Dangers of splitting a fragile rentier state: Getting it right in Southern Sudan

by Kenneth Omeje

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Abstract

The anticipated January 2011 independence referendum in Southern Sudan with its possibility of inaugurating a new state in Africa has engaged and excited local, regional and international attention in recent time. It is not surprising that most commentators and direct stakeholders have tended to focus more on the immediate mundane issues of whether or not the referendum should be held as scheduled; whether or not President Omar Bashir's government is likely to honour the outcome of the referendum; who gets what in the post-referendum asset-sharing; and issues of boundary demarcation. These are all important issues that, without doubt, could easily spell a return to armed conflict if they are handled incorrectly. It is rather surprising, however, that there has been little or no discussion on the underlying political economy of Sudan as a fragile rentier state and how this could affect the state if it is partitioned, especially the future of the long-embattled south that, for understandable reasons, seems enthusiastically set on the course of sovereign statehood. This paper analyses the conflict between Sudan's north and south within the framework of rentier state theory, and makes proposals for addressing some of the key problems surrounding the forthcoming independence referendum and possible statehood of the south. The paper argues that fragile rentier states such as Sudan are structurally susceptible to fragmentary conflicts. The observed tendency towards structural fissure and implosive fragmentation is a virus that could threaten the security and stability of Southern Sudan if the dysfunctional political economy of rent that infests the larger Sudanese state is not constructively redressed.

Kenneth Omeje

Introduction

Since its independence in January 1956, Sudan has only been war-free – albeit an interregnum of fragile peace – for 11 years: 1972 to 1983. The referendum for sovereign statehood in war-affected Southern Sudan is expected in January 2011. This is evidently a moment of mixed sentiments in this volatile post-war region; with sentiments of bliss and anxiety both evident. 'Bliss' because of the predictable outcome of the referendum – an overwhelming 'yes' for independent statehood. On the other hand, there is an air of anxiety because of the fear that the Arab-dominated central government may attempt to orchestrate a last minute subversion of the referendum (refusal, cancellation or rigging) or simply reject or annul its result. Southerners, gripped by anxiety, imagine that any such subversion or refusal of the people's sovereign will for self-determination, as specified in the 2005 Comprehensive Peace Agreement (CPA) that ended the over two decades of war between Sudan's north and south, would inevitably mark a return to armed struggle. Is Sudan's referendum likely to be held devoid of subversive manipulations, with the results ultimately honored by Khartoum? What are the dangers of splitting a fragile rentier state like Sudan?

The anxiety in Southern Sudan and elsewhere regarding the possibility of referendum subversion is understandable. Having had repeated wars and hostilities with their Arab neighbours since pre-colonial days, the black African communities of Southern Sudan have deep-seated distrust for their northern compatriots. Previous peace agreements and memoranda of understanding with Khartoum have been summarily abrogated and violated. Various provisions of the present CPA (for example boundary demarcation, sharing of oil revenue) are subjects of controversy, and the Khartoum government has been repeatedly accused of deliberately subverting the CPA and abetting communal violence in the south in a bid to scuttle the proposed referendum. On the other hand, President Bashir has on a number of occasions affirmed that he would go ahead with the referendum (set for 9 January 2011) as planned and also honor its outcome, including separate statehood.

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Should the right of sovereign statehood be granted, many southerners believe their problems and political tribulations will be over. I argue in this paper that splitting a fragile state could create far-reaching political challenges, more so when the political economy of the state is rentier. Next door Eritrea waged three decades of liberation warfare against what they perceived as the empire-state of Ethiopia, believing that seceding from the latter was all they needed to be a viable prosperous state. Passionate about breaking away from their perceived historical nemesis, Eritreans at home and abroad unreservedly committed their lives, resources and energy to one of Africa's most coordinated liberation struggles. The people of Eritrea successfully achieved independent statehood in 1993, rendering Ethiopia landlocked. Border war erupted between Ethiopia and Eritrea between 1998 and 2000, and skirmishes have continued from time to time. The two states have for many years maintained some of the largest military budgets relative to GDP on the African continent. In particular, post-liberation Eritrea has remained one of Africa's most dangerous police states partly because the government claims to be perpetually preparing for an imaginary war against its arch enemy Ethiopia and its internal collaborators and insurgents. 'Intensified processes of militarisation and authoritarian rule' have been entrenched by the People's Front for Democracy and Justice (PFDJ) government that has ruled Eritrea as a one party state since independence (Hepner, 2009:219). Forced nationalism, including mandatory military service and extraction of taxes from the scattered Diaspora populations; prolonged detention and torture of dissenting voices in various military camps and secret prisons; and crackdown on civil society and the private media have taken centre-stage in contemporary Eritrea.

Of course, Sudan is not Ethiopia, and one cannot really expect the same outcome from the split of the two states. I scarcely worry about whether or not President Bashir would honor a referendum for self-rule in Southern Sudan. Whilst I concede that skeptics have plausible ground to doubt Khartoum's credibility, it suffices to say that honoring a vote for independence in the south is not coming as a charity gesture from President Bashir; it is more of a pragmatic calculation for regime survival on his part. Embattled at home by a medley of rebel groups and 'parallel states' (Briscoe, 2008) and wanted abroad for prosecution by

the International Criminal Court (ICC) on charges of war crime, the last thing the Sudanese president needs, from the standpoint of regime survival, is to open additional frontiers of violent conflict and international opprobrium. President Bashir needs to retain power at all cost as a means to avoid the humiliation of international trial and incarceration. Expanded frontiers of war and instability can almost predictably spell the end of his regime. This was the case with one of his predecessors, President Jaafar Nimeiri, who in 1983, when under pressure from radical Islamist groups, backtracked on the 1972 Addis Ababa peace agreement that ended the 17 year civil war with the south, restored unitary rule over Southern Sudan and introduced the punitive Islamic Sharia law. Consequently, civil war resumed in the south, persistent rebellion broke out in the north due to extreme hardship occasioned by the diversion of state resources to the war project, and amidst the apparent drift of the state, Nimeiri was overthrown in a bloodless military coup in 1985 by his defense minister, Gen. Abdel Rahman Swarzz al-Dahab. Bashir is already far more embattled than Nimeiri in the 1980s and therefore unlikely to venture into blatant and self-defeating political risks. On the contrary, President Bashir desperately needs to add a successful referendum to the recent multi-party election he held (no matter how flawed) as part of the popular choreography to help reinvent him as a law-abiding democrat and, conversely, indict his Western adversaries as misguided witch-hunters.

A more serious conundrum and one that should worry critical observers is the feasibility of an independent Southern Sudan. How can the state avoid the tripartite possibilities of unproductive autocracy, institutionalised rent-driven prebendal corruption and implosive communal violence? In spite of the worst practices and lessons from next door Ethiopia and Eritrea, it does not seem that many in Southern Sudan are exercised by these looming dangers.

The Fragile – Rentier State Pendulum

Many low-income countries of the global South are generally described in comparative politics as weak or fragile states. State fragility is conventionally defined from a post-Westphalian, neo-Weberian perspective – as an empirical

condition in which a government lacks monopoly of the legitimate use of force, physical control of its geographical territory, and institutional capacity to perform the essential functions of statehood, including provision of basic public services and infrastructures, as well as security of life and property (Sogge, 2008:4). From a developmentalist standpoint, state fragility is not a permanent condition but a transitional process whose occasional outcome could be progressive or regressive, depending on the actions of key state managers and stakeholders. Some institutionalist and nationalist historians see fragility as a historical legacy of colonialism. There are degrees or levels of state fragility and most contemporary analysts have tended to measure them using such empirical indicators as the state's: level of institutional coherence and control of its territorial jurisdiction by a central government; level of provision of public services; level of corruption in the public space and societal crime level; proportion of refugee outflow and involuntary population movements; level of economic growth and human development; and so on.

In terms of the history and configuration of their political economy, many fragile states are disproportionately dependent on extractive resource 'rent' and as such are labeled rentier states. Economic rents are generally defined as exports earned or income derived from a gift of nature (Beblawi, 1987:85). They are said to be external to the economy because they are not derived from the productive sectors of the domestic economy (usually defined as manufacturing and service sectors) but thrive by courtesy of international capital. The debate on the definition of what constitutes economic rent – and by logical extension, a rentier economy – has made a three phased transition, all of which entirely occurred between the 1980s through early 1990s. The first phase of the debate was concerned with oil resources and oil and gas-rich states. This phase is tied to the Middle-Eastern origin of the rentier debate, an intellectual concern that goes back to the 1950s, but which assumed a more vigorous and influential theoretical focus in the 1980s. The second phase of the debate is associated with African leftist scholars' expansion of what comprises economic rent to include all mineral resources, both liquid and solid minerals. This expanded concern included preponderant gemstone and other solid mineral exporting countries like Sierra

Leone, Guinea and the DRC as rentier economies. The third phase of the debate emerged in the late 1980s and early 1990s when, as a result of the collapse of the international commodity market and the devastating effects of the World Bank/IMF Structural Adjustment Programmes adopted by various primary commodity exporting states, many scholars expanded the concept of rentier economies to include the postcolonial cash crop and agri-forest commodity exporters. Examples include countries largely dependent on the export of, interalia, coffee, tea, cotton, cocoa, rubber and timber. Most of the postcolonial states dependent on the export of agri-forest commodities are also described as monocultural economies, a classification that pre-dated the rentier debate. By corollary, the third phase of the debate tends to define nearly all the countries of Sub-Saharan Africa as rentier economies. It suffices to mention that a great deal of the debate seems to still focus on liquid and solid mineral exporting countries, albeit the third phase of the debate continues to command a measure of currency with significant focus on rubber, timber and cocoa exporting states like war-affected Liberia and Côte d'Ivoire. Most typical rentier economies have a narrow extractive resource base, which on average accounts for over 70% of their external revenues. This would include the Sub-Saharan African states Nigeria, Gabon, Angola, Equatorial Guinea, DRC, pre-war Sierra Leone, Sudan and Chad.

The rentier state, on the other hand, is one that, based on the nature of its political economy, is largely dependent on extractive resource rents, taxes and royalties paid by trans-national companies (TNCs), and on profits from its equity stakes in TNCs' investments (Forrest, 1993:142; Karl, 1997). Rentier states are significantly shaped by a combination of colonial legacy in the state structure and the luxury of natural resource revenues otherwise called the 'rentier largesse' (Omeje, 2006:11) To a great extent, the extractive nature and primary commodity centeredness of most rentier economies were foisted during colonial history and extended in the postcolonial dispensation.

'Rentierism' (i.e. the condition or syndrome of rent accumulation and rent dependency) in many low-income extractive economies produces a predatory hegemonic elite (the rentier elite) and a convoluted culture of accumulation and

politics. Because rentier accumulation thrives on large and continuous inflow of external capital earned from non-productive investments (for example oil and gas exploitation), the phenomenon often displaces other sectors of the export economy (for example agricultural production for states dependent on oil/solid minerals and, to a lesser extent, manufacturing – most rentier states have never had a robust manufacturing sector). Consequently, huge revenue receipts from economic rent often impel an appreciation of a country's currency, and a corresponding increase in imports, thereby depreciating the price competitiveness of the state's non-rentier exports. Experts describe this phenomenon as 'Dutch Disease' – named after the negative effects of discoveries of huge natural gas deposits on the manufacturing sector and economy of the Netherlands in the 1960s (Collier, 2008:39).

There is a sense in which rentierism and state fragility merge to define the context and character of politics in the affected countries. Rentier economies are largely volatile economies because of their narrow revenue bases, which are dependent on the vagaries of the international export market. Consequently, the rentier commodity exports (such as gas, oil, diamonds, gold, coltan and bauxite) are exposed to an uncertain boom and bust cycle which engenders corresponding volatility in the revenue bases of the states. Empirical studies have shown that volatile revenues in fragile states are difficult to manage (Collier, 2008:44-52). Because rentierism produces or aggravates patronage-based accumulation and prebendal corruption in fragile states, the dominant tendency is that public spending increases in multi-fold fashion in a boom period but are hardly reduced in a sensible way during the crash cycle. It is this spending spree in the face of revenue volatility that predisposes a fragile rentier state to external balance of payment-support borrowing during a crash cycle. But a more serious negative externality is that where a rentier culture of accumulation is deep-rooted and pervasive, transversing the fabrics of state, economy and society, foreign loans (often disbursed with stringent conditionalities) and other sorts of aid are typically treated as 'economic rent.' The technical terminology for this syndrome is 'strategic rent.' Lacking the capacity to productively and efficiently

manage their external revenues and foreign aid, a fragile rentier economy is easily plunged into performance decline or recession.

Paul Collier (2008:39) argues that resource rent-driven economies produce (or aggravate) three types of bad governance regimes, depending on the local conditions and personality dispositions of the leadership (Ross, 2003:17-42; Watts, 2008:51-76). These include:

- Autocracy (military or civilian): suppression of dissenting voices, such as the media, civil society and disaffected identity groups (for example Equatorial Guinea, Gabon, pre-War DRC, Sierra Leone, Liberia, Nigeria in the 1970s-1990s, Sudan and Niger)

- Predatory state (as opposed to a developmentalist state) marked by planlessness, profligacy, cronyism and grand corruption (for example DRC, Nigeria, Sudan, Angola and Chad).

- Dysfunctional democracy, especially in multi-ethnic societies, where democratic elections are oriented to politics of ethnic-centered patronage (buying over ethno-national elites to deliver their constituencies at all cost in election) and characterised by widespread ballot rigging (for example Nigeria, Sudan and Guinea). Sadly, rentier democracies in fragile states are limited in content to flawed elections while other major pillars of democracy, such as institutional restraints and responsible use and transfer of power are treated with levity.

It is pertinent to stress that the hegemonic elite in fragile rentier states are often inter-linked with forces of international capital in a way that is both destructive to long-term economic growth and political stability. In most cases, forces of international capital operating in rentier states take advantage of the weak institutional structures in the host state to perpetrate varied malpractices in the natural resource economy – for example bribery to secure huge contracts; dubious accounting, purchasing, and under-reporting of production; excessive capital flight; ecological devastation; international lobbying for corrupt regimes; abetting coups d'état or insurgencies; and so forth. These malpractices are rife in most African rentier economies, including Sudan. Furthermore, the home

governments of TNCs operating in fragile rentier states have occasionally been directly and indirectly involved in the politics of the weak rentier states in postcolonial history. Among other things, such external state interests and involvement have often been linked to:

- Propping up of unpopular, repressive and corrupt clientelist regimes;
- Complicity in reactionary coups d'état and assassination of key anti-imperialist or nationalist leaders;
- Strategic defense partnerships and provision of military aid to strengthen the coercive capacity of clientelist regimes;
- Mobilisation of diplomatic support for clientelist regimes facing justifiable international opprobrium for wrongdoing and, conversely, international sanctions against defiant rentier regimes;
- Outright military invasion, occupation and regime change to pave way for uninterrupted access to strategic resources.

The Conflict Crossroads

A large number of recent research publications by highly regarded scholars and leading multilateral institutions (such as the World Bank) clearly suggest that developing economies with a high rate of dependence on extraction and export of natural resources have a correspondingly high propensity to corruption, poor governance, mass poverty, societal fragmentation and violent conflicts (mostly but not exclusively civil wars) (Ross, 2003:17-42; Watts, 2008:51-76). Natural resources, in particular, oil and hard-rock minerals like coltan, diamonds, gold and other gemstones, proponents have argued, play a key role in instigating, prolonging and financing these conflicts. Other non-mineral resources like timber and coca (hard drug) have also been linked to major conflicts because of their 'lootable' nature. There are different ways in which natural resources contribute to conflicts. These include:

- Struggles over ownership and control of specific natural resources or 'extractive spaces' by various stakeholders (the state inclusive) and groups within a state or between states, often compounded by external intervention or support for one of the conflict parties.

- Struggles over distribution and use of public revenues derived from natural resources by various local stakeholders and groups.
- Inability of weak state institutions to cope with large rents from natural resources coupled with looting, misappropriation and exclusion of significant sections of the society, leading to violent protests and resistance.
- Use of official and unofficial revenues from natural resources by the state and its governing elites to build-up and finance strong repressive security machinery as a means to keep the hegemonic elites in power against opposition from counter-hegemonic forces.
- Use of legal and illegal rents from natural resources by splinter groups, disgruntled factions of the governing elites and opposition forces to sponsor anti-government insurgencies, secession movements and insurrection.
- Organised predation and extortion of big business (extraction and mining companies) by aggrieved militia groups protesting against, interalia, issues of resource-related misgovernance, exclusion, biodiversity destruction and ecological damage.
- The blatant politicisation and mismanagement of conflict-issues and legitimate grievances related to natural resources and the rentier economy.
- Interests and interventions of external parties and stakeholders, forces of imperial governance, predatory networks and militarist regimes on the extractive economy of a relatively vulnerable state.

Sudan is not just a fragile rentier state, but its post-independence history has been marred by civil wars. Two installments of war have been fought in Southern Sudan: the first between 1955 and 1972, and the second between 1983 and 2005. The signing of the CPA that remarkably ended the war in the south was perceived as significantly favorable to southerners and provoked disquiet among north-eastern Muslim Beja communities. These Muslim communities were part of the northern groups from where the Sudanese government recruited paramilitary and military forces used in fighting the north/south war but in the late 1990s Beja

had joined a rebellion against the Khartoum government (Pantuliano, 2005). The uneasiness in the north-east has led the Bashir government to some 'constructive engagement' with the Eastern Front rebel groups, leading to a separate East Sudan Peace Agreement of October 2006 and subsequent negotiations that saw the appointment of some of their officials to top government positions in 2007.

A complex civil war has raged in Darfur since 2003 between the government-backed Janjaweed militias (representing the predominantly nomadic Arab ethnicities) and a multiplicity of rebel groups (representing the non-Arab Muslim communities Fur and Masaalit, and pastoralist Zaghawa ethnic groups). Resolution of the Darfur civil war still seems far off despite the presence of the joint African Union/UN hybrid peacekeeping operation (UNAMID) in the region since December 2007.

Southern Sudan itself has not been entirely without violent conflicts since the official end of war in 2005. In fact, structures of violent conflict abound in the region and beyond. Hence, there is scarcely any guarantee that an independent Southern Sudan will thrive in peace. Unless some constructive and progressive measures are taken beforehand, there are strong indications that an independent Southern Sudan could be more conflict-ridden than a region kept as a (semi-)autonomous part of Sudan. A political history of the civil war and conflicts in Southern Sudan will help to provide context to the conundrum.

A Historical Analysis of the Civil Wars in Southern Sudan

From the standpoint of the Arab-dominated central government, the prolonged war against the south is perceived as a necessary campaign against rebel resistance and organised subversion of national sovereignty. But from the standpoint of the minority ethnic communities of southern Sudan, the repeated civil wars have been differently described as war of national liberation, resistance against Sharia law, a struggle for collective self-determination, and a war against a core Arab cabal with a seemingly mercenary orientation towards the non-Arab territories. From a more analytical point of view, different scholars

have interpreted the war as part of Africa's 'new wars' (Kaldor, 1999), 'complex political emergencies' (Francis, 2005), 'resource-driven predatory war' (Ross, 2003), 'war of legitimate grievance over Jihadist aggression' (Ylonen, 2005) and 'market-centered oligopolies of violence' (Mehler, 2004; 2009).

The First Phase of War (1955 – 1972)

The first phase of the civil war started with the mutiny of southerners in the Southern Equatorial corp of the colonial army in August 1955, a few months ahead of national independence when power was firmly in the hands of a conservative Arab north-dominated transitional government. The mutineers, among other things, protested Arab domination and the refusal of the central government, which emerged after the 1954 pre-independence election, to introduce a federal political structure favoured by the British colonial authority as a more suitable arrangement for the relative autonomy of the non-Arab minorities. Spirited efforts by the unitary central government to crackdown on mutineers only succeeded in forcing a section of them into the bush as a guerilla movement, later named the Anyanya. Many southern students and youth joined the movement. To a large extent, the 1955 insurgency was precipitated by the dysfunctional colonial structures that exacerbated the political, economic and development imbalances between Sudan's dominant north and the minority south.

While the Anyanya rebellion scarcely affected normal life in the north save for the economic pressure felt by the channeling of dwindling central government revenues (mostly from the export of cotton) to the war project, the insurgency turned the entire southern region into disruptive war theatre. The economic activities of the hard-pressed southern insurgents included banditry for food; recruitment, training and raiding of government police posts; logistical deployments in the south for arms acquisition, and occasional ambushes to capture military materials and goods. Underground supply of military equipments for the insurgents was maintained through neighbouring Uganda and Ethiopia. The successive governments of Sudan exploited the opportunities

of the Cold War at different times to receive military aid and supplies from the Soviet Union and the US. Economic pressure due to the war effort and plummeting external revenue from cotton compelled the military government of General Nimeiri to negotiate with the southern rebels – leading to the Addis Ababa peace treaty of 1972 that ended the first phase of civil war. The peace treaty, among other things, established regional autonomy for the south and integrated the Anyanya guerillas into the national army (Woodward, 2008).

The Second Phase of War (1983 – 2005)

The second phase of civil war started in 1983, following the breakdown of the Addis Ababa peace agreement of 1972 under the Islamist-dominated military regime of General Gaafar Nimeiri. A nexus of proximate factors precipitated the war. The first is associated with Chevron's discovery of commercial quantities of onshore oil in its Unity oilfields north of Bentiu in southern Sudan in 1980. To break the south's claim over new oil discoveries in its region, President Nimeiri introduced a new federal structure that split the three administrative regions of the non-Arab ethnic minority south into 10 arbitrarily constituted States. In what seemed like a classic gerrymandering, Nimeiri's government absorbed the major oil town of Bentiu where Chevron had oil production fields, which was hitherto part of the Southern Upper Nile region, into the new Arab-dominated Unity State straddling the north and south. Consequently, a pipeline was announced to be constructed from the southern oil field to Port Sudan in the north – a move interpreted by many southerners as calculated to bolster the deteriorating northern-dominated national economy (Woodward, 2008:110). A decision was also made to move the site of a new oil refinery for domestic production from Bentiu (a southern town) to Kosti, a clearly unquestionable northern town. Nimeiri's new federal structure subsequently aggravated the dispute over the boundaries of southern and northern Sudan, especially in areas with significant oil fields such as Abyei. These government policies fuelled resentment and violent resistance in the south.

Furthermore, in a bid to shore up political support amidst growing economic hardship and pro-democracy agitations, Nimeiri used varieties of political patronage to court the highly militant Islamist factions that commanded large followings in the north. The groups (notably the Umma party, National Unionist Party, and the Islamic Charter Front) had forged a loose but formidable opposition alliance known as the National Front (NF) to press for political power (Ylonen, 2005). Among the series of concessions to the Islamic organisations was the appointment of a fundamentalist cleric and leader of the Muslim Brotherhood (the latter was part of the Islamic Charter Front), Hassan Turabi, as the country's Attorney General. Turabi re-introduced Sharia law as state law, an audacious move that alienated the non-Islamic periphery of the south. This culminated in a violent campaign for self-determination under the new rebel movement Sudanese Peoples Liberation Army (SLPA) led by Col. John Garang, the late strongman of the SPLA who was, until his defection to the southern cause, a senior Sudanese army officer and an ethnic Dinka. The SPLA he led, later transformed to SPLM ('M' for Movement), fought for control of economic resources in the oil-rich south, abolition of Sharia as basis for state law, a return to the colonial boundaries between the north and south, and political inclusion. Ultimately, the hardline position of the insurgency was secession of Southern Sudan.

During the Cold War, Southern Sudan received significant military support from the Marxist government of Mengistu Haile Mariam in Ethiopia and the USSR, while the central Sudanese government was mainly supported by the US. Chevron reportedly played a leading role in lobbying for US financial and military support to the Sudanese government as a means to secure its huge oil mining license in the country and other related benefits (Switzer, 2002). The main plank of the SPLA's strategy in the civil war was to launch disruptive and crippling attacks on oil facilities in the south as a means to diminish the revenue base of the central government, and their capacity for continued war-making. SPLA attacks on the oil industry contributed to Chevron's repeated suspension of its oil operations and its eventual withdrawal from Sudan in 1992. At various times, major oil companies in Sudan such as Chevron, France's Total and the

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Swedish Lundin Oil have relied on the services of local militias (mostly hired from Arab territories during the civil war years) to protect their oil operations, facilities and personnel. Since 1997, Asian oil companies, in particular the China National Petroleum Company (CNPC) and the Malaysian national oil company Petronas, have played major roles as strategic partners with the Sudanese company Sudapet in the special consortium formed by the Sudanese government to expedite oil exploration. With enormous need and an appetite for African oil to backstop its fast-growing industrial economy, the Chinese in particular have forged a strong business partnership with Sudan, producing and pumping crude oil through the 1,000 miles pipeline they (CNPC) constructed from the Heglig oil fields in the south to the northern export terminal of Port Sudan on the Red Sea, for onward transportation to China. CNPC is Sudan's largest foreign investor and China has invested more than $15 billion (mostly in the energy sector) in Sudan since 1999 (Engdahl, 2007; ICG, 2009). Sudan, on the other hand, has since the late 1990s imported most of its arms and military equipment from China, which enables the state to protect the vast Chinese oil infrastructure in the country and also to continue the wars in the Sudanese peripheries. China has come under wide criticisms from many Western governments and NGOs for unconditionally doing business on a large-scale with Sudan, which they consider to be a rogue state.

The Sudanese government, especially under President Omar Bashir who came to power in a bloodless military coup in 1989, has used a nexus of measures to enforce control over oil resources in the south and win the civil war. These measures include a 'scorched earth' policy, the arming of militias for counter insurgency, 'divide and rule' manipulation of ethnic rivalries in the south, as well as orchestration of famine/starvation as instruments of war. Under the scorched earth policy, which lasted from 1992 to early 2000, government soldiers and state-sponsored militias were used to forcibly evict and raze many southern villages within the strategic oil-belt (Omeje, 2006). Depopulation and displacement became rampant. Oil companies like the Canadian Talisman Energy were accused of continuously allowing government forces use of their airstrip to launch raids on surrounding villages, in order to secure oil-bearing lands and company assets (Switzer, 2002).

Bashir's government introduced a new law, the Popular Defense Forces Law, which provided for the creation of paramilitary forces and militias to support the war effort against the southern rebels. Many analysts interpreted the new law as having a Jihadic resonance and some have argued that the government used Jihadist rhetorics in recruiting and mobilising paramilitary fighters (Goldsmith, 2001, quoted in Switzer, 2002). The Sudanese Army recruited, armed and deployed the Murahaleen, bands of nomadic Arab tribesmen, as militias to decimate southern villages, combat rebel fighters and protect the licensed oil operations. Arson, rape, abduction and torture were some of the strategies used by the militias. Besides, government forces and militias persistently obstructed delivery of humanitarian aid to war-affected southern communities and IDP camps, attacked delivery trucks of various humanitarian agencies and ultimately forced several humanitarian organisations to evacuate from places in dire need of assistance (Switzer, 2002). It is estimated that over 2 million people have been killed in the civil war in southern Sudan with over 4 million others displaced. The war in the south was partly compounded by the civil war in northern Uganda between the Lord's Resistance Army (LRA) and the government of Uganda. Between the late 1980s and early 2000s, the LRA took advantage of tribal affinity with some ethnic communities in southern Sudan and the long porous border between the two countries to use the equatorial forests of southern Sudan as safe havens for raiding civilian communities in northern Uganda. The Ugandan army known as the Uganda People's Defense Force (UPDF) repeatedly pursued the LRA into southern Sudan, thereby turning the war-torn region into a battle ground for a Ugandan war with far-reaching humanitarian consequences.

The CPA and Fragile Peace in the South

Fragile peace returned to southern Sudan after the signing of the long-negotiated Comprehensive Peace Agreement (CPA) between the south and north in 2005, which, among other things, provided for incorporation of SPLA/M into a Government of National Unity (GNU), 50/50 sharing of oil revenue between the north and south, restriction of Sharia law to the north, review of boundary demarcation between the north and south, and holding of a national election

and a self-determination referendum for the south after a six-year period, in which they could vote to either remain in Sudan or secede as an independent state.

Since it was signed in 2005, the CPA has essentially engendered a fragile peace. The boundary between north and south Sudan, distorted by the gerrymandering of Nimeiri's regime in a bid to gain advantage over southern oil fields, remains a major conflict faultline. Sharing of oil revenue between Khartoum and Juba (the capital of the south) is another explosive issue and the latter has threatened on many occasions to walk out of the CPA because of its perception that the south is greatly disadvantaged in revenue sharing. The UK-based NGO Global Witness published a report in September 2009 in which it claimed that the central government of Sudan under-reports its oil revenue receipts. Moreover, discrepancies between what the government reports as oil receipts and what the major oil companies report as remittances to the central government indicate at least a 12% revenue disadvantage against the government of Southern Sudan (Global Witness, 2010). This discrepancy, the report further claims, amounts to a shortfall of over US$700 Million in the total revenue receipt to the government of Southern Sudan between 2005 and 2009 (Global Witness, 2010). Many civil society activists and southern government officials have called for a comprehensive audit of the Sudanese oil revenues, preferably to be carried out by a reputable international accounting firm. But this is something that the Khartoum government is reluctant to contemplate.

Communal violence is another factor that threatens the CPA peace regime. Significantly, devastating inter-ethnic violence has as recently as 2009 erupted between the Dinka and Lou Nuer in Uror County of Jonglei State; between the Shilluk and Dinka in Upper Nile State; and between the Mundari and Dinka Aliap communities in Lakes State (ICG, 2009). These communal conflicts are complex in nature but, in large part, relate to struggles over depleting ecological resources, in particular grazing land and water resources; widespread poverty; and competition over the limited resources and opportunities at the sub-national state levels. There are perceptions in sections of the south that these

communal feuds are remotely instigated or fuelled by the central government of Sudan which is alleged to be arming local militia factions to destabilise the south and ultimately scuttle the proposed referendum of 2011 (ICG, 2009). But one must hasten to add that there is no substantial empirical evidence to back this conspiracy theory.

Partitioning the Sudanese State: Getting it Right in Southern Sudan

State partitioning and tampering with existing national boundaries is a highly problematic solution to domestic conflicts, not least in ethno-culturally diverse postcolonial states, such as those of sub-Saharan Africa. There are many arguments against boundary adjustment and state partitioning in Africa in spite of the arbitrariness of Africa's inherited colonial boundaries. The issue of inherited colonial boundaries was extensively debated by African founding fathers during the formation of the defunct Organization of African Unity (OAU) in 1963. At the time consensus emerged in favour of respect for all existing colonial borders at the time of independence. This principle of the inviolability of inherited colonial boundaries was subsequently enshrined in the charter of the OAU and further retained in the charter of the African Union (AU) , the successor organisation to the OAU. The rationale behind upholding the colonial boundaries is that any attempt to redraw the boundaries to redress some of the illogical colonial errors would inadvertently open a 'Pandora's Box' of uncontrollable agitation for self-determination, secession, and internal and inter-state conflicts. Furthermore, from the standpoint of the African leaders, to support state partitioning and boundary adjustment would be a recipe for disaster as that would provide ammunition for local opposition groups to wage insurgencies demanding sovereignty and separate statehood. Such a scenario would aggravate regime insecurity, deplete the resource base of the state, obstruct development and perpetually threaten a regime's hold on power. In the light of these apparent demerits of tampering with the inherited colonial borders, proponents have advocated for a number of institutional solutions to ethnic conflict that stop short of secession, including consociational power-sharing schemes, (ethnic) federalism and confederalism (Spears, 2004; Omeje, 2008:89-

110). It is little wonder that in spite of the ubiquity of political insurgencies and secessionist wars in Africa's postcolonial history, only one successful secession – Eritrea – has occurred on the continent since independence. African borders have not changed in any dramatic way and most governments within Africa and in the international community have been reluctant to recognise and confer statehood on separatist regions/groups.

However, a number of scholars and political observers are critical of the status quo that advocates keeping the colonial borders sacrosanct. Jeffrey Herbst (2000:267) has argued that the dogmatic devotion to the current boundaries should be discarded in favour of new forms of sovereignty and that the inevitable disruption caused by creation of new states should have to be balanced against the profound harms that existing states do to (sections of) their populations everyday – harms such as political exclusion, development denial, as well as group marginalisation, repression and extermination. There is a growing recognition amongst critics that dismembering or partitioning of bitterly divided, dysfunctional, conflict-riddled and collapsing states, with the resultant recognition of new secessionist states, is sometimes an inevitable pragmatic choice and the only way to manage seemingly intractable conflicts. The former Soviet Union, former Yugoslavia and Ethiopia are examples of states that have either been dismembered or partitioned due to different degrees of inoperability of the defunct state structures. With regard to postcolonial Africa, William Zartman (1995:268) has advocated that a more cautious approach which seeks to 'reaffirm the validity of the existing unit and make it work' is more likely to yield positive results over the long term. Making existing African state structures 'work' in order to avert inevitable fissure would involve concerted internal and external pressure on the political regimes for expansion of the political space and democratic participation, political inclusion and empowerment of minority groups, transparent accountability and good governance, respect for human rights, and so forth.

This paper should not be mistaken as a call for keeping Sudan together as one coherent state. That would amount to wishful thinking. It is too late in the

day to call for the continuation of a united Sudan under any sort of arrangement. Many already made such a call during the prolonged CPA negotiations and it is apparent that all options were exhaustively discussed. The separation debate has been the most topical issue between Sudan's north and south since the signing of the 2005 CPA – and the reality of separate statehoods has engaged the imagination of top state officials, politicians, civil societies, business corporations, opinion leaders and citizens of both sides as the 2011 independence referendum draws near. Speaking in a national debate on "unity and separation between Sudan's north and south" held in September 2010 in Khartoum, Brigadier (rtd.) Sati Sorketi, spokesman of the Northern pro-separation Equal Peace Front aptly remarked that "separation with good neighborhood is better than unity with hostility" (Africa News, 2010). Sorketi's remark in a sense seems to capture the dominant thinking and imaginations on both sides of the conflict as the independence referendum approaches. The concern of the paper is that as Southern Sudan counts down to what looks like an irreversible statehood, there persist some monumental structures of violence that are capable of overwhelming the new state sooner or later. What can relevant stakeholders do, and in which areas, to ensure that they get things right in Southern Sudan even at this twilight? Let me highlight a few critical issue areas and the steps forward.

Boundary Delimitation

The boundary demarcation between Sudan's north and south recommended by the CPA has experienced repeated hiccups since 2005. The boundary issue has been particularly complicated by two related factors. The first is the status of the disputed oil-rich Abyei area, a borderline county which has a mixed population of sedentary Ngok Dinka, a black-African community, and Misseriya Arab nomads. The status of Abyei has been in dispute since the early years of the Anglo-Egyptian colonial condominium when nine Ngok Dinka chiefdoms of Bahr el Ghazal administration province in the south were transferred to Kordofan province in the north in 1905. Beyond Abyei, other significantly disputed border areas include "the northern-most border separating Renk county in Upper Nile from the north's White Nile state, the borderline

running north-south between the south's Unity state and the north's Southern Kordofan (this will determine who controls the Heglig oil field), whether the Bahr al-Arab river forms the exact border between the south's Bahr el-Ghazal and Darfur in the north, and which river forms the exact western-most dividing line between Western Bahr el-Ghazal and Southern Darfur" (IRIN, 2010).

The second factor is the politics of oil which is inextricably tied to where the boundary lies – since a number of oil fields are in disputed boundary areas. It is estimated that under the 1956 independence boundary (depending on where the boundary is drawn), 70% - 90% of Sudan's oil reserves and current production are within the South (IRIN, 2010). The Sudanese government's technical committee on the demarcation of the 1956 boundary resumed work in April 2010 ahead of the 2011 referendum in the South. The fact that the two parties to the peace process eventually agreed to base the boundary demarcation on the 1st January 1956 mapping – the independence border – after many protagonists had argued for years that the 1956 map is non-existent, can be seen as a major step forward (Sudan Tribune, 2010). The current and last phase of boundary delimitation, which involves aerial and ground surveys, followed by land-marking to match the map on paper unto the ground, is expected to terminate before the referendum (ibid).

Under international pressure, the dispute over the status of the oil-rich Abyei area was taken by the Sudanese central government and the SPLM government of Southern Sudan to the Permanent Court of Arbitration (PCA) in The Hague in July 2008. Final judicial decision was handed down a year later (July 2009) by the PCA. The focus of arbitration was on whether or not the Abyei Boundary Commission (the ABC Experts) established pursuant to the CPA and signed by the parties on 9th January 2005, exceeded their mandate in fixing the boundaries of Abyei area, and consequently, to define (delimit) on map the boundaries of the area of the nine Ngok Dinka chiefdoms of Bahr el Ghazal local administration in the south; the nine Ngok Dinka chiefdoms were transferred to Kordofan administration in the north in 1905 (PCA, 2009). The Court gave decision on the delimitation status of the four boundaries of Abyei (northern,

southern, eastern and western boundaries), as well as the grazing and other traditional rights of the local people. From the technical decision, the Award considerably reduced the extent of the Sudanese Abyei area compared to the ABC Experts' report of 2005 and placed some major oilfields under the authority of northern Sudan (Muhlendahl, 2009).

To be credible and enjoy international legitimacy, it is important that the boundary delimitation between Sudan's north and south respects and upholds in practice the CPA decision on the size and boundaries of Abyei. Consequently, the Sudanese parliament endorsed the long awaited Abyei Referendum Law in December 2009 in line with the provisions of the CPA. This implies that the 2011 referendum will be concurrently held in Southern Sudan and in Abyei. The Abyei referendum will enable people in settlement communities to determine whether to remain in the north or to join the south (Sudan Tribune, 2009). Since the enactment of the Abyei referendum law, the process of forming a national commission for the Abyei referendum has been marred by controversy. Many have recommended the involvement of the UN to organise the referendum and this seems to be a most credible way to go.

Further dispute associated with the boundary demarcation between Sudan's north and south can arise from two major sources. The first is a possible disagreement on where the January 1956 boundary lies across the long border stretch between the two parties to the peace process. This could result in a few territories being disputed after the report of the technical committee on boundary demarcation, especially in areas where human settlements are not involved. A practical solution to any such eventuality would be to take the honorable path of seeking a final and binding PCA decision as already explored in the Abyei dispute. Disputed borderline areas with human settlement could be more easily negotiated and settled by a plebiscite. The second and perhaps more problematic aspect will be how to implement the final decision on the mutually agreed demarcation of boundary, given the fact that parts of the boundary might inevitably split some ethno-pastoralist groups and tribal populations that may not understand the modern state-centric notion of boundaries. For this reason,

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I would propose the extension of the mandate of the United Nations Mission in Sudan (UNMIS) for at least 10 years post-referendum. The core mandate of the mission should remain broadly focused on peace support operations and continued implementation of the CPA, but special emphasis should be placed on monitoring the borders of Southern Sudan with Sudan, Ethiopia, Uganda, DRC, Kenya and Central African Republic to mitigate subversion and hostilities. This enormous task would entail a substantial increase in the personnel capacity and operational facilities of the peace support operation.

Oil Revenues

The controversy surrounding the sharing of oil revenue between Khartoum and Juba post-CPA has already been highlighted. It is remarkable that oil revenue has fueled and sustained a large "rentier-state type patronage system" (Omeje, 2008) in the Arab north under the Revolutionary Command Council for National Salvation (RCCNS) replaced in 1998 by the National Congress Party (NCP). Corruption related to the siphoning away of huge oil receipts has also been widely reported among regional government officials in Southern Sudan since the signing of the CPA in 2005. In spite of the reported short-changing of Southern Sudan in the sharing of overall oil revenue, available statistics indicate that the government of Southern Sudan received over US$7 billion dollars in oil revenue between 2005 and 2009 (Global Witness, 2010). Critics have argued that the regional government investments in post-conflict reconstruction, human capital development and infrastructure building in the south are significantly below the revenue inflow because of the net effect of political corruption. Since the 1990s, Sudan has been consistently ranked as one of Africa's most corrupt countries under the Corruption Perception Index (CPI) of Transparency International, only surpassed in level of corruption by the failed state of Somalia during the preceding three years of 2007 – 2009 (TI).

A major post-referendum issue will be how to manage Sudan's oil economy, including the issue of revenue sharing with the north, as well as pipeline transportation and export of oil – given that Southern Sudan will be a landlocked

state, with the present major oil export route being the CNPC pipeline that runs across the north to Port Sudan on the Red Sea. Another aspect of the oil economy that should engage the attention of the southern government is the refining of oil for domestic consumption presently done in the north. For practical reasons, a sensible approach to these issues will be to continue the current oil revenue sharing (based on a renegotiated formula) between the north and south within a given time scale (e.g. one year) post-referendum and sovereign southern statehood. The southern government should use the transitional (one year) period to (re-)evaluate existing oil contracts with prospecting companies, negotiate terms and conditions for pipeline oil transportation across Sudan, refining of oil for domestic use, and to continue strengthening the state's capacity to take charge of its oil resources and revenue receipts. Already, the SPLM government in southern Sudan, in conjunction with the Kenyan government, has since 2006 been negotiating with major international stakeholders in the southern Sudanese oil economy (China and Japan) to have the latter construct a 1,400 kilometer oil pipeline that will link Juba, the Southern Sudanese capital, to the Lamu port on the Kenyan sea coast. Also to be constructed under the ongoing multilateral negotiations is an oil refinery and a modern sea port in Lamu (Business Daily, 2010). If the construction plans go through as expected, they would help to significantly minimise the dependence of an independent Southern Sudan on their northern neighbours in the medium and long term.

Given the fact that the level of manpower and public service development in Southern Sudan is a lot poorer than in other Sub-Saharan African oil-rich countries – and the latter for the most part still lack an effective handle on their oil economies – it would be recommended that Southern Sudan seek the help of a reputable international financial institution such as the Africa Development Bank (ADB) to provide support in managing the oil economy. (Paul Collier (2008) has elsewhere recommended that the IMF assumes such a role in many of the African oil-rich economies). The Bank's role will, among other things, involve leading the coordination and regulation of operating oil companies in accordance with their contracts, overseeing revenue receipts and disbursements, and auditing the state's oil account. One should not be under any illusion that

the involvement of the ADB can be a panacea to deep-seated structural issues as a similar involvement of the World Bank in the Chadian oil sector could not prevent a resurgence of civil war in Chad. To promote transparent accountability, it should also be recommended that Southern Sudan sign up to the Extractive Industries Transparency Initiative (EITI) and implement its protocols and guidelines with unreserved diligence.

Communal Violence

Southern Sudan's multi-ethnic and inter-ethnic feud is one of the factors that have menaced the CPA peace regime in the south. The region is awash with ethnic militias and small arms partly because of the perfunctory disarmament carried out post-CPA, in which many grassroots communities did not hand in their weapons for fear of being vulnerable to undemobilised rival communities. In fact, some of the local ethnic communities argued that recruitment into the state's security sector and civil service has been a predominantly ethnic Dinka affair, a perception that remotely fuels their sense of insecurity and apprehension towards the SPLM government (Arnold and Alden, 2007:363-385). Post-war disarmament in Southern Sudan was not comprehensively supported with socio-economic rehabilitation of ex-combatants, especially those who could not be absorbed into the state's security forces. Also, the porosity of the border with the conflict-riddled Gambella region of Ethiopia, Sudan's Darfur, northern Uganda and Central African Republic, makes it difficult to check the proliferation and movement of small arms in the region. To this extent, a regional approach is required for arms control within the interlocking regional sphere. The regional dimension of disarmament should be left to international and regional bodies such as the UN, AU, Inter-Governmental Authority on Development (IGAD), and the East African Community (EAC). It is expected that an independent Southern Sudan should be part of all the listed inter-governmental organisations. Membership of IGAD and EAC, in particular, will help Southern Sudan address issues like fair access to Nile waters, more convenient access to seaports for international trade, beneficial access to surrounding regional markets, skilled labor mobility, cross-border security, and the lingering problems of boundary

delimitation with neighbours, especially Ethiopia, Uganda and Kenya. Beyond the regional level, there are two apparent reasons why Southern Sudan remains awash with ethnic militias and small arms. The first has to do with the social anthropology of the region – the embedded historical culture of blood feud (revenge killing) among the diverse semi-pastoral communities in the region, which is predominantly associated with cattle raiding (Arnold and Alden, 2007:363-385). Cattle raiding is not only a key facet of the socio-economic system amongst these agro-pastoralists but it accentuates the propensity for blood feuds between tribes and (sub-) clans in the event that homicides and related transgressions occur in the raid (Arnold and Alden, 2007:375).

The second factor is the state's lack of capacity to provide security in most of the region's periphery. The security nightmare is a feature that compels many local people (particularly the youth) to acquire and keep firearms and also to form militia groups for the protection of their families and communities. This makes the issue of strengthening and expanding the government's capacity to provide public services (such as law and order, security, social amenities, infrastructures) in the ungoverned peripheries essential to the new state. Aggressive capacity-building has to be sought through functional education and literacy; in-service multiple-skilling programmes for civil servants and public functionaries; recruitment, training, equipping and deployment of security personnel and judicial officers to various provincial areas and communities, and so forth. This capacity-building objective has to be systematically structured into deliverable short, medium and long term goals covering the various sectors of state, economy and society. Extension of detribalised and functional governance and security systems is a prerequisite to effective disarmament and control of firearms. With regard to the agro-pastoralist blood feuding or revenge killing, Arnold and Arden (2007:376) have recommended the need to encourage the restoration of the traditional mediation and cattle compensation system progressively destroyed by the civil war. Grassroots community-based organisations, local NGOs and effective law enforcement systems (both state and customary) can be coalesced to rein in cattle raiding and revenge killing.

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Conclusion

This paper is not intended to provide a comprehensive solution to all the problems envisioned in an independent Southern Sudan and between the latter and the Khartoum-based government. Most of the required solutions are constitutional issues, a number of which are already articulated in the 2005 CPA and other related protocols and arrangements for implementation. Other constitutional remedies could be further developed and comprised in the independence charter, the Southern Sudanese constitution, and other relevant national and international statutes. Essentially, what this paper has done is to locate the conflict in Southern Sudan within the framework of rentier theory and make proposals for addressing some of the key problems surrounding the forthcoming independence referendum and possible statehood of the south. It is pertinent to remark that the political will and capacity to implement existing and future agreements is key to peace and stability between Sudan's north and south.

Beyond the articulated measures for getting it right in Southern Sudan, it is essential that an independent Southern Sudan should be concerned with how to strategically transform the potentially dysfunctional rentier base of its economy, marked by over-dependence on oil resources. I have in the preceding analysis shown the problems of rentier economies and how and why they are largely predisposed to disruptive conflicts. Worst practices of dysfunctional rentier economies abound in the continent. Nevertheless, there are positive oil-rich states elsewhere in the Middle East (for example UAE, Qatar and Kuwait) that have tried to effectively utilise their oil resources to ensure social development, investments in the international capital markets, and also to diversify their economies into light manufacturing and/or service sectors as a means to create jobs and sustain growth.

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