disseminated it will shed light on the misconceptions of secessionism, its causes and implications national and regional security.

1.6 Research Questions

The study is guided by the following research questions:

i.   What is the relationship between secession and ethnicity?

ii. What is the role of ethnic secessionism in conflict and in the peace and stability of the

new state?

iii. What is the role of secessionism in the independence of South Sudan?

iv. How much can secessionism and self-determination play in the future of Africa's

independent states?

v. How positive and/or negative has secessionism been in the conflict in the Sudan?

1.7 Theoretical Framework

This section of the study analyzes the main theories about the origins of nations and nationalism

which helps understand the issue of these nations seeking self determination and thus seceding

from host states. The terms 'nation' or 'national' prevail in many of the discipline's key-concepts

the nation-state, transnational relations, the national interest or the principle of national self-

determination - and even in its own name. Wars, crises, economic competition or co-operation

have often been put down to nationalism.[28] The tension between these two conceptions of the

nation - organic and voluntaristic - was more recently translated into the debate as to whether

nations are expressions of age old feelings of belonging, rooted in language, ethnicity, or

territory, or is instead modem constructs, inventions or imaginations. These contrasting views of

the nation have been reflected in the scholarly literature on nationalism and have developed into

what has been commonly referred to as the primordialist - modernist debate.[29]

There has been a tendency to equate antiquity with authenticity. The genuineness of one's

claim to independent nation-statehood will thus tend to be measured with respect to its

historicity. Thus, in the same way that opposing groups contest the validity of each other's

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[28] Adrian Hastings. The *Construction of Nationhood: Ethnicity, Religion and Nationalism*, (Cambridge University Press, Cambridge, 1997).
[29] Anthony D. Smith, 'Gastronomy or Geology? The rôle of Nationalism in the Construction of Nations,' Nations and Nationalism 1, No. 1,(1995): 3-23.

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historical claims to nationhood, theorists of nationalism debate the historical reality or authenticity of nations.[30] Primordialists insist that nations have existed since time immemorial. They are accredited with the 'sleeping beauty' thesis according to which each nation that has not yet manifested itself is only awaiting for the appropriate leader, or circumstance, to re-awaken. This organic view of nationalism holds that peoples are naturallys divided into nations.[31] The author had the privilege of being able to discuss these issues with Professors Connor and Smith during the academic year 1994/95. Although I have included references to the relevant sources, much of the discussion that follows is based on these interviews.

There seem to be at least two explanations for this: first, is the popularization of the concept of ethnicity, notably in the social sciences,[32] second, is the need to find an explanation for nationalism's emotional appeal, the passion it fosters. This passion, it is believed by ethnicists, cannot be aroused by inventions or creations. If such was the case why would other forms of associations or 'identifies', which are so evidently constructed not be able to generate similar emotional loyalty and dedication? Simply stated why is one willing to die for one's nation but not for one's class? The answer is that there must be something particular about nations if individuals are ready for such sacrifice.

1.8 Research Methodology

This study explores the methodology which will be aiming at addressing the research objectives, the study sample and instruments for the study. In this study, research, will employ the method of content analysis with an emphasis of the South Sudan secessionism, which has attracted attention due to the after math conflict from the African Union, African states and the larger

[30] Ibid
[31] Snyder, Louis, L., Encyclopedia of Nationalism, St James Press, Chicago and London, 1990.
[32] Connor, 'Nation-Building or Nation-Destroying?' in: Ethno-nationalism. The Quest for Understanding. (Princeton University Press, Princeton, 1994), 29-66

world views, in bid to follow up on the effectiveness, impacts and challenges of seceding from Sudan. Content analysis is a method in the social sciences for studying the content of those types of empirical documentation which Hodder referred to as mute evidence, that is written texts and artifacts.[33]Content analysis can be defined as the study of recorded human communications, such as books, websites, paintings and laws.[34] Content analysis is considered a scholarly method in the humanities by which texts are studied as to authorship, authenticity, or meaning.

This study will also use a process – tracing methodology to analyze the changes that have occurred in the South Sudanese self determination with particular attention paid to the policies and strategies South Sudanese regimes pursued that led to, and continue to sustain the current situation in Darfur, and also the issue of ethnicity in the regard to secessionism. . This study will rely on secondary sources of data – books, journals, internet sources, and other written material on the South Sudan case.

This study will therefore draw from secondary data. Secondary data will be sourced from a collection and review of published and unpublished material, journals, academic papers and periodicals. These will be taken through intensive and critical analysis of the study of secessionism as a cause of ethnic conflict.

1.9 Chapter Outline

Chapter One: Introduction to the Study

Chapter Two: Secession as a Cause of Ethnic Conflict: An Overview

Chapter Three: Secession as a Cause of Ethnic Conflict: A Case Study of the Sudan

Chapter Four: Secession as a Cause of Ethnic Conflict: A Critical Analysis

Chapter Five: Conclusion

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[33]Hodder, I.The interpretation of documents and material culture.(Thousand Oaks, Sage Publication, 1994): 155
[34]Babbie, Earl R. *The Practice of Social Research* (12th Ed). (Wadsworth: Cengage Learning, 2010): 530

CHAPTER TWO

SECESSION AS A CAUSE OF ETHNIC CONFLICT: AN OVERVIEW

2.1 Introduction

Secession may be considered as the out- come of four separate processes. The first involves the establishment of collective agreement about the existence and boundaries of a territorial sub-unit of the existing host state that will be termed the 'region'. Regions are the units at risk of secession, but what constitutes a region? Does any contiguous block of land within the state comprise a region? However, that is not the case. Regions are territories in which a large majority of the population has a common interest in seceding from the host state. This common interest need not be over- riding, nor does it preclude the existence of other interests that militate against secession. The second process is the familiar one of collective action. It is important to understand what conditions regional populations form social movements or political parties to press for their common interests. The next phase is usually the social bases of secessionism.[35]

Clearly the residents of some regions are more content to remain in the given state than others. What inclines regional movements or parties to demand secession rather than pursue their interests within the bosom of the host state? Decisions made by the rulers of the host state are also important in the process of secessionism. Secession can occur only when rulers conclude that it is less costly to relinquish sovereignty over the region than to maintain it. This chapter therefore focuses on the historical overview of the South Sudan and also includes the issues of self determination, secessionism and ethnic conflict. The history of secessionism in Africa and the modern issues of self determination are also discussed.

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[35] Rothchild, Donald, Managing Ethnic Conflict in Africa. Pressures and Incentives far Cooperation, Brookings Institution Press, Washington, D.C., 1997.

2.2 The Rise of Nationalism in Africa

The study of nationalism in Africa was prompted by the emergence of anti-colonialism. Indeed, calls for independence were couched in terms of national liberation. Various factors have been put forward to explain the emergence of nationalism in Africa and, to a great extent, many of the accounts provided mirror those highlighted in the broader theories of nationalism presented in the previous chapter. In 1954, James Coleman identified four types of factors which he saw as having contributed to the rise of nationalism in Africa: a) economic transformations, that is , the change fr o m a subsistence to a money economy, growth of a wage-labor force, rise of a new middle class; b) sociological factors, that is, urbanization, social mobility and Western education; c) religious and psychological factors; Christian evangelization, and neglect or frustration of Western-educated elements, arising mainly as a response to discrimination and racism; and d) political factors, the eclipse of traditional authorities and the forging of new 'national' symbols; this last element being intrinsically bound to the modem state structure.[36]

When the European powers partitioned the African continent in the late 19th Century and established their respective colonies, they brought with them and sought to implant the modem state structure. The boundaries drawn by the colonial powers not only indicated their respective areas of sovereignty, but also delimited the territory within which economic and social interchange would take place. It thus identified the people upon which their administrative structure, legal system and education policies would be imposed. The colonial state was modeled on the modem European state which had slowly crystallized in the eighteenth and nineteenth centuries. It was defined by its territorial configuration, its bureaucratic nature, its coercive

[36] Coleman, James S., 'Nationalisai in Tropical Africa', first published in American Politicai Science Review, vol. 48, No. 2, June 1954; reprinted in Sklar, Richard L., (ed.), Nationalism and Development in Africa. Selected Essays, University of California Press, Berkeley, Los Angeles and London, 1994, pp. 26-28. 7 Kilson, Martin L., Jr., 'The Analysis of African Nationalism,' WorldPolitics, No. 10, 1958, p. 489. 8 Oliver, Rolland, and J.D. Fage, A Short History of Africa, 6th edition, Penguin Books, 1995, p. 191.

monopoly and, last but not least, the idea of nationhood. Indeed, as the study of Eritrea and Somaliland shows, the modern state was to be Europe's most important and enduring legacy to Africa. In addition to creating the geo-political structures, with their distinct legal Personalities, upon which nationhood could take hold, the colonial period also introduced in Africa, to varying degrees, those elements of modernisation which were identified in the first chapter as necessary conditions for the emergence of a nation: industrialisation, extensive communications infrastructure, urbanisation and mass-education. At the beginning of the 19th Century the term ethnography was restricted to the classification of populations according to language. At the close of the Century, it achieved a wider meaning to encompass the study of man as a social being.[37]

Although the term 'ethnologic' can be traced back to 1839, when the French scholar W. Edwards formed the 'Société d'ethnologie', the French word 'ethnic" (derived from the Greek term 'ethnos'), upon which Anthony Smith builds his theory of nationalism, only appeared later in 1896.[38] The fact that the concept of ethnicity appeared at that particular point in time is, as Amselle and M'Bokolo note, in itself significant:

Before the introduction and popularization of the concept of ethnicity, the tribe was deemed to be 'the basic unit of analysis for anthropology' with 'political unity, speech uniformity and geographical continuity' as 'outstanding characteristics.'[39] Tribes were at the end of the last century and the beginning of the 20th century defined within the evolutionary conception of human socio-political organizations where they stood at one end of a continuum that placed them

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[37] 37 Jackson and Rosberg, 1984, op. cit., p. 179. 38Ausenda, Giorgio, 'Postcript: Current Issues in the Study of Ethnicity, Ethnic Conflict and Humanitarian Intervention, and Questions for Future Research,' in: Turton, David, (ed.), War and Ethnicity. Global Connections and Local Violence, University of Rochester Press, San Marino, 1997, p. 218.
[3838] Eriksen, Thomas Hylland, Ethnicity and Nationalism. Anthropological Perspectives, Pluto Press, London and Boulder, Colorado, 1993, pp. 66-67.
[39] Southall, Aiden, "The Illusion of Tribe,' Journal of Asian and African Studies, Vol. V, No. 1-2, January/April 1970, p. 31, quoting: C. Wissler, Man and Culture, New York, 1923.

in opposition to 'civilizations'. Often used interchangeably with such terms as 'primitive societies', they were then to some extent identified with notions of race.[40] Following the Second World War, racial doctrines fell into disrepute, and, concomitantly, the concept of tribe became increasingly challenged both epistemologically and ethically. Although the term 'ethnic' - in its modern sense - was introduced in Europe at that time, thus replacing the notion of race, the term 'tribe' continued to be used in the African context.

2.3 Boarder Issues in Africa

European colonialism in Africa, from the mid-19th century to decolonization in the 1960s and 1970s, left many indelible legacies in the continent. One of the legacies concerns the borders drawn by the European colonial powers. According to Herbst,[41] between 1885 and 1904 most of the present political map was drawn, a process practically complete by 1919. However, the way in which the African borders were drawn has become the major source of border disputes. The European colonial powers drew the boundaries based on their limited knowledge about the pre-colonial history, ethnicity, and geography of.[42] Worse, they left some borders, particularly in areas difficult to gain access to or insignificant to their interests, only partially defined, if not undefined altogether. Eventually, African countries inherited the borders with a strong potential for later disputes. Despite their faults, African borders have remained almost unchanged to this day.[43] Although there were some pressures for border adjustments when the Organization of African Unity (OAU) was created in 1963, member states decided to abide by the principle of uti-possidetis, the principle of inheriting the colonial territory in its entirety. Considering the

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[40] Schultze, States, Nations and Nationalism. From the Middle Ages to the Present, Blackwell Publishers, Cambridge, Ma, and London, 1996.
[41] Sudan Nationality Act 1957, Article 22
[42] Ravi Kapil. "On the Conflict Potential of Inherited Boundaries in Africa". *World Politics* 18, no. 4 (1966) 656-673: 659
[43] David Brown. "Borderline Politics in Ghana: The National Liberation Movement of Western Togoland". *Journal of Modern African Studies* 18 no. 4 (1980): 575

complexity of African states and the challenges new states faced at that time, re- drawing the

borders was viewed as difficult, if not impossible. Nonetheless, many inherited colonial borders

have been disputed since decolonization. In fact, most interstate disputes in Africa have been

border disputes. Some border disputes have even led to war, as seen in the cases of Morocco-

Algeria (1963), Somalia-Ethiopia (1976-1978), Burkina Faso-Mali (1985), Libya-Chad (1973-

1988), and Ethiopia- Eritrea (1998-2000).[44] According to Chiozza and Choi[45] international

disputes over territory are more likely to involve the use of military force, to escalate to war, and

to reach higher levels of severity than non-territorial disputes. In Africa, however, the number of

territorial disputes that escalated into war is surprisingly small, despite the large number of such

disputes. The practically unchanged African borders and the small number of border wars have

mostly been attributed to the OAU/African Union (AU)'s adherence to the principle of uti-

possidetis and the principle of peaceful settlement of dispute.[46]

2.3.1 The Problematic Partitioning of African Borders

The industrial Revolution in Europe, which triggered mass production of machine - made cheap

goods, accelerated the European search for colonies for raw materials and markets. Though most

of Africa was partitioned between the Berlin Conference (November 15, 1884–February 26,

1885) and 1904 as aforementioned, the partition had begun before the conference, particularly in

West Africa, and accelerated after the conference as the European powers competed to augment

their territorial possessions. To secure their territorial claims, they ratified numerous delimitation

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[44] Mi Yung Yoon. "European Colonialism and Territorial Disputes in Africa: The Gulf of Guinea and the Indiana Ocean." *Mediterranean Quarterly* 20, no. 2 (2009): 77
[45] Chiozza, Giacomo, & Choi, Ajin: "Guess Who did What: Political leaders and the Management of Territorial Disputes, 1950-1990. *Journal of Conflict Resolution* 47, no. 3 (2003)251-278.
[46] Mi Yung Yoon. Op cit., 77

treaties between them.[47] Many colonial claims to African territories and subsequent delimitations were based on prior treaties between Europeans and African rulers, in which Africans ceded their rights to Europeans for protection and/or economic gains. [48]According to Touval,[49] the European powers obtained those treaties through the combined effect of coercion and inducement. They then utilized those treaties to support their claims. Therefore, Africans also played a role in the partition process, though inadvertently.

A boundary, to be complete, requires delimitation and demarcation. While delimitation signifies description of the alignment in a treaty or other written source, or by ways of a line marked on a map or chart, demarcation meaning marking the border site in the ground.[50] The African Union Border Programme (AUBP) estimates that less than a quarter of African borders have been clearly delimited and demarcated[51] The lack of delimitation and demarcation created porous borders no one is in charge of securing. This situation has posed many security risks to the continent (e.g., cross border criminal and terrorist activities, and spill-over of intra-state conflicts to their neighboring countries). Even the delimited colonial borders were drawn in Europe by government representatives who had little or no geographical knowledge about the territories concerned.[52] As a result, colonial delimitation treaties left out many details, and were therefore incomplete. According to Touval, 30% of the total length of African borders follow straight lines; 70% of the total length of African borders which do not follow straight lines were

[47] Mi Yung Yoon. "European Colonialism and Territorial Disputes in Africa; The Gulf of Guinea and the Indiana Ocean." *Mediterranean Quarterly* 20, no. 2 (2009): 55

[48] Ibid: 56

[49] Saadia Touval. "Treaties, Borders, and the Partition of Africa." *Journal of African History* 7, no. 2(1966) 279-293.

[50] Ian Brownlie. *African Boundaries: A Legal and Diplomatic Encyclopaedia.* Berkeley & Los Angeles, CA: University of California Press, 1979.

[51] African Union. (2008a). Declaration on the African Union Border Programme and its imple- mentation modalities as adopted by the conference of African ministers in charge of border issues held in Addis Ababa, on June 7, 2007. Retrieved July 2, 2013, from http://www. africa-union.org/root/au/publications/psc/Border%20Issues.pdf

[52] Griffiths, Ieuan (1986). The scramble for Africa: Inherited political boundaries. The Geographical Journal, 152(2), 204-216: 205

defined mostly in terms of geographical features.[53] Borders defined by geographic features, such as rivers and watersheds, tend to shift due to fluctuating water levels. Natural features, therefore, are not precise delimitation tools to utilize. In addition, African borders, defined with no regard to ethnic boundaries, divided the same ethnic groups into multiple states—which has become a source of ethnic tension in those countries.

2.4 OAU/AU Positions on Border Issues

From the beginning, the OAU upheld the borders at the time of independence, despite their shortcomings. Article III (3) of the OAU Charter identified respect for the sovereignty as well as territorial integrity of each state as one of the principles of the organization. The Resolution on the Intangibility of Frontiers, which adopted in 1964 by the Assembly of Heads of State as well as Government, recognized the inherited borders as 'a tangible reality' and declared the member states' pledge to respect the frontiers upon national independence. Like the OAU Charter, the resolution called for the peaceful settlement of dispute between African states. Since the resolution, the principle of uti-possidetis has become the legal basis for determining territorial questions on the continent.[54] The AU - which replaced the OAU in 2002 - reiterated the OAU position on border issues. Article 4 (b) of its Constitutive Act denotes 'respect of borders existing on achievement of independence' as one of the principles of the organization.[55] The AU, however, launched the AUBP in 2007 to address the problems posed by the lack of delimitation and demarcation.[56] The primary mission of the AUBP is to prevent and resolve border disputes by facilitating delimitation, demarcation, and boundary management. It follows the principles of

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[53] Ibid: 291
[54] Ravi Kapil. "On the Conflict Potential of Inherited Boundaries in Africa". *World Politics* 18, no. 4 (1966): 671
[55] African Union.. "Constitutive act of the African Union". (2000) Retrieved July 2, 2013, from http://www.au.int/en/sites/default/files/ConstitutiveAct_EN.pdf
[56] African Union. "African Union Border Programme" (AUBP) (2013). Retrieved July 13, 2013, from http://aubis.peaceau.org/about-us

both uti-possidetis and the negotiated settlement of border disputes.[57] The OAU/AU's adherence to the principle of uti-possidetis stemmed from the complex circumstance of African states— socially diverse, and economically and politically weak. In fact, there appears to be no better alternative to the inherited colonial borders. First, given the large number of ethnic and cultural groups in Africa, redrawing borders based on ethnic and cultural boundaries would create numerous small, weak states. Second, African states have faced bigger challenges, such as weak economies and government institutions. Third, according to Jackson and Rosberg,[58] territorial integrity was essential for the survival of weak African governments apprehensive about external interference, particularly by other African states.

2.5 Colonial Borders and Secessionist Conflicts

The African historiography has put ahead many explanations on how the partitioning of ethnicities as well as the creation of artificial states has added to underdevelopment. First, in a lot of instances partitioning has generated irredentists demands, as ethnicities that are minor groups in a country want to unify with their peers crosswise the border. For instance, Somali tribes were split between three divergent European colonies, while Ethiopia also got a slice. Consequently, nowadays besides Somalia a large portion of Somalis occupy Northern Kenya, the Ogaden region of Ethiopia, and Eritrea as well as Djibouti. Three long-lasting wars have (partly at least) been driven by the desire of Somalis in Ethiopia, Djibouti, as well as Kenya to become part of Somalia. Second, partitioned ethnicities may fight to gain independence or obtain autonomy.[59]

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[57] African Union. (2008a). Declaration on the African Union Border Programme and its imple- mentation modalities as adopted by the conference of African ministers in charge of border issues held in Addis Ababa, on June 7, 2007. Retrieved July 2, 2013, from http://www. africa-union.org/root/au/publications/psc/Border%20Issues.pdf

[58] Robert Jackson and Rosberg, Carl (1982). Why Africa's weak states persist: The empirical and the juridical in statehood. World Politics 35, no.1(1982):21

[59] Wimmer, Andreas, Lars-Erik Cederman, and Brian Min., "Ethnic politics and Armed Conflict. A Configurational Analysis of a New Global Dataset," American Sociological Review, 2009, 74, 316—337.

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An illustrative example is the recurring civil conflict in the Casamance area in Southern Senegal, where the partitioned ethnic groups Diola and the Malinke reside. As Gambia effectively splits Senegal into a Northern and Southern area, the Southern province of Casamance, Senegal, is disconnected from the central government in Dakar and has demanded independence.[60] Third, partitioned ethnicities have reacted to their marginalization by participating in coups and rebellions to overthrow or capture the government. For instance, the Ewe in Togo helped Flt.-Lt. Jerry Rawlings in his coup in 1979 and 1981 to overthrow the Ghananian government. This rose ethnic tensions between the Ewe, the Ashanti and the Akan in Ghana leading to civil warfare in the subsequent years.

Fourth, African borders are poorly demarcated and not well delineated due to the imprecise colonial treaties. This has resulted in border disputes, especially when such poorly demarcated borders cause for the partition of ethnic groups.[61] The conflict between Mali and Burkina Faso over the Agacher Strip, where the Bobo reside, illustrates the problems caused by poor demarcation. The escalation of minor conflicts that started after independence resulted in a fully blown war in 1985.13 Imprecise colonial treaties seem to have contributed to conflict Wimmer et al. estimate that around 20% of all civil wars in Africa have a secessionist demand. Other examples of secessions that have resulted in de facto autonomous and independently governed areas include the Western Sahara and the Somaliland (former British Somaliland). Renner[62] states that Senegal became truncated, plus it could only be linked by crossing Gambia or by using the much longer overland route, The partition was done, between the French and the British, and without any consideration for cultural ties, economic viability or else regional

[60] Englebert, Pierre, Stacy Tarango, and Matthew Carter, "Dismemberment and Suffocation: A Contribution to the Debate on African Boundaries," Comparative Political Studies, 2002, 35 (10), 1093—1118.
[61] Renner, F.A., "Ethnic Affinity: Partition and Political Integration in Senegambia," in A.I. Asiwaju, ed., Partitioned Africans, New York, NM: St. Martin's Press,, 1985, pp. 71—86.
[62] Ibid

coherence. Englebert[63] et al add that, of all the territorial disputes brought before the International Court of Justice - ICJ since 1960, 57% were African, at the same time as only 33% (104 out of 315) of all bilateral boundaries worldwide are in Africa. Eventually this dispute was settled in the ICJ in the end of 1986.

Fifth, Africa is illustrated by patronage politics where dominant ethnic groups discriminate against minority groups. In many cases the central government tries to overwhelm partitioned ethnicities, for example by seizing property and imposing higher taxation in the activities of specific groups.[64] As a result, the neighboring country intervenes either to support their peers or to prevent migration and refugee flows. The conflict in the Alur-land exemplifies the case. The Alur were split between the Belgian Congo and the British Protectorate of Uganda during the late phase of the scramble for Africa between 1910–1914. When the regime of Mobutu Sese Seko started the subjugation of many minority groups in Congo, a large portion of the Alur in Congo moved to their former historical homeland in Uganda. This in turn generated opposition from the dominant Buganda group leading to civil war. Sixth, due to these ethnic contacts across the border, partitioned ethnicities can engage in smuggling as well as other criminal activities. For instance, Barkindo in his analysis of the Anglo-French partitioning of the Sultanate of the Mandara in the Nigeria-Cameroon boundary[65] writes that indeed, the most serious problem was the rise in crime and disputes across the border of the two states. The fact that the border divided people of the same family and settlements made it hard to check crime and control smuggling.

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[63] Englebert, Pierre et al., "Dismemberment and Suffocation, op cit.,

[64] Bates, Robert H., in "States and Markets in Africa," Berkeley, CA: University of California Press, 1981.

[65] Barkindo, Bawuro M., "The Mandara Astride the Nigeria-Cameroon Boundary," in A.I. Asiwaju, ed., Partitioned Africans, New York, NM: St. Martin's Press,, 1985, pp. 155-194.

Collins[66] also states how smuggling did allow the Hausa to arbitrage price caps as well as other distortionary policies in Niger and Nigeria. Seventh, border artificiality (though not partitioning itself) spurred conflict, because heterogeneous ethnic groups were forced to be part of the same usually large country. Many African scholars emphasize that civil conflict is more pervasive in large countries where it is hard for the state to broadcast political power and prevent secessionist movements among diverse ethnicities.[67] Indeed most long-lasting civil wars have taken place in the largest African countries, namely the Democratic Republic of Congo, Chad, Niger and Angola with Sudan being the most illustrative example. The ethnically, religiously, and racially distinct tribes of the North (that are part of the Nilo-Saharan families) and the South (that belong to the Afro-Asiatic family) resulted in a three-decade long civil war and an ongoing referendum for the independence of Southern Sudan. Eighth, partitioning may lead to armed warfare by interacting with natural resources. The reality is that, if the historical homeland of a partitioned ethnic group is affluent in natural resources then the benefit of secession increases; moreover in this case the central government is more likely to be oppressive.

2.6 The Secessionist Conflicts in the Larger Sudan

With the exception of a lull in fighting between 1972 and 1983, Sudan has been engulfed in a civil war that, since 1963, has opposed the South to the North.[68] Southern Sudan's demand for national self-determination has oscillated between calls for greater autonomy within a federal Sudan and outright independence. Since it is itself multi-ethnic, such claims have not been made

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[66] Collins, David, "Partitioned Culture Areas and Smuggling: The Hausa and Groundnut Trade across the Nigeria-Niger Boundary up to the 1970s," in A.I. Asiwaju, ed., Partitioned Africans, New York, NM: St. Martin's Press,, 1985, pp. 155—194.

[67] Herbst, Jeffrey, State and Power in Africa, Princeton, NJ: Princeton University Press, 2000

[68] Peter Woodward, War - or Peace - in North-East Africa? The Centre for Security and Conflict Studies (London: 1989)

with reference to ethnicity. And, contrary to what is sometimes claimed, the reality is more complex than it being simply a conflict which opposes Muslims to Christians.[69]

The history of the Southern Sudan's claim to self-determination can in fact be traced back to the colonial period. The South was not only governed by Britain separately under a distinct colonial army (the Equatoria corps), but movements between North and South were further limited in 1940 with the introduction of a special pass system which restricted northerners' entrance into Southern Sudan. Until 1946, it was considered necessary to protect the south from northern depredations. Arabic was prohibited, all Arabic names removed, and Christian missionaries, who were excluded from the north, were allowed to proselytize in the south. This move was to have profound implications for the future: as a result of missionary activity, ethnic differences between northern Arabs and Southern Africans were reinforced by a religious difference. Only about 15% of southern Sudanese are Christian, but they include most of the first generation of southern nationalists.[70]

2.7 History of Nationality Laws in Sudan

The majority of what formed the Republic of Sudan until 2011 was under Ottoman-Egyptian rule during the 19th century. In the 1880s, a rebellion under the leadership of Mohammed Ahmed, the self-proclaimed mahdi or redeemer of the Islamic world, created a nationalist and Islamic government. The mahdist rebellion was in turn defeated in 1899 and replaced by British-Egyptian condominium. The condominium was headed by a governor-general theoretically appointed by the Egyptian khedive with British consent, but was under effective British control. Egyptian independence in 1922 led to the withdrawal of Egyptian troops from Sudan, although

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[69] Peter Woodward, War - or Peace - in North-East Africa? Conflict Studies No. 219, The *Centre for Security and Conflict Studies*, London, 7 no. 15 (1989)
[70] Mayall, James, 'Sovereignty, Nationalism, and Self-determination,' Political Studies, Vol. 47, No. 3, Special Issue 1999, pp. 474-502.

the condominium continued (as did the presence of British troops in Egypt and Sudan). From 1924 onwards, Sudan was governed as two separate provinces, kept administratively quite segregated, with controls on movement between them. From the mid-1940s, as a degree of self-government was given to Sudan, and a legislative assembly and executive council were established in 1948,[71] the south began to be integrated into the central government's administrative and political structures — in which southern politicians complained of marginalization.

Under the British-Egyptian condominium, a Sudanese was any person who was subject to Sudanese jurisdiction. From 1948, the Definition of Sudanese Ordinance defined a Sudanese as every person of no nationality [thus excluding British, Egyptian and other nationals] who is domiciled in Sudan and (i) has been so domiciled since 31 December 1897, or the person whose ancestors in the direct male line since that date have all been so domiciled' or 'who is the wife or widow of such a person.'[72]

The 1952 Egyptian revolution led to the abrogation of the condominium treaty with Britain, followed by an Anglo-Egyptian agreement for a process leading to Sudanese self-government; Sudanese nationalists in turn unilaterally declared their own independence in late 1955. The proposed self-government statute was hastily adopted as the Sudan Transitional Constitution 1956.[73]

The 1956 Transitional Constitution did not provide for nationality, and legislation was adopted to replace the 1948 Ordinance with the first real nationality law, the Sudan Nationality Act 1957. This Act, amended several times, remained in effect until 1993. It provided that a

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[71] Ibid
[72] Definition of "Sudanese" Ordinance, 15 July 1948, Laws of the Sudan 1956, Vol.1, Title 1, sub-title 5
[73] Nasredeen Abdulbari, "Citizenship Rules in Sudan and Post-Secession Problems", Journal of African Law Vol.55, No.2, 2011, pp.157-180.

person was Sudanese if he was born in Sudan or his father was born in Sudan and he or his direct

male ancestors had been resident in Sudan since 31 December 1897 (prior to the defeat of the

Mahdist forces). This date was later amended to 1 January 1924, when Sudan had been

reorganized administratively into two provinces.[74] Naturalization was possible based on a 10-

year residence period and other conditions, including adequate knowledge of Arabic and

renunciation of any other nationality; a child born after the act came into effect was a national if

his father was a national (whether naturalized or by descent); and a woman married to a

Sudanese man could naturalize based on two years residence.[75]

Very shortly after independence, southern army officers rebelled against the Khartoum

government. Though the mutinies were quickly suppressed, they marked the start of a civil war

that escalated in the early 1960s, after southern demands for a federal system were decisively

rejected by Khartoum in 1958, and continued to 1972. In 1972 the Addis Ababa peace

agreement temporarily ended the civil war, with the grant of a degree of autonomy to the south,

enshrined in a new 1973 constitution for Sudan. In 1983, the war was reignited as the autonomy

of the south was revoked. In 1989 the latest in a series of Section 5(1) and Section 9.[76]

The coups d'état in Khartoum brought Brigadier Omar al-Bashir to power as chairman of

the Revolutionary Command Council for National Salvation, a body with both legislative and

executive powers. In 1993, the Revolutionary Command Council was replaced by an appointed

Transitional National Assembly (TNA), made up of members of the National Islamic Front

(NIF) led by Dr. Hassan al-Turabi; Bashir became president of the new government. The

military government replaced the 1957 Nationality Act with a new law, initially adopted as a

provisional decree in 1993, and then amended by the TNA and enacted as the 1994 Sudan

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[74] Ibid
[75] Sudanese Nationality Act 1957, Section 5(1) and Section 9.
[76] Sudanese Nationality Act 1957,

Nationality Act (SNA).[77] The 1994 SNA remains in force in the Republic of Sudan, as amended in 2005 (following the adoption of the Interim National Constitution), and again in 2011 (following the secession of South Sudan).

Despite the initiatives to Islamicise Sudan in other ways, the 1993 nationality decree was very similar to the 1957 law in relation to the grant of nationality by birth, providing that a person born before the act came into effect was a national from birth if he or his father was born in Sudan and he or his paternal ancestors were resident in Sudan since 1924. No religious or linguistic criteria were applied, even in relation to the conditions for naturalization. In addition, in part to accommodate the foreign Islamist activists invited by Dr. Turabi to settle and do business in Sudan, the period required for a resident in Sudan to become a naturalized Sudanese citizen was reduced from ten years to five years, and the prohibition on dual nationality was removed. The new law also reduced the grounds on which nationality could be taken away by the executive compared to the 1957 Act.[78]

While naturalization was permitted under the 1994 law on the basis of five years residence, it remained discretionary (including conditions related to mental competency and good moral character, as well as residence, though not to knowledge of Arabic).7 A woman married to a Sudanese man (but not vice versa) could be naturalized on the basis of two years residence in Sudan with her husband.8 The amendments added back in some of the grounds for depriving nationality from a person who had obtained it by naturalization, including an act or words outside Sudan showing his non-allegiance or hatred of Sudan.[79] The 1994 law also removed adopted children from the definition of children; this was the only provision overtly

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[77] Provisional Decree No. 18 of 18 August 1993, amended and approved by Transitional National Resolution No.59 of 3 May 1994, and signed into law by the president on 17 May 1994.
[78] . Sudanese Nationality Law 1993, sections 4, 7, 10, and 11.
[79] Ibid: Section 11(1)(d).

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relating to government adherence to Islamic legal principles, which do not recognize adoption in its modern form.[80]

In 1998 a new constitution was adopted, following a 1997 peace agreement between the government and the Sudan People's Liberation Movement (SPLM). It was drafted through a process that allowed for some public debate, though the final version was closely edited by the executive. The TNA became an elected National Assembly, and the NIF created the National Congress Party, headed by President Bashir, as its formal political arm and the only legally recognised party in the country. The constitution represented a step towards a more inclusive idea of nationality, in particular by removing gender discrimination in nationality by descent - a reflection of Dr. Turabi's relative accommodation to calls for greater recognition of women's rights, compared to other Islamist leaders. Article 22[81] provided that:

Everyone born of a Sudanese mother or father has the inalienable right to Sudanese nationality, its duties and obligations. Everyone who has lived in Sudan during their youth or who has been resident in Sudan for several years has the right to Sudanese nationality in accordance with the law.

This provision was not, however, translated into an amended version of the 1994 nationality law, which continued to discriminate on the basis of gender. The civil war resumed, however, with brutal effects, exacerbated by efforts to exploit oil deposits discovered in the south; peace negotiations resumed in 2002 and finally brought the war to an end in 2005, with the adoption in Kenya of the Machakos Protocol, outlining the terms of a peace treaty, and subsequently a detailed Comprehensive Peace Agreement (CPA).[82] The CPA provided for a five year transition period, during which the south would have a degree of autonomy, followed by a

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[80] Nasredeen Abdulbari, "Citizenship Rules in Sudan and Post-Secession Problems", Journal of African Law Vol.55, No.2, 2011, pp.157-180.
[81] Nasredeen Abdulbari, "Citizenship Rules in Sudan and Post-Secession Problems", Journal of African Law Vol.55, No.2, 2011, pp.157-180.
[82] Ibid

referendum on independence. Meantime, however, a further rebellion had broken out in 2003 in Darfur, in the west of northern Sudan.

2.8 The CPA and the Secession of South Sudan

The 2005 Comprehensive Peace Agreement provided that the people of South Sudan have the right to self-determination.[83] This right was enshrined in the interim constitutions for Sudan and the territory of Southern Sudan that followed the peace agreement. In relation to Sudanese nationality during the five-year transitional period before the referendum on independence, the Interim National Constitution of Sudan 2005 repeated the gender-neutral rules of the 1998 constitution for the transmission of nationality to children, and explicitly allowed dual nationality, but delegated rules on naturalisation to legislation. In particular, Article 7(2) states that every person born to a Sudanese mother or father shall have an inalienable right to enjoy Sudanese nationality and citizenship.

The 1994 Sudan Nationality Law was also amended in 2005, in response to the CPA and the adoption of the Interim National Constitution, and for the first time gave the child of a Sudanese woman and foreign father the right to apply for nationality (although not the automatic conferral of nationality by operation of law, as for the child of a Sudanese father). Article 7 of the 2005 Interim National Constitution of Sudan:[84] (1) Citizenship shall be the basis for equality of rights and duties for all Sudanese; (2) that every person born to a Sudanese mother or father shall have an inalienable right to enjoy Sudanese nationality and citizenship; (3) The law shall regulate citizenship as well as naturalization; no naturalized Sudanese shall be deprived of his/her acquired citizenship except in accordance with the law; (4) A Sudanese national/ citizen may acquire the nationality of another country as shall be regulated by the law. The 2005

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[83] The 2005 Comprehensive Peace Agreement
[84] The 2005 Interim National Constitution of Sudan, article 7

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amendment added a new subsection (3) to Section 4 of the Nationality Act, to provide that [85]: A person born to a mother who is a Sudanese by birth shall be eligible for the Sudanese nationality by birth provided that he or she submits an application to become a Sudanese national by birth.[86]

The Interim Constitution for Southern Sudan, meanwhile, and the legislation establishing the eligibility for individuals to vote in the referendum on the independence of South Sudan provided two parallel definitions for the 'people of South Sudan',[87] one based on ethnicity, thus permitting people of southern origin or descent resident in the north — whether displaced by the war, or employees in the Sudanese state or economy — or in other countries to vote; the other on residence, thus allowing those (many fewer in number) people of northern origin or descent resident in the south to be heard also. It stated: For purposes of the referendum, a Southern Sudanese is else therefore (a) any person whose either parent or grandparent is or else was a member of any of the indigenous communities living in Southern Sudan before or on January 1, 1956; or whose ancestry can be traced through agnatic or male line to any one of the ethnic communities of Southern Sudan; or (b) any person who has been permanently residing or whose mother and/ or father or any grandparent have been permanently residing in Southern Sudan as of January 1, 1956. The Southern Sudan Referendum Act 2009 repeated these provisions in very similar language, but removed the reference to agnatic (patrilineal) descent, providing that: [88] The voter shall meet the following conditions: 1) be born to parents both or one of them belonging to one of the indigenous communities that settled in Southern Sudan on or before the 1st of January 1956, or whose ancestry is traceable to one of the ethnic communities in Southern Sudan; or, 2) be a permanent resident, without interruption, or any of whose parents or

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[85] Nasredeen Abdulbari, "Citizenship Rules in Sudan and Post-Secession Problems", Journal of African Law Vol.55, No.2, 2011, pp.157-180.
[86] The Southern Sudan Referendum Act 2009
[87] The 2005 Interim National Constitution of Sudan, article 7
[88] The Southern Sudan Referendum Act 2009

grandparents are residing permanently, without interruption, in Southern Sudan since the 1st of January 1956.[89]

The other criteria are: 3) have reached 18 years of age; 4) be of sound mind; 5) be registered in the Referendum Register. Similar criteria are provided for the referendum on the status of Abyei: see further below. The first set of criteria reflects an understanding of nationality based on descent and ethnicity. The second set expands this understanding in line with the existing provisions of the Sudanese nationality law, to include people who are or have been permanently resident in the territory, providing an important non-discriminatory basis for recognition as a voter in the South Sudanese referendum and future citizen: 'northerners' resident in the South were accepted as having a voice.

The question of how the people would be allocated the nationality of either the Republic of Sudan (RoS) or the Republic of South Sudan (RoSS) following independence of the South was supposed to have been resolved in negotiations between the National Congress Party government of Sudan and the SPLM administration of Southern Sudan in advance of the referendum on independence, which took place on 9 January 2011; or, at the latest, before the 9 July 2011 official independence of the RoSS after the positive referendum vote.[90] Extensive suggestions to resolve the question of nationality of those who might have a claim to belong to either state were made to the parties by expert advisers working with the office of the UN High Commissioner for Refugees and the African Union (AU) High Level Implementation Panel led by former president Thabo Mbeki of South Africa. However, the parties failed to reach any

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[89] Nasredeen Abdulbari, "Citizenship Rules in Sudan and Post-Secession Problems", Journal of African Law Vol.55, No.2, 2011, pp.157-180.
[90] Ibid

agreement.[91]From the outset, Southern Sudan has invoked the fact that it was under British colonization administered differently from the rest of Sudan to support its claim to self-determination.

2.9 Conclusion

In summary nationalism and ethnicity in Africa has revealed that both are the result of the transformations brought about by colonialism and are therefore relatively modem.[92] If ethnic groups in Africa are not more 'traditional' or 'authentic' than the nation-states inherited from colonialism, then, the assumption that underlies proposals towards ethno-national adjustment of Africa's boundaries, that is, that they would more appropriately reflect traditional or indigenous identities, appears to be unfounded or at any rate logically unsustainable. Again, this is not to deny the validity or potency of ethnic claims. After all, the fact that people themselves believe and uphold such identities and act accordingly is what matters. The discussion here is that it may be careless to offhandedly dismiss claims made by peoples who might not be able to prove their ethnic antecedents in an obvious way. Indeed, although this might not be their intent, proponents of the ethno-nationalist thesis seem to cast aside as unfounded claims made by groups not considered to be 'true' nations.

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[91] Nasredeen Abdulbari, "Citizenship Rules in Sudan and Post-Secession Problems", Journal of African Law Vol.55, No.2, 2011, pp.157-180
[92] Connell, Dan, 'Eritrea: Starting from Scratch', Review of African Politieal Economy, Vol. 22, No. 66, December 1995, pp. 587-92. Connell, Dan, 'New Challenges in Postwar Eritrea,' Eritrean Studies Review, Vol. 2, No. 1, Spring 1997, pp. 129-59.

CHAPTER THREE

SECESSION AS A CAUSE OF ETHNIC CONFLICT: A CASE STUDY OF THE SUDAN

3.1 Introduction

From Chiapas to Chechenya, from India to Indonesia and from Algeria and Angola to Afghanistan, the world is witnessing a return to the 'cult of origins' where difference often means destruction, destitution, despair and death.[93] This was most graphically illustrated in the killing fields of Rwanda in 1994 where almost one million Tutsis and moderate Hutus were killed. Ironically the Rwandan genocide took place at a time when South Africans were freeing themselves from the last vestiges of apartheid and where differences were exalted in the notion of a 'rainbow nation'. This irony, however underscores an underlying truism - that the politics of identity can be both benign and malign. Thus according to Richard Davies,[94] as with other forms of identity, ethnicity provides a sense of belonging and a way of knowing 'who we are'. This enables identification with other individuals of a similar background, something which it can be argued is essential to the security of the individuals. This sense of community may be of increasing importance in an age of bureaucratization and impersonal mass societies, and a world of political alienation and isolation'.

At the same time, the consequences of narrow ethnocentric nationalisms and sub-nationalisms is clearly evident in the from the killing fields of Kosovo to the highlands of Kenya. This is further underlined by the number of armed conflicts for self- determination which has so plagued the twentieth century. The potential for further armed secessionist groups is also seen by the fact that the world is actually divided into 5000 distinct ethnic groups and that only about 9.1

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[93] Lake, D.A. & Rothchild, D. 1996. Containing Fear: The Origins and Management of Ethnic Conflict. International Security, 21(2):41-75.

[94] Rupesinghe, K. and Anderlini, S.N. 1998. Civil Wars, Civil Peace: An Introduction to Conflict Resolution. London: Pluto Press.

percent of independent states are ethnically homogenous.[95] In Africa, this situation is worse that in most other parts of the world where the legacy of arbitrarily that is drawn boundaries gives rise to situations like the Democratic Republic of the Congo where over approximately 250 ethnic groups exist[96] The challenge then for both policy-makers as well as academics is how to transform the politics of identity along more mild routes from violence and exclusion to peaceful co-operation and accommodation.

3.2 Secession as a Method of Conflict Management

Secession is an extreme means of conflict management and for this reason is frequently either not considered as an option for conflict management, or is considered a last resort. However, some of the ethnic conflicts have actually been managed - with varying degrees of success, by allowing one of the ethnic groups involved to secede. These include the independence won by Lithuanians, the Eritreans and also the Ukranians.[97] Secession may therefore be considered a solution when the costs of secessionist civil war outweigh the benefits of maintaining the current state boundaries. Secession may also be considered viable when the separation of the multi-ethnic state will result in the creation of two homogenous areas, which are more likely to be more governable than the original region. Secession also does appear as an attractive option when it permits a group to escape oppression by receiving self-government.[98]

Athough secession can be considered as viable option in the management of some ethnic conflicts, there are also different disadvantages related to secession. First, it is not always easy to establish exactly which group and territory should form the new state. The seceding area is

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[95] Woodward, P. 1993. A New Map of Africa? Relection on the Horn. Africa Insight, 23(1):6-16.
[96] Ibid: 17.
[97] Gurr, T. R. 1995. Transforming Ethno-political Conflicts: exit, autonomy, or access. In Conflict Transformation, edited by K. Rupesinghe. New York: St Martin's Press.5
[98] McGarry, J. & O'Leary, B. 1994. The Political Regulation of National and Ethnic Conflict. Parliamentary Affairs, 47(3):94-115. 98

likely to contain its own minorities which actually means that secession may lead to new ethnic conflicts if these minorities do not support the secession of the region. Secession can also, oftenly, produce violence, and may even exacerbate the original situation. Secession may do nothing more than change an intra- state conflict into a conflict between two independent neighboring states. A third problem is that secession can and does oftenly, lead to the establishment of a state which is not economically viable, or may diminish or eliminate the economic viability of the existing state.[99] Another problem regarding secession is that there are international principles that can be appealed to by both the secessionists, and those wishing for the state to remain united. The international system includes principles of statehood and the sovereignty of states; though it also includes principles regarding self- determination.[100] In the context of Africa, the Organization for African Unity's decision to support the maintenance of the boundaries of states as they were at the end of colonialism makes it difficult for ethnic groups to secede.

The only African state to have come about through secession from another African state is Eritrea which seceded from Ethiopia in 1993. Eritrea argued that its demand for independence was not in contradiction with the OAU's decision to interpret decolonization as being self-determination, and thus not to allow states which did not exist in the colonial era, to come into existence.[101] Eritrea had been administered separately from Ethiopia and had been colonized by Italy whereas the rest of Ethiopia had been colonised by Britain. The two colonies were only formally united in 1952. Thus Eritrea could argue that it was an ex-colony and should be awarded independence. While secession did bring some abatement of ethnic conflict in the

[99] An-Na'im, A.A. 1991. The National Question, Secession and Constitutionalism: the mediation of competing claims to self-determination. In State and Constitutionalism: An African Debate on Democracy, edited by I.G. Shivji. Harare: South African Political Economy Series Trust. 109
[100] Richmond. O.P. 1999. Mediating Ethnic Conflict: a task for Sisyphus? Global Society, 13(2):181-205.
[101] Mayall, J. 1999. Sovereignty, Nationalism, and Self-determination. Political Studies, 47:491-492.

region, Ethiopia and Eritrea are currently engaged in conflict with each other, which suggests that the secession of Eritrea did not provide a permanent solution to the ethnic conflict in the region.

Secession has been suggested as a solution to inter-clan conflict in Somalia. While almost all Somalis come from the same ethnic background, the conflicts between the different clans mirror similar conflicts between ethnic groups in other states. In 1991 the northern region of Somalia declared itself the independent state of Somaliland. Thus far the Republic of Somaliland has not been recognised internationally, but it could present a similar argument for secession as Eritrea as it was administered separately from the rest of Somalia during the colonial era. The British colony in Somaliland and the Italian colony in Somalia were only united at independence in 1960.[102] Since independence the region has experienced ongoing inter-clan conflict, culminating in the collapse of the state in 1991. Somaliland has been relatively been set up in Somalia, but no mutually acceptable decision has been made between Somalia and Somaliland regarding the future of Somaliland.[103]

Secession has been proposed as a solution in other African states including Sudan, Nigeria and Morocco. Although secession is undeniably an extreme response to ethnic conflict, it cannot be ignored just because it is extreme. Extreme conflicts may at times require extreme solutions and the OAU would do well to reconsider its stance on secession.

3.3 Traditional Ethnic Conflict Management Strategies

Throughout the African history, there have been conflicts among competing groups which necessitated the development of techniques of conflict management. Pre-colonial methods of conflict management have often been disregarded in attempts to resolve contemporary ethnic

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[102] Ofcansky, T. 2000. Somalia: recent history. In Africa South of the Sahara 2000. London: Europa Publications. 1024
[103] IRIN. 2001. IRIN Guide to the Somali National Peace Conference. Forwarded by e- mail.

conflicts in Africa. Hitherto the history of Africa tells us of many circumstances where people of different ethnic groups lived together in relative peace,[104] this means that there were successful ethnic conflict management processes in existence years ago. In managing ethnic conflicts today, it may be useful to reconsider these traditional techniques of conflict management which may prove far more useful in the current situations than Western models of conflict management.

A good example of the possibility of using traditional mechanisms to manage modern conflict may be seen in the management of conflict in Somalia. There being inadequate understanding regarding Somali traditions, is a reason for the poor progress of external mediators of Somali ethnic conflict, as well as an examination of the traditional politics in Somalia has been put across as being useful for the permanent resolution of conflict in Somalia.[105] In the Somali history, clans have competed as well as occasionally engaged in violent inter-clan conflicts, except that there was no permanent domination of one clan over the others.[106] Traditional processes of mediation between clans involved councils of elders called the 'guurti' who arbitrated between clans. These traditional councils have often been involved to some extent in resolution of the violent conflicts in Somalia, especially in Somaliland.

Although traditional leaders have been important in effective conflict management, the use of traditional methods of conflict management is arguably no longer single handed the only method of focus in many African states because of the erosion of culture in Africa, and the manipulation of traditional systems by self-seeking dictators.[107] However, though this may be true to some degree, the erosion of culture and tradition in African states cannot be seen to

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[104] Ihonvbere, J.O. 1994. The 'irrelevant' state, ethnicity, and the quest for nationhood in Africa. Ethnic and Racial Studie Laitin, D.D. 1999. Somalia: civil war and international intervention. In Civil Wars, Insecurity and Intervention, edited by B.F. Walter and J. Snyder. New York: Columbia University Press. s, 17(1):44-60: 53
[105] Adam, H. 1995a. Clan Conflicts and Democratization in Somalia. In Ethnic conflict and Democratization in Africa, edited by H. Glickman. Atlanta: The African Studies Association Press.
[106] Ibid
[107] Laitin, D.D. 1999. Somalia: civil war and international intervention. In Civil Wars, Insecurity and Intervention, edited by B.F. Walter and J. Snyder. New York: Columbia University Press. 106

entirely invalidate the usefulness of traditional methods of ethnic conflict management. Traditional leaders that use these traditional methods of conflict management have proven to be successful where other ethnic conflict management methods have failed and the co-operation of traditional leaders in all ethnic conflict management strategies should therefore be encouraged so as to give legitimacy to these strategies.

3.4 Merits and Perils of Managing Ethnic and Secessionist Conflicts

Among the strategies aimed at preventing, managing, and settling internal conflicts in divided societies, territorial approaches have traditionally been associated in particular with self-determination conflicts. In the way in which the term, used, these are conflicts in which territorially concentrated identity groups demand to exercise a greater degree of self-governance in the territory in which they reside. Crucially, the identity of these groups and their members is, in part, derived from association with this territory, to which they would normally refer as a homeland. Not only are such groups are more likely to demand self-determination[108] but they are also more prone to be engaged in violent conflict in its pursuit.

Situations in which ethnic groups demand self-determination (by violent means or not) occur very frequently and across all continents. According to Quinn,[109] since the end of the Second World War alone, 'territorially concentrated ethnic groups have waged armed conflicts for autonomy or independence, not counting the peoples of former European colonies' By 2006 there were twenty-six ongoing violent self-determination conflicts, as well as fifty-five ethnic groups who pursued their self-determination agenda with non-violent means and an additional forty groups that used both non-violent and violent means. Thus, at the beginning of the twenty-

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[108] Toft, M. and Saideman, S.M. 2010. Self-determination Movements and Their Outcomes, in J.J. Hewitt, J. Wilkenfeld, and T.R. Gurr (eds) Peace and Conflict 2008, Boulder, CO: Paradigm Publishers, 39-50.
[109] Quinn, D. (2008) 'Self-determination Movements and Their Outcomes', in J.J. Hewitt, J. Wilkenfeld, and T.R. Gurr (eds) Peace and Conflict 2008, Boulder, CO: Paradigm Publishers, 33-8.:33

first century there are more than 120 territorially concentrated ethnic groups worldwide that seek a greater degree of independence from their host state, with demands ranging from cultural and territorial autonomy to secession, leading either to independent statehood or unification with another state. Once violence has broken out in such conflicts fought over territory, the initiation of peace negotiations is significantly less likely as are government concessions.[110]

While violence is not uncommon in territorial disputes, it is not, however, inevitable nor does it always occur at the scale of all-out civil war. The dissolution of the Soviet Union occurred without violence—even though it triggered violence in a number of successor states clearly related to territorial self-determination disputes, such as in Moldova and Georgia . The 'velvet divorce' of Czechoslovakia happened without violence, and the subsequent dispute in Slovakia (about the status of the country's ethnic Hungarian minority) did not escalate into large-scale violent conflict. Canada and Belgium offer two other examples of how territorial self-determination disputes can be managed in ways that avoid violent escalation, while in Russia and Spain the track record of peaceful accommodation of territorially-anchored self- determination movements is more mixed: compare the Basque Country to Catalonia, or Tatarstan to Chechnya.

Regardless of whether there is an escalation to violence, conflicts in which territory is at stake present formidable policy challenges to the governments of states in which they occur. Undoubtedly, these challenges are more significant after prolonged civil war, yet territorial institutional accommodation is a feature of most solutions adopted for such territorial self-determination conflicts irrespective of the degree of violence. Hence, focusing on the range of territorial institutional designs adopted across a wide range of territorial self-determination conflicts can offer a very useful perspective on the designs available and the conditions under

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[110] Walter, B.F. (2003) 'Explaining the Intractability of Territorial Conflict', International Studies Review, 5(4): 137-53.

which they are likely to prove useful tools for settling the conflicts they are meant to address. Territorial accommodation in management of ethnic conflict has therefore been the subject to much scholarly debate. Yet, the academic community is deeply divided over the issue whether territorial approaches to conflict resolution in divided societies offer appropriate mechanisms to keep or restore peace while preventing the break-up of an existing state. For example, Cornell[111] in his analysis of ethnic conflicts in the Caucasus argues that the 'institution of autonomous regions is conducive to secessionism', a point that Roeder[112] made more than a decade earlier in relation to Soviet ethno-federalism and later reiterated in a broader empirical study, in line with similar findings by Hale[113] and Treisman[114]. While these authors are thus highly skeptical of territorial approaches to resolve conflicts, arguing that rather than being a cure, territorial approaches induce conflict, others have presented empirical evidence to the contrary.

In the following, the study discusses the two volumes under review here in turn by focusing on their main argument in relations to the query of whether territorial accommodation is a viable strategy for conflict management. Whilst neither of them offers a conclusion to the debate over the merits of the territorial approaches to conflict management, all of them do provide complicated answers to some of the important questions continuously raised in the debate and all have important potentiality in informing its policy dimension and shape future research.

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[111] Cornell, S.E. (2002) 'Autonomy as a Source of Conflict: Caucasian Conflicts in Theoretical Perspective', World Politics, 54(2): 245-76.: 252
[112] Roeder, P.G. (1991) 'Soviet Federalism and Ethnic Mobilization', World Politics, 43(2): 196-232. And Roeder, P.G. (2007) Where Nation-States Come From: Institutional Change in the Age of Nationalism. Princeton: Princeton University Press.
[113] Hale, H.E. (2004) 'Divided We Stand: Institutional Sources of Ethnofederal State Survival and Collapse', World Politics, 56: 165-93.
[114] Treisman, D.S. (1997) 'Russia's "Ethnic Revival": The Separatist Activism of regional Leaders in a Postcommunist Order', World Politics, 49(2): 212-49.

Dawn Brancati's works on ethnic conflict and secessionism is important to this study. poses the question why is decentralization more successful in reducing ethnic conflict and secessionism in some democracies than in others and in her answers she differentiates clearly in different sets of conditions as well as timeframes which decentralization—conceptualized as federalism, meaning, systems of government under which central and sub-state governments have their different legislative competences - might prove a successful mechanism for addressing conflict within states.

* Theoretically, Brancati's[115] argument is grounded in constructivist theories of identity formation and rational choice theories of individual (leadership) political behavior. This allows the argument that it is not regional differences per se that determine the emergence of regional political parties but rather the structure of decentralization that creates incentives for politicians to mobilize voters by appealing to regional differences. Once created, regional parties, in Brancati's[116] view, tend to exacerbate, rather than reduce, ethnic conflict (inter-communal conflict) and secessionism (that is anti-regime rebellion) by creating regional identities, advocating legislation that threatens other regions in a country and/or regional minorities, and by mobilizing groups to engage in ethnic conflict and secessionism or supporting extremist groups that do.[117] Decentralization and ethnic conflict are thus connected through regional parties in a dynamic relationship: the structure of decentralization determines the degree to which regional parties are encouraged; and these parties then are said to have an incentive to promote conflict and secessionism.[118] Structure is particularly important in this context and has, according to

[115] Brancati, D. (2008) Peace by Design: Managing Intrastate Conflict through Decentralization Oxford University Press: Oxford.
[116] ibid
[117] Ibid
[118] Brancati, D. (2008) Peace by Design: Managing Intrastate Conflict through Decentralization Oxford University Press: Oxford.

Brancati, four dimensions— the regional distribution of national legislative seats, the number of regional legislatures, the procedure for electing the upper house, and the sequencing of regional and national elections.[119]

Brancati offers credible evidence in support of all these contentions in her three case studies and the statistical analysis, demonstrating that decentralization reduces anti-regime rebellion while regional parties increase it, and that the ability of decentralization to reduce anti-regime rebellion declines as the strength of regional parties grows[120], and that the same can be observed for the effect of decentralization and regional parties on inter-communal conflict. Subsequent instrumental variable regression, in combination with the process-tracing in the three country case studies, shows that the decentralization and regional parties have a strong, independent effect on ethnic conflict and secessionism, not vice versa.[121] Moreover, Brancati finds that decentralization strengthens regional parties electorally, especially if it is extensive, occurs in large regions containing compact ethnic groups and where elections to regional and national legislature are not held simultaneously.[122] Taking these findings together, the main point that can be derived from Brancati's analysis is that decentralization will initially always reduce conflict and secessionism, but that over time it may lose its utility to do so as regional parties grow in strength. In other words, the design of decentralization (whether it strengthens regional parties) is essential in determining the long- term conflict-reducing abilities of political decentralization.

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[119] Ibid : 56
[120] Brancati, D. (2008) The Origins and Strengths of Regional Parties British Journal of Political Science 38(1):176
[121] Treisman, D.S. (1997) 'Russia's "Ethnic Revival": The Separatist Activism of regional Leaders in a Postcommunist Order', World Politics, 49(2): 212-49.
[122][122] Brancati, D. (2008) The Origins and Strengths of Regional Parties British Journal of Political Science 38(1): 195

Through the broader statistical analysis Brancati is able to identify very specific factors that facilitate the electoral strength of regional parties, which, thus, in turn offers an explanation for the differential degree to which decentralization reduces or exacerbates ethnic conflict and secessionism. Knowledge of these factors, in turn, can be used to inform strategies of decentralization aimed at reducing conflict. While Brancati's overall finding is that decentralization increases the electoral strength of regional parties, this happens particularly when the regions are large and elections at regional and national level are not held simultaneously[123]. Moreover, non-concurrent presidential elections and congruence between regional and ethnic boundaries increase the vote for regional parties (as opposed to parliamentary systems), while cross-regional voting laws limit their success.

The detailed findings of both the statistical and case study analysis prompt Brancati to offer some concrete recommendations on how to design decentralization in order to reduce, rather than exacerbate ethnic conflict. This is a very worthwhile and commendable undertaking as it connects academic research with policy making on the one hand, and engages with long-standing debates among academics on the merits of decentralization as a mechanism for conflict management. What Brancati[124] recommends is not entirely new, but it is empirically informed rather than normatively driven. She concludes on the basis of her analysis that regions should be 'moderately and equally sized', that upper houses should not be elected by regional legislatures, that national and regional elections should be synchronized, and that cross-regional voting laws be introduced so that parties need to consider the interests of multiple regions and groups within

[123] Treisman, D.S. (1997) 'Russia's "Ethnic Revival" op cit., p.224
[124][124] Brancati, D. (2008) The Origins and Strengths of Regional Parties British Journal of Political Science 38(1):177

them in their political agendas[125]. At the same time, Brancati rejects partition and consociationalism as suitable strategies to manage intra-state conflict. Such sweeping conclusions will, of course, be challenged, not least on the basis of questioning whether decentralization systems along the lines advocated by Brancati would be seen as acceptable compromises by the very governments and self-determination movements at whom they are aimed. Such context-sensitive analysis would be vital to determine the viability of these general conclusions on a case-by-case basis. [126]

The more important contribution, that Brancati's volume therefore makes is to drive home a more general theoretical and empirical point about the impact of institutions for conflict management, namely that institutions have a broader range of consequences than is often foreseen in narrow, interest-driven bargaining between conflict parties. Demonstrating some of the potentially destabilizing consequences of decentralization are important as it can inform the judgment of negotiators and mediators in peace negotiations. It may not always change the outcome of these negotiations, but at the very least it should allow for some future contingency planning so that even poorly designed decentralization schemes need not lead to renewed violence.

3.5 Institutional Approaches Dispute Settlement

Focused on the negotiated settlement of civil wars, and thus broader in scope than Brancati's focus on decentralization as a mechanism of ethnic and secessionist conflict settlement, Caroline Hartzell and Matthew Hoddie share with Brancati a conviction of the importance of institutional design. This institutional approach to the resolution of civil wars emphasizes the need to look

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[125] Treisman, D.S. (1997) 'Russia's "Ethnic Revival": The Separatist Activism of regional Leaders in a Postcommunist Order', World Politics, 49(2): 229
[126] Ibid

beyond simply stopping the killing and encourages adversaries also to participate in constructing the institutional underpinnings of a lasting and self-enforcing peace.[127] Their main argument is that conflict settlements (after civil war) are the more stable the more they institutionalize power sharing and power dividing across four dimensions—political, economic, military, and territorial. In particular, Hartzell and Hoddie seek to broaden the range of institutional options available to stabilize peace by dividing, rather than sharing, power among former adversaries.[128] And it is in this area that territorial approaches to conflict settlement figure prominently as territorial autonomy can be very reassuring to groups that seek an extra measure of distance and thus protection from those with whom they have so recently been fighting.[129]

This is not dissimilar to a notion of separation that was, controversially, propagated a decade earlier by Chaim Kaufmann who argued that the stable resolutions of ethnic civil wars are possible, but only when the opposing groups are demographically separated into defensible enclaves.[130] But while Kaufmann emphasized separation as the ultimate remedy after civil war, Hartzell and Hoddie argue for it to work in conjunction with other mechanisms of political, economic, and military power sharing. The combination of different mechanisms is important as different dimensions of power-sharing or power-dividing institutions have the potential to reinforce one another. Again, the territorial dimension is seen as pivotal here as it may be used to reduce the possibility of competition among rival groups in societies that are divided by enabling collectiveness to rise within its own state bureaucracies and educational systems and as this, in turn, is likely to be reinforced if a settlement requires economic power-sharing measures that

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[127] Hartzell, C. and Hodie, M. (2003). "Institutionalizing Peace: Power Sharing and Post- Civil War Conflict Management". American Journal of Political Science 47: 7
[128] Ibid:40
[129] Ibid
[130] Kaufmann, Chaim. (1996) 'Possible and Impossible Solutions to Ethnic Civil Wars', International Security, 20 (4), 136-175:137

guarantee the allocation of resources to the same group that has been granted territorial autonomy.[131]

Hartzell and Hoddie[132] conceptualize the creation of multiple power-sharing and power-dividing institutions across the four dimensions of state power (political, military, economic, and territorial) as a highly institutionalized negotiated settlement [133]and argue that the higher the degree of institutionalization, that is, the more of the four dimensions of state power are shared and/or divided among former adversaries, the lower the risk of a return to civil war. Further additional analysis focused on the impact of individual aspects of power-sharing and power-dividing arrangements suggests that among all four dimensions of state power control over territory is particularly significant as there is some statistical evidence that designing a negotiated settlement or negotiated agreement to include these institutions lowers the risk of a return to war. However, Hartzell and Hoddie caution against an over-optimistic reliance on territorial power sharing and admit that they have no sound theoretical reason to break down their analysis of highly institutionalized settlements into their component parts.[134]

While the authors correctly acknowledge that implementing territorial power sharing and power dividing may not be feasible in conflicts in which groups are not associated with a particular territory[135], the question that could have been addressed is the extent to agreement on, and implementation of, territorial power sharing and power dividing is significant for the preservation of peace in all those cases where control over territory was at stake in the conflict.

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[131] Ibid
[132] Hartzell, C. and Hodie, M. (2003). "Institutionalizing Peace: Power Sharing and Post- Civil War Conflict Management". American Journal of Political Science 47: 318-332
[133] Ibid 41-2
[134] Ibid: 155-6
[135] Ibid: 169

Creating such a sub-set of cases would have also been valuable from the perspective of providing more context-sensitive policy recommendations.

Nonetheless, as with Brancati's volume on decentralization, Hartzell and Hoddie's work lends itself to drawing practical conclusions about how to ensure that institutional designs enhance the chance for durable peace rather than promote future conflict. Hartzell and Hoddie offer two sets of pertinent recommendations aimed at the international community and its efforts to help local conflict parties make and sustain peace. The first is about the timing of international interventions which should happen only once local conflict parties have come to realize that military victory is unattainable. Well-timed interventions need not mean longer-time inaction, rather there is also an imperative to limit the numbers of casualties, as higher intensity is associated with lower likelihood of highly institutionalized negotiated settlements. Finally, the deployment of peace-keeping forces is a factor that is also conducive to achieving the kinds of settlements Hartzell and Hoddie advocate, precisely because they offer former combatants a sense of security in which committing to various power-sharing and power-dividing institutions is less risky.[136] The second set of recommendations pertains to cautioning against the imposition of settlements and advocating building local parties' capacity to understand the value (and range) of multiple power-sharing and power-dividing institutions as crucial for achieving long-term peace and stability.[137]

3.6 Conclusion

The two volumes discussed in the latter part of this chapter are key in management of the secessionist conflicts,, that different conditions shape settlement stability over time. Factors that

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[136] Hartzell, C. and Hodie, M. (2003). "Institutionalizing Peace: Power Sharing and Post- Civil War Conflict Management". American Journal of Political Science 47: 155-170

[137] Ibid 156

lead to successfully completed negotiations are not necessarily the same that facilitate successful implementation and enable long- term stability of the operation of a settlement. In other words, skilled negotiators (local leaders) and mediators (external third parties) may reach a bargain over institutional design, but without adequate resources, often supplied externally, the full implementation of negotiated settlements is often impossible. Moreover, while negotiation and implementation phases of settlements often require a more forceful and determined external approach, longer-term 'over-involvement' of third parties is unlikely to generate the conditions of self-sustaining peace. This does not mean that external actors should completely disengage, but it begs the question, in cases like Bosnia, whether the kind of settlement agreed in Dayton would be sustainable without any international presence.

Thus, in terms of guiding further research into the stability of secesionist settlements for ethnic conflicts, the role, nature and impact of leadership, diplomacy and institutional design need to be analysed across time (from negotiation to implementation and through to operation of settlements) and in terms of how they operate at local, regional and global levels of analysis. This is most likely going to be a task best accomplished by a comparative case study approach, and the case studies offered by Brancati, and Hartzell and Hoddie volume indicate that this is indeed a promising avenue to the further understanding about the viability of secessionist conflicts.

CHAPTER FOUR

SECESSION AS A CAUSE OF ETHNIC CONFLICT: A CRITICAL ANALYSIS

4.1 Introduction

In recent years secession has received belated, though abundant, scholarly attention - an attention which has obviously increased in the 1990s. Even though some scholars had dealt before with related phenomena, the first low-key attempt to formulate coherent theoretical perspectives of secession appeared in the 1970s from several disciplinary angles.'[138] The first attempts of systematic comparisons in former colonial areas, were notably in Africa and Asia, while scholars such as Donald Horowitz was possibly the first to conduct a wide-ranging comparative investigation of ethnic conflict, in which secession: as analyzed in previous chapters in detail, is one of the possible outcomes. The morality of secession also began to be questioned in political philosophy. In general, these early works were conceived in the framework of wider scholarly endeavours, and hence were often less than systematic.

On the other hand, the literature on 'self-determination' was more extensive, but it concentrated primarily on former colonial countries. Finally, the' discovery' of nationalism (and, hence, secession) in inter-national relations just about preceded the collapse of communism. Most international relations theorists, such as James Mayall, took the view that the international system had placed permanent restraints on the possibility of secession, failing to contemplate that until 1989 such a world order was a by-product of the Cold War and hence was far from being a long-term solution.[139] This may suggest that, state-centered bias of the discipline, international relations is inescapably a late-comer to the socio-political developments of its times. However,

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[138] Taras, R.C., & Ganguly, R. (2002). Understanding ethnic conflict: The international dimension . New York: Longman
[139] James Mayall, Nationalism and International Society (Cambridge: Cambridge University Press, 1990).

the study of secession began really to take off after the break- up of ex-Communist multinational states, generating a veritable industry. The post-Cold War literature included contributions from several theoretical and disciplinary angles, ranging from rational choice theory to peace studies and moral philosophy.[140] In the last of these areas, the focus on the 'legitimacy' of secession also dealt with its causes and raison d'etre, thus containing both a prescriptive and an analytical dimension. A typology of possible ways of 'regulating' ethnic conflict has also been delineated for us. This brackets secession with 'partition', and presents both in the framework of self-determination as a political principle. [141]

4.2 Emerging Issues

4.2.1 Issues of Boundary Adjustments in Africa

The first argument of those in favor of the idea of boundary adjustments in Africa is to show that maintaining Africa's international boundaries has created much insecurity. Weak states states like in Liberia, extensive genocide, Somalia,, and about 100 coups since 1950 point to a weak system of boundary monitoring and management. No continent on earth has suffered more bloodshed arising from territorial disputes than Africa.[142]

Nation-building is difficult to achieve in Africa because most states are multi-national. Nations also extend across interstate boundaries. This mismatch between nations and states is one of the factors contributing to civil war, instability, and genocide in many African states.[143] The largest refugee movements in the world which is in Africa occur because of nationalities that

[140] Michael Hechter. 'The Dynainics of Secession', Acta Sociologica, Vol.35 (1992), pp.267-83; Robert A. Young, 'How do Peaceful Secessions Happen?', Canadian Journal of Political Science, Vol.27, No.4 (1994), pp.773-92;
[141] John McGarry and Brendan O'Leary (eds.), The Politics of Ethnic Conflict Regulation: Case Studies in Protracted Ethnic Conflict (London: Routledge, 1993), p.12.
[142] Griggs, R. A. (1995b), 'African Boundaries – Reconsidered,' Internationales Afrikaforum, 31, 1: 56-62.
[143] Griggs, R. A. (1995a), 'Boundaries and War in Africa in 1995,' Boundary and Security Bulletin, 3, 1: 77- 80.

resist absorption or ethnic groups that seek to rule the others for example the Hutus who fled Rwanda and Burundi or the Tuareg of Mali.

Poorly-designed boundaries also limit access to resources vital for development. Through the luck of the European pen, some states are vastly wealthy in terms of land and resources (such as Democratic Republic of Congo) but others are just small to be independently viable (the seven micro-states: Burundi, Rwanda, Swaziland, Lesotho, Gambia, Djibouti, Equatorial Guinea). Fifteen landlocked states are disadvantaged in trade because the tariffs and red-tape required to access sea-transport reduces the value of exports.

The economic expenses of Africa's boundary problems are beyond measure although certainly exceed the expenditures on development. The purchase of armaments is the equivalent of foreign aid (some US$15 billion per year in sub-Saharan Africa). Expensive border patrols and refugees place an additional strain on state economies. In South Africa, three to six million illegal aliens are draining the economy and slowing development. As a result, 700 million rand (c.US$155m) of the annual budget is now being spent on border protection in terms of patrols, electric fencing and deportations. Add to that the competition for resources and one can easily see that the cost is many billions of rands. The political, cultural, and economic mayhem related to Africa's political geography led Nigeria's political scholar and Nobel prize-winner Wole Soyinka to state that Africa should sit down with a square-rule and a compass and redesign the boundaries of African states.[144]

Newly designed states may perhaps provide better access to resources such as land to relieve population pressures, more sensible divisions among ethnic groups as well as speed up development. For instance, Walvis Bay became the central point of Namibian development after

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[144] Economist (1994), 'Redrawing Africa's Borders,' The Economist, 10 September 1994: 14.

South Africa's 1994 cession.[145] The need for the adjustment boundaries may be less questionable than whether it can be done given existing political interests, the official policy of the AU, and the volatile issue of redistributing resources along with power. Definitely a sensitive and paced response is required. This is the reason why 'regionalization' is often suggested as the real companion of an African renaissance – to soften the boundaries amid states rather than changing them. Fortunately, getting solutions to boundary problems is not a zero-sum game. Indeed either redrawing boundaries or the pooling together of resources across boundaries to even out development. The essentials to these solutions included active boundary monitoring and assessment guided by a long-term vision for Africa. Proper planning is not just the formal drawing of immobile lines in the dirt. A number of bounded spaces may emerge over time ranging from city-states to confederations based on the practical needs of the historical moment.[146]

An important step toward making boundaries mobile and responsive to African needs is to establish an African boundary institute composed of regional specialists and geographers who can centralize information on African boundary problems, assess problems, and help to arbitrate disputes. It should be seen as the geographic equivalent of a reconciliation commission, except the focus is on the spatial structure of Africa's states.

4.2.2 The Recognition of Ethnic Secessionist Movements

The role that international perceptions of ethnic divisions play comprises another important dimension of this study. Obviously, ethnic divisions are sharp within Sudan. Through an appraisal of the concept of ethnicity, insights are gleaned on the unique situation existing in the

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[145] Moseley, W. G. (2012). Azawad: The latest African border dilemma. Al Jazeera English . Accessed 20 April 2012. http://www.aljazeera.com/indepth/ opinion/2012/04/20124149184982408.html.
[146] Leonardi, C. (2011). Paying 'buckets of blood' for the land: Moral debates over economy, war and state in Southern Sudan. Journal of Modern African Studies , 49 (2), 215-240.

South Sudan. In particular, it was the imposition of an Arab, Islamic identity by the government in Khartoum that caused decades of alienation among many Sudanese living in the South who primarily thought of themselves as African and either Christian or belonging to traditional African religions.[147] International perceptions of ethnicity perhaps explain why secession was ultimately the inevitable result of the tensions in Sudan, but it should be questioned whether or not ethnic dimensions played a role in South Sudan's recognition by the international community. Barbara Harff and Ted Robert Gurr[148] provide a comprehensive theoretical background for the concept of ethnicity and ethnic conflict. They characterize ethnic conflicts as a manifestation of the enduring tension between states that want to consolidate and expand their power and ethnic groups that want to defend and promote their collective identity and interests. They see a tension between the legal recognition of a state by the international community (which confers upon a state almost the status of personhood) and the various ethnic minorities that comprise the populations of these states. Furthermore, the international legal recognition for ethnic groups often pales in comparison to that afforded to states. Harff and Gurr characterize this as groups, thus, have no legally recognized independent status apart from individuals or states[149].

Raymond C. Taras and Rajat Ganguly[150] have also contributed to the theoretical frameworks of ethnic identity and ethnic conflict. Particularly relevant to this discussion is their framing of the issue of ethno-secessionist movements. They argue that, in the past, the international community rarely heeded arguments for secession by various ethnic groups, but that these calls are being listened to with a greater frequency today. In particular, they

[147] Harff, B., & Gurr, T. R. (2004). Ethnic conflict in world politics (2 nd ed.). Boulder, CO: Westview Press
[148] Ibid
[149] Ibid : 179
[150] Taras, R.C., & Ganguly, R. (2002). Understanding ethnic conflict: The international dimension . New York: Longman.

demonstrate that a secessionist movement, in the eyes of others becomes more worthy of international support the most at-risk a minority is, the more serious its grievances are, and the more realistic, flexible, and accommodating its demands have been over time. However, these standards are hardly universalized across different ethnic groups struggling against governments that they deem as either intolerable or not representative of their culture and heritage. Often, the grievances of an ethnic group coalesce around an important political right—the right of self-determination. Calls for self-representation by ethnic groups are extremely common in the international community.[151]

According Taras and Ganguly that there may be a list of criteria the international community uses when deciding whether or not to recognize an entity. They engage the work of a political philosopher, Allen Buchanan, who identifies which cases of ethnic secessionism may be more likely to receive international attention. Basing their arguments off of Buchanan's theories of recognition, Taras and Ganguly[152] identify twelve cases in which secession may be deemed permissible by the international community. They include, defense for liberty; the promotion of diversity so as to safeguard liberty, it is in the interest of most liberal states to permit illiberal groups to secede; when the primary goals for the creation of a political union have become obsolete or rather irrelevant; when the right to secession is added in a constitution in order to attract new members, as well as at some later date a member reassesses its entry decision; escaping discriminatory redistribution at the hands of the existing state; the principle of Pareto optimality (if one person benefits and no one else loses anything, then it is justified); notion that

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[151] Ibid: 54
[152] Taras, R.C., & Ganguly, R. (2002). Understanding ethnic conflict: The international dimension . New York: Longman

every people is entitled to have its own state; preservation of a culture; self-defense; rectification of past injustices; and the disappearance of the fair play of the liberal system.[153]

This is an extensive of list of circumstances, and it is certain that not every scholar of ethnic conflict and separatism would necessarily agree with them. However, it provides a holistic framework for judging why the international community judges some secessionist movements as legitimate while others are merely stuck in a holding pattern, waiting for international recognition. These criteria are also applicable to the situation of South Sudan.

4.2.3 The Role of Geopolitics in Secessionist Conflicts in the Sudan

The role that the independent variable of geopolitics plays is examined to determine the interests the international community had in preserving peace throughout Sudan and Africa at large.[154] Since countries such as the United States had an integral role in preparing and negotiating the CPA, it is likely they were interested in seeing a peaceful Sudan. This section explains historical geopolitical attitudes toward intervention in Africa. Using this section and the case study of Sudan, it will be determined just how the international community came to see South Sudanese secession as inevitable to a stable Africa.

Herbst[155] notes how African nations faced international pressure to preserve their borders. For example, superpowers such as the United States pledged that they would not lend support to secessionist groups within Africa). It was a cornerstone of U.S. foreign policy to maintain the status quo in Africa in order to prevent chaos and disunity throughout the region. Neither the

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[153] Moseley, W. G. (2012). Azawad: The latest African border dilemma. Al Jazeera English . Accessed 20 April 2012. http://www.aljazeera.com/indepth/ opinion/2012/04/20124149184982408.html
[154] Carson, J. (2011). Transcript: The conclusion of the Comprehensive Peace Agreement: US perspectives and policy goals in Sudan. Chatham House . Accessed 26 April 2012
.http://www.chathamhouse.org/sites/default/files/public/Meetings
/Meeting%20Transcripts/070311carson.pdf
[155] Herbst, J. (2000). States and power in Africa: Comparative lessons in authority and   control . Princeton, NJ: Princeton University Press. P. 108

U.S. nor the U.S.S.R. involved themselves in any conflicts over disputed borders in Africa. African stability would become even further codified through decisions of the International Court of Justice, which declared in a border dispute between Mali and Burkina Faso that "because African states had decided to retain the colonial boundaries, the practices of the region must be respected despite the apparent conflict with the principle of the right to self-determination".[156]

Additionally, the international community often recognized official "authority" as residing within the traditional, colonial-era capitol cities of each country. This was largely a result of the urbanized majority of the African independence movement as was previously noted, but it also stemmed out of a desire from the great powers of the world to confer a degree of stability onto the continent by recognizing the African governments that replaced the colonial governments. Thus, as Herbst argues, ultimately the international system allowed leaders to have full legal control of the territories that were within their borders[157]. This would have a profound effect on the concept of legal command that Englebert noted; African leaders would gradually create inertia by deriving more and more power from the international community that recognized their states as sovereign.

When the government of Jaafar Muhammad Numeiri came to power in Khartoum in 1969, tensions eased between the North and the South. This led to an historic agreement in 1972 to give the south Sudan a sense of autonomy. While not fully independent, it could be said that the south Sudanese now possessed some degree of self- determination. This historic agreement established a self-governing, autonomous area in the south. Numeiri allowed Ethiopia to not only be the host of these peace talks but for its leader, Emperor Haile Selassie, to play the role of

[156] Moseley, W. G. (2012). Azawad: The latest African border dilemma. Al Jazeera English . Accessed 20 April 2012. http://www.aljazeera.com/indepth/ opinion/2012/04/20124149184982408.html.
[157] Ibid 135

mediator. Selassie's level of clout within the continent's political system allowed him to play an active role in the talks, something that Iyob and Khadiagala note was an unprecedented move in the resolution of African political crises[158]. Ethiopia had clear motives for seeing a resolution to the Sudanese crisis as "facing Eritrean secessionism, it was useful for Haile Selassie to support a peaceful resolution of the Sudan conflict within the context of unity and inherited boundaries".[159] Thus, talks of secession were unofficially deemed off the table as far as Ethiopia was concerned.

These talks eventually led to the 1972 Addis Ababa Agreement. This is the treaty that allowed the south to form the Southern Regional Government, which was the autonomous southern government. Obviously, this was not true secession, but rather the granting of certain southern demands in order to curb demands for a breakaway state. In several crucial ways, the Southern Regional Government remained reliant on the Khartoum government for necessary resources, such as the allocation of tax revenues. The Ababa Agreement also provided for conditions such as an amnesty program for rebels who wished to join the Southern Defence Corps, an amalgamation of northern and southern troops that would preserve order throughout the south. Despite the fragile nature of this autonomy, the south did enjoy a period when it had the ability to shape some of its own affairs.

However, tensions were bound to create a conflict in the future. The system implemented under the Ababa Agreement was one in which "the south became a sub-system of the Numeiri regime . . . an island of liberal democracy in an ocean of one party dictatorship and the personal rule of Numeiri . . . which lacked or was denied the economic power and resources to develop the region"[160]. Additionally, political and ethnic tensions within the new southern leadership allowed Numeiri to covertly curry favor with certain elements of the resistance and ultimately

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[158] Iyob, R., & Khadiagala, G. M. (2006). Sudan: The elusive quest for peace . Boulder, CO: Lynne Rienner. 85
[159] Ibid: 85
[160]Ibid: 86

diminish the "true" autonomy of the southern region. A variety of factors, prominent among them the discovery of oil in the Upper Nile region of Sudan, led Numeiri to dissolve the Southern Regional Government in 1981 and to abandon many of the tenets of the Ababa agreement.[161] As explained previously, these are the events that led to the birth of the Sudan People's Liberation Movement/Army (SPLM/A) in 1983.

Nevertheless, Numeiri's decision eventually came back to haunt him. Various conservative Islamic groups were not pleased with Numeiri's apparent "partitioning" of Sudan. Furthermore, he also deepened his own personal Islamic faith and soon became weary of the uneasy alliance between an authoritarian state in the North and a liberal democracy existing in the South's new autonomous region. Thus, Numeiri imposed reforms to slowly chip away at the South's autonomy. In particular, he strove to impose shari'a law throughout the country. The South responded by forming the Sudan People's Liberation Movement and the Sudan People's Liberation Army. The goal of this movement was "the creation of a new, secular, democratic, and pluralistic Sudan"[162]

During the 1980's and 1990's, the war became increasingly bloody and tragic, claiming the lives of many Sudanese through violence and famine. The taking of power by General Omar Hassan Ahmed al-Bashir in 1989 only further exacerbated the tensions between the North and the South. Bashir strove to make Islam even more central to the conception of a "Sudanese identity," and thus tensions continue to this day, even with the secession of the South.[163] The dissolution of the southern autonomous region brought with it a continuation of the civil war that had festered in Sudan since independence. Nevertheless, the Ababa Agreement and its aftermath

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[161] Iyob, R., & Khadiagala, G. M. (2006). Sudan: The elusive quest for peace . Boulder, CO: Lynne Rienner.
[162] Ibid
[163] Deng, F. M. (1995). War of visions: Conflict of identities in the Sudan . Washington, D.C.: Brookings Institution.

had established a precedence that would not be broken in Sudan: the intervention of external powers in Sudanese affairs.[164]

It is apparent that members of the international community inexorably linked themselves with the situation in Sudan: The Addis Ababa Agreement drew regional and international actors into the conflict, helping to further rupture the walls of sovereignty that had shielded the conflict from outsiders. The roles of external actors as mediators and providers of diverse resources multiplied as geopolitical shifts in alliances affected the course of the conflict. External participation in the conflict presented numerous vistas and constraints to the Sudanese parties, at once offering resources to parties to   strengthen their organizational capacity, but at [the] same time subjecting them to the vagaries of external dependence. [165]

The ascension of General Omar al-Bashir and his Islamists to power through a coup in 1989 would only serve to increase the level of international mediation in Sudan.   In the early 1990's, old alliances of both the Sudanese government and the SPLM/A began to shift and break down.   Bashir sought to move his government toward a more anti-American standpoint by strengthening relations with nations such as Libya and Iran.   This consequently led to Bashir losing support among fellow Arab states such as Saudi Arabia, Kuwait, Egypt, and the United Arab Emirates.   Political change in Ethiopia also led to the cessation of Ethiopian assistance to the rebel forces. [166]

The Bashir government took advantage of these weaknesses in the SPLM/A in order to reverse many f the military gains the rebel force had gained in the past decade.   A turning point

[164] Carson, J. (2011). Transcript: The conclusion of the Comprehensive Peace Agreement: US perspectives and policy goals in Sudan. Chatham House . Accessed 26 April 2012. http://www.chathamhouse.org/sites/default/files/public/Meetings /Meeting%20Transcripts/070311carson.pdf
[165] Iyob, R., & Khadiagala, G. M. (2006). Sudan, op cit
[166] Cockett, R. (2010). Sudan: Darfur and the failure of an African state . New Haven: Yale University Press.

came with Bashir's turning to Nigeria's president, Ibrahim Babangida, who was then the chairman of the O.A.U., to help Sudan resume peace talks with the SPLM/A .[167]Both sides saw something to gain in these talks, which came to be known as the Abuja peace talks of 1992 and 1993. Bashir's government saw Nigeria as an effective rican power that would help to counterbalance any type of external meddling in Sudanese affairs, whereas the SPLM/A viewed this as a potential chance to galvanize African support for their cause and against the Bashir government. [168]

Additionally, the Nigerians' experience with their own civil war gave them some clout in negotiating an ending to a seemingly intractable political conflict. Although the talks led to commitments by both sides to respect the diverse nature of Sudanese society, issues of great substance were largely ignored. Nigeria would try once more to get the two sides together, even going so far as to involve Kenya and Uganda, but saw its efforts become largely fruitless as the Bashir government consolidated its power through reversals of previous SPLM/A victories. As the humanitarian crisis worsened throughout the south, the United States sought to once again pressure the Bashir government to accept certain limitations on sovereignty in order to save lives of southern civilians. Although Sudan acceded to the continuation of aid to these civilians, they dismissed the creation of United Nations-monitored "safe zones" for citizens to live in and find shelter from the fighting between the Sudanese government and the rebel forces.[169]

These conditions would cause Sudan and the international community to engage in talks that would eventually lead to the CPA. However, this period had clearly established a precedent for external action taken inside of a sovereign African nation. O.A.U. notions of nonintervention

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[167] Ibid
[168] Carson, J. (2011). Transcript: The conclusion of the Comprehensive Peace Agreement: US perspectives and policy goals in Sudan. Chatham House . Accessed 26 April 2012.
http://www.chathamhouse.org/sites/default/files/public/Meetings/Meeting%20Transcripts/070311carson.pdf
[169] Iyob, R., & Khadiagala, G. M. (2006). Sudan, op cit , 94-96

were challenged as most of the post-independence African governments invoked the norms of sovereignty in keeping outsiders from these debates, but since national questions remained open and violently contested, regional and international actors found intervention opportunities.[170] Additionally, forces in both the north and the south became increasingly dependent on the benefits conferred upon them by external actors. All of this slowly led to the situation that existed in the early-1990: many members of the international community had a clear stake in seeing the conflict in Sudan resolved. The negotiations surrounding the formation of the CPA would further entrench the international community in a debate over the secession of the south.

4.2.4 The Comprehensive Peace Agreement (CPA)

After years of violent struggle, hope came for the Sudanese in the form of the Comprehensive Peace Agreement. A series of documents that were signed between 2002 and 2005, the CPA laid the groundwork for the secession of the South in 2011.[171] The issue of a peace settlement was especially pertinent at this time because of the ongoing humanitarian crisis in the Darfur region of Sudan. Crucially, the CPA included an agreement for a cease-fire between the Sudanese military and the SPLM/A. The conditions of the agreements were that "both the North and South were to maintain separate armed forces, the 91,000 northern troops in the South were to be withdrawn within two and a half years, and the SPLA was to retire its forces from the North within the next eight months"[172]. Wealth sharing of oil revenues was also addressed in these agreements by splitting the profits between the Northern and Southern governments. However, the most important components of the CPA for this discussion are the power-sharing deals that

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[170] Ibid
[171] Moseley, W. G. (2012). Azawad: The latest African border dilemma. Al Jazeera English. Accessed 20 April 2012. http://www.aljazeera.com/indepth/ opinion/2012/04/20124149184982408.html.
[172] Collins, R. O. (2008). A history of modern Sudan . Cambridge, UK; New York: Cambridge University Press. 269

were implemented. The CPA declared: "during a six-year interim period southern Sudan would be governed by the autonomous Government of South Sudan (GoSS), at the end of which time a referendum would be held, in 2011, supervised by international monitors. In it the southern Sudanese would decide either to remain an autonomous province in a unified Sudan or to become an independent republic. Finally, to settle the issue of shari'a law, it was decreed that non-Muslims would not be held liable for the statues unique to Islamic.[173]

To understand how Sudan and the international community arrived at the CPA, it is necessary to detail the peace process leading to the agreements contained within it. The early 1990's were a period of growing international isolation for the Bashir government. In 1993, the United States urged the implementation of sanctions against Sudan for its flagrant abuses of human rights and its connections to radical Islam and terrorism. These last two points were especially relevant in light of the 1993 World Trade Center bombings, of which Sudan, it was argued, was complicit in. I.M.F. expulsion and Arab League pressure on the Sudanese government followed United States distancing from Bashir's regime. It soon became clear that "mounting external pressure compounded an economy reeling under the strain of war, decreased agricultural production, soaring inflation, and high unemployment".[174] It was clear to Bashir that the current trajectory for Sudan was unsustainable, and thus some kind of mediation was needed to reduce the crippling effects of Sudan's international isolation.

This led Bashir to seek the aid of the Intergovernmental Authority on Development (IGAD), a body of several African states. Bashir saw IGAD intervention as preferable to intervention by external powers such as the United States. IGAD accepted the task because it viewed the Sudanese civil war as a threat to stability in Africa, especially since problems such as

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[173] Ibid: 279
[174] Ibid: 278

refugees were beginning to affect neighboring countries in profound ways.[175] September 1993

brought the Addis Ababa summit, which was the first round of these peace talks. This meeting

established "a four-nation mediation committee composed of Kenyan president Daniel arap Moi,

Eritrean president Issaias Afewerki, Ethiopian president Meles Zenawi, and Uganda's Yoweri

Museveni. A ministerial committee from the four nations was later designated to lead the

mediation under Moi's chairmanship"[176]. Simultaneously, U.S. mediators successfully reconciled

the SPLA with other rebel divisions throughout the south in order to give the south Sudanese a

more coherent voice in any potential negotiations. This union was consolidated in the

Washington Declaration of October 1993, which united southern factions in opposition against

northern hegemony.[177]

Bashir would return to IGAD negotiations in July 1997, but the United States swiftly

implemented a series of increasingly coercive sanctions against Sudan. This was due in part to

the fact that the U.S. did not believe the IGAD talks would result in any tangible solutions.

Containing Sudan remained the principle objective of the U.S. and its African allies of Eritrea,

Ethiopia, and Uganda. Some relief would come to Bashir's government, however, when in

October 1997, Egypt began a process of reconciliation with Sudan. In part, Egypt undertook this

initiative due to its concern over instability on its southern border. After uniting with Libya,

Egypt essentially tried to impose a counter-IGAD peace process. Instead of isolating Egypt's

efforts, IGAD agreed to open a new round of negotiations in May 1998 with several other

[175] Englebert, P. (2009). Africa: Unity, sovereignty & sorrow . Boulder, CO: Lynne Rienner.
[176] Iyob, R., & Khadiagala, G. M. (2006). Sudan, op cit , 94-96
[177] Krasner, S. D. (1999). Sovereignty: Organized hypocrisy . Princeton, N.J.: Princeton
University Press.

representatives of countries and Kofi Annan present. However, as in the past, these talks led to little tangible solutions.[178]

U.S. relations with Sudan would reach a new low in August 1998 when the U.S. struck a pharmaceutical plant in Sudan due to suspected Sudanese involvement in the production of chemical weapons as well as the government's potential ties to Osama bin Laden.[179] In response, the U.S. was called upon to increase its commitment to the peace process; instead of bombing Sudanese government assets, the Clinton administration was persuaded that working with IGAD and the Sudanese government would foster a more stable situation in Sudan. However, this coincided with an increased Sudanese relationship with the Egyptian and Libyan governments, and Bashir favored working through their initiatives rather than trying to go through IGAD and the United States. Naturally, the United States was not supportive of Libya's involvement in the peace process, so peace talks would be stalled yet again.[180]

In response to these tensions, IGAD aggressively sought to bolster its credibility in the negotiating process by undergoing a professionalization of its position in the Sudanese negotiations. The United States and the SPLA began to warm to the Egyptian-Libyan plan as well, essentially seeing no other way around Bashir's intransigence but to try to accommodate the two different sets of peace negotiations. John Garang, the leader of the SPLA noted in a 2000 visit to Cairo: "the SPLM believes these two initiatives must be coordinated or merged in order to achieve a solution that can neither be accused of being predominantly African (IGAD) nor principally Arab (the Egyptian-Libyan proposals)".[181] He essentially urged a merging of the

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[178] Ibid: 112
[179] Krasner, S. D. (1999). Sovereignty: Organized hypocrisy . Princeton, N.J.: Princeton University Press.
[180] Iyob, R., & Khadiagala, G. M. (2006). Sudan: The elusive quest for peace . Boulder, CO: Lynne Rienner. 112-5
[181] Ibid : 116

two different peace plans being offered. However, a true merger would not come swiftly, as Egypt resisted calls of any kind of self-determination for south Sudan. As a result, IGAD's peace plan was in danger while the Egyptian plan was only bolstered.[182]

The Machakos Protocol signaled the way toward unity between the two regions of Sudan. Unlike previous agreements, the Machakos Protocol brought the two sides into agreement on two key tenets: First, the SPLA agreed that the sharia would stay as the source of legislation in the North, while the south would be legislated by a secular administration. Second, Khartoum accepted an internationally monitored referendum that was to be held after a transition period of six and a half years, as per the decision of the south on whether to secede or not.[183]

This was only the first step toward a wide-ranging peace initiative, even in the midst of renewed hostilities between the north and south. Key to this agreement was the provision on the internationally monitored referendum, which was insisted upon by the SPLM/A as a condition for them signing the Machakos Protocol. October 2002 brought with it a Memorandum of Understanding on Cessation of Hostilities, which called for an end to fighting in all areas of Sudan.[184] This agreement also created a muti-national Verification and Monitoring Team that would report on the progress of the cessation of hostilities. Further talks were had on security and economic issues, as well as what the political composition of a future united Sudan might look like. The United States urged the creation of a special Security Council session to be held in Nairobi in order to finalize the peace agreements between the north and the south. The IGAD peace process was considered to be complete when, in January 2005, these agreements were united into one document and both sides signed the Comprehensive Peace Agreement.

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[182] Ibid: 116-9

[183] Herbst, J. (2000). States and power in Africa: Comparative lessons in authority and control. Princeton, NJ: Princeton University Press.

[184] Ibid

However, it seems that, at least by 2010, international actors and the Sudanese themselves viewed secession as inevitable. Important to keep in mind is that, through the referendum contained within, the CPA essentially made secession inevitable.[185] As the CPA failed to be implemented, countries such as the United States came to view secession as the only option to securing any semblance of peace. Johnnie Carson, the U.S. Assistant Secretary of State for African Affairs, noted in a March 2011 talk: a delay in the referendum would have seriously jeopardized the entire CPA and potentially have condemned Sudan to more conflict and instability, a referendum that lacked credibility and international recognition would have greatly eroded the willingness of all parties to abide by the terms of the CPA.[186] If South Sudan and Sudan do not initiate hostilities against one another, it is likely that it could be said that "peace" has been achieved, at least between two different factions. However, if a war is started, perhaps the costs of South Sudan's secession will be made clear.

4.3 Conclusion

The secession of South Sudan is a unique case in African history in many respects. Contained within this case study is a glimpse into different factors that may lead the international community to confer recognition on certain secessionist movements. Perhaps this analysis can provide justifications as to why South Sudan quickly became the world's newest country, while an entity such as Somaliland does not receive recognition. The combination of perceptions of ethnic secessionism and geopolitics provided an entity that, in the eyes of the global community, was ready for recognition. The high level of international participation in the crafting of the

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[185] Ibid
[186] Carson, J. (2011). Transcript: The conclusion of the Comprehensive Peace Agreement: US perspectives and policy goals in Sudan. Chatham House . Accessed 26 April 2012. http://www.chathamhouse.org/sites/default/files/public/Meetings /Meeting%20Transcripts/070311carson.pdf

Comprehensive Peace Agreement, which led to the eventual secession, meant that the global community was willing to recognize the new nation as soon as it declared independence. Numerous actors had a stake in a peaceful resolution in Sudan. So, an intrusion of nations and transnational organizations occurred despite the earlier O.A.U. doctrines of noninterference. Various states have become involved in internal conflicts throughout Africa (witness the recent NATO-led intervention in Libya), but these incursions have not led to the formation of new states.

Due to the longstanding and intractable nature of the Sudanese conflict, it is likely that nations were willing to bypass questions of whether or not South Sudan could survive as an autonomous state in an attempt to stop the bloodletting. Especially with the Darfur conflict, international trust in the Bashir government simply collapsed. Just this year, on April 6 th , 2012, rebels of the Tuareg ethnicity in Mali triumphantly announced that they had formed a new nation called Azawad, yet the international community did not confer recognition on this state, nor did fellow African nations. Independence was largely able to be claimed by the Tuareg, claims William G. Moseley, because of the unstable political climate in Mali at the time. Furthermore, this independence was achieved through military dominion of several cities rather than a referendum. Thus, the international community had no direct involvement in this independence movement and likely feels no pressure to recognize it unlike they felt with the South Sudanese.[187]

It remains to be seen whether or not South Sudan will survive as a viable and effective member of the international community. A question such as that surely exists beyond the scope of this thesis. The recent resumption of hostilities between Sudan and South Sudan, however, is

[187] Moseley, W. G. (2012). Azawad: The latest African border dilemma. Al Jazeera English . Accessed 20 April 2012. http://www.aljazeera.com/indepth/ opinion/2012/04/20124149184982408.html.

not encouraging. [188] Clearly, the peace that the international community thought it was getting with secession was tenuous at best. It is unclear the toll that will be taken with the current fighting between Sudan and its former territory. Issues of oil and disputed borders remain to potentially cause another lengthy period of mass casualties. Yet, at least with independence comes the self-determination of the people of South Sudan. Although Bashir's regime is still a threat, it no longer exists as an internal menace to the south Sudanese. Hopefully the people of South Sudan will someday be able to enjoy a new era of autonomy and peace promised to them through the birth of their nation.

[188] Leonardi, C. (2011). Paying 'buckets of blood' for the land: Moral debates over economy, war and state in Southern Sudan. Journal of Modern African Studies ,
49 (2), 215-240.

CHAPTER FIVE

CONCLUSION

5.1 Summary

Going back to the principles of African stability and nonintervention laid out by the O.A.U., it seems that the initial peace processes, especially those in the 1970's, tried to respect those principles. The reason the Sudanese government turned to brokers such as fellow African countries was to avoid incursion by outside powers such as the United States. The African-peace processes in particular seem to be sacrifices by Sudan of some of its territorial integrity to other African nations in exchange for noninterference by other states. It seems that initiatives such as the southern autonomous region of the early 1970s were designed to preserve the inherent "order" of the African continent. They were attempts to mediate between maintaining the legitimacy of African territorial integrity and addressing the unavoidable grievances of a population. The goals of the A.U. do differ a bit from the O.A.U.'s goals in that they do allow incursions on the sovereignty of African nations, but this is still done in the name of border stability throughout the continent. [189]

The CPA, however, perhaps goes beyond what the A.U. envisioned as its mandate. While the A.U. is not hesitant to utilize peacekeeping missions to ensure stability throughout Africa, and did so in Darfur, the CPA demonstrates an acceptance of intervention on the part of the A.U. that goes beyond mere peacekeeping operations. The embrace of secessionism in the

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[189] Moseley, W. G. (2012). Azawad: The latest African border dilemma. Al Jazeera English . Accessed 20 April 2012. http://www.aljazeera.com/indepth/ opinion/2012/04/20124149184982408.html.

[189] Carson, J. (2011). Transcript: The conclusion of the Comprehensive Peace Agreement: US perspectives and policy goals in Sudan. Chatham House . Accessed 26 April 2012. http://www.chathamhouse.org/sites/default/files/public/Meetings

CPA signals an A.U. that will go beyond the specifics of its mandate in order to achieve stability throughout the continent. Perceptions of ethnic secessionism, it turns out, perhaps did play a subtle and nuanced role in obtaining international recognition for South Sudan. First of all, while ethnic divisions certainly play an integral role in Sudanese politics and may have been a factor toward South Sudan's secession, they aren't in and of themselves a determinative factor as to why recognition occurred. This can be seen by the fact that ethnic divisions and calls for secession exist all around the world, yet ethnicity alone is rarely enough to grant an entity recognition by the international community. Consider the case of the Kurds or the Palestinians. These could be said to be homogeneous ethnic communities, yet they do not have nations of their own.

This homogeneity does not necessarily apply to the South Sudanese. While the north's policy of Arabization and pushing of sharia law certainly alienated many Sudanese against the Khartoum government, South Sudan can hardly be characterized as an ethnically homogeneous entity. Additionally, as noted previously, the CPA agreement was signed between the Sudanese government and only one faction of a rebel movement. This can hardly be shown to constitute the Sudanese nation in its cultural entirety. Thus, it's hard to conclude that the secession of South Sudan was a case of ethnic separatism. Ethnicity played a role, especially through the alienation of black Africans from the Arab, Islamic rulers in the north, but it was not the determinative factor in giving international recognition to South Sudan.[190] However, the history of ethnic conflict in Sudan and the Darfur genocide may have swayed U.S. sympathies toward the rebels in the South. Darfur is where ethnic secessionism truly played a role in international recognition. Although Darfur lies in the Western region of the country, it was this type of ethnic

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[190] Leonardi, C. (2011). Paying 'buckets of blood' for the land: Moral debates over economy, war and state in Southern Sudan. Journal of Modern African Studies, 49 (2), 215-240.

conflict that drew countries such as the U.S. away from supporting the Bashir regime. This is perhaps why the referendum was placed in the CPA in the first place; the international community realized that Bashir could not necessarily be trusted and the perception of ethnic persecution likely tipped sympathies toward the southern rebels. Thus, ethnicity played a nuanced role in international recognition. While the ethnic identity of the southern rebels mattered little, Darfur and Bashir's reputation for ethnic persecution gave them international support. Can the U.S. involvement in the Sudanese peace process be connected to Herbst's assertion that the U.S., throughout the twentieth century, declined to support secessionist movements throughout Africa? It should be recalled that Herbst argued that the United States wanted to maintain the status quo throughout the continent and prevent chaos and disunity. The United States certainly took an interest in Sudan in the 1970's as a counterweight to potential Soviet incursion in Africa. Additionally, the United States had legitimate interests in Sudan as the Islamic fundamentalist terrorist movement grew.

Perhaps supporting the secessionist movement in South Sudan and conferring recognition upon the new nation became the only way the interveners such as the U.S. could ensure stability in Africa. Additionally, since the United States was one of the key brokers of the CPA, it almost had to support the southern referendum as the provisions of the CPA gradually went unimplemented.[191] Ultimately, it seems that many actors had a great stake in what happened in Sudan. It is hard to arrive at overwhelming and swift recognition of South Sudan without the interaction of geopolitics into the peace process. Coupled with the unreliability and the abuses of the Bashir government, the international community essentially was ready to confer recognition

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[191] Carson, J. (2011). Transcript: The conclusion of the Comprehensive Peace Agreement: US perspectives and policy goals in Sudan. Chatham House . Accessed 26 April 2012. http://www.chathamhouse.org/sites/default/files/public/Meetings

to South Sudan as soon as the referendum occurred. Perhaps with the potential of further violence in Sudan, this was the only means of preserving some benefit from the Comprehensive Peace Agreement in the midst of the chaos that continued in Sudan after its signing. African nations and other states have no much interest in a chaotic Sudan, and a breakaway southern state without international recognition would have likely only further perpetuate the crisis. At least with recognition comes the benefits typically conferred upon states, such as the ability to enter into foreign relations, have access to international organs such as the U.N., and obtain foreign aid. South Sudan as an independent state perhaps maintains order in the international system better than a turbulent Sudan, even if independence for the South leads to a war with its former state. Thus, it seems that these factors of the perception of ethnic secessionism and the geopolitical interests in a peace plan played the largest part in South Sudan's successful secession.

The A.U. likely viewed secession as the key to maintaining stability, but the real drivers of international recognition were countries such as the United States. The perceptions of ethnic secession decisively turned the United States against the Bashir regime, and the crafting of the CPA itself by multiple international actors led to the inclusion of a secession referendum in its language. Secession must have been a foreseeable consequence, and so the international community essentially sanctioned it when allowing it to be included in the CPA.[192] Seceding, although it may prove to have its downsides, was probably the most likely option for stability in Sudan as the referendum deadline dawned. Actors such as the U.S. likely saw this too, and were unwilling to abandon a peace process they had shepherded by not recognizing the South. The CPA, then, turns out to be the crucial factor leading to southern secession. It was a document

[192] Mupenda Wakengela and Sadiki Koko, South Sudan and its implications for the post-colonial state in Africa, http:// www.isn.ethz.ch/isn/Digital-L...g=127532 (accessed 23 April 2012).

that called for unity and stability but instead led to mistrust and secession. The question remains as to whether or not secession will lead to the original intent of the CPA: peace.

5.2 Key Findings

The Horn of Africa has experienced a peculiar pattern of state formation, quite distinct from state building processes in the rest of the continent.[193] Rather than states and boundaries being the exclusive result of European imperialism as elsewhere on the continent, in the Horn region Ethiopia has played a major role in shaping state borders and has therefore tended to be perceived as a colonial and expansionist state by some of its neighbours. This has had far-reaching implications on inter-state relations in general and border relations in particular. The birth of South Sudan has introduced new dynamics into the debate on the inviolability of Africa's borders and engendered new border-related tensions between the sovereign states of Sudan (north) and South Sudan with real dangers of destabilising spill-over effects into the broader Horn of Africa region. The independence of South Sudan represents another rare case of major border revision on the continent, almost 20 years after Eritrea's

In this study, the possibility that ethno-secessionist movements may become more accepted in the modern era is agreeable. Where the disruption factor is high, the claimant must make out an extraordinarily good case for its entitlement to self-determination. In other words, the higher the disruption factor, the more will be required by way of demonstrating selfness and future viability. Where little disruption is liable to ensue from the secession, or where the amount of current disruption outweighs the future risk, the community can afford to be less strict in its requirements for selfhood. It may therefore accommodate to a greater extent the self-governing

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[193] Taras, R.C., & Ganguly, R. (2002). Understanding ethnic conflict: The international dimension . New York: Longman

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wishes of a particular people who cannot offer overwhelming proof of their racial, historical, or linguistic distinctness.[194]

The study finds that the CPA has played a key role in the secessionism of South Sudan. It is after the signing of the CPA, that it soon became apparent that secession was likely. However the effectiveness of the CPA's implementation is wanting, in order to achieve peace and staliby for the seceded state and its former host state- Sudan. The difficulties that Sudan faced after the signing of the CPA in 2005, such as the death in a plane crash of John Garang, the leader of the SPLM/A made negative impact on the implementation of policies. Furthermore, the CPA provided a resolution to the grievances of only two actors in the whole conflict: the Bashir government and the SPLM/A. Antwi-Boateng and O'Mahnoy argue: the prospects of Southern independence emanating from a future referendum can serve as a double-edged sword. While the prospects of Southern independence assuage SPLM/A concerns, it could set a dangerous precedent for other regions of Sudan with grievances against either the NCP-led government in Khartoum or Southern tribes—such as the Nuer and the Equatorian tribes that have traditionally complained about the dominance of the Dinka in the SPLM/A. A feeling of insecurity about a Dinka-led independent government in the South could fuel more conflict amid calls for secession.[195] The CPA may not address the concerns of all the disparate ethnic and religious groups in Sudan, since no region of the country is truly homogeneous in its ethnic composition.

Additionally, the CPA does not necessarily address what happens when leadership changes. With the death of Garang came the ascension to power of Salva Kiir to the leadership position of the SPLM/A. Kiir remained loyal to southern independence rather than unity, instead

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Taras, R.C., & Ganguly, R. (2002). Understanding ethnic conflict: The international dimension . New York: Longman, 55-56
[195] Antwi-Boateng and O'Mahnoy, op cit. 150.

of Garang's commitment to reconciliation with the Sudanese government.[196] Even in 2010, when Toensing and Ufheil-Somers published their analysis, the United States was actively preparing for the emergence of South Sudan as a new nation. The U.S.'s 2011 budget had a provision allocating approximately $42 million to USAID to continue to build in addition to transform the Sudan People's Liberation Army in Southern Sudan from a guerilla army to a professional military force.[197] This was accompanied by a State Department request for private companies to begin training forces in south Sudan in order to become an effective military force. The U.S. further acceded to the likely scenario of secession when it offered the Sudanese government a relaxation of sanctions if it allowed the referendum to go forward and an imposition of harsher sanctions if it did not. Additionally, in the year before the referendum happened, both the Bashir government and the SPLM were building up stockpiles of arms to be ready for a potential war that was seen as likely if the south seceded.

However, outside actors are often hesitant to intervene in secessionist crises and that these actors tend to overestimate the amount of damage a successful secession could potentially inflict on the global community. Still, scholars have been quick to try to place regulations on when the international community should impose and try to aid a secessionist movement. Accordingly, it is only when secessionist movements seek to break out of empires, and only when those empires refuse to democratize, does self-determination deserve our support. Otherwise, democratic government and community building, not fragmentation, should be accorded the highest standing.[198] Thus, it is not always in the national interests of superpowers

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[196] Ibid: 132-140
[197] Toensing & Ufheil-Somers 2010, op cit., 13
[198] Carson, J. (2011). Transcript: The conclusion of the Comprehensive Peace Agreement: US perspectives and policy goals in Sudan. Chatham House . Accessed 26 April 2012. http://www.chathamhouse.org/sites/default/files/public/Meetings

such as the United States, European Union, or even the United Nations to recognize separatist movements as legitimate. In the eyes of these powerful members of the world community, sometimes all that is needed is an increased level of democratization in these nations. Perhaps then, the international community remains willing only to support secessionist movements that work against the most despotic and authoritarian of regimes. Toensing and Ufheil-Somers argue that, because of certain aspects of the CPA, southern secession was inevitable. Even though the CPA brought about provisions for the southern government to be brought into the federal government of Khartoum, this did not assuage the people of the south, who resorted to violent protest against symbols of the Khartoum government, especially after the death of Garang. Additionally, the Sudanese government would soon find itself facing international castigation once again after the CPA was signed. The Darfur crisis only served to further delegitimize the Bashir government in the eyes of the international community and, crucially, the southern Sudanese. This led to further pressure on countries such as the United States to pursue punitive measures against the Sudanese government. Activists for the Sudanese people within the United States called for, among other things targeted sanctions against officials of Bashir's regime, an arms embargo on the government, a suspension of debt relief, arming the SPLM and other measures to support the south more boldly.[199] Tremendous pressure existed within the U.S. for the government to rush to the side of the people of south Sudan.

Darfur proved to be a decisive turning point in the U.S.'s support for the southern rebels. As domestic pressure grew in the United States for some international remedy for the genocide, the Bush administration canceled any concessions it was willing to make to Bashir's government in the peace process. This shift in U.S. sympathies away from Bashir's regime left many in

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[199] Mupenda Wakengela and Sadiki Koko, South Sudan and its implications for the post-colonial state in Africa, http:// www.isn.ethz.ch/isn/Digital-L...g=127532 (accessed 23 April 2012).

Khartoum cynical toward the entire peace process. Richard Cockett notes: "The Sudanese virtually broke off any reasonable co-operation with the West over the south, Darfur, or anywhere else. Instead, they cultivated a sense of betrayal and suspicion.[200] The Darfur crisis made it virtually impossible for the United States to play the role of an impartial broker and monitor of the peace process.

5.3 Recommendations

There are certain recommendations made by this study that will bring peace and stability in post Southern secession. These are key in peace building and state-building for post- secession Sudan at large. Since June 2011, there have been incidences of violence in the border regions of Abyei, South Kordofan as well as the Blue Nile state bordering of North and South Sudan. The United Nations estimates about 200, 000 people fled South Kordofan along with thousands more are fleeing the Blue Nile State. Although both the rebels as well as the North are engaged in violent conflict, the North has basically been responsible for most of the fatality, as they use bombardments plus ground forces to launch attacks and deny access to humanitarian organizations. As violence has surged in the wake of the secession of South Sudan, many critical issues are still unresolved. In order to resolve existing conflicts as well as avoid future conflicts, there is necessitaty to focus on facilitating a talks between both parties to the conflict so as to resolve the outstanding issues.

The study recommends the key issues for dialogue: border demarcation, nationality and citizenship, oil revenue sharing, the future border regions, Abyei, South Kordofan, and the Blue Nile. Further research needs to investigate the process of autonomy retraction, retracted autonomy increases grievances against the central state while failing to reduce collective action

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capacity, but the degree to which groups mobilizes around their sense of lost autonomy may lead to further insights about the types of secessionist movements we observe in the world.

A recent study on state-building and democratization in sub-Saharan Africa, found that rule of law - conceived of as popular perceptions of improvements in personal security and leaders' respect of the constitution - is the most critical factor to success in building democratic states. While the crucial role of security in legitimising institutions has already been noted above, it is worthwhile pointing to the emphasis put on leaders' respect of the constitution.

Apart from the critical role of leadership, there are two other factors that are essential to the successful management of the demands of the near-simultaneous processes of peace-building and state-building: diplomacy and institutional design. Getting the institutions right that are to make peace possible and states sustainable cannot be underestimated in its importance. Given the complexity of such a challenge, international support is equally crucial. The considerable experience that has been accumulated in the international community over the decades is one element which diplomacy can contribute by helping local leaders enhance their capacity to master the task of peace-building and state-building. Similarly important is the political and financial, and sometimes military support that is required in what is a long process rather than singular event of peace-building and state-building.

Therefore, no degree of ingenuity in institutional design and no amount of international support can, or indeed should attempt to, make up for a lack of leadership. Where skill, vision and determination are missing, whatever peace and whatever state are built cannot be expected to be sustainable. This general lesson holds true for South Sudan as well: it is up to South Sudan's leaders, the people they serve, and their regional and international partners to ensure that post-

secession Southern Sudan can be a stable, prosperous, and legitimate state at peace with itself and its neighbours.

Further research is needed to study on the exceptional circumstances for nations seceding. This is so because, though, the granting a right to independence to a group solely by its virtue of being a nation would most likely gives rise to a great number of quests for secession. Many independence struggles are marked by violence and imply disputes over partition of territory and economic resources on the one hand, and questions such as minority protection in the new state on the other. This underpins the conclusion that, as suggested by remedial right only in this study, legitimate secession should be limited to exceptional circumstances. Another are that is at the debate of African states id the redrawing of the 'colonial' boundaries, whose deadline for submission is the year 2015 as directed by the African Union.

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