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Implications of Southern Sudan's Independence for the Horn of Africa and Beyond

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Background

The Horn of Africa sub-region, of which Sudan is a constituent part, is famed as a place where aspiration of centrifugal forces to independent statehood is rampant as is the case in several other parts of the continent. The countries of the Horn are knit together by common socio-cultural and economic features that are underpinned by episodes of conflict and cooperation (Mukwaya 2006:35-56). While,on the one hand,they pose as hotbeds of intra and interstate conflicts,on the other hand theymanifest attempts at forging stability and cooperation. The Horn of Africa is still noted for the taking shape and escalation of violent conflicts marked by rebel activities, military coups, ethnic and ideology-based insurgencies, human rights violations, human and arms trafficking, interstate rivalry and state collapse, and currently terrorism. This has induced many scholars to label the region as an extension of the Middle East hot spot.

Sudan is the largest country in Africa comprising different major tribes and hundreds of smaller groups that are spread in 25 states, the totality of which make up the polity. During most of Sudan's early history, the different peoples have intermingled by co-existing under an environment of collision and collusion mediated by a host of historical, socio-economic and political

forces and factors. During the post-colonial era that commenced in 1956, the peoples of Sudan experienced major tribulations and cleavages that adversely impacted on efforts towards realizing political stability and national cohesion. The major historical drivers of contradictions among and between different sections of Sudanese society include a number of factors like identity (Arabism versus Africanism), religion (Islam versus Christianity), divergence on the form and essence of the state (secularism versus theocracy), governance failure, uneven regional development, and skewed distribution of societal resources (wealth and positional goods). The post-independence history of Sudan is replete with prolonged bloody civil wars of which the first civil war (1955-1972), the second civil war (1983-2005), including the ongoing Darfur crisis, are the major ones; prompting a number of peace-building initiatives spearheaded by third parties of various persuasions at varying times (Johnson 2006:93). Of these initiatives, the most significant ones are the 1972 Addis Ababa Accord and the 2005 Comprehensive Peace Agreement (CPA), widelyregarded as groundbreaking in terms of putting an end to the first and second civil wars of the post-colonial era respectively. The CPA is the more acclaimed of the two not only for its role in closing one of the few enduring civil wars (1983-2005) in the continent but also its relevance to the issue under consideration.

This chapter seeks to examine the likelihood of Southern Sudan's accession to independent statehood, resulting from the outcomes of the recent referendum as stipulated by the Comprehensive Peace Agreement, and the multifaceted implications thereof for the Horn of Africa sub-region.

Antecedents Revisited

Studies conducted so far dealing with Sudanese civil wars and aimed at providing a clear picture of their underlying causes, processes and dynamics, actors, peace-building initiatives, the CPA, and issues surrounding probable developments in the post-referendum years are limited in scope and coverage. This is notwithstanding that several scholars have attempted to shed light on the aforementioned concerns by focusing on one or a few aspects of them. Whereas some argue that the problem of the North-South conflict is embedded in the policy of British colonial rule that propelled socio-economic disparity and uneven development, instilling a sense of distinctiveness between the two (al-Rahim 1973:11), others are of the view that the root causes of the unfolding and escalation of the conflicts could be attributed to racial, religious, and cultural differences resulting in stereotype, discrimination and marginalisation. A careful look at the pre-independence political history of the Sudan, however,

attests to the validity of the two views that in combination reinforced each other, thereby laying the basis for North-South dichotomy and divergence, entailing the predicaments that Sudanese societies were forced to endure. Hence the unfolding of the two civil wars is a consequence of the interplay of several of the aforementioned factors rather than an outcome of single, isolated triggers. Nevertheless, other factors such as ethnicity, religion and ideology served as fallbacks to enforce claims and counterclaims of the major protagonists that invoked them. It is worth noting also that the super-imposed merger of North and South Sudan as one independent country in the mid-1950s appears to have compounded the already existing problems rather than addressing them. These problems wereexacerbated by the ill-devised policies and attendant practices of successive civilian and military regimes that controlled the reins of power in post-independence yearswhich brought about the mishaps that wreaked havoc on the major fabrics of societal life (Hamid 1989). The kindling point that plunged the Sudan into the first civil war was the imposition of the Arabic language and Islam throughout Sudan during the Aboud military regime (1958-1964) that sought to enforce them through state repression directed mainly against southerners. The latter responded by recourse to armed resistance through the agency of their insurgent movements (Anyanya I and II) that spearheaded the struggle for secession of the South (Kebede 1999:14).

The first civil war came to a halt following the signing of the Addis Ababa Accord in 1972. Based on the agreement reached between the Numeiry regime and the Anyanya, the Accord stipulated that Southern Sudan was to benefit from arrangements of wealth and power-sharing and most notably from the right to enjoy regional autonomy. Accordingly, the South was made a self-governing unit with its own legislative, executive and judiciary institutions using English as the working language of the region and the Anyanya army was integrated into the national defense force serving in the South (Wama 1997:9). However, the central element of the Accord aimed as stalling the quest for secession by limiting the terms of settlement to autonomy within an overall framework of preserving national unity soon came to naught. In the hope of curtailing possibilities for any unified southern opposition, the Numeiry regime amended the national constitution in 1980 by dividing Southern Sudan into three provinces in contravention to the intent and spirit of the Accord. To make matters worse, the regime declared the imposition of Sharia law to be applied in the country in 1983. Moreover, the discovery of oil near Benitu in Southern Sudan prompted the government to resort to scheming aimed at subsuming Benitu within north Sudan. The cumulative effect of all these led to the de factoabrogation of the 1972 Agreement and

the resumption of another round of conflict between the government and the SPLM/A, formed in 1983 in Ethiopia, under the leadership of Colonel John Garang Mabior setting the stage for the commencement of the second civil war that lasted for over two decades.

In the subsequent years following the ouster of Numeiry, military and civilian regimes alternated in power until the overthrow of Sadiq al-Mahdi's civilian coalition by a joint military coup led by Omar Hassan al-Bashir and Hassan-al-Turabi's National Islamic Front (NIF). This came to pass amidst a raging civil war and haphazard efforts that were underway to resolve the problem. The NIF-led military regime intensified its war efforts in the hope of pulverising the SPLM/A, which proved futile but entailed misery and devastation thereby deepening the already looming crisis (Mersha 2004:52). The human cost of the conflict was so immense that about two million people mainly from southern Sudan died; 5.5 million people, mainly southerners, were displaced and more than half a million people fled seeking refuge in neighbouring localities in Ethiopia, Uganda, the Democratic Republic of Congo and Central African Republic (Edward 2007:227-28). As the conflict persisted and assumed regional and international dimensions, several state and non-state external actors across a wider spectrum got directly and indirectly involved, thereby making the conflict bloodier and more intricate and also changing its dynamics (Hardallu 2001:261). These impacted on the balance of power between the NCP and SPLM/A and the course of peacemaking initiatives. After a series of protracted efforts, the Bashir regime and the SPLM/A came to the negotiation table and finally signed a historic peace accord known as the Comprehensive Peace Agreement (CPA) in Naivasha, Kenya, in 2005.

The CPA as Groundbreaking

The CPA is the composite of six agreements, namely: the Machakos protocol, the protocol on security arrangements, and the protocols on the resolution of conflicts in the three areas of Abyei, Nuba Mountains, and the Blue Nile signed in Kenya between 2002 and 2004 by the GoS and the SPLM/A. It is hailed as a serious and historic instrument embodying several sections dealing with power and wealth-sharing arrangements that are deemed crucial in addressing the underlying causes and escalation of recurrent conflicts (Healy 2008:36). With some justification and despite its alleged shortcomings, the CPA is viewed as an important milestone in shaping recent political developments in the Sudan in the sense of setting the stage for transformation towards a better future anchored in equality, democracy and justice. To this end, it made it incumbent on the signatories to commit themselves to the implementation of

the terms and conditions enshrined in the agreement by displaying unfailing commitment that translates into practice. As one of the building blocks of the CPA, the Machakos protocol represents the basis for the other edifices in that it comprises a broad framework setting forth the principles of governance during the interim period and thereafter. Indeed, the Machakos protocol is about transforming the political landscape and state-society relations by extricating the country from the ills of war, deprivation, authoritarianism, human rights violations through entrenching an overall environment marked by democracy and equitable sharing (Large 2010).

The CPA provides for the establishment of an autonomous Government of Southern Sudan (GoSS) and associated local governments including their participation in the Government of National Unity (GoNU). GoSS is also entitled to exercise powers and functions other than those reserved for GoNU (national security, nationality, immigration, foreign policy, currency, national natural resources, etc). As per the pertinent provisions of the CPA, in the run up to the national elections, seats in the national legislature shall be allocated to NCP (52%), SPLM (28%), non-signatory northern political forces (14%), and non-signatory southern political forces (6%). Moreover, the CPA stipulated the establishment of commissions such as National Constitutional Review Commission charged with the task of promulgating an interim national constitution for the transitional period, and the Southern Sudan Referendum Commission that monitors the January 2011 referendum on self-determination of the people of Southern Sudan, among others.

Wealth-sharing provisions relating to land ownership and natural resources and oil and non-oil revenues are also included. Although issues of land and natural resources are not thoroughly addressed, the CPA provides for the establishment of a National Land Commission, and a Southern Sudan Land Commission to arbitrate contentions over such resources without contravening the jurisdiction of the courts (UNMIS 2010:19). With regard to oil revenues, guiding principles for the management and sharing of oil resources are issued by providing for the establishment of a National Petroleum Commission charged with the task of formulating policies and monitoring their implementation. As per the provision, at least 2 per cent of the net oil revenue is assigned to oil producing regions and the rest produced in Southern Sudan is apportioned equally between GoNU and GoSS, whereas oil produced in the North belongs exclusively to GoNU. Terms of sharing between GoNU and GoSS of non-oil revenues originating from federal sources in the South such as customs and immigration, airport taxes etc. are also specified in the protocol on wealth-sharing.

The protocol on the three areas of Abyei, Nuba Mountains, and the Blue Nile also constitutes an essential component of the CPA. Abyei is a contested area situated between Bahr el-Ghazal in the South and Southern Kordofan in the North. Due to historical factors dating back to colonial rule in the first decade of the twentieth century, Abyei is tied up with both north and south Sudan in geographic, ethnic, and political terms. In the light of this, the area is provided with special administrative status under a local executive council whose members are to be elected by its residents. As stated in the CPA, the onus of determining its boundaries rests on the Abyei Boundary Commission (ABC) to come up with 'final and binding' decision. The CPA states that at the end of the interim period in 2011, the residents of Abyei are entitled to cast their votes either to remain in the North or form part of Southern Sudan in the referendum due to be held simultaneously with that of Southern Sudan. However, the populations of Nuba Mountains and Blue Nile State are given the right to engage in 'popular consultation' through which they can reflect their views on the terms of the CPA applicable to them. The protocol on security arrangements provided for the establishment of a Ceasefire Political Commission (CPC) composed of senior military representatives from both sides to supervise the implementation of permanent ceasefire arrangements and determine the implementation modalities. As per this protocol, the troops of both contracting parties shall be redeployed along the line of the North- South border of 1 January 1956. Joint Integrated Units (JIUs) are also to be constituted drawn from the Sudan Armed Forces (SAF) and SPLA to act as symbols of national unity and expected to pose as a new national army provided that the referendum affirms unity against southern separation. The two parties are also duty bound to discharge the tasks of disarming, demobilising or reintegrating other armed forces aligned with either of them, thereby affirming the SAF and SPLA as the only legally recognized armed forces operating in the country.

Progress in Implementation

Since the commencement of the implementation of the CPA in 2005, several obligations and commitments specified thereof have been enforced in stages, albeit surrounded by political controversies and misgivings between the parties regarding a number of issues. Regarding the power-sharing aspect of the agreement, the promulgation of the Interim National Constitution on 9 July 2005 as a supreme law of the land became an entry point for subsequent undertakings marking the end of the pre-interim period. Accordingly, the GoNU was instituted with al-Bashir as president, John Garang as first vice-

president, and Ali Osman Taha as vice president. A month later, the national legislature comprising the council of states and the national assembly was formed on 31 August 2005. As per the CPA power-sharing formula, the council of states was composed of two representatives of each of the 25 states and two representing Abyei, whereas the national assembly was composed of a total of 450 members apportioned as follows: NCP (234 members), SPLM (126 members), other northern political forces (55 members), other southern political forces (27 members), and nationally recognized celebrities (8 members). GoNU formed the National Elections Commission on 17 November 2008 to expedite preparations for the subsequent national elections. With the aim of consolidating the country's democratic transition and installing a responsible national government to oversee the January 2011 referendum, national elections were carried out. In January 2010, voter registration and candidate nominations were completed in which 16.4 million voters were registered and 72 political parties contested by fielding 12 candidates for the office of the president, 2 for the office of president of GoSS, 189 for state governors, and 4,136 for national assembly membership. The election was held from 11-15 April 2010, and after a week the commission disclosed the results, in which NCP candidate Omar al-Bashir was declared as elected securing 68.24 per cent of the votes cast and the SPLM candidate, Salva Kiir, maintained his incumbency as president of GoSS wining 93 per cent of the votes cast in the contest.

The GoNU established the National Population Census Council (NPCC), which conducted a national census between April and May 2008 with a view to preparing the ground for the April 2010 elections and the 2011 referendum on self-determination of Southern Sudan and Abyei. Its report dubbed 'Sudan Census Priority Results' was officially released showing that Northern Sudan accounts for 78.9 per cent while Southern Sudan constitutes 21.1 per cent of the total population of the country. However, SPLM/A rejected the results as being 'flawed and incredible', and warned GoNU against using it as a basis for adjusting the power-sharing and wealth-sharing arrangements (DRDC 2010). As provided for in the Machakos protocol, the Southern Sudan Referendum Act was issued in 2009 establishing the Southern Sudan Referendum Commission on 23 August 2010 to organize and conduct the referendum by preparing a referendum register, formulating rules and regulations, setting referendum duration, sorting and counting votes, laying the criteria for affirmation of results, and taking disciplinary measures on voters, among others. The Referendum Act states that a simple majority (50% +1 of the votes cast) decides the outcome of the referendum on the proviso that 60 per cent or more of the registered voters turn out for the referendum in order to qualify it as valid. It was decided

that failure to meet these conditions shall lead to a repeat vote within 60 days. Accordingly, voter registration commenced on 14 November 2010 lasting until 8 December 2010 in the course of which a total of four million Southern Sudanese were registered to cast their votes starting on 9 January 2011 *(Daily Monitor* 2010:4).

A great deal of *progress* has been made with respect to implementing the wealth-sharing protocol. Oil revenue-sharing has been undertaken since 2005 through the National Petroleum Commission. According to IMF reports, oil revenue covers 98 per cent and 60-70 per cent of the GoSS and GoNU budgets respectively (ISS 2009:no.6). The ministry of finance and economic planning of the GoSS reported that it received $669.92 million from the national government as its share of oil revenue for the first quarter of 2010.

Deficits in Implementation

Despite the aforementioned progress and positive developments, a number of shortcomings and drawbacks could be discerned in the overall balance sheet of the implementation process. For example, implementation of some important provisions such as conducting population census and undertaking national elections, among others, was allegedly behind schedule. As stated in the Machakos protocol, conducting the national population census should have been accomplished within two years following the commencement of the interim period (before 9 July 2007) as a precondition that forms the basis for conducting national elections and the January 2011 referendum. Funding and other capacity constraints were mentioned as causes for the delay (Brosche 2007:1-24). It could be claimed that, regardless of the validity of the justification, delays in implementation at times not only exacerbated the existing mistrust between the parties but also entailed political crisis that could have had far-reaching consequences. A case in point is SPLM/A's temporary suspension of its participation in GoNU in October 2007 on account of several defaults in border demarcation, redeployment, and transparency of oil revenues. This notwithstanding, however, SPLM/A resumed its participation a month later and thus salvaged the CPA from floundering. Nonetheless, the CPA's resilience was undermined on several occasions as a result of tacit manoeuvrings of the NCP driven by reluctance in enforcing several aspects of the agreement out of fear of being at the losing side. Different reports and controversies surrounding accusations and counter-accusations indicate that CPA's implementation was bedevilled by unevenness across the various provisions based on the selective preferences of the two parties.

According to some sources, implementation of the CPA provisions that are applicable to the three transitional areas, namely, Abyei, the Nuba Mountains, and the Blue Nile states did not show much progress. Whereas the latter two are granted only the right to popular consultation through which their legislatures can reassess their political arrangements and raise their concerns for renegotiation, Abyei was accorded special treatment (see the Abyei Annex and Protocol) in the CPA as compared to the other two. Abyei featured high in the series of negotiations that took place between the government of Sudan and the SPLM/A leading to the signing of the CPA. The negotiations took note of the importance of Abyei and formulated a special protocol, which was annexed to the main document designated as the Abyei Annex.

The two principals to the CPA agreed on a number of issues like setting up a special administration for Abyei under the Presidency of GoNU, the sharing of oil revenues originating from the locality, continued and unhindered access to traditional grazing areas by both Ngok Dinka and the Misseriya, and allowing the residents of Abyei to vote whether they wish to become part of the South or remain in the North at the end of the six-year interim period. The signatories, however, differed on the issue of defining the area that constitutes the Abyei Special Administration. It was in this connection that agreement was reached to establish the Abyei Boundary Commission (ABC) with a mandate '…to define and demarcate the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905'.

The final text of the Abyei Annex adopted by the two parties determined the composition of the 15-member ABC, which shall include five persons each representing the delegations of NCP and SPLM/A, and five impartial experts nominated by the US (1), the UK (1), and IGAD (3). As stipulated in the Annex, the ABC was charged with the task of collecting testimonies from the representatives of the people of Abyei and the surrounding areas, listening to the presentations of the two delegations, and collecting pertinent material on the Sudan from the British Archives and other pertinent sources. This was aimed at enabling the Commission to 'arrive at a decision that shall be based on scientific analyses and research'. Accordingly, in April 2005, the experts proposed the Rules of Procedure that were unanimously adopted by the delegations of the two Principals as final and binding on the parties. It was clearly stated in the Rules of Procedure that in the absence of consensus based on mutually agreed position of the two sides, the experts were charged with the task of pronouncing a final and binding decision to the Presidency of GoNU (Johnson 2011:3).

In the absence of consensus on the part of the delegations of the two principals (NCP and SPLM) and after careful consideration of the propositions made by the two delegations and a thorough examination of available evidence collected from the aforementioned primary and secondary sources, the team of experts made a decision that the nine Ngok Dinka chiefdoms were located in and around the contested Abyei Area (including Abyei town) at the time of the transfer of the locality from Bahr-el-Ghazal in the South to Kordofan in the North by the colonial administration in 1905. The team of experts nominated by the governments of the US, UK and IGAD officially and formally communicated their decision to this effect to the Presidency of GoNU on 14 July 2005. This was immediately rejected by President Bashir and the leadership of the NCP on the grounds that the experts exceeded their mandate. Disagreement over this issue lingered until 2008 leading to an armed confrontation between SAF and SPLA in and around Abyei town. After some bloodletting and dislocation, the two sides agreed to take the matter to the Permanent Court of Arbitration (PCA) in the Hague, which in July 2009 ruled on the case by defining another territorial boundary of Abyei to an area focused on the permanent settlements of the Ngok Dinka. The ruling gave control of the oil fields in the north-east corner of the region to the North. On the other hand, the focus of the PCA decision on the area of the Ngok permanent settlements excluded much of the area settled by the Misseriya during the war on the basis of which demarcation of the new boundary was envisaged to take place in 2009, which did not materialise due to the resistance of 'local elements of SAF and the Misseriya'. It is argued that 'Abyei has so far proved to be the most difficult part of the Comprehensive Peace Agreement (CPA) to implement, more difficult, even than the determination of the rest of the North-South boundary or the division of oil revenues'.

The implementation of the CPA has so far encountered several obstacles such as the lack of will on the part of the NCP, the lack of capacity on the part of the SPLM/A, and the lack of continued engagement and perseverance on the part of the international community whose attention is deflected by what they view as more urgent and pressing concerns. The NCP also appeared to have anticipated that the South would vote for secession anyway and thus saw no need to labour on CPA's implementation. On the other hand, the SPLM/A also seemed to have been less committed to implementing the macro aspects of the CPA by working towards ensuring that the outcome of the referendum results in the crowning of its desired goal of separation (ICG 2006:3). In a nutshell, the CPA has made remarkable progress despite several shortfalls that tended to threaten its potency at different times. Now that the outcome of

the recent referendum has amply demonstrated the indomitable will of the people of Southern Sudan to realize the highly cherished goal of accession to independent statehood, it is worthwhile to attend to possible developments that accompany the birth of a new independent polity in the Horn of Africa, namely Southern Sudan.

Implications of South Sudan's Independence for the Sub-region

Following the signing of the CPA in January 2005, the separation versus unity prospect in the post-interim period has been the centrepiece of political speculations, projections and manoeuvrings of different sets of potential and actual stakeholders in the Sudan itself and beyond. This is notably more of an issue of concern prevalent in the line of thinking and tactics and strategies of the two major protagonists, namely the NCP and the SPLM/A. On top of a history of oppression and bloody confrontation that underlie the old relations of the two major actors, there has been a pronounced incongruence between the NCP's rhetoric favouring the CPA's implementation on the one hand and its practices marked by half-hearted commitment on the other. This contradictory approach culminated in the entrenchment of mutual mistrust exhibited at different times. In the subsequent years following the tragic death of John Garang in particular, the mutual and reciprocal antagonism and suspicion began to deepen and gain ground over time thereby strengthening the position of hardliners in the ranks of both groups.

Way back prior to the January referendum, several pointers indicated that secession had become virtually inevitable and that the priority objective of democratic transformation of a united Sudan became a questionable scenario. For instance, the SPLM/A candidate for the office of president, Yasir Arman withdrew from the contest in the June 2010 national elections alleging that the exercise was not free, fair, and democratic signalling SPLM/A's possible disengagement from national politics. Moreover, the SPLM/A appeared to be highly suspicious of the possibility of transforming Sudanese national politics due to NCP's intransigence as regards resolving the underlying causes that triggered the crisis in Darfur. Another signpost eclipsing prospects for a united Sudan related to SPLM/A's interpretation of the then forthcoming referendum as the 'final walk to freedom' or 'freedom through referendum' as signified by the release of a new Southern Sudanese national anthem that exhorted southerners to seriously think of opting out. This was compounded by the 31 October 2009 speech of GoSS President, Salva Kiir Mayardit, urging Southern Sudanese to vote for independence by saying, 'you have the opportunity to

choose between being free in our own nation or second class citizens in a unified country' (Said 2010:1). In short, the possibility for making 'unity attractive' seems to have been relegated to the backyard when the fateful day of conducting the referendum came on the scene, resulting in the overwhelming vote cast by southerners in favour of separation. Save for some isolated incidents in the Abyei area, the referendum was carried out in a manner free of tensions and violent confrontation. As stated by President Bashir, the NCP was committed to duly acknowledging and accepting the outcome.

Now that the secession of Southern Sudan appears to be a foregone issue, shedding light on possible developments that impact on the state of affairs both in the Sudan and the Horn of Africa would be worthwhile. Among others, these include: citizenship and identity; security in general and human security in particular; access to and management of resources (oil and Nile waters); borders and movement of peoples; livestock and goods; and, infrastructural development and regional integration.

Citizenship and Identity

In view of the outcomes of the recent referendum, negotiations associated with citizenship that were already underway between NCP and SPLM/A under the auspices of the AU along with other post-referendum issues such as border demarcation, national assets and debt, a new oil deal and sharing of the Nile water resources should continue in earnest (AU 2010:4). It has been noted that many southerners living in the North have already started moving back to the South for fear of facing probable persecution in case of subsequent developments following the outcomes of the referendum. In the negotiations on citizenship, the two parties to the CPA agreed that 'citizenship status of the people would not change' and 'their rights remain intact anywhere in the country' until new nationality laws are promulgated by both the North and the South following the expiry of the CPA in July 2011 (ICG 2010:7). Given the recent developments signified by indications of the inevitability of the separation of South Sudan, determination of the citizenship status of southerners in the North and northerners in the South in the times ahead remains a daunting task.

On the other hand, inter-ethnic rivalry could threaten the peace dividend brought about by the CPA and make the new polity of South Sudan fragile unless divisions and rivalries within the South itself are overcome through recourse to a variety of confidence-building measures. It is known that South Sudan is not a homogeneous entity given the existence of dozens of

ethno-cultural formations (the major ones being the Dinka, the Nuer, and the Shilluk) whose inter-ethnic relations have been marred by a plethora of competitions and rivalries over various issues during both the distant and recent past. The future, therefore, is replete with several challenges that necessitating that the SPLM/A employs foresight and builds capacity so as to lay conducive ground to handle identity and citizenship-related concerns within the South and beyond its new borders where ethno-cultural affinities and boundary contiguities overlap. In this regard, potential sources of mutual suspicion and antagonism should be properly addressed by entrenching an environment of trust and confidence across the board.

It should be noted that several ethnic groups led by their respective political entrepreneurs perceive that the leadership of the SPLM/A has been dominated by members of the Dinka ethnic group who allegedly control the security, the civil service and public resources under GoSS in a disproportionate manner (Wambugu 2010:17). Unless such perceptions and corresponding realities on the ground related to these are properly addressed in good time, a sense of insecurity and apprehension among other ethnic groups in the South can prevail thereby laying the basis for internal split and factionalism in the ranks of the SPLM/A triggering alignments and counter-alignments along ethnic lines with far-reaching consequences, giving rise to internal fragmentation and eventual civil war. Moreover, the problem can affect the relations between the new polity and its neighbours, where the existence of similar ethnic groups with diverse citizenship overlaps across their common borders warrants that they engage in unequivocal agreements to avert possible misunderstandings and rivalries that could unfold subsequently. The likely separation of South Sudan, therefore, necessitates recourse to negotiation between Sudanese across the broadspectrum involving all political actors on the one hand and neighbouring countries sharing borders with it on the other, to determine certain issues of paramount importance associated with citizenship and identity.

Security

The African Union has on various occasions urged both the North and the South to desist from extending support to opposition groups or insurgent movements seeking to operate against each by hosting them in territories under their jurisdictions. However, both parties have repeatedly got involved in mutual recriminations alleging that renegade factions and outside belligerents are threatening their security, or that of other states in the sub-region following

the signing of the CPA. For ages, the people of Southern Sudan have been victims of injustice perpetrated first by Arab slave traders, followed by oppressive colonial rule and, subsequently, successive post-colonial regimes. It is clear that the common experiences of southerners in the past have nurtured a growing sense of southern nationalism consolidated by successive liberation movements, notably Anyanya I and Anyanya II, and finally SPLM/A. This evoked the perception that common southern identity is a product of shared experience of injustice and various other forms of alienation. Nevertheless, in the absence of foresight and proactive measures aimed at forging a durable sense of common belonging based on mutual respect, equitable sharing and equality, it is likely that the fledgling nation could encounter internal fragmentation. As envisaged in the CPA, both parties appear to have reneged on their pledges in terms of facilitating repatriation and resettlement of Southern Sudanese refugees and disarmament of militia groups, which are detrimental to efforts aimed at promoting durable peace both in the Sudan and beyond. There were even certain instances where instability in Southern Sudan spilled over into the Gambella region of Ethiopia, Darfur, northern Uganda, and the Central African Republic due to the porous nature of common borders and unchecked proliferation of arms (Omeje 2010). The spread of cattle-rustling into the Gambella region has fueled inter-tribal fighting and caused unanticipated security problems in the area, which forced both the Ethiopian and the South Sudan governments to conduct monthly security consultations to thwart security threats along their common border.

There are also some indications that the NCP is taking some measures as part of its drive to recast North Sudan as an Islamic state following the outcome of the referendum leading to the separation of the South. In the course of the CPA peace process the NCP managed to retain Sharia as a source of legislation in the North, thereby hampering the possible transformation of the state to secular status. Besides, it is to be recalled that in the course of the negotiations on citizenship issues, the NCP warned that any person voting in the referendum would be a southerner who would lose his/her citizenship rights in the North, which implies that it was planning to create an Islamic state following separation of the South after the referendum. Apprehensions resulting from these and similar other trends and tendencies, therefore, prompt the concerns among neighbouring countries that would be alarmed by possible threats from the ascendancy of militant Islam in the context of already precarious situations in the Horn. This would be to the detriment of putting in place a regional security architecture based on mutual interests and common objectives. The separation of South Sudan has a significant impact

on the sub-region and beyond as it is likely to be a source of inspiration for thriving centrifugal forces striving to effect changes in the status quo in some countries in a manner that could have adverse implications for the realization of African unity at large. Leaders of some African countries like Libya and Chad, among others, cautioned that what is likely to happen in the Sudan could be contagious by bringing about a domino effect in the continent, posing grave danger to peace and security (Temin 2010:1). In this respect, one is forced to think of Somaliland (in Somalia), the Ogaden (in Ethiopia), and Darfur (in the Sudan) whose political entrepreneurs aspire for secession and could as a result gain impetus, thereby leading to turbulence of a wider scale in the sub-region. Hence there is concern that such developments would lay the ground for the transformation of latent intra-state conflicts into more intensified civil wars between the political regimes and ethno-nationalist insurgent movements. If this scenario became a reality, the already dismal human security situation of populations in the affected countries would be exacerbated.

Access to and Management of Resources

It is likely that independence would result in enhancement of Southern Sudan's oil production and regional infrastructural development endeavours. It is worth noting that since 2006, despite uncertainties surrounding subsequent matters during the remaining phases of implementing the CPA, GoSS has been negotiating possible involvement of Chinese and Japanese firms in its oil sector to construct a 1,400 km oil pipeline worth $ 1.5 billion that would link Juba to Lamu port on the Indian Ocean coast of Kenya. This appears to have been prompted by its desire to reduce the degree of its dependence on Northern Sudan ports. So far, both parties to the CPA share oil revenues originating from production fields in the South as per the CPA wealth-sharing formula. The separation of South Sudan, however, would alter the existing arrangement which requires renegotiation between the two principals on the matter. In this regard, the challenge would be how to manage the oil economy including revenue sharing and rental tax on the pipeline and transportation of oil for export in view of South Sudan being landlocked.

In addition to the aforementioned, the inevitable separation of Southern Sudan undoubtedly impacts on the access to and management of water resources such as the Nile, which is one of the bones of contention between the upper and lower riparian countries both in the Horn and beyond. It is envisaged that the emergence of South Sudan as a new independent polity

entails increased complication of the regional hydro-political setting of the Nile Basin, which is already enmeshed in sharp disagreement between the lower and upper riparian countries. It is common knowledge that whereas the upstream sources contribute 100 per cent of the waters of the Nile, the lower ones (Egypt and Sudan) insist to continue as sole users by preserving the status quo based on the 1929 and 1959 Treaties that exclude the former. This state of affairs has engendered not only unregulated competition among the countries of the Basin but also inter-state rivalry to the extent of affecting the peace and security of the region. In their bid to address problems and misgivings surrounding the use of the waters of the Nile, the countries of the Basin embarked on the task of developing a Common Framework Agreement (CFA) under the auspices of the Nile Basin Initiative (NBI). The CFA, which is hoped to set the stage for the establishment of the Nile Basin Commission in 2012 that oversees the joint utilisation and management of the Nile waters, is vigorously rejected by Egypt and Sudan on the ground that it adversely impacts on their established use rights. In this connection, it should be noted that South Sudan is rich in water resources given its location as a transit zone of the White Nile and the Blue Nile. Hence its likely accession to independence has considerable impact on the existing regional hydro-political milieu.

First and foremost, the first step in the aftermath of the independence of South Sudan could be revitalizing the Jonglei Canal Project that was disrupted in 1983 when the second civil war commenced. This by itself poses a threat to the vital interests of both Egypt and North Sudan, given that the share of the Nile waters that they previously received could be diminished as a result. Second, South Sudan will ally with the seven upstream countries against North Sudan & Egypt concerning the division of the Nile water among all the states shoring the Nile. In view of this, what matters is its future policy to determine what implications its new position would be regarding the on-going controversy on the use of the waters of the Nile. Two scenarios could be envisioned in this regard. The first is that South Sudan might insist on the maintenance of the status quo by invoking the 1959 Agreement on the 'full utilization of the waters of the Nile' agreed between Egypt and Sudan to share 55.5 billion cubic meters and 18.5 billion cubic meters respectively. This implies that South Sudan would claim its share of the 18.5 billion cubic meters of the water allocated to the old Sudan. The second scenario is that South Sudan may disown the 1959 Agreement and thus articulate its desire for renegotiation aimed at forging a new arrangement in tandem with the position of the majority of the upstream countries as a result of which it would qualify for candidacy to the CFA, which could be a matter of serious concern

for North Sudan and Egypt. It is likely that the latter two may suspect, albeit with some justification, that for historical or transitional political reasons South Sudan could join the other states opposed to the perpetuation of the status quo.

Borders, Movement of People and Goods and Regional Integration

Following the de facto abrogation of the Addis Ababa Accord by nullifying Southern autonomy and the introduction of Sharia law in the early 1980s, the Numeiry regime was accused of manoeuvring to redrawthe 1956 north-south border to bring the territories and the oil rich areas of the South into the fold of the North. Following the signing of the CPA, concern associated with unresolved border issues was one of the points of contention that led SPLM/A's temporary suspension of its participation in the GoNU in October 2007. Regarding the claims and counterclaims surrounding Abyei, the Permanent Court of Arbitration has ruled on the case in July 2009 despite which border demarcation on the ground remains stalled due to NCP's foot-dragging(AI 2011:2). Unsettled concerns relating to border demarcation between old the Sudan and some of its neighbours like Ethiopia, among others, could persist under the new dispensation requiring the South to grapple with the matter following its entrenchment as a new polity.

The independence of South Sudan is also viewed to impact on regional integration, infrastructural development, bilateral and multilateral trade and economic cooperation in the sub-region in various ways. The prevailing assumption is that for historical and cultural reasons, Southern Sudan may move much closer to its neighbours in East Africa and the Horn to boost its position in sub-regional and international trade without forfeiting its ties to the North. Bilateral economic relations between Ethiopia and South Sudan are already picking up as a result of the CPA that provided favourable conditions fortheresumption of trade along their common border after 2005. The Gambella trading post in Ethiopia, which is connected with Sudan via the Baro-Akobo river-route, augmented trade among borderland communities and became a source of income for both countries accruing from customs duties on import and export goods thereby facilitating conditions for free movement of people and enabling relatives separated during the civil war to reconnect and live together (Bayissa 2010:233).

There are indications that neighbouring states are considering the emergence of an independent South Sudan as a window of opportunity in view of the latter's potential endowments in untapped natural resources and as a destination hub for their exports. This is already demonstrated by considerable influx of

businesses and people from Kenya, Uganda, and Ethiopia anticipating job and investment opportunities. The evidence is that business operators from these countries are heavily engaged in South Sudan's private sector including service provision, construction, air transport, insurance, infrastructure development, and NGO undertakings. It is also reported that neighbouring states are supportive of Southern Sudan's independence in anticipation that it would boost regional trade by opening the door to formal treaties and accession to the East African Community (EAC) and the Common Market for Eastern and Southern Africa (COMESA). In terms of infrastructural development, there are a number of projects that are already underway like a new sea port along Kenya's Indian Ocean coast, a railway that connects Juba to Kenya, Uganda and Ethiopia, and extension of the Trans-African Highway Network linking South Sudan to Mombasa.

Conclusion

The CPA proved to be a major and relatively effective instrument in addressing several of the root causes of the conflict in Sudan. In several respects, it signalled a major departure from other similar initiatives attempted hitherto. This is despite contentions and controversies surrounding the relations between the two signatories as regards a number of issues, notably the North-South border demarcation, transparency regarding oil revenue, and claims and counterclaims on Abyei. In view of the imminent separation of the South that is already determined by the outcomes of the January 2011 referendum, several developments affecting potential and actual stakeholders within Sudan and the countries in the core and greater Horn of Africa are envisaged to unfold subsequently. In spite of the excitement and euphoria that would normally accompany the birth of a reconfigured South Sudan, opting for separation in and by itself is not a sufficient condition to beget substance in terms of putting to rest the mishaps experienced in the past for good. Hence a daunting task awaits the leaders of both North and South Sudan and other stakeholders in the region and the international community in several respects. A repeat of past follies that rocked basic fabrics of socio-economic and political life across the board could be avoided by paving the way for durable peace and stability provided that all the concerned actors at various levels synchronise their efforts to this end. The major onus of facilitating smooth transition under a new dispensation primarily falls on the leaders and other actors in North and South Sudan, who are expected to show unwavering commitments aimed at putting things right by working closely with and involving their populations under their respective areas of jurisdiction. The focus of engagements in the aftermath of

the inevitable separation should, therefore, be on paramount concerns like good governance, democracy and equitable sharing. Concurrently, it is incumbent on the two sides to spearhead efforts towards addressing a plethora of unresolved issues like the north-south border demarcation, including Abyei, and other post-referendum concerns in a manner that could result in win-win outcomes to the benefit of all sides. Neighbouring countries that share borders with both North and South Sudan, regional economic communities (IGAD and EAC), and the AU, among others, could contribute to the transformation process in encouraging and assisting the two parties to resolve their differences and address their entrenched inadequacies of various sorts that militate against the realization of peaceful transition. State actors in the region can also help in this regard provided that they extricate themselves from their limitations marked by short-sighted approaches and furtherance of parochial self-serving interests in their dealings on matters related to internal governance in their countries and regional and sub-regional issues. Major players in the international system are better placed to alleviate pressing shortfalls and put an end to the predicaments of the sub-region through working in tandem with all relevant actors.

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