

**Separation Federation, Unity and secession in North-South  
Relations: A Historical Appraisal with reference to the  
Comprehensive Peace Agreement (January, 2005)<sup>1</sup>**

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The relationship between the north and the south has indeed been a hot and dominant issue since the colonial times up to the present. This led to the inclusion of the two options of unity and secession in the Naivasha Peace Agreement signed January 2005. The inclusion of these two options is an ultimate inevitable result of the historical developments preceding the signing of the Peace Agreement. The paper starts with a historical account and appraisal for the issues of separation unity federation and the right of self-determination for the South prior to the signing of the Naivasha Peace Agreement.

**Separation 1899-1946**

Separation between the North and the South was introduced by the British administration in the Sudan and became the official declared policy in 1930. From the beginning of the Anglo-Egyptian condominium, the British sought to modernize the Northern Sudan by applying European technology to its underdeveloped economy. However, Southern Sudan's remote and undeveloped provinces Equatoria, Bahr al Ghazal, and Upper Nile received little official attention until after World War I, except for efforts to suppress tribal warfare and the slave trade. Cromer, the British consul in Egypt and the designer of the Condominium Agreement (January 1899), was firmly convinced that the first requirement of the savages who inhibit the Southern region was law and order.<sup>2</sup>

Southern policy passed through two main phases, through out the first phase, from 1899 to 1919, the policy of the Sudan Government

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<sup>2</sup>Muddathir 'Abd Al-Rahim, *Imperialism and Nationalism in the Sudan: A Study in Constitutional and Political Development 1899-1956*, Oxford, 1969, 71.

towards the Southern provinces was the maintenance of law and order and the provision of different forms of assistance to Christian missionary societies. During the second phase, following the Egyptian Revolution of 1919, the Government became increasingly active and interventionist. Although the geographical differences between the Southern and Northern provinces had always been an important factor, the basic considerations which dictated the Southern policy were, in both stages, the colonial interests of the British Empire in the Sudan and in East Africa.<sup>3</sup>

In order to exclude Egyptians, Northern Sudanese, and other Muslims who were likely to engage in activities contrary to the policy of separating the Southern provinces and giving them a different outlook from the rest of the country, the Passports and Permits Ordinance, 1922, was promulgated. The Ordinance empowered the Civil Secretary to declare certain regions "Closed Districts", and to forbid any alien or any native of the Sudan to enter and remain in the said districts.<sup>4</sup> The Ordinance was also aimed at stopping, or, at any rate, drastically reducing the number of Southerners who tended to look northward for employment and the prospects of a higher standard of living.<sup>5</sup>

The later part of 1928 showed a rapid movement towards a policy of complete exclusion of Northern influence from the South, in particular Arabic in any form as the principal vehicle of this influence. Southern education was to rely upon the Christian missionaries.<sup>6</sup> It was a unanimous view, that Arabic would open the door for the spread of Islam. The Rajaf Language Conference held in April 1928 declared English as the official language for the South and certain local languages were selected for educational purposes.

Civil Secretary, Sir Harold MacMichael in his famous circular of 25 January 1930, stated clearly the political object of "Southern Policy"; to create a solid barrier protecting the South against the insidious political intrigue which must in the ordinary course of events increasingly beset the path to the North. The creation of this barrier implied the eradication from the South of the Arabic language which would bring Islam with it, the intensive cultivation of Southern languages and the conservation and

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<sup>3</sup> Ibid.

<sup>4</sup> Lilian Passmore Sanderson&Neville Sanderson, *Education, Religion & Politics in Southern Sudan 1899-1964*, Ithaca Press London Khartoum University Press 1981, 120.

<sup>5</sup> 'Abd Al-Rahim, *Imperialism and Nationalism.*, 76.

<sup>6</sup> Sanderson, *Education, Religion & Politics.*, 136

sublimation of all that is of value in Southern customs and institutions.<sup>7</sup> To dispense with the Northern Sudanese officials who carried the Arab and Muslim influence, it would be necessary to educate Southerners up to Government service standards and so to create a new literate class. The few southerners who received higher training attended schools in British East Africa (present-day Kenya, Uganda, and Tanzania) rather than in Khartoum, thereby exacerbating the north-south division.

The separatist policy was culminated in 1943 by the formation of the Advisory Council for the Northern Sudan. Civil Secretary, Newbold, said that the reasons for the exclusion of the Southerners were practical. The Southern Sudanese have not yet, for historic and natural reasons, reached a degree of enlightenment and cohesion which enables them to send competent representatives to a council of this kind.<sup>8</sup>

#### **Unity and the Federation Demand 1946-1956:**

Since 1944 the Sudan Government started to talk about a new southern policy. Newbold summarized the new southern policy in 1944 as follows: the Government policy was based on the fact that the Southern people are Africans and Negroes and its duty was the acceleration of economic and social developments to tie their future status either to the Northern Sudan, East Africa or Partially with East Africa and Partially with Northern Sudan.<sup>9</sup> But Robertson, the new civil secretary who succeeded Newbold after his death in 1945, stated in December 1946 that they should act upon the fact that the peoples of the Southern Sudan "are distinctively African and Negroid, but that geography and economics combine to render them inextricably bound for future development to the middle-eastern and Arabicised Northern Sudan.<sup>10</sup> Prior to this statement the Sudan Administration Conference convened by the Governor General on 22 April 1946, recommended the formation of a Legislative Assembly for the whole country including the South. The Governor-General Council accepted in principle the proposals of the Sudan Administration Conference and that the Legislative Assembly should be representative of the whole Sudan but that safeguards be introduced into its legislation

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<sup>7</sup> Ibid., p. 173

<sup>8</sup> 'Abd Al-Rahim, *Imperialism and Nationalism*, 143

<sup>9</sup> Abel Alier, *Janūb Al-Sūdān A/Tamādīfi Nagd Al-Mawathīq wal 'Uhud*, translated to Arabic by Beshir Mohammed Sa'id, Dār Azza lil Nashr wal Tawzi', Khartoum 2005, 38-39

<sup>10</sup> 'Abd Al-Rahim, *Imperialism and Nationalism*, 168.

which would ensure the healthy and steady development of the Southern people.

Some British administrators working in the South though they were in agreement with the Civil Secretary's views and the main recommendations of the Sudan Administration Conference, they signed a collective letter in which they protested that no Southerners were present at the Conference, a fact which, of course, was itself the result of the operation of Southern Policy.<sup>11</sup> They therefore, called for the institution of an Administration Conference for the Southern Sudan, to meet in the South. These administrators came to accept regionalism or federation<sup>12</sup> as the only right policy which would protect the interests of the South.<sup>13</sup>

The Juba Conference was held on 12 and 13 June 1947. Southerners were represented and after lengthy discussions the conference concluded that it was the wish of the Southern Sudanese to be united with the Northern Sudanese in a united Sudan. Although the outcome of the Juba Conference was to put an end for the time being, to the ideas of regionalism or federation, it revealed the many apprehensions felt by the Southerners.<sup>14</sup> The issue of the "safeguards" for the South, demanded by the Southerners was not finally decided in the Juba Conference but, as mentioned above, the Governor-General's Council endorsed it.

To the disappointment of the Southerners, no safeguards were included in the Legislative Assembly and the Executive Council Ordinance 1948. This marked the beginning of a period of Southern fear of unity with the North. Other factors combined and led the Southerners to demand federation with the North. Southerners were primarily concerned with regional interests and came to oppose self-government and independence until "backward areas which had been neglected in the

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<sup>11</sup> Ibid., p. 170

<sup>12</sup> Federalism is not easy to define. In the classical sense it meant" the particular type of government practiced with slight variations by Americans, Canadians, Australians and the Swiss. In all these countries federalism arose from the merger of a number of separate states into a single Sovereign state, with legislature and executive powers divided coordinate between federation and unit Governments. The argument of federalism in the new states has mainly been that under a unitary government with its system of one man vote, ethnic, religious or linguistic minorities will have an inferior position and suffer from discrimination at the hands of the majorities.

<sup>13</sup> Beshir, Mohammed Omer, *The Southern Sudan Background to Conflict*, C.Hurst&CO., 1968, 65.

<sup>14</sup> Ibid, 66.

past fifty years reached the standard of the North in civilization."<sup>15</sup> This view was expressed by Benjamin Lwoki, member of the Legislative Assembly and a strong advocate of federation. However the establishment of the Legislative for the whole Sudan with thirteen Southern members marked the beginning of political unity between the North and the South and a unified system of education, including the teaching of Arabic was introduced. The first Sudanese Minister of Education informed the members of the Assembly that: "As the Sudan is one country sharing one set of political institutions, it is of great importance that there should be one language which is understood by all its citizens. That language could only be Arabic, and Arabic must therefore be taught in all our schools."<sup>16</sup>

Another factor that added to Southern mistrust was the exclusion of the South from Cairo negotiations between the Egyptian Government and the Sudanese political parties about self-government and self-determination held in October 1952. No Southern political party had taken part in the discussions with Egypt shortly before the signing of the Anglo-Egyptian Agreement on February 12 1953, for none yet existed; and the Northern parties had made no attempt to consult Southern opinion. Southern safeguards which were finally included in the Draft Self-Government Statute that was approved by the Legislative Assembly in April 1952 were removed on the insistence of the Egyptian Government and most of the Sudanese political Parties.<sup>17</sup> The most serious adverse factor that angered the Southerners was the sudanization issue. The 12<sup>th</sup> of February 1953 Anglo-Egyptian Agreement on the Sudan concerning self-government and self-determination stipulated the sudanization of the administrative posts before the time for self-determination. During their electioneering campaign the National Unionist Party (NUP) made irresponsible and lavish promises about the

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<sup>15</sup> Legislative Assembly of the Sudan, Proceedings of the First Assembly, second secession, no. 14, 5-16 December 1950, 610

<sup>16</sup> Legislative Assembly of the Sudan, Proceedings of the First Assembly, Weekly Digests November 1, 1949, 20-27 See also: Fadwa 'Abd AlRahmān Ali Tāha, *'Ustadh Al-Ajyāl 'Abd AlRahmān Ali Tāha 1901-1969 Bayn AITa'fīm wal Siyāsa wa Arbaī*, Khartoum University Press, 2004, 220-231.

<sup>17</sup> Fadwa Abd Al-Rahman Ali Taha, *Kayfa nāl AlSūdān Istiglalūho: Dirāsa Tarikhīyya li 'tifagiyat Fabrīyir 1953 AlMiṣrīyya – AlBirīṭanīyya Ḥawl AlHūkm AlDhāti wa Tagrīr AlMaṣīr lil Sūdān*, Dār AlKhartoum lil Ṭiba' wal Nashr, 1997, 202-213, 220-221. The Socialist Republican Party refused the removal of safeguards from the Self-Government Statute.

filling of the sudanized posts.<sup>18</sup> In power, the NUP did not honor these promises as the sudanization committee allocated jobs in accordance with seniority, experience and qualifications. Accordingly less than ten of the sudanized administrative posts in the South went to Southerners. The South was flooded by northerners in the administration, police and the army. It was surprising to educated Southerners in particular, who watched with anger and alarm as northerners smoothly succeeded to British posts across the region. This and the outbreak of the mutiny of the Equatorial Corps in August 1955 confirmed the Southern belief in federation. The mutiny of August 1955 had its roots in Southern fears that for them independence would simply mean a replacement of British by Northerner Sudanese rulers. The official Commission of Enquiry into the disturbances found that by the summer of 1955 the Government had lost the confidence of every shade of opinion in the South.<sup>19</sup>

Actually and between September 1954 and August 1955 Southern opinion was almost unanimous in this issue of federation. Not only federation but some Southerners mentioned separation in case federalism was not possible. Benjamin Luki, president of the Southern Conference sent a letter in late 1954 to the foreign ministers of Britain and Egypt with copy to Prime Minister Azhari confirming the Southern keenness for a united Sudan with two regions in one federal state. Luki ended his letter by stating that in case federation was not feasible there was no other alternative than separation in the way Pakistan seceded from India.<sup>20</sup> Southern Conferences were held between August-October 1954, but the conference of July 1955 was the most important. It stressed the need for unity among Southerners and for the guarantee of a special status for the Southern Sudan.<sup>21</sup>

#### **Federation Promise (Dishonored):**

In their rush for the declaration of Independence from within the Parliament, the Northern political parties agreed to consider a federal solution for the South and on the strength of this promise the Southern representatives in Parliament agreed to the declaration of Independence on January 1, 1956. However, the post independence period showed that the Northern politicians were not taking their promise of federation

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<sup>18</sup> Ibid., 294-295.

<sup>19</sup> *Report of the Commission of Enquiry, Southern Sudan Disturbances, August 1955*, Khartoum 1956, 7, 22, 26, 97, 120.

<sup>20</sup> Mansour Khālid , *Al-Sūdān, Ahwāl AlHarb wa Tumūhāt AlSalām, Giṣat Baldayn*, Dār Turāth 2003 214

<sup>21</sup> Sanderson, Education, *Religion and Politics*, 341.

seriously. Soon after the declaration of Independence they launched an intensive campaign against federation describing it as a colonial plot. In December 1956 a committee of 43 was set up to prepare a draft constitution. Some members of the committee declared that what had been agreed to in December 1955 was not the granting of federation but to consider the demand for federation.<sup>22</sup> Only three of the committee's members were Southerners. The federal question was then delegated to a sub-committee of ten, with the Southerners of course in a minority. After a year's debate, in December 1957 the full committee rejected any form of federal constitution. One immediate result was the emergence of a "Southern Federal Party", which soon gained the allegiance of many younger educated Southerners.<sup>23</sup>

In the elections of February 1958 for the Constituent Assembly the South was allotted forty-six seats out of 173. Of these some forty were won by the Southerners who, though not all official Federal Party members, nevertheless mostly supported the party's basic demand for a federal constitution. In May 1958 the Northern politicians tabled their draft unitary constitution: whereupon, on 16 June, the Southern federals finally withdrew from the Assembly. They made it clear that Southerners sought a federal union with the North, and not separation-though they might ultimately be driven to support separation if the North persisted in a policy of political, social and economic subjection of the South.

The military coup under General Ibrahim Abboud took place on 17 November 1958, Abboud Government does not seem to have had any pre-conceived Southern Policy; but it rapidly developed a harshly repressive response to opposition and dissatisfaction in the South. Forced Islamization and Arabicization was the policy adopted by the military regime. These repressive measures drove thousands of Southerners outside the Sudan into neighboring countries. The demand for a guaranteed status within the Sudan was almost inevitably replaced by the demand for complete independence. Anya-Nye emerged as an armed movement discontent with peaceful measures.<sup>24</sup>

The "Southern Problem" was one of the key reasons for the overthrow of the military regime by the popular October Revolution

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<sup>22</sup> Mansour Khālid, *AlSūdān, Ahwāl AlHarb*, 219.

<sup>23</sup> Sanderson, *Education, Religion and Politics*, 353-354.

<sup>24</sup> Beshir, The Southern Sudan Background to Conflict, 84.

1964. The transitional government made the solution of this problem a priority and the Round Table Conference opened in Khartoum on 16 March 1965. The Northern political parties rejected both unitary and federal systems, and proposed a regional government for the South which would effectively devolve control of education, public health, commerce, agricultural policy and internal security to a regional democratic council under an executive council.<sup>25</sup> It is worth mentioning here that the Communist Party warned the Government since 1955 that only rapid development under regional autonomy could solve the problem.<sup>26</sup> But the Party's outspoken and courageous stand regarding the South had, however, a little impact on Northern politicians.<sup>27</sup> The SANU (Sudan African National Union) and the Southern Front delegates responded with a call for a plebiscite in the South to decide among the alternatives of federation, union and independence. They proposed southern control of finance, foreign affairs and the armed forces within the South, a customs union with the north. In its final resolutions the conference was able to agree on principles to guide policy in the South, but admitted that it could not reach a unanimous resolution on the question of the South's constitutional status. A twelve-man committee was appointed to consider plans for constitutional and administrative reform. The committee reported in late 1966, without appreciable effect.<sup>28</sup> Meanwhile the Northern politicians were busy in drafting an Islamic constitution for the country.

The political and the economic crisis of the second parliamentary regime and the failure to solve the Southern problem led to second military coup in May 1969. Private meetings with Southern leaders in exile led to a conference in Addis Ababa in February 1972. An agreement was reached on the 27th. On 3 March the Addis Ababa Accord became the Regional Self-Government Act for the Southern Provinces, and on the 12th a ceasefire was declared in the South. The Addis Ababa Accord called for the grouping of the three southern provinces into a self-governing Southern Region. For the sensitivity of the Northerners against

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<sup>25</sup> Holt, P.M. & Daly M.W. *A History of the Sudan From The Coming of Islam To The Present Day*, 4th edition, Longman, London and New York, 1988, 185-186.

<sup>26</sup> Warburg, Gabriel, *Islam Nationalism and Communism in a traditional Society The Case of the Sudan*, Frank Cass And Company Limited, 1978, 156.

<sup>27</sup> Ibid.

<sup>28</sup> Holt and Daly, *A History of the Sudan*, 185-186.

the term "federalism" it was not used, and that system of government was called Self-Rule.<sup>29</sup>

Opposition to the Addis Ababa agreement appeared since its signature among Southerners. This included some political forces and military forces. Politicians wanted a transitional government and a referendum including the right of secession while the agreement provided for a permanent unity. In the early 1980's president Nimeiri decided to redivide the South into three separated regions and the "September Laws" of 1983 were introduced imposing Islamic laws on the Sudan. The Addis Ababa Accord collapsed and armed resistance reappeared in the South. The first such resistance, undertaken by a tribally-based separatist group calling itself as Anya Nye 11, was soon superseded by the far more powerful and sophisticated Sudan Peoples' Liberation Movement, established in 1983 under the leadership of John Garang. The Nimeiri's Government was overthrown in April 1985 by a popular uprising.

#### **New Dimensions: The New Sudan and Self Determination:**

After Nimeiri's ousting, the Alliance of National Forces for National Salvation became the principle coalition of mass organizations. The urgent priority of bringing an end to the war and establishing a new basis for national unity was fully recognized by certain elements in the National Democratic Alliance. Delegations and individuals went to Addis Ababa and elsewhere to consult the SPLM leadership, and a conference of Alliance members and representatives of the SPLM in May 1986 called for the reinstatement of the 1956 constitution, abolition of the 'September Laws', abrogation of bilateral military pacts, and the convening of a constitutional conference.<sup>30</sup>

However, the SPLM brought a new dimension to the conflict. The call for the "New Sudan" where the Sudan would remain in a unity framework with the dominance of minority ethnic non Muslim group and non-Arab groups was the goal of the movement. Secession could only be sought in case this goal was not achieved. The SPLM considered the struggle as not a war between the North and the South but a war of the marginalized all over the Sudan against the government. The solution of the conflict is the destruction of the old example of the 'Sudanese state and its rebuilding on new basis to achieve equity and fairness. The

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<sup>29</sup> Abel Alier, *Janūb AlSūdān A/Tamādīfi Nagd AlMawathīq*, 115.

<sup>30</sup> Holt and Daly, *A History of the Sudan*, 223-224.

Movement adopted the issue of the marginalized all over the country.<sup>31</sup> Its war was directed under the motto of building a new Sudan seeking the elimination of the traditional structure of power. At the beginning it completely rejected the motto of secession adopted by some previous Southern movements.

As a result of pressures encountered the SPLM from Southern forces rejecting the idea of the new Sudan and insisting on secession the SPLM adopted the motto of self-determination. This happened at the same time when the government used this motto to cause a split in the movement in order to attract some southern factions to ally with the government. A key aim of the Khartoum Peace Agreement signed in April 1997 by some southern movements was to arm the Southern factions with the political card: the use of the right of self-determination against the SPLM.<sup>32</sup> The Government rejected The Abuja Peace Initiative also known as Abuja 1&11 1991-1992: The Nigerian government saw the need in 1991 and 1992 to reconcile the Sudanese government and the SPLA/M to negotiate a peaceful settlement to the conflict. Here the Southern Sudanese and other marginalized areas called for their right to self determination. The Sudanese government rejected this proposal and opted for a military resolution of the conflict. It had also rejected the 1994 Declaration of Principles (DOP) suggested by the Intergovernmental Authority for Development (IGAD) stipulating the right of self-determination for the south.<sup>33</sup> The Sudanese Government did not sign the DOP until 1997 after major battle field losses to the SPLA. The execution of the 1997 Khartoum Agreement witnessed intense conflict between the Government and the signatories that eventually led to its collapse.

The northern opposition represented by the National Democratic Alliance, (NDA) in which the SPLM was represented, had already accepted the motto of self-determination and adopted it. Two external and internal factors imposed the concept of self-determination in the agenda of all political parties. The external one is represented by the transformation in the concepts of human rights and their practical implementation. The internal one was an outcome of the chronic Sudanese crisis that led to the losing of hope in a national solution and the

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<sup>31</sup> The SPLA Manifesto.

<sup>32</sup> Mansour Khlaid, *Janoūb AlSūdān fil Makhīla Al'Arabīyya AlŠūra AlZaīfa wal Gam' Al-Tarīkhi*, Turath, 2000, 137

<sup>33</sup> Sudan, Eritrea, Ethiopia, Uganda, and Kenya are members of (IGAD).

encouragement of regional tendencies.<sup>34</sup> The Government had previously attacked the NDA's decision of recognizing the Southern right of self-determination.<sup>35</sup> However the motto of self-determination and the secession option became for the first time in the history of the Sudan one of the agenda of solutions for the North-South conflict.

The second new dimension was the religious factor. From the very beginning the Muslim Brothers considered the South as the main impediment to their project that is the establishment of an Islamic state in the Sudan. From their perspective, a solution to the North-South conflict could be achieved through a vigorous program of Islamization and Arabicization in the region<sup>36</sup>. The National Islamic Front's military coup of June 1989 declared the "Jihad" against the Christian South. Second and since the May regime had laid down its scheme of Islamization religion became a strong element in the struggle. The relation between the religion and the state became a main issue that the third democracy (1986-1989) failed to solve. It reached its climax during the reign of the present Government that came to rule with its Islamic scheme.

### **Unity or Secession:**

A conclusion that one may reach from the above historical account and appraisal preceding the signing of the Comprehensive Peace Agreement in January 2005 in Niavasha, Kenya is that the Southern Problem posed a real dilemma in the North – South relations because of many factors key among them is the South mistrust of the North. The North is responsible to a great extent for the development of this mistrust. It is true that the separatist policy adopted by the colonial administration played a crucial role in this situation of mistrust and grievances. But the Northern politicians did not work for bridging the gap between the North and the South created by the colonial government and for the removal of these grievances. The Sudanese Governments believed not only in the maintenance of territorial integrity, but also that the future of the Sudan was as part of the Muslim Middle East. This led them to dishonoring promises and agreements with the South and above all disregard for the non Arab ethnic groups in the Sudan. Like their predecessors, the

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<sup>34</sup> Mansour Khalid, *Janouib AlSūdan fil Makhīla Al'Arabīyya*, 291.

<sup>35</sup> Ibid. 150

<sup>36</sup> Ahmad AlAwad Sikainga, "Northern Sudanese Political Parties and the Civil War", in *Civil War in the Sudan*, edited by M.W Daly and Ahmed AlAwad Sikainga, British Academic Press, London 1993, 87.

successive civilian governments of the second parliamentary period insisting on crushing regional demands rather than recognize a crisis of nationhood.<sup>37</sup> Southerners on the other hand escalated the conflict to achieve their aims which started by federation until developing into the right of self-determination incorporated in the Comprehensive Peace Agreement. The Sudanese Government in the North assumed that racial, religious and ethnic differences in the Sudan could be eliminated by imposing the Islamic and Arab identity on non Arabs and non Muslims especially in the South. The Southerners insisted on keeping their cultural identity.

Naivasha Comprehensive Peace Agreement (CPA) stated that "the people of the South Sudan have the right to self-determination, *inter alia*, through a referendum to determine their future status. An independent Assessment and Evaluation Commission shall be established during the Pre-Transition Period to monitor the implementation of the Peace Agreement during the Interim Period. This Commission shall conduct a mid term evaluation of the unity arrangements established under the Peace Agreement.

The Parties shall work with the Commission during the Interim Period with a view to improving the institutions and arrangements created under the Agreement and making the unity of the Sudan attractive to the people of the South Sudan.

At the end of the six year interim period there shall be an internationally monitored referendum, organized jointly by the GOS and the SPLM/A, for the people of South Sudan to: confirm the unity of the Sudan by voting to adopt the system of government established under the Peace Agreement; or to vote for secession.<sup>38</sup>

Perhaps it is too early to reach a reasonable conclusion whether the referendum's results would be in favor of Unity or Secession. But indications here and there show that the probabilities of the victory of Secession over Unity are many. A close look shows that while the Agreement is talking about the priority of the unity option, practically it is sowing the seeds for secession. To start with, the Comprehensive Peace

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<sup>37</sup> Daly, M.W., "Broken Bridge and Empty Basket: The political and economic background of the Sudanese Civil War", in *Civil War in the Sudan*, edited by M.W Daly and Ahmed AlAwad Sikainga, British Academic Press, London 1993, 15

<sup>38</sup> The Comprehensive Peace Agreement between the Government of the Republic of The Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Nairobi, Kenya, 9<sup>th</sup> January, 2005, published by Secretariat on Peace in the Sudan, IGAD, p.8

Agreement creates semi-independent status for the South. Separatist tendency is encouraged by the presence of two legislatures, Islamic laws in the North and secular laws in the South, two banking systems, different educational systems with one using Arabic and the other using English, two armies independent of each other and a third divided between the two entities, wealth sharing on the basis of percentages for the North and the South. Abel Alier<sup>39</sup>, has been asked that the Addis Ababa Agreement confirmed unity but Nivasha in many of its details catered for separation and left the guarantees of unity weak. His answer is that Nivasha has given unity a chance of six years which is enough if efforts were made to execute the Agreement in its provisions and spirit. In this case the chances for unity would be strong.<sup>40</sup>

Although the Agreement has rested the responsibility of making unity attractive on both Parties (The Sudan Government and the SPLM) to the Agreement "The Parties shall work with the Commission during the Interim Period with a view to improving the institutions and arrangements created under the Agreement and making the unity of the Sudan attractive to the people of the South Sudan", the common understanding now is that it is the responsibility of the Northern Sudanese to make unity attractive. Granag was asked that there are many in the South demanding secession. He said 100% are demanding separation but his conviction and those in the leadership of the SPLM is unity but on new basis of fairness, equity, respect for different ethnicities religions cultures, balanced development and true democracy.<sup>41</sup> Southerners want to see this and in a very clear way, otherwise they would vote for secession.

The argument that southerners should see that the Agreement is executed in a good way to make them vote for unity is threatened by what is going on between the two Parties. The reservation of the two key economic ministries: Power and Finance for National Congress Party in the Government of National Unity marks the beginning of troubles between the Parties. The SPLM accused their partner of delay in executing the terms of the Agreement and non transparency on oil's revenue. Oil could, however, be a strong factor for secession. Oil is drilled in the South which is now has resources enough for economic

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<sup>39</sup> Abel Alier is a lawyer and a veteran Southerner. Appointed president of the High Executive Council formed according to the terms of the Addis Ababa Accord 1972. Author of *Southern Sudan: Too Many Agreements Dishonored*, Ithaca Press, 1990.

<sup>40</sup> AlRayAl'am 5 June 2004, Interview with John Garang.

<sup>41</sup> AlAyyam, 24.7.2004.

support to the scheme of its independent state. The previous argument that the economic future of an independent South would have been bleak indeed; only union with the North could ensure a reliable source of funds for rehabilitation and possible development is no longer valid. Oil has changed this situation. The issue of the definition of north/south boundary in the oil regions is one of the points of conflict between the Parties.

### **Effects of Secession on the South**

Secession could renew the tribal strife in the South especially between the Dinka and the Nuer the second big tribe in the South. Most of the oil areas lie in the Nuer lands. There is also a belief among some Southerners that they were excluded from the negotiations leading to the CPA. Bona Malwal launched a criticism that the two Parties care for making the Agreement a mechanism for power sharing more than making it a mechanism for solving conflicts.<sup>42</sup> The small tribes called in the past for three regions to evade the dominance of the Dinka and other big tribal units. They could try other tactics in the future if they continued to be ignored.<sup>43</sup> One of the reasons for the collapse of the Addis Ababa Accord was power struggle between ethnic groups in the South, especially the strife between the Dinka and Equatorians. “In Equatoria...the SPLA was perceived as a Nilotc or Dinka movement whose objective was to reverse the division of the southern region, and to destroy the ‘Equatoria Region’ and impose the Dinka hegemony”<sup>44</sup>.

### **The Effect of Secession on Egypt and Arab Countries**

The neighboring African countries were more successful than the Arab countries in taking the role of the mediator as IGAD initiative provided the suitable ground for the start of the negotiations leading to the conclusion of the CPA. The Libyan-Egyptian Joint Peace Initiative of 2000 was nothing more than a diplomatic ploy to undermine the peace process under the auspices of the IGAD. Southern critics objected to the joint initiative because it neglected to address issues of the relationship between religion and the state and failed to mention the right of self-

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<sup>42</sup> ElSharg ElAwsat, 10.6.2004. Bona Malwal served for eight years in Nimairi's cabinet, the author of *The Sudan a second challenge to Nationhood*, New York, 1985.

<sup>43</sup> Al-Siyasa Al-Dawliyya, April 2003, Issue no.152, vol.38.

<sup>44</sup>John Gatluak Kam *The Root Causes of Unhealthy Relations Between The SPLA and Civil Population*. John Gatluak kam is president of Union of Nuer Community in North America, a former Tiger Battalion Captain of the SPLA.

determination. Egypt was not pleased with the Machakos Protocol of July 2002 as it embodied the right of southern self-determination. It is in the interest of Egypt and the Arab states to maintain the unity of Sudan since the division of the country would mean that a non- Arab country holding a possible grudge against Arab nations would be created in the southern backyard of the Arabian world.

However and to face the reality of the matter the Arab League started, following the signing of the Machakos Protocol to speak about funds for the Development of South Sudan.<sup>45</sup> The Arab League hosted a round table meeting aimed at securing Arab financial support for developmental projects in the south of Sudan. Amr Moussa, Arab League Secretary-General commented that "We are planning to accommodate the views of all parties. We have to do everything we can to bring peace back to Sudan, which includes development projects which will make the prospect of unity attractive,"<sup>46</sup>

Taking the effects of secession on Egypt, it will not be a catastrophe for her water situation for two reasons. First the new state in the south would mostly depend on the rains. Egypt needs the building of a strong relation with this new state for cooperating in the projects of utilizing the waters lost in the sudd.<sup>47</sup> The Jonglei Canal is a huge hydro-construction project in Upper Nile Province of Southern Sudan, backed enthusiastically by Egypt. The digging and building of the Jonglei Canal was well underway in 1983, when a resumption of civil war forced the suspension of the project. Second the sources of the River Nile lie outside the Southern Sudan; South secession would not affect the flow of the Nile to Egypt. The South topography does not permit the building of reservoirs that could prevent water from Egypt, and it is important to bear in mind that about 80% of Egypt's Nile water comes from the Blue Nile, which

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<sup>45</sup> Al-Ahram, Weekly, 26 December-I January 2003, issue no. 618.

<sup>46</sup> Ibid.

<sup>47</sup> Al-Siyasa Al-Dawliyya, vol. 38 July 2003, pp276-278. The Sudd is a Swampy area in southern Sudan. The Jonglei Canal would have straightened the White Nile at this point, diminishing the large amount of water that evaporates during the present meandering course of the river. This would have had the effect of providing Egypt with more water, but an environmental devastation would have occurred in the lands of the indigenous populations, primarily the Nuer but also the Shilluk and Dinka, whose lives and livelihoods are governed by the annual flooding of the White Nile.

does not pass through southern Sudan.<sup>48</sup> However secession and the formation of an independent state in the South raise some questions related to the 1959 Nile Waters Agreement between Egypt and the Sudan. Shall the share of the new state be taken from the Sudan or from the share of both Egypt and the Sudan? Shall the new state become automatically a member of the Permanent Technical Joint Commission for Nile Waters formed according to the Nile Waters Agreement of 1959?<sup>49</sup>

However all Sudanese must work hard during the interim period to make unity attractive, if they want the Sudan to remain united as one country that accommodates all its citizens equally! Historical developments cited above showed that the inclusion of the option of self-determination did not come from a vacuum. To make the southerners opt for unity is not an easy task and the present dispute between the partners in the Government of National Unity made it remoter.

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<sup>48</sup> Mansour Khalid, *Janoub Al-Sudan fil Makhila Al-Arabiyya*, 88

<sup>49</sup> Faiṣal 'Abd AlRahmān 'Ali Ṭāha, *Miyah Al-Nīl Al-Siyāq al-Tarikhī wal Gānoni*, Abdel Karim Mirghani's Cultural Center, 2005, p.84.