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SUDAN: FROM CONFLICT TO CONFLICT

Marina Ottaway and
Mai El-Sadany

MIDDLE EAST | MAY 2012

CARNEGIE ENDOWMENT

FOR INTERNATIONAL PEACE

WASHINGTON DC ▪ MOSCOW ▪ BEIJING ▪ BEIRUT ▪ BRUSSELS



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- ★ National Capital
- State Capital
- City or Town
- North and South Sudan Boundary
- State Boundary

--- County Boundary

— River

□ Dam

● Area of Political/Tribal Conflict*

* Shaded areas of conflict are the major sites of cattle raiding and tribal clashes in South Sudan. Fighting has spread to Pibor, Jalle, Akobo, and Uror in Jonglei State, as well as Mayendit County in Unity State and neighboring counties in Warab and Lakes States.

Note: The creation of the states of East and Central Darfur was announced in January 2012, but no official maps have been released to reflect this information. Thus, they are not marked here.

Acronyms

CPA—Comprehensive Peace Agreement: signed in 2005 by the SPLM/A and the government of Sudan

JEM—Justice and Equality Movement: a Darfur-based rebel group

NCP—National Congress Party: the North's ruling political party

SAF—Sudanese Armed Forces: the North's military force

SLM/A—Sudan Liberation Movement/Army: a Darfur-based rebel group

SPLM/A—Sudan People's Liberation Movement/Army: the southern political party and army, before independence

SPLA—Sudan People's Liberation Army: the independent South's military force

SPLM—Sudan People's Liberation Movement: the independent South's ruling political party

SPLM-N—Sudan People's Liberation Movement-North: a separatist movement and political party based in northern Sudan, primarily in the Blue Nile and South Kordofan States

SSDM/A—South Sudan Democratic Movement/Army: a prominent insurgent group in South Sudan opposed to SPLM rule

SSLM/A—South Sudan Liberation Movement/Army: an insurgent group operating in the Upper Nile region of South Sudan and opposed to SPLM rule

UNAMID—United Nations-African Union Mission in Darfur: peacekeeping force deployed to Darfur after Khartoum and the SLM/A signed the Abuja Peace Agreement in 2006

UNISFA—United Nations Interim Security Force for Abyei: the force deployed to the region of Abyei to, among other things, monitor and verify the redeployment of the northern and southern armies outside the territory

Summary

Less than a year after the old “greater” Sudan split into the northern Republic of Sudan and the new Republic of South Sudan—or North and South Sudan, for clarity—the two countries were again in a state of war. Years of international efforts to bring an end to decades of conflict by helping to negotiate the Comprehensive Peace Agreement of 2005 and later efforts to ensure a smooth separation of North and South appear to have come to naught.

In January 2011, a referendum in the South, stipulated by the Comprehensive Peace Agreement, resulted in an overwhelming vote in favor of partition. Over the next six months, North and South were supposed to negotiate outstanding issues but failed to do so. As a result, conflict broke out again almost immediately after the South became independent.

At first, the conflict involved clashes along the border region between the northern Sudanese Armed Forces and liberation movements in regions that preferred incorporation into the South. By April 2012 though, the fighting had escalated into war between North and South, with the South’s army crossing into the North and the North’s military bombing villages across the border. Oil exports from the South had been halted and other conflicts had broken out in both countries.

Oil has long been one of the central drivers of conflict between the two Sudans. After independence, that conflict was heightened since about 75 percent of Sudan’s oil is produced below the border that now separates the two countries, leaving the North with greatly reduced revenues. Another set of conflicts, which has quickly led to violence, involves attempts to control territories along the border between the North and South, in particular, in South Kordofan, the Blue Nile, and Abyei. Meanwhile, both North and South struggle with internal political and tribal conflicts as they try to build states on truncated territory and woefully inadequate institutional foundations.

The failure of efforts thus far to bring peace to greater Sudan, especially the Comprehensive Peace Agreement project, does not bode well for the chances of avoiding new decades of conflict and the countries’ continued impoverishment. All signs suggest that the transition from greater Sudan to the Republics of Sudan and South Sudan is not the end of a conflict but rather the beginning of multiple new ones.

Introduction

Less than a year after the old “greater” Sudan split into the northern Republic of Sudan and the new Republic of South Sudan—or North and South Sudan, for clarity—the two countries were again in a state of war. Years of international efforts to bring an end to decades of conflict by helping to negotiate the Comprehensive Peace Agreement (CPA) of 2005 and the later efforts to ensure a smooth separation of North and South appear to have come to naught. In January 2011, a referendum in the South, stipulated by the CPA, resulted in an overwhelming vote in favor of partition. Over the next six months, North and South were supposed to negotiate outstanding issues to make sure that when the Republic of South Sudan came into existence in July, it would do so peacefully and the separation would be orderly. However, prospects for a peaceful split were destroyed even before the July date of independence arrived.

Although the North appeared to accept the results of the referendum and to resign itself to its much-diminished status as a country that had lost one-third of its territory and three-quarters of its oil, in reality it did not. For its part, the South was too divided internally, insecure, and essentially incompetent to engage in a successful negotiation of outstanding issues. Thus, the separation took place while a host of major problems remained unresolved.

Conflict broke out again almost immediately after the South became independent. At first, this involved clashes along the border region between the northern Sudanese Armed Forces (SAF) and liberation movements in regions that preferred incorporation into the South. By April 2012 though, the fighting had degenerated into war between North and South, with the southern Sudan People’s Liberation Army (SPLA) crossing into the North and the SAF bombing villages across the border in the South.

This unhappy outcome of a problem that had been the target of a very comprehensive attempt at conflict resolution by the international community gives pause for thought. Superficially, the Comprehensive Peace Agreement negotiated between the North and the South with much international coaxing and support appeared to be a groundbreaking attempt to solve a problem that had seemed intractable for decades. The package of agreements and protocols that make up the CPA did not leave many stones unturned, seeking not only to forge compromises between the two sides but also to encourage the internal transformation of both North and South in a more democratic

Separation took place while a host of major problems remained unresolved.

direction. On paper, few problems were overlooked. In practice, few clauses were implemented.

Both North and South, despite their formally federal, decentralized structures, were de facto single-party states, and neither side was truly interested in making the agreement work. The North deluded itself into thinking that the South would not dare secede and so did nothing to make unity palatable. The South was determined to secede no matter what the North did; most of its leaders thus saw the six-year period imposed by the CPA before a referendum on independence could be held, not as an opportunity to make unity possible, but rather as a waiting period to be endured before independence could be attained. John Garang, the leader of the South who had negotiated the CPA and wanted to give unity a second chance, was killed in a helicopter crash six months after the agreement was signed. He was the last major southern leader to truly believe that unity might be both possible and desirable for both countries.

The failure of the conflict resolution effort represented by the CPA leads to many questions about the past. For one, why did the attempt fail? Was it because eager negotiators essentially managed to convince the two sides to sign a set of agreements that they neither believed in nor intended to respect, or was it because the international community did not exert sufficient pressure to ensure that the agreement would be implemented? Key questions, to be sure, but the most important unresolved issues concern the future rather than the past.

The failure of the CPA project, dismally shown by the renewed state of war between North and South, does not bode well for the chances of avoiding new decades of conflict and the countries' continued impoverishment. Past experience could either act as a facilitator or a hindrance to a new agreement, and it is not clear whether international intervention, without the parties to the conflict committed to a peaceful settlement, is an indispensable instrument of peace or just a temporary respite from fighting that the two sides will unescapably resume with renewed vigor. Is war simply inevitable because it represents for both countries an escape from internal political and economic problems that appear to have no solution?

Roots of Tension

Since the days of the Anglo-Egyptian condominium, Sudan had been officially divided into two areas: the North and the South. The North, predominantly Arab and Muslim, constituted what French colonial authorities called the “useful country,” where whatever resources were available and whatever development took place were concentrated. And the South, African and “heathen,” appeared to be a remote region without resources best left to its own devices and those of missionaries, but also to be protected from slave raiders.

Under the condominium, an official internal boundary existed that put the South out of northern reach. Unfortunately for the present conflicts, this internal boundary was never clearly delineated, let alone demarcated—it crossed, after all, territory considered to have no value. Not surprisingly, when Sudan became independent in 1956 and the barrier between the two areas was lifted, the South found itself in an extremely disadvantaged position. It was not long before it started agitating for a new status.

Conflict in Sudan was never a simple bilateral affair between North and South. The split between the two regions intersected fundamental problems that existed within both. The North, which ruled the entire country, was extremely unstable politically. Power switched back and forth between military and civilian governments, ranging from those dominated by the left to those with an Islamist orientation. The South was generally resentful of the dominant North but also deeply divided, particularly along tribal lines; these divisions were systematically exploited by northern governments to weaken the southern rebel movements: the Anya-Nya in the early years and, after 1983, the Sudan People's Liberation Movement and its army.

Important to understanding the present predicament is that active fighting between North and South took place mostly in the center of the country, around the old North-South internal boundary. Complicating matters, the area crossed by this poorly defined border turned out to be rich in oil, making it a vital resource for both sides. Oil in commercial quantity was discovered in 1978 by Chevron near the towns of Bentiu and Heglig, close to the North-South boundary. The discovery made it all the more important for the North to maintain control, while providing added incentives to the southern rebels to fight for control of the territory. The Heglig find created an especially dangerous situation, because it was located in an area where the boundary was particularly ill-defined and was thus claimed, then and now, by both North and South.

At the time of the oil discovery, Sudan had been enjoying the most peaceful period in its troubled post-independence history. An agreement signed in Addis Ababa in 1972 had put an end to the southern uprising, transforming Sudan into an asymmetrical federation where southerners held positions in the central government but also enjoyed a degree of autonomy. But in the early 1980s, the North underwent another upheaval that put an end to peace. President Jafaar Nimeiri, in power since 1969 first as a military leader and later as an elected president, dramatically changed his policies in two ways: He proclaimed that Sudan would henceforth be ruled by sharia, creating resentment and fear among the country's large non-Muslim population, especially in the South. And he simultaneously started dismantling the Addis Ababa agreement that he had helped negotiate by abolishing the South's elected assembly and,

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later, by dividing the region into three separate provinces, something that was seen by southerners as a blatant divide-and-rule maneuver.

By 1983, the country was slipping back into war and old patterns. North-South conflict was bubbling to the surface. Instability in the North increased after Nimeiri was overthrown in 1985. His deposition was followed by a period of civilian rule and another coup d'état in 1993 that brought to power an alliance of military leaders and Islamist extremists under the presidency of Omar al-Bashir. And war raged in the center of the country, with the northern government fomenting divisions and tribal clashes in the South. New factors further complicated this context: the growing competition to control oil resources in the country's center accompanied by a change in Sudan's foreign oil partners as Western oil companies rejected Sudanese policies and withdrew from the country, with Chinese, Malaysian, and Indian companies stepping in; and, after 2003, a brewing conflict in the western Darfur region. The signing of the CPA in 2005 put an end to open North-South warfare, but all other problems continued to simmer. These conflicts are now again coming to a head with the failure of the separation process.

Return to Conflict

Four types of conflict afflict the two Sudans today. First is the North-South conflict over oil. It is fueled by the North's bitterness about the secession of the South, the loss of territory and oil revenue, and the diminished position to which it finds itself relegated as a result. Although the North has officially accepted the secession, it does not take a visitor to the country long to discover that in practice most people have not internalized the new reality and feel deeply resentful. For its part, the South is angry at the North's refusal to allow a referendum to take place in the contested border region of Abyei—which would have decided whether the region belongs to the North or South—and to implement other provisions for the border areas. The South is also resentful of the general disdain with which the North has historically treated it. Reciprocal anger manifests itself most clearly in the dispute over the transit fees that the landlocked South should pay the North in order to ship its oil through a pipeline running to the northern Port Sudan terminal. In this dispute, both sides appear willing to undermine themselves economically in order to score points against each other—by April 2012, no oil was being shipped, thus the South received no revenue from sales and the North received no transit fees.

The second set of conflicts, which quickly led to violence, involves attempts to control territories along the border between the North and South. The conflict was well summed up in a conversation one of the authors had with Hassan Turabi, one of the oldest Islamist politicians in Sudan and President Bashir's ally-turned-enemy, who said: "The New North has a New South." In the post-secession context, the Khartoum government in the North is

fighting insurgencies around its periphery—in South Kordofan, Blue Nile, and Abyei—as it fought in the same areas against the southern SPLM/A before the South became independent. Conflict in these areas is shaped by the presence of various armed rebel groups, making it quite different from the economic warfare between the two nations that has focused mostly on pipelines and resource allocation. An agreement between Khartoum and Juba would thus most probably not settle the conflicts of the border area because liberation movements have formed, local populations have been mobilized, and the capitals' control is tenuous at best. The border areas are beginning to look worse than they did before the CPA was signed in 2005; fighting is widespread and the leadership is more fragmented.

The third set of conflicts, which also involves violence, is taking place within South Sudan, where the authority of the Juba government is contested, and inexperienced and powerless government officials are unable to impose bureaucratic order on the new country. The concept of a political opposition appears to be missing in the new state, with politicians breaking from the ruling SPLM and routinely forming armed militias rather than political parties. Across much of the South, furthermore, tribal authorities still dominate. While this is an understandable response to the Juba government's inability to maintain a presence, let alone effectively provide administration, in much of the country, it weakens the government even more, creating a vicious cycle that is difficult to interrupt.

Many southern states are witnessing significant levels of violence and continued instability, much of it caused by competition to control natural resources—land, grazing rights, water, and even oil. While such conflicts are inevitable in a new country where a weak government is attempting to superimpose the structures of a modern state on a society that must still rely on existing social organizations and tribal structures, this does not make them less destructive. The fact that Khartoum still fishes in the troubled waters of tribal tensions as it did before the South's independence adds another political layer to the problem.

The fourth set of conflicts is internal to the North, which is also attempting to build a new state on its truncated territory. While the North is ahead of the South in terms of its administrative and physical infrastructure, poor as they are, it also has a worn-out political system where old men dominate the government, the opposition, and the military alike. Discredited by having lost the South and by being involved in what seems to be an endless conflict, both civilian and military authorities command little respect and loyalty. Indeed, what so far has kept the Khartoum government from being ousted as a consequence of the secession is the fact that the opposition is also discredited. The example of the Arab Spring in other countries has so far failed to catalyze

Across much of the South, tribal authorities still dominate. While this is an understandable response to the Juba government's inability to maintain a presence, it weakens the government even more.

the palpable discontent on the ground into a new and popular movement and failed to lead to the rise of a new and organized opposition. Furthermore, the population in the North continues to be displaced and suffer instability as a result of the conflict in Darfur, bears the subjugation of the eastern tribes, and deals with a rising sense of dissatisfaction everywhere as economic conditions continue to deteriorate.

Ultimately, Sudan finds itself mired in an intricate web of complex problems. All signs suggest that the transition from greater Sudan to the Republics of Sudan and South Sudan is not the end of a conflict but rather the beginning of multiple new ones.

Two Countries, One Revenue Source

Sudan began exporting crude oil in 1999, and oil flow reached a level of 490,000 barrels per day by 2009, making oil the greatest resource for the unified country. It remains a significant economic driver for both North and South Sudan today. While dependence on oil has proven to be a serious long-term impediment to both economic development and democratization in most countries, in the short run it represents salvation for poor nations. Sudan is no exception, making oil the most immediate source of conflict.

While dependence on oil has been proven to be a serious long-term impediment to both economic development and democratization in most countries, in the short run it represents salvation for poor nations.

At the time of the referendum on January 9, 2011, oil accounted for 60 to 70 percent of government revenue in the North and 98 percent in the South. Oil created a small zone of prosperity in a country otherwise in dire condition, graphically illustrated by the gleaming oil-company headquarters that dot dilapidated Khartoum. Together with the ephemeral prosperity engendered by the sudden revenue increase, oil brought serious distortions to the Sudanese economy. The country caught the so-called Dutch disease with a vengeance. Agriculture, which had been considered the country's lifeline before the discovery of oil, was neglected, and the country became more dependent on food imports as oil exports increased. Between 2000 and 2008, the average annual growth rate of the agriculture sector in Sudan was only 3.6 percent as opposed to the 10.8 percent rate of the previous decade.¹ Declining agricultural production and reliance on more expensive imports from other nations led to significant food crises in both the North and the South. Agriculture still employs 80 percent of the workforce, but it accounts for only one-third of the gross domestic product in the North. In the South, where land is abundant and mostly fertile, agriculture remains equally underdeveloped.

About 75 percent of Sudan's oil is produced below the old colonial line that divided North and South and became the border between the two countries after the split. Making the situation potentially volatile, a large part of the

oil fields are located close to that dividing line, thus creating the possibility that either side will make a grab for oil fields that do not officially belong to them—indeed, this happened in April 2012 when the South’s army crossed into the North and seized the Heglig oil fields before retreating again. Adding to the complications, all oil has to be exported through Port Sudan in the North, the terminal of the country’s only pipeline. The alternative for the South of trucking oil southward to the Kenyan coast is impractical, and a new pipeline to that destination remains prohibitively expensive and in any case, years away.

Before the Republic of South Sudan became independent, the sharing of oil revenue had been regulated by the CPA: 2 percent of it went directly to the producing states (both North and South had a federal structure), with the remainder split evenly between Khartoum and Juba. The South was never happy with the formula, and after it gained independence, it inevitably stopped sharing its oil revenue with the North. This resulted in a significant loss of revenue for the North, estimated by the International Monetary Fund to amount to \$7.77 billion from July 2011 until the end of 2015, about \$1.7 billion per year. Government revenue was estimated at about \$9.26 billion in 2011, suggesting that the loss of oil revenue would be a devastating blow to Sudan. In an attempt to make up for lost oil revenue, in October 2011, Khartoum demanded that the South pay \$32/barrel in transit fees for oil shipped through the pipeline to Port Sudan—industry experts reckon that a rate of \$2–3/barrel would be an internationally appropriate transit fee. In response, Juba offered an equally unrealistic 41 cents/barrel.

Negotiations facilitated by Thabo Mbeki, chairman of the African Union High-Level Implementation Panel, which was established in October 2009 to assist with the implementation of the CPA, have restarted and broken down multiple times. Numerous solutions were proposed by various mediators and rejected by one side or the other: a compromise on oil transit fees; the forgiveness of arrears; and even cash transfers from the South to the North in exchange for southern control of Abyei have all been suggested, but to no avail.

With Khartoum seeking to salvage its national pride and make up some of its expected revenue loss and Juba insistent on asserting its newly gained national sovereignty, tensions have only flared further.² In February 2012, South Sudan decided to completely halt its oil production in response to Khartoum’s alleged confiscation of \$815 million worth of oil; the North responded by saying that it was merely taking its fees “in kind” because it had not received any transit payments from the South since July. Although Sudan has asked China, a prominent investor in Sudanese oil, to intervene and facilitate negotiations, there has been no measurable success to date.

The North's "New South": Border Conflicts Between Sudan and South Sudan

The January 2011 referendum that overwhelmingly approved the secession of the South did not address several important territorial issues: unclear and undemarcated border tracts; the question of whether Abyei should stay within the North or become a part of the South; and the status of South Kordofan and Blue Nile States, regions that were clearly recognized as part of the North, but expected to be given some form of special status under the provisions of the CPA because of their ties to the South. These territorial problems involve complex issues of nationalism in both North and South, deep-seated local grievances, and competition for water and grazing land among local tribes.

The unresolved issues concerning the border areas led to the outbreak of violence almost immediately after the split. Clashes initially began as separate, isolated incidents north of the border, with fighting between movements supposedly rooted in the contested areas and the Sudanese Armed Forces (SAF). Before long though, the Sudan People's Liberation Army (SPLA), which became the official army of the South after the split, also became a participant; violence began spreading across the border and into the South, particularly Unity State. By April 2012, the SAF was carrying out bombing raids across the border and the SPLA had crossed north and occupied the town of Heglig. Since the split, attempts at mediation have been undertaken by the African Union High-Level Implementation Panel, Ethiopia, China, and other international powers; and the status of Abyei and removal of troops from the border regions have come to dominate negotiation meetings. Despite the considerable effort, mediation has not been successful.

Border Demarcation

The potential for conflict created by the uncertainties surrounding the exact demarcation of the North-South border was recognized early on in the negotiations leading to the CPA. As a result, the CPA included a stipulation that a North-South Technical Border Commission should complete the demarcation of the boundary within six months of the signing of the agreement, but this did not happen. Efforts to revive the commission took place regularly throughout the CPA period, increasing in intensity in the months preceding the referendum, again without success.

Part of the reason for this neglect was that many of the contested border regions created disputes over land rights that, while vital to the local populations, did not appear so important from the point of view of national politics. Indeed, recent conflicts in Abyei, South Kordofan, and Blue Nile indicate that the problems do not stem from poor border demarcation but from much more fundamental differences. Even if the North-South Technical Border

Commission had been more diligent in carrying out its task, most conflicts would still have arisen.

Abyei

Whether Abyei would become part of the North or South was supposed to be settled by a referendum scheduled for January 2011 that would have taken place alongside the referendum on the independence of South Sudan. The Abyei dispute had also been dealt with at length in the CPA and comprised a separate, complicated chapter in the agreement, giving the region special administrative status. Despite the important implications of this issue, the referendum did not take place, turning the region into a festering problem.

On the most basic level, Abyei is a small territory permanently inhabited by a southern population group, the Ngok Dinka, but also extensively used during certain seasons by the nomadic Misseriya, who take their cattle back and forth across the border following rain and pastures. It is this mixed use of the land that prompted the transfer of the area, which historically consisted of nine Dinka chiefdoms, to the control of Kordofan in 1905. The local problem of land use probably could have been resolved had the two sides agreed to a soft border that allowed nomads to move back and forth as they had traditionally done. The problem, however, was national and not local: the Ngok Dinka, identifying more with the South, were expected to vote accordingly in the referendum, with the backing of the SPLM/A; Khartoum, though, did not want to give up a piece of territory that it had controlled since 1905.

When CPA negotiators first addressed the matter of Abyei, the issue was further complicated by the fact that it was considered to be an oil-rich territory. The Abyei Boundary Commission, set up in 2005 to demarcate the territory of the nine Dinka chiefdoms, had included the Heglig oil fields in Abyei's territory. This inclusion was a blow to Khartoum because in the short run, Abyei would keep more of the oil revenue it produced, and in the long run, the South might keep it all if Abyei voted for secession, as appeared likely. Khartoum thus appealed the decision of the Abyei Commission and the issue was taken up by the Permanent Court of Arbitration in The Hague, which in 2009 ruled that Heglig was not historically part of the old chiefdoms' territory but was located in Kordofan state. The oil town was thus taken from Abyei and placed within South Kordofan's borders, making it a contested hot spot that both North and South Sudan claim to be a part of their territories.

The quarrel over the status of Abyei continued. First, it led to the cancellation of the referendum on the region's status because of a dispute between the two sides over who had the right to vote. The South claimed that only the settled, permanent population should vote. The North argued that the Misseriya nomads also had the right to participate in a decision that would affect their livelihoods—a reasonable position, except it begged the questions of who among

the Misseriya tribe actually used Abyei grazing lands and who would just be brought in to sway the referendum results in an unrepresentative manner.

Second, Khartoum's actions made clear that it intended to make the territory an integral part of Sudan, ignoring the CPA provisions for an Abyei referendum. In May 2011, it dissolved the Abyei Administration (which had governed the contested region throughout the CPA interim period) and the Sudanese Armed Forces seized the main town, causing thousands to flee and hostilities to break out between the North and South. International efforts led in June to the signing of an Agreement on Border Security and the Joint Political and Security Mechanism by the two parties and to the United Nations Security Council's adoption of Resolution 1900, which set up the United Nations Interim Security Force for Abyei (UNISFA). That force, which would be staffed by 4,200 Ethiopian Blue Helmets, was supposed to monitor and verify the redeployment of the northern and southern armies, the SAF and SPLA, outside the territory as called for in the agreement; it was also supposed to help the Abyei Police Service maintain security, as well as supervise the distribution of humanitarian aid.

According to UN accounts, both North and South Sudan failed to completely withdraw from the region, making it difficult for UNISFA to carry out its tasks. Finding loopholes in the force's mandate, Sudan argued that it would not remove its troops from Abyei until the full deployment of all 4,200 UNISFA personnel, which had not taken place at the time of this writing. Despite the extension of UNISFA's mandate, continued efforts to bring North and South to the table on Abyei, and pleas for the establishment of a Joint Border Verification and Monitoring Mission to help govern the region, there have been no conclusive resolutions on this front.

South Kordofan and Blue Nile States

Along with Abyei, South Kordofan and Blue Nile are part of the “three areas”—the contested zones that straddle the North-South border. Post-secession fighting started in South Kordofan but soon spread to the neighboring Blue Nile State. It reached alarming levels in Heglig, with cross-border raids by the South and then the occupation of the town, culminating in a declaration of war by the North against the South on April 19, 2012.

Conflict in this region dates back to the beginning of the southern SPLM/A rebellion in 1983; due to political and cultural marginalization by the government in Khartoum, many of the local Nuba people of South Kordofan decided to join the rebellion. In response, they were heavily targeted by the National Islamic Front, a predecessor to what is now the North's ruling National Congress Party (NCP). Despite a cease-fire in 2002 and the incorporation of these states within the CPA provisions, this regional conflict was never truly resolved.

The CPA acknowledged the problem indirectly by including a “Protocol on the Resolution of the Conflict in South Kordofan and Blue Nile States.” The protocol was signed in 2004 and assumed that South Kordofan and Blue Nile would remain in the North, but recognized that their populations had been heavily affected by the war and that many of their inhabitants sympathized with the South and had even fought alongside the SPLM/A. The two states were thus given a somewhat different governing structure than others, with more elaborate provisions for local government as well as revenue sharing. The CPA also created a land commission in each state to address territorial disputes that were at the core of much of the conflict.

Finally, it created a monitoring commission in each of the two states to study the impact of the implementation of the agreement and stipulated that the states’ populations had to be involved in “popular consultations,” without specifying their form or scope. These popular consultations proceeded in a relatively smooth manner in Blue Nile because the two dominant parties, the North’s NCP and the South’s SPLM/A, had a fairly cooperative relationship there. There was significantly less progress in South Kordofan, where disagreement about the results of the state census led to the cancellation of elections for governor and state legislators in 2010.³ When elections finally took place in May 2011, the process was marred by serious flaws, leading many to question the legitimacy of the victory of the NCP’s gubernatorial candidate.

Fighting resumed in South Kordofan in June 2011, even before the South became independent, due to the festering tension that had remained after the May elections. As the northern Sudanese Armed Forces entered South Kordofan to disarm all non-SAF actors, the rebel Sudan People’s Liberation Movement-North (SPLM-N) resisted, leading to numerous clashes and the displacement of refugees. The Khartoum government blamed the clashes on the SPLA because the SPLM-N had initially been a part of that organization. However, the SPLM-N’s leaders alleged that it had become a separate entity following the establishment of the South Sudan government. South Sudan’s President Salva Kiir has acknowledged that there is a “historical connection” between the SPLA and the SPLM-N, but he continues to deny that the South is supporting the rebel group.⁴

On June 28, 2011, in Addis Ababa, the North’s government and the SPLM-N signed a Two Areas Framework Agreement, agreeing to establish a Joint Political Committee and a Joint Security Committee for South Kordofan and Blue Nile, complementing both parties’ stated commitment to a ceasefire. Despite the signing of this agreement, aerial bombardments by the North have continued, violent clashes on the ground have escalated, and the number of victims continues to increase, as shown by satellite images indicating the presence of mass graves. The SPLM-N says that it remains committed to fighting against and toppling the Bashir government, and Khartoum seems steadfast in its effort to establish dominance over the region.

With violence rapidly escalating in both Abyei and South Kordofan, a spill-over of the conflict into Blue Nile State was inevitable. In September 2011, the SAF clashed with the SPLM-N there; President Bashir declared a state of emergency in Blue Nile, removed its governor, and stated that a resolution could only be reached after the disarmament of the SPLM-N. But the SPLM-N refuses to disarm and North Sudan continues to strike the region, making the delivery of international humanitarian aid difficult. By late November 2011, the North had captured the towns of Kurmuk and Diem Mansour, and in February 2011, it drove the SPLM-N out of the town of Mukja in Blue Nile.

In April 2012, the southern army moved into Heglig. While the North saw the advance of SPLA troops into Heglig as an act of aggression, the South claimed that it was merely reacting to the ongoing northern aerial bombardment of Unity State (in South Sudan) and that it was laying claims to territory that it found to be its own. Juba initially refused to withdraw from the region despite international calls, but Khartoum responded by bombing Heglig and eventually succeeding in driving the SPLA out. Clashes along the border have continued and dangerous “total war” rhetoric has been issued by both sides.

South Sudan: Building a State from Scratch

Despite the common goal of independence, the South Sudanese opposition was never well unified. The country’s diverse population is dispersed over a large territory and further divided by poor communications, making it difficult to develop a truly common identity except in opposition to the North. The death of John Garang only months after the signing of the CPA left the SPLM/A without a strong leader. His successor Salva Kiir never commanded the same respect. Furthermore, Khartoum has been quick to take advantage of every opportunity to promote discord in the South, as it has done many times before. In fact, one of the causes of the resumption of the conflict after the hiatus provided by the 1972 Addis Ababa Agreement was a decision by the then-Sudanese president Jafaar Nimeiri to divide the South into three separate states—a resolution that the South correctly saw as a maneuver to sow divisions.

Building a state in a vast, landlocked territory would be an extremely challenging task even in the absence of conflict. But South Sudan is not at peace. The political and tribal schisms that plagued the South during the second civil war and the CPA interim period unsurprisingly continue in the independent country today, greatly complicating the already daunting prospect of building the new state. To make things even more challenging, the South has always been the least-developed part of the already poorly developed Sudan, regarded as the “useless country” both under the condominium and in the eyes of the Khartoum government. The South has dismal infrastructure, as

is clear by the absence of paved roads outside of Juba. It has little experience with self-governance and administration, and its education and health institutions are rudimentary. While the South has considerable revenue, it comes solely from oil.

The South's Many Movements and Insurgencies

Interlocking political and tribal divisions threaten to distract the country from state-building efforts and plunge it into internal turmoil, adding to the misery caused by renewed fighting with the North. The population is diverse, with the Dinka accounting for an estimated 40 percent, the Lou Nuer an additional 20 percent, and the remaining 40 percent representing a large number of much smaller tribes. The Dinka have been major players in the SPLM/A, while the Nuer were more closely associated with the earlier separatist movement, the Anya-Nya.

During the CPA period, the SPLM/A dominated the South, just as the National Congress Party dominated the North, although other parties and liberation movements also existed. In the South Sudanese Legislative Assembly elections of April 2010, the SPLM/A won 160 seats, the Sudan People's Liberation Movement-Democratic Change (a breakaway of the SPLM/A) two seats, the NCP one seat, and the remaining seven seats went to independents. Much of the opposition was tribally based.

Fortunately for the country and unfortunately for analysts trying to decipher the politics of the nation, differences between political and tribal opposition were never clear-cut. The Dinka have enjoyed a dominant presence in the SPLM/A, but the organization has also made a considerable effort to integrate other groups, even appointing them to leadership positions. For example, President Salva Kiir is Dinka and Vice President Riek Machar is Nuer. Relations between them have been far from stable, with Machar moving in and out of the SPLM/A, founding a separate organization that sought to negotiate directly with Khartoum and even signing an agreement in 1997, and setting up a military force that sought to compete with the SPLM/A before returning to the SPLM/A in 2002. Similarly convoluted histories mark other members of the leadership.

A number of rebel groups and militias still operate in South Sudan today. The South Sudan Defense Forces participated in the second civil war and had an uneasy alliance with Khartoum between 1983 and 2005. Although many of its soldiers were incorporated into the SPLA after the Juba Declaration of January 2006, which laid out a basis for the unification of the South's military forces, recent news indicates that the militia may be reemerging within South Sudan and may be trying to form a coalition with other groups.⁵

Interlocking political and tribal divisions threaten to distract the country from state-building efforts and plunge it into internal turmoil, adding to the misery caused by renewed fighting with the North.

The South Sudan Liberation Movement/Army (SSLM/A), which operates in the Upper Nile region, was established in 1999 in the context of infighting among the Nuer and now opposes the SPLM rule of South Sudan. It has recently captured bases belonging to the SPLA and has pledged to provide military support to parties involved in conflict in Jonglei State. It is interesting to note that the SSLM/A was led by Peter Gadet, who has since signed a peace agreement with Juba and is now helping to lead a disarmament campaign in Jonglei that, ironically, affects SSLM/A arms, among others.

Also rebelling against Salva Kiir's government and the rule by SPLM is the militant South Sudan Democratic Movement/Army (SSDM/A). It was established in 2010 by former SPLM/A leader George Athor after he failed to win the governorship of the state of Jonglei in an election that he claimed was rigged. Although Athor was killed in December 2011, the movement remains relatively active and is considered one of the most prominent insurgencies in the country. Some have suggested that the SSDM has played a role in fanning the flames of tribal conflict in Jonglei between the Murle and Lou Nuer.

More recently, two new groups have emerged to challenge the SPLM: The National Democratic Front, established in September 2011, is led by a relatively unknown, Jack Deng, and seeks to overthrow Kiir's government, accusing it of "corruption, tribalism, and sliding into the abyss." December 2011 also witnessed the rise of the South Sudan People's Liberation Movement/Army,

which calls for South Sudan to be governed by Khartoum, mimicking a vision of unity similar to that of the late John Garang.⁶ South Sudan has repeatedly accused Khartoum of supporting rebel and militia groups like these, but President Bashir has categorically denied this is the case.

Conflicts are further complicated by the fact that small arms abound throughout the country, as both the SPLM/A and the northern government sought to arm tribal militias for their own purposes. Arms inevitably leaked out of these militias and the SPLM/A itself, making it easy for any group with grievances to turn to violence.

Much of the simmering tribal conflict is still based on age-old problems that have historically led to clashes, such as access to land, water, and pasture—in other words, to the means of livelihood for rural populations.

Beyond politics, at the local level, much of the simmering tribal conflict is still based on age-old problems that have historically led to clashes, such as access to land, water, and pasture—in other words, to the means of livelihood for rural populations. The three cases below illustrate the complex mixing of politics and local issues that undermine the fragile new country and complicate the task of nation building.

Jonglei State

Conflict in Jonglei between the Lou Nuer and Murle tribes, both pastoralists highly dependent on farming and cattle, has intensified since secession, claiming the lives of up to 3,000 and displacing more than 140,000. The conflict is

a long-standing one, involving access to land and ownership of cattle, but at times it has also become entangled with broader political issues.

The latest round of violence started in June 2011 with a Lou Nuer attack on the Murle in Pibor County that involved extensive cattle raiding and many deaths. In response, the Murle launched a revenge attack in Uror County, killing at least 640. Since then, both the Lou Nuer and the Murle have pillaged each other's villages and conducted revenge attacks, cattle raids, and kidnappings in Pibor, Jalle, Akobo, and Uror. The youth of both tribes have been mobilized into the efforts, and the "White Army" has reemerged to "guarantee [the] long-term security of Nuer's cattle."

The White Army, an informal and traditionally Nuer militant organization, was suppressed in 2006 through a disarmament program undertaken by the SPLM/A, which some regarded as a politically motivated intervention to reduce the White Army's mobilization and strength. It has now resurfaced to stop depredations by the Murle, according to its members, who do not trust the state government or the government of South Sudan to do so.⁷ More recently, the White Army has expanded its purpose: Dinkas have started joining the army, and the conflict has changed from an attempt to stop cattle raiding to a rivalry between the Lou Nuer and Dinka on one side and the Murle on the other.

The United Nations Mission in South Sudan, which has a mandate until July 8, 2012, to support South Sudan's government in its state-building and economic development efforts, launched in December a significant humanitarian effort and deployed a battalion in Pibor to control the clashes. Raids and violence nevertheless continued, claiming the lives of thousands and displacing around 120,000. In February 2012, the Lou Nuer indicated a willingness to cooperate with tribes in Ethiopia to form a border force in order to "quarantine" the Murle tribe, indicating the expansion of the conflict. In March 2012, the South Sudanese government announced the beginning of an SPLA-led disarmament campaign in Jonglei across a number of counties; while a significant number of arms have been collected to date, clashes with the SPLA have occurred, and both Murle and Lou Nuer are hesitant to give up weapons unless their rivals promise to do the same.

Complicating matters further is the presence of rebel groups in Jonglei and neighboring states like the SSDM/A and the SSLM/A, both of which exist in rebellion against President Kiir and his government. They may contribute to increased clashes or at least the presence of loose arms in the state. The SSLM/A in particular has pledged to provide military support to parties involved in the Jonglei conflict. Among the many obstacles the new government faces in building institutions and establishing control over its territory, the challenges of disarming Jonglei and dealing with long-standing rivalries are bound to be a significant.

Warab and Unity States

Jonglei is not the only South Sudanese state wracked by cattle raids and tribal violence; in January 2012, youth from Mayendit County in Unity State attacked a neighboring county in Warab, killing at least 78 and beginning a spiral of renewed violence. Although there is no indication that these attacks are related to those occurring within Jonglei, the presence of loose arms and the continued movement of rebel groups like the SSDM/A and SSLM/A in this region have contributed to a process of counter raiding and revenge attacks that are quite similar. Violence has also spilled into the Lakes State.

Although tribal conflicts in the South have often been disregarded, recent events indicate that such infighting is bound to bring increased levels of instability to the newly established country.

Despite calls for a civilian disarmament program to promote a peaceful settlement among Warab, Lakes, and Unity States, antagonism and distrust, similar to what exists in Jonglei, remain. Some have accused previous disarmament campaigns of being “discriminatory,” putting certain groups at a disadvantage and not targeting all weapon holders equally.

Although tribal conflicts in the South have often been disregarded, recent events indicate that such infighting is bound to bring increased levels of instability to the newly established country. Unpaved roads, the presence

of illicit arms, the southern government’s lack of control over the state, and Khartoum’s alleged aerial bombardment of and clashes in the Unity, Warab, North Bahr Al Ghazal, and Upper Nile States only serve to intensify the crisis, giving way to tribal allegiances that detract from the sovereignty and bureaucratic control of the still-weak government.

Instability and Dissatisfaction in the North

The Republic of Sudan is as troubled as the South. In addition to the growing conflict with the South, it faces a host of other problems around its periphery, above all in Darfur and in the Eastern Province, particularly among the Beja people. Additionally, it faces serious political problems at the core: Omar al-Bashir has presided over the dismantling of the former country and lost prestige. The long-standing alliance between the military and the National Congress Party, as well as its predecessor, the National Islamic Front, on which Bashir’s power was based, has long since frayed; and strikingly, both the government and the opposition are in the hands of old men increasingly bereft of new ideas and initiatives—Bashir, the youngest, is sixty-eight; Hassan Turabi, the former leader of the National Islamic Front and now an opponent of Bashir, eighty; Sadiq al-Mahdi, leader of the Umma Party and still an important opposition

voice, is seventy-six. Socioeconomic discontent is high and bound to increase as political instability continues to depress the economy.

Khartoum witnessed small protests throughout 2011 over rising food prices, protracted water cuts, and other problems affecting daily life. It would be vastly exaggerated at this point to talk of a Sudanese Spring, but there have been plenty of signs of mobilization among students and youth groups such as Girifna, as well as a sullen resentment in all circles of the government and its stagnation. In a country where popular insurrections have periodically toppled the regime long before the term “Arab Spring” was coined, resentment should not be easily dismissed. The government certainly does not take it lightly—even small protests are met with a swift crackdown by riot police.

While protests have, for the most part, died down, there remains dissatisfaction on the streets of Khartoum, in Sudan’s periphery states, and even within the ranks of the NCP, making for a tumultuous and uncertain status quo. The actions of the Sudanese government thus far indicate that it is unwilling to respond to popular demands for economic and political reform, an attitude that can only promise dangerous instability and chaos in the post-Arab Spring region.

Darfur

Conflict in Darfur started in April 2003 with an attack by the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM) on government bases in North Darfur’s capital, Al Fashir. The JEM and SLM/A, both Darfur-based rebel groups, launched the rebellion against Khartoum in protest of its oppression of non-Arabs and neglect of the region. The Sudanese government promptly retaliated with a bombing campaign, backed on the ground by the Janjaweed militia. This started a cycle of violence that tarnished the reputation of Sudan even as its government was preparing to sign the CPA to put an end to the conflict with the South.

By January 2004, the Sudanese army had moved in to crush the mounting rebellion in western Darfur, forcing thousands of refugees to flee to Chad. By March, the UN found that the Janjaweed were conducting systematic killings of non-Arabs in Darfur and in September it called for the militia’s disarmament. Witnesses stated that air raids by government aircraft would often be followed by on-the-ground attacks by the Janjaweed, who would steal from, rape, and kill villagers. By 2005, the International Commission of Inquiry on Darfur, set up by UN Security Council Resolution 1564, found that war crimes were being committed in Darfur. Khartoum and the SLM/A signed the Abuja Peace Agreement in 2006, and the African Union deployed a peacekeeping mission (later replaced by the joint United Nations-African Union Mission in Darfur, UNAMID) but fighting continued.

Socioeconomic discontent is high and bound to increase as political instability continues to depress the economy.

Throughout the conflict, the United States strengthened its economic sanctions against Sudan, which had been in place since 1997 and remain in place today; and in March 2009, the International Criminal Court issued arrest warrants for President Bashir on charges of war crimes and crimes against humanity, adding charges of genocide in July 2010. Despite all of this, violence has continued and the region remains in turmoil. Part of the problem is the fragmentation of movements fighting in Darfur, not all of which have been willing to sign the same agreements at the same time.

In July 2011, the Doha Agreement, formally known as the Doha Document for Peace in Darfur, was finally signed between Khartoum and the Liberation and Justice Movement, an alliance of ten small Darfuri rebel groups, establishing a compensation fund for victims, a new Darfur Regional Authority to govern the territory until the region's status could be determined through a referendum, and a set of power-sharing agreements. An Implementation Follow-up Committee was established to supervise the implementation of the agreement. However, only the Liberation and Justice Movement signed the agreement, while others, including the JEM, refused. Conflict continues, and the UN, African Union, and Implementation Follow-up Committee still support regional peace-keeping efforts in Darfur through UNAMID, seeking to eventually bring all rebel groups to the negotiating table for a more lasting resolution.

In January 2012, President Bashir established two new states in Darfur, bringing the total to five as stipulated by the terms of the Doha Agreement: Central Darfur was created out of West Darfur, and East Darfur was created out of South Darfur; North Darfur remained as is.⁸ The Darfur Regional Authority, led by Tijani Sese, was also assigned a number of important responsibilities, including reconstruction, reconciliation, and good governance of Darfur.

Although the Doha Agreement is gradually being implemented and the intensity of conflict has decreased somewhat, the region continues to witness skirmishes between rebel groups and the government, the kidnapping of international aid workers, the disenfranchisement of internally displaced people, and a deteriorating humanitarian situation. The influx of unspecified amounts of weapons from Libya as the Qaddafi regime disintegrated has been an additional aggravating factor in the ongoing conflict. A number of rebel groups have openly rejected the Doha Agreement in order to avoid becoming irrelevant. Furthermore, with the death of JEM leader Khalil Ibrahim in December 2011, the rebel group finds itself in disarray and has already broken into smaller factions, contributing to the proliferation of armed actors that are not abiding by any agreement.

Eastern Sudan and the Beja People

With high-profile conflict in Darfur and along the border between Sudan and South Sudan, the Red Sea, Kassala, and Al-Qadarif States of eastern Sudan have received little to no attention, despite extremely low humanitarian

indexes, serious food security challenges, and drought. While the eastern states are significantly rich in resources (they boast fertile agricultural zones, grazing areas, and minerals like gold, oil, and natural gas), the indigenous Beja and Rashaida tribes within these states rarely enjoy the region's wealth, which, instead, serves to benefit elites in Khartoum.

Although fighters from the Eastern Front (an alliance of the Beja Congress, an ethnic political group incorporating the Beja people, and the Rashaida Free Lions, an armed group of Rashaida) signed the Eastern Sudan Peace Agreement with the Sudanese government to end their rebellion in 2006, since the secession of the South, the Beja and Rashaida have taken to the streets to express their dissatisfaction with the government and its failure to respect all terms of the agreement. The non-Arab Beja in particular contend that the agreement does little to remedy the continued marginalization of their tribe. Beja fighters have reportedly regrouped in the Hamid mountains, just across the Eritrean border, from where they launch attacks on Sudanese forces. Furthermore, in November 2011, the Beja Congress voiced its dissatisfaction by joining the Sudanese Revolutionary Front, a coalition of opposition and rebel groups that seek to overthrow President Bashir.

Complicating matters further, the Beja and Rashaida were never fully disarmed after the 2006 peace agreement; coupled with low human development indicators in the region, the presence of loose weapons is bound to significantly contribute to the growing instability. The situation in eastern Sudan is well summed up by UN peacekeepers who have suggested that the conflict is again simmering, much like a “volcano waiting to erupt.”⁹

Dam Building and Rural Discontent

A new source of discontent is emerging in previously quiet areas north of Khartoum, along the Nile River, as a consequence of the government's ambitious program to build new dams or refurbish old ones to meet the country's growing need for power generation. Large dams are always extremely controversial public-works projects for a number of ecological, economic, and political reasons. They have environmental consequences felt far away from the dam site—Nile dams are changing the Egyptian coastline on the Mediterranean by reducing the amount of silt transported by the water, for example. Furthermore, they invariably cause political problems because they displace a large number of people, as is the case in Sudan at present.

Built in 2009 by the Chinese, the Merowe Dam is located close to the fourth cataract of the Nile, about 350 kilometers north of Khartoum. Although it is said to have doubled Sudan's power-generation capacity, the project has also forced 15,000 families from their homes and has since become a rallying point for many displaced individuals. While some villagers have accepted various forms of government compensation for their displacement, a number of clashes with authorities have also ensued. In November and December

of 2011, over 1,000 protesters gathered to demand more assistance for displaced families and for the resignation of the electricity and dams minister. According to witnesses, these protesters were met with tear gas and arrests, signaling little willingness on the part of the government to address its population's needs.

The Merowe Dam is not the only politically controversial dam project that the government is pursuing. Khartoum is also raising the height of the Roseires Dam in Blue Nile State. The project, due for completion by June 2012, is expected to displace up to 22,000 other families, promising both dissatisfaction and widespread instability. Plans to start projects in both Kajbar and Dal are also equally threatening to the life of the Nubian people and are projected to bring "humanitarian disaster," invoking "fears of another Darfur."¹⁰

Conclusion

The state of war between North and South Sudan, the inability of the two sides to resolve the oil transit issue, and the incapacity of both states to bring security to their own territories are a sad outcome of years of negotiations, mediation, and agreements that sought to help Sudan, whether as a single or divided entity, find a degree of stability.

Both sides, perhaps overwhelmed by the magnitude of the problems they face, seem to have sought refuge in something with which they have a long experience—namely war. In just a few months since the Republic of South

Sudan gained independence, the progress that had been made over more than a decade in reaching a cease-fire and negotiating a comprehensive solution has come unraveled. Furthermore, neither side seems willing to compromise at this point. Far from believing they have reached a stalemate, North and South Sudan seem convinced that by fighting, they can gain the advantage over the other side.

This situation raises disturbing questions for the international community, which has understandably rushed in to try and halt the fighting, mediate solutions, and maintain peace. Given the failure of previous efforts, is another international effort the right approach? Or do international attempts in reality allow the two sides to continue provoking each other and pushing the limits, on the assumption that if they get in serious trouble the international community will move in and save them from the consequences of their actions?

These are not abstract questions, but very real ones. Those who believe that previous efforts were insufficient and that the failure is in part due to the lack of follow-through by the international community on the implementation of agreements are now pushing for even greater international involvement in extricating North and South Sudan from the conflict they have initiated. In light of the suffering created by this war, the casualties, and the rapidly

North and South Sudan seem convinced that by fighting, they can gain the advantage over the other side.

growing number of refugees, it is difficult to argue that halting the fighting between North and South—and other conflicts affecting the two countries—should not be an imperative. In light of previous failures, however, the question of whether such efforts to help the affected population make it easier for leaders to continue hostilities needs to be seriously discussed.

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