

**SUDAN: REGIONAL PERSPECTIVES ON
THE PROSPECT OF SOUTHERN INDEPENDENCE**

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SUDAN: REGIONAL PERSPECTIVES ON THE PROSPECT OF SOUTHERN INDEPENDENCE

EXECUTIVE SUMMARY

South Sudan is just eight months away from a self-determination referendum that will likely result in its secession from the North. Much remains to be done to implement the outstanding elements of Sudan's Comprehensive Peace Agreement (CPA), and time is running out. The agreement's underlying aim of "making unity attractive" has failed, and most Southerners thus appear determined to choose independence. Neighbouring states are increasingly focused on the fragile circumstances in Sudan and the likelihood of a newly independent state in the region. Support from Sudan's neighbours for the referendum process and respect for its result will be crucial to ensuring peace and stability in the country and the region.

Kenya, Uganda, Ethiopia, and Egypt are among the immediate regional states that matter most, as well as Eritrea and Libya. If a credible referendum is held in accordance with the CPA and the Interim National Constitution, and Khartoum endorses the process, recognition of a new Southern state should prove relatively uncomplicated for the region and CPA signatories more broadly. If, however, the process does not go according to plan – particularly if Khartoum attempts to manipulate, deny or delay the exercise or its result – regional states and institutions will need to consider how best to respond to ensure respect for the CPA and the right of self-determination and to avoid a new conflict. Not enough planning is being done in this regard.

Each border state has interests at stake and will be directly affected by either peaceful separation or a return to conflict. Despite differing views on unity, all are likely to accept the referendum on self-determination and honour its outcome, provided it goes ahead as planned. While the decision of the South Sudanese is paramount, strategic considerations will undoubtedly play a role in how each state responds if the process is disrupted. Responses will depend largely on circumstances and events, but an assessment of historical relationships, recent engagement and strategic interests sheds light on the positions of the key regional actors.

Having hosted and led the regional Intergovernmental Authority on Development (IGAD) peace process that yielded the CPA, Kenya has a particularly strong interest in seeing it implemented successfully. As the economic powerhouse in the region, it stands to benefit from the development of a considerable market and major infrastructure in the South, including as a conduit for oil. Kenya long managed to be pro-South without being anti-North, but diplomatic relations with Khartoum have shown signs of strain as its Southern leanings have become increasingly clear.

Uganda, the most unambiguous supporter of independence, seeks a stable buffer on its northern border, not least to ensure that the Lord's Resistance Army (LRA) insurgency does not return to its doorstep. Trade has tripled in recent years with the South, which is now the largest importer of Ugandan goods. While the official policy is respect for the CPA and the will of the Southern people, some officials in Kampala are privately encouraging independence.

Egypt prefers unity and has arguably done more than Khartoum to make it attractive. It opposed including self-determination in the CPA talks, preferring instead to promote its own initiative premised on unity. It has recently redoubled diplomatic efforts to prevent partition, in part because it fears a new state – and an unstable one at that – could pose a threat both to regional stability and its precious supply of Nile water.

While its support to South Sudan is evident, Ethiopia has multiple interests to balance, so it is careful to toe a neutral line on independence. It provided military support to the SPLM in the 1990s, in part to counter Islamist elements in Khartoum whose destabilizing activities posed a threat to Ethiopian and regional security. Regional security remains its primary concern, given the volatile situation in Somalia, continued confrontation with Eritrea and its own domestic fragility. Addis can afford neither renewed war in Sudan nor to antagonise Khartoum, lest it find itself with another hostile neighbour. It supports the right of self-

determination and will respect independence but is more likely to seek a common regional position than be out front on any difficult decisions if the process is derailed.

As with other foreign policy issues, Libya's Sudan policy is driven personally by Muammar Qaddafi, and unsurprisingly, the outspoken Colonel has proven unpredictable on this issue. While he has several times pledged support for Southern independence, he has also cautioned Juba on the dangers of forging a new state. Eritrea's position on Southern independence is likewise unreliable. During the last civil war, Asmara and its army provided critical backing to the SPLA/M (Sudan People's Liberation Army/Movement) and other opposition groups in Sudan, supporting regime change in Khartoum. However, Isaias Afwerki's recent actions indicate that his policy may be driven more by self-preservation than principle. Increasingly isolated in the region and beyond and in need of economic assistance, Asmara's dwindling list of allies has led it to a rapprochement with Khartoum.

The referendum is to be held six months before the end of the CPA's six-year Interim Period. If Southerners choose to go their own way, it is during the ensuing half-year window that any disputes over, as well the transition to, independence must be resolved. While pragmatic tones are emerging in Khartoum, attempts to delay or derail the exercise are not out of the question. Neither the SPLM nor its regional supporters want a unilateral declaration of independence (UDI). The SPLM is aware of the risks that would accompany it and is working hard to avoid such a scenario. But if pushed into a corner, the possibility of UDI is very real.

If either side abrogates the CPA, a return to conflict is likely and would undoubtedly affect the region and draw in some of its militaries. This must be avoided. Regional actors will face a delicate task in calibrating their response if the referendum is denied or its result contested, including the possibility of extending recognition to the South. The broader international community will seek to adjust its response in light of African opinion. Policy coherence between IGAD and the African Union (AU) is crucial. IGAD's members will likely be the first to make any recommendations regarding Southern Sudan's post-referendum status, but ensuring AU participation in, and ultimate backing of, that policy is crucial if an independent South is to secure maximum legitimacy. The weight of the AU – an instinctively pro-unity institution – and the importance of its recognition cannot be ignored. The AU High-Level Implementation Panel (AUHIP) can play a leading role in lining up the body's 53 member states in support of realities on the ground.

Regional states must prepare for South Sudan's possible independence by engaging Khartoum and Juba on practicalities of the referendum and peaceful implementation of

its outcome. This includes insistence per the March 2010 IGAD summit communiqué calling for the referendum commissions to be established by May 2010 and reiterating firm support for the referendum timeline. Preparations should include clear modalities for extending official recognition to the South if it votes for independence and developing policy responses to alternative scenarios, including UDI. In the event of disputes over the referendum or its result, regional states should engage the AUHIP and IGAD to ensure the right of self-determination is fully respected and modalities for implementation of its outcome are agreed.

Nairobi/Brussels, 6 May 2010

SUDAN: REGIONAL PERSPECTIVES ON THE PROSPECT OF SOUTHERN INDEPENDENCE

I. REGIONAL STATES' INTERESTS AND THE PEACE PROCESS

A history of regional meddling, proxy wars, cross-border entanglements, border disputes, resource competition and competing ideologies, as well as a host of common ethnic groups, illustrate the interconnectedness of this region and the central position Sudan occupies in it. Many of Sudan's nine bordering states were directly involved in, or affected by, its civil wars. Likewise, many played important roles in securing the CPA and the principles enshrined therein. The IGAD sub-committee on Sudan that facilitated the peace agreement was led by Kenya and included Ethiopia, Eritrea, Uganda and Djibouti. These actors shaped a process that promoted "democratic transformation" of a united Sudan but was ultimately balanced by a right of self-determination.¹ Preferring negotiations instead be predicated on unity, Egypt actively opposed the IGAD initiative and was eventually left outside the process. Since the agreement was signed, regional and other international backers largely abandoned the political engagement and commitment that had been so crucial to achieving the CPA, thereby threatening its implementation.²

Each border state has strategic interests at stake and would be directly affected by either peaceful separation or a return to conflict. While the decision of the Southern Sudanese people is paramount, other considerations will undoubtedly play a role in how each state responds to the issue of separation if the process does not go according to plan. Regional security dynamics, economic opportunity, competing ideologies, resource interests and personal relationships are likely to factor in policy calculations in regional capitals. Despite differing views on unity, these key states and the supporting regional organisations are likely to honour the outcome of the self-determination

¹ The IGAD "Declaration of Principles" was the first suggestion of self-determination by an international body. It also affirmed recognition of Sudan's racial, ethnic, religious and cultural diversity, avowed political and social equality and insisted on the separation of religion and state.

² Crisis Group Africa Report N°106, *Sudan's Comprehensive Peace Agreement: The Long Road Ahead*, 31 March 2006.

referendum, provided it is held as planned and is accepted by both parties. Defining responses will be more difficult if Khartoum attempts by political, legal or forceful measures to prevent the exercise or deny its result. While responses to possible scenarios will depend on events to come, an assessment of historical relationships, recent engagement and strategic interests helps to illustrate the likely positions of the key regional actors.

A. KENYA

Kenya has a particularly strong interest in CPA implementation as it hosted and led the IGAD-supported negotiations that yielded the agreement. After those talks foundered for nearly a decade, they were re-invigorated in 2002, due in part to both increased U.S. pressure and growing Kenyan ownership of the process.³ The leadership of former special envoy, Lieutenant-General Lazarus Sumbeiywo, and the commitment of then-President Daniel Arap Moi were crucial in bringing the main protagonists to the table and hammering out the deal,⁴ though in the end, many in Khartoum viewed Kenya's mediation as partial to the SPLA.

Kenya had previously supported the SPLA, and while more discreet than some of its neighbours, its diplomatic, logistical and humanitarian aid and the open border it maintained were essential in sustaining the rebel movement. As Kenya also hosted nearly 100,000 Sudanese refugees at the height of the influx, the economic and humanitarian consequences that would result from a new war are not lost on its leadership.⁵ After the SPLA was forced to leave Ethiopia in 1991 it was welcomed to set up its political headquarters in Nairobi and was accom-

³ John Young, "Sudan IGAD Peace Process: An Evaluation", 30 May 2007, p. 14 (obtained by Crisis Group).

⁴ Then Foreign Minister Kalonzo went to Khartoum and convinced President Bashir to send his vice president, Taha, for direct talks with John Garang. Crisis Group interview, former Assessment and Evaluation Commission official, Nairobi, March 2010.

⁵ The UN High Commissioner for Refugees (UNHCR) estimated 96,000 Sudanese refugees in Kenya in 2004. Crisis Group email correspondence, UNHCR officials, Kakuma refugee camp, Kenya, 20 April 2010.

modated by Moi's government. The SPLA leadership was treated very well during not infrequent visits to Nairobi. The impact of the death of Dr John Garang in 2005 was considerable in Kenya, where many mourned the loss.⁶

A Southern Sudan Liaison Office within the office of the Kenyan president is dedicated to supporting the Government of South Sudan (GoSS) and the SPLM. Led by diplomats with experience of the Sudan file, its mandate includes monitoring the CPA, advising president Kibaki and serving as the principal liaison for the majority of official interaction with Juba. It also advises Kenyan business interests and facilitates commercial links between investors and the GoSS.⁷ The GoSS likewise operates a liaison office in Nairobi – the first that it opened following the CPA.⁸

Kenya has allocated several million dollars for training the nascent GoSS civil service. It operates an institute of administration in Juba that trains government officials, has sent its own civil servants as part of UN Development Programme (UNDP) training programs and dispatched a team of legal experts to assist in drafting legislation.⁹ It also has undertaken a program to bring senior ministry officials to Nairobi where they shadow their Kenyan counterparts. The informal connections with Southerners are evident. Many SPLA officers kept their homes and families in Nairobi during the struggle, and many retain those homes and educate their children in Nairobi today.

During his January 2010 visit to Nairobi, GoSS president Salva Kiir outlined the SPLM's assessment of the state of CPA implementation negotiations and the intransigence of the ruling National Congress Party (NCP), including concerns about a free and fair environment for the April elections.¹⁰ Kibaki in turn reiterated his government's commitment to implementation, as well as continued development support and greater security cooperation.¹¹ Dur-

ing a private session of Sudanese and Kenyan officials in Nairobi in February, the head of an SPLM ministerial delegation told its Kenyan counterparts that the South was headed for independence and expected Kenya to be the first state to accord recognition.¹²

The Nairobi and Khartoum governments met annually for a number of years as part of a Joint Ministerial Commission, though the forum has been in limbo since the International Criminal Court (ICC) issued an arrest warrant for Sudanese President Bashir in 2008. While trade was weakened as a result of the war, Kenya today maintains a predominantly export relationship with Khartoum. The two countries share intelligence regarding terrorism and cooperate on IGAD issues. Khartoum leaves relations on South-specific issues such as joint security concerns, economic cooperation, and training support, to be negotiated directly with Juba, though it has protested Kenya's direct involvement on issues dealing with national sovereignty.¹³ Despite seemingly cordial relations, Khartoum is aware of Kenya's Southern leanings, and has registered complaints in the past.¹⁴ Kenyan officials central to the bilateral relationship acknowledge that Khartoum feels a degree of mistrust and characterized relations as "occasionally strained".¹⁵

1. Trade

Kenya has strengthened its economic links with Juba in recent years. The opportunities to do more are recognised as important for national development, but are also welcomed by wealthy private investors and ordinary job-seekers. Kenyans are active in South Sudan's private sector, working in construction, air transport, insurance, infrastructure development and informal goods markets, as

⁶In the weeks after his death, Nairobi was covered in commemorative posters.

⁷In February 2010, the Kenya Southern Sudan Liaison Office (KESSULO) facilitated a meeting between President Salva Kiir of the GoSS and the director of Cooperative Bank, which then agreed to establish operations in South Sudan.

⁸Khartoum was originally opposed to the opening of GoSS offices and registered concerns with neighbours including Kenya.

⁹John Oyway, "Kenya has been like a big brother", *The Standard* (Kenya), 14 March 2010.

¹⁰Concerned that Kenyan domestic politics may distract the attention of key actors, the GoSS feels a need to keep reminding officials of what is at stake. Crisis Group interview, senior ministry official, Juba, February 2010.

¹¹"Kenya commits to peace in South Sudan", press release, Office of the President, 27 January 2010. On the heels of the AU Summit during which Foreign Minister Wetangula made headway toward an IGAD summit, Prime Minister Raila Od-

inga issued public comments promoting re-assertion of IGAD's role and demanded international actors better harmonise efforts with the region. He also criticised top international officials who had expressed value judgments on the outcome of the self-determination referendum, particularly those who seemed to oppose creation of an independent state in the South.

¹²The address was at a reception in Nairobi following a meeting between government officials from South Sudan and Kenya to discuss the common border. Crisis Group interview, participant, Nairobi, February 2010.

¹³Khartoum sent a note of protest to Kenyan officials in 2008 regarding direct negotiations with the GoSS on border issues.

¹⁴One such occasion was an October meeting of the AU Peace and Security Council in Abuja, where the agenda was the report of the AU High-level Panel on Darfur. Second Vice President Ali Osman Taha approached the Kenyan delegation to complain about the tone of President Kibaki's address, which discussed the CPA, and argued that Kiir's frequent visits to Nairobi were unduly influencing the Kenyan government.

¹⁵Crisis Group interview, Kenyan diplomat, Nairobi, February 2010.

well the NGO sector.¹⁶ The country's largest financial institution, Kenya Commercial Bank, has opened eight branches across Southern Sudan since 2006, and more are planned.¹⁷ Kenyan-owned Equity Bank has discussed with GoSS its interest in oil development, and several foreign investment institutions have explored using Kenyan banks as intermediaries for ventures in South Sudan. Government officials envision new markets for Kenyan exports not only in South Sudan itself, but by way of it to the Central African Republic (CAR), northern Congo (DRC) and beyond.

Three major proposed projects connecting East Africa are of particular note. These include a new sea port in Lamu, on Kenya's Indian Ocean coast; a railway network updating existing lines and connecting Juba to Kenya, Uganda, and Ethiopia; and an extension of the Trans-African Highway Network linking South Sudan to Kenya's Mombasa port. Kenyan and South Sudanese officials are also discussing a 1,400-km pipeline from Juba to the Lamu port, which could yield significant dividends and open up a broader swathe of Kenyan territory to economic modernisation. Several international investors have expressed interest in the plan, which is likely to produce considerable competition for Juba's favour. Toyota Tsusho, the investment wing of the world's largest car company, is the most recent and most serious party to express interest in the project, which is estimated to carry a \$1.5 billion price tag.¹⁸ A new pipeline would create an alternative to the existing export route, which runs some 1,600km to Sudan's Red Sea port (Port Sudan, in the North), thereby reducing the landlocked South's dependence on Khartoum.

2. Security Politics

Kenya garnered unwanted attention in September 2008, when a shipment of weapons including T-71 and T-72 tanks was hijacked by Somali pirates.¹⁹ The vessel's cargo, as

well as two other maritime weapons shipments, was ostensibly an acquisition of Kenya's defence ministry but was discovered to be under GoSS contract and headed for South Sudan.²⁰ Observers and satellite imagery have since confirmed the presence of at least some elements of those shipments in South Sudan. Khartoum was not happy and summoned both the Kenyan and Ethiopian ambassadors but the issue soon faded.

The Kenyan government publicly denied any wrongdoing, claiming it was the intended recipient.²¹ Privately, officials acknowledge the government's role in facilitating weapons transfers.²² They argue that Southern Sudan has a right to arm itself, and cannot sit idly by while Khartoum increases its arsenal with the help of Chinese, Russian and Iranian suppliers.²³ One confirmed that this was neither the first nor the last such shipment and that Kenyan actors had also played a role in facilitating relationships between buyer and seller. Its engagement in the risky business of arms acquisitions – particularly outside the reporting procedures stipulated by the CPA – is a telling indication of Kenyan support, although the financial benefits associated with the trade could also be a strong incentive.²⁴ Such activity is not without cost, though, and may have weakened Nairobi's credibility as a neutral actor in the eyes of Khartoum. However, Khartoum can ill afford to harm relations, lest it push Kenya further into the South's camp.

The Kenyan army trains SPLA officers and provides other technical support, including several demining classes at the International Mine Action School in Embakasi.²⁵ It also maintains a rotating battalion of peacekeepers in the South as part of the UN Mission in Sudan (UNMIS). Although Nairobi might well support the South in the event

¹⁶The Kenyan consulate in Juba reported that there are 7,000 registered Kenyans in South Sudan but estimated that the actual figure is likely between 20,000 and 30,000. Crisis Group interview, Kenyan consul general, Juba, April 2010.

¹⁷These include five banks in Juba as well as branches in Rumbek, Yei, Bentiu. Additional locations are scheduled to open in Yambio, Maridi, and Bor in 2010. Crisis Group interview, KCB official, Juba, February 2010.

¹⁸The Toyota Tsusho announcement came immediately after Prime Minister Raila Odinga's February 2010 visit to Tokyo, in which he discussed the proposed pipeline and other investment opportunities with Japanese parties.

¹⁹The shipment also included anti-aircraft guns, RPG-7V grenade launchers, BM-21 122 mm rocket launchers, thousands of rounds of ammunition, and spare parts. For a detailed account of the circumstances and of other maritime weapons shipments, see: Mike Lewis, "Skirting the Law: Post-CPA Arms Flows to

Sudan", Sudan Working Paper no.18, Small Arms Survey, September 2009.

²⁰"Human Security Baseline Assessment", Sudan Issue Brief no. 15, Small Arms Survey, December 2009.

²¹The Kenyan army has British-built Vickers Mk III tanks and has not used Soviet tanks, which casts further doubt on the claim. Despite public denials, government sources have also argued that anyone has a right to use the international port at Mombasa. Mike Lewis, "Skirting the Law", op. cit.

²²Crisis Group interviews, Kenyan officials, Nairobi, February 2010.

²³"Report of the Panel of Experts established pursuant to resolution 1591 (2005) concerning the Sudan", UNSC S/2009/562, 29 October 2009.

²⁴Section 9.6 of the Ceasefire Arrangements in the CPA notes that permitted activities include: re-supply to armed forces of lethal items as shall be deemed appropriate by the Joint Defense Board and coordinated with the UN mission. Neither party has honored its reporting commitments under this agreement.

²⁵Crisis Group interview, SPLM official, Nairobi, March 2010.

of a new war, it is unlikely that its military – a relatively conservative institution – would directly engage.²⁶

3. The CPA and the prospect of independence

Officially, Kenya is firmly committed to complete implementation of the CPA and to respect the choice of the South Sudanese in January 2011. Its officials expressed contempt for those from multilateral organisations and elsewhere who have voiced “careless opinions” about the referendum (i.e. questioning secession) that, they said, could themselves cause conflict.²⁷ When asked about the prospects for democratic transformation in Sudan, a senior official noted that there could only be a drastic change if Bashir is removed from power, and “that will not be possible in this [April] election”.²⁸

For the most part, Kenya long managed to be pro-South without being anti-North, though its inclinations are now well known in Khartoum. It is supportive of Southern independence, and officials believe that it would benefit from an independent South. Discussions have taken place within the foreign ministry regarding alternative scenarios in which South Sudan becomes independent, but no decision has been made on how to formally recognise the new state if the referendum is not held as stipulated. One official said such an impasse, in which the AU could well be split, would undoubtedly be “nasty”. The possibility of a unilateral declaration of independence (UDI) is acknowledged, but Kenya hopes that can be avoided.²⁹ Foreign Minister Moses Wetangula has tasked the ministry to produce a paper outlining possible scenarios, and the ministry intends to convene brainstorming sessions with a range of government, business and civil society stakeholders.

Both President Kibaki and Prime Minister Odinga have good relations with the South, though the president is not particularly engaged on the file. The prime minister’s support is stronger and more visible; he is one of the GoSS’ primary interlocutors and speaks regularly with Kiir by phone.³⁰ He is likely to be the frontrunner in Kenya’s 2012 presidential elections, which is seen as a welcome prospect by many in Juba. Though that election is more than two years away, jockeying for position is well underway, spurred in part by the power struggle between

Kibaki and Odinga and the fragility of their coalition government. Some in Juba are concerned that many prominent Kenyans could be pre-occupied by domestic politics when it most needs their help.

Former President Moi and current Vice President Kalonzo Musyoka also remain primary GoSS contacts. Grateful for what he did on their behalf, Kiir and other GoSS figures make a point to visit Moi nearly every time they come to Nairobi. Moi maintains an active watch of the CPA process and continues to support and counsel the SPLM. He travelled to Juba in March 2010 to endorse Salva Kiir’s re-election campaign and made veiled criticisms of his opponent, the chairman of the SPLM-DC party, Lam Akol.

Addressing the March IGAD summit as a special guest, Moi made his sympathies obvious. He offered considerable praise for the GoSS, urged Khartoum to make establishment of the referendum commission a priority, underscored the “finality” of the decision on self-determination, and even employed the same light-hearted language to allay concerns about independence coined previously by Kiir.³¹ Vice President Musyoka also knows the main actors in Khartoum and Juba well and maintains close ties with Kiir, Rebecca Garang and a variety of GoSS ministers.³² However, it is Foreign Minister Wetangula who is most active in shaping Sudan policy at present.

Given its long-time support, a view that Southern Sudanese are naturally akin to East Africans and the many potential gains of a new economic partner, officials hint that if the CPA is derailed and the GoSS can articulate a compelling case, Kenya would likely extend official recognition. Some believe doing so via IGAD would be most appropriate, while others assert that Kenya may well act on its own. The thinking in Washington and at AU headquarters, however, is also likely to factor in such a decision. While much will depend on circumstances, a senior Kenyan official said, “there is no way that a country like Kenya or Uganda will go out there and say we don’t support this [South Sudan’s independence]”.³³

²⁶ Crisis Group interview, retired senior Kenyan military official, Nairobi, March 2010.

²⁷ This reference was directed at statements by AU Chairperson Jean Ping and UN Secretary-General Ban Ki-moon. The Secretary-General retracted his comments days later.

²⁸ Crisis Group interview, senior government official, Nairobi, February 2010.

²⁹ Kenyan officials have tested the notion of UDI recognition with other states.

³⁰ Crisis Group interview, GoSS minister, Juba, February 2010.

³¹ As Kiir had noted in previous addresses, Moi to the amusement of Kiir and the SPLM delegation – assured the IGAD audience that if it voted for secession, the South would not “develop wings and fly off to the Pacific or Atlantic Ocean”.

³² Kalonzo handled the Sudan file during his tenure as foreign minister and initially chaired the IGAD ministers’ sub-committee on Sudan.

³³ Crisis Group interview, senior government official, Nairobi, February 2010.

B. UGANDA

Uganda is also a member of the IGAD sub-committee on Sudan, and its proximity, social, and cultural ties to southerners and historical support for their resistance have cemented its relationship with the Southern Sudan. President Yoweri Museveni was one of the SPLA's most ardent supporters during the war, and while the relationship is not the same as it was then, his support remains unwavering.³⁴ Uganda's voice was instrumental in the South's diplomatic lobbying, raising awareness about what was happening on the ground. Militarily, the Ugandan army³⁵ first provided clandestine support to the SPLA in the 1980s. The relationship quickly evolved into open financial and military assistance, as well as direct involvement in operations alongside the SPLA, whose fighters moved back and forth across the border and were allowed both an operating base and a political platform in Uganda. As a result, officers developed strong and lasting links with their Ugandan counterparts.

In retaliation for this support, Khartoum gave weapons, funds, military intelligence and training to the Lord's Resistance Army (LRA), which wreaked havoc in its original homeland in Northern Uganda and also fought the SPLA as Khartoum's proxy.³⁶ Many believe Khartoum likewise supported the West Nile Bank Front and the Allied Democratic Forces – two additional rebel forces that fought Museveni's government in the 1990s.³⁷ Diplomatic relations with Khartoum were broken in the mid-1990s, and despite a degree of rapprochement since, the relationship remains comparatively weak.

By contrast, relations with Southern Sudan are solid. Social and cultural ties are strong among many, not least a variety of ethnic communities that straddle the arbitrary colonial border between the two countries.³⁸ Several prominent Ugandans have come from this region, and individuals who were technically South Sudanese reportedly served in both the Ugandan army and senior government positions in the administrations of former President Idi Amin and others.³⁹ Tens of thousands of Sudanese took refuge

in Uganda over the course of their country's multiple wars. Likewise, many from Uganda's Northern districts were welcomed in South Sudan both after the fall of Amin and during recurrent bouts of conflict between government forces and the LRA in Northern Uganda.

Today, Ugandans are believed to be the largest group of foreign nationals in South Sudan, while there are more than 12,000 registered Sudanese in Kampala.⁴⁰ Many GoSS officials and other Southerners were educated in Uganda, own property there and enrol their children in Ugandan schools. Kampala receives regular official and unofficial visits from Juba, while the many informal connections reinforce state-level cooperation and shape policy toward Sudan.

1. Trade

While Uganda does not have the industrial or financial muscle of Kenya, trade with Sudan – and the South in particular – is booming. Ugandan exports were more than \$250 million in 2008, a three-fold increase since 2006, making Sudan the number one recipient of Ugandan goods worldwide.⁴¹ Kampala's state minister for trade noted "that [this] growing market cannot go untapped. ... Uganda helped in bringing peace in South Sudan, and we have to take advantage of it instead of seeing other countries dominat[e] the virgin market".⁴²

Filling the void created by the limited number of skilled workers in the South, Ugandans operate small businesses, work as taxi drivers, construction workers, administrative and service personnel and import and sell the majority of Juba's food and fresh produce. As economic engagement has grown, there is a desire both to formalise a relationship dominated by informal trade and reduce commercial barriers. In addition to a handful of new agreements, the Ugandan Export Promotions Board organised an expo in Juba in February to showcase goods, cultivate links between the business communities and explore diversification options. The GoSS has allocated land in Juba on which

³⁴ Crisis Group interview, journalist, Kampala, 19 February 2010.

³⁵ The Ugandan People's Defence Forces (UPDF).

³⁶ The LRA also established alliances with other Khartoum proxies in the South, who were later integrated into the SPLA.

³⁷ The Allied Democratic Forces had a Muslim orientation and fought against the government from Western Uganda. The West Nile Bank Front likewise fought Museveni's National Resistance Movement and wreaked havoc in Northern Uganda including from bases in South Sudan.

³⁸ These include Acholi, Kakwa, Lango, Madi, and others.

³⁹ Crisis Group interviews, Ugandan officials, Kampala, Juba, February 2010. Idi Amin was a Kakwa from the Northwest border district of Koboko.

⁴⁰ Crisis Group interview, GoSS liaison office, Kampala, February 2010. The GoSS has operated a liaison office in Kampala, as well as one in Gulu, since 2007. The Kampala office is not officially tasked with a foreign policy agenda. It focuses on education, trade, culture, capacity-building and consular services. Liaison offices in other regional capitals play similar roles but also undertake diplomatic lobbying to varying degrees. Uganda has operated a consulate in Juba since May 2005.

⁴¹ A great deal of additional informal trade is not recorded. Though the figure represents all Sudan, the vast majority of this trade is with the South. Crisis Group email communication, Uganda Export Promotion Board, 23 February 2010.

⁴² Faridah Kulabako, "Uganda-South Sudan trade expo on next month", *Daily Monitor* (Uganda), 18 January 2010.

Ugandans plan to build a \$2 million marketplace for the sale of their goods.⁴³

Though some aspects of the trade relationship remain to be smoothed out, both sides see the sky as the limit.⁴⁴ Some claim economic cooperation will not be significantly affected by the South's status, while others believe independence would further boost trade by opening the door to formal treaties and accession to the East African Community and the Common Market for East and Southern Africa (COMESA). Acceptance into such regional structures is a means by which some regional supporters might be able to support Southern Sudanese independence without providing formal diplomatic recognition, should they so choose.

Major infrastructure projects to better connect Uganda to South Sudan are also afoot. President Museveni has promised to pave roads to the South and Kenya to increase accessibility and further boost regional trade. There are also plans to revamp the defunct regional railway system and extend it from Gulu to Juba.⁴⁵ Industry entrepreneurs also hope to extend the existing fibre-optic cable from Kampala to Juba, which would provide broad-band internet and telecommunications to Southern Sudan.

Uganda recently discovered significant oil in its Lake Albert region. In hopes of retaining greater value in-country, the government is building a refinery, with a goal of refining two-thirds of domestic oil locally. Officials posit that greater refining capacity might also service Sudanese crude, but the hope is also to partner on a pipeline to the Kenyan coast that could export both Ugandan and Sudanese oil.⁴⁶

2. Security Politics

While trade potential is enormous and could be harnessed as an instrument of regional stability, security considerations remain Kampala's primary strategic interest. A new war in Sudan would have dire consequences at home. If Museveni perceives renewed conflict as affecting national, or personal, interests, the Ugandan army could be expected to again intervene in support of the SPLA. A senior gov-

ernment official noted that if Southerners "were unfairly attacked, they would find [military] allies in the region".⁴⁷ Security considerations vis-à-vis Sudan are dominated by the LRA. Beginning in the mid-1990's, the LRA operated in and used South Sudan as its rear base for attacks on Northern Uganda. It was also employed by Khartoum in direct operations against the SPLA, for defence of Juba and other strategic locations and to distract the Ugandan army so it was less able to support the SPLA.⁴⁸ The CPA narrowed the space for LRA operations and ultimately contributed to forcing it elsewhere.⁴⁹

Uganda continues to seek a strong security partner and stable buffer on its northern border, which it claims would help to prevent the re-emergence of insurgent groups, particularly in its West Nile corridor. The Ugandans are also cognizant of the real challenges facing the South and are encouraging large-scale development and a strong UN presence. Instability in the South – be it the result of war with Khartoum or domestic unrest – could again open space for armed rebellion. Border disputes among neighbouring communities in Sudan, Uganda and other adjacent states will only be resolved when there is broader stability in the region. The issue for Kampala is no longer unity or separation, but about garnering regional and wider international investment to build a viable and prosperous South Sudan.

While it is difficult to confirm specifics, Ugandans also purportedly facilitate transfers of weapons purchased by the GoSS.⁵⁰ A government official said, "we must help them [militarily] now; one can't come in once the house is already on fire. We would ignore this at our own peril".⁵¹

Military cooperation includes monthly joint security meetings at the most senior level. The Ugandan army provides some training for SPLA officers and advice to the SPLA leadership. A large number of Ugandan soldiers remain in South Sudan – particularly in Western Equatoria and Western Bahr el Ghazal states – ostensibly to counter any incursions or further passage by the LRA.⁵² The SPLA also

⁴³ Crisis Group interview, government minister, Kampala, 18 February 2010.

⁴⁴ The amount of food, and fresh produce in particular, sent by road in search of better prices in South Sudan at one point triggered a sharp price spike in Uganda and a domestic food crisis. Some Ugandan traders claim to be harassed and charged unlawful levies and report some Sudanese resentment that Ugandans benefit more from opportunities in Sudan than they do.

⁴⁵ U.S., German and Russian firms are collaborating with the GoSS on the proposed \$3 billion project. *The Indian Ocean Newsletter*, no. 1278, 30 January, 2010.

⁴⁶ Crisis Group interviews, Kampala, February 2010.

⁴⁷ Crisis Group interview, senior Ugandan official, March 2010.

⁴⁸ Crisis Group Africa Report N°77, *Northern Uganda: Understanding and Solving the Conflict*, 14 April 2001.

⁴⁹ Khartoum is believed to have terminated its military support to the LRA at this time, though it is alleged that communication lines remained open.

⁵⁰ Crisis Group interviews, minister, Kampala, February 2010, Crisis Group telephone interview, foreign ministry official, February 2010. Officials note that this does not represent direct financial or weapons support from Uganda, but rather facilitation of weapons purchases paid for by the GoSS.

⁵¹ Crisis Group interview, government official, Kampala, February 2010.

⁵² Keeping army elements active and abroad also prevents them becoming problematic at home.

dedicates four brigades to cooperate in the LRA hunt,⁵³ including two combat-ready reconnaissance companies that operate alongside the Ugandans in the CAR.⁵⁴ Ugandan leaders remain wary of Khartoum, as they believe it is again aiding Kony's rebels with training, weapons, funds and logistics support, particularly a group that allegedly spent time in early 2010 near Kafia Kingi in Southern Darfur, before crossing back into the CAR.⁵⁵ In March 2010, President Museveni affirmed Ugandan military intelligence that placed Kony's group in Darfur and hinted that Sudan again was accommodating the LRA, accusations the Sudanese national army swiftly and vehemently denied.⁵⁶

⁵³ From the SPLA's Second Division, including elements of the 9th Brigade (Eastern Equatoria), the 7th Brigade (Central Equatoria), the 8th Brigade (Western Equatoria); and from the 5th Division, including the 43rd Brigade (Western Bahr El Ghazal). The SPLA has also armed local defence units ("arrow-boys") to assist in repelling the LRA in Western Equatoria. Its engagement is largely oriented toward civilian protection, not pursuit. See Crisis Group Africa Report N°157, *LRA: A Regional Strategy beyond Killing Kony*, 28 April 2010.

⁵⁴ The SPLA was also a somewhat reluctant party to Operation Lightning Thunder, a 2008 joint military operation between the Ugandan and Congolese armies and the SPLA to finish the LRA. In practice, its role in this disastrous operation was very limited, due both to poor coordination by the Ugandans and mixed feelings within the SPLA about getting involved. See *ibid.* Cooperation with the Ugandan army has not been without controversy and disagreement, and there exists some mistrust among elements of both forces. Following growing concerns in 2007 about the Ugandans' inability to finish the LRA and the negative impact of their presence in South Sudan, including reported theft of timber and other natural resources, rape and other serious abuses, there was an intense debate on whether they should leave. GoSS Vice President Machar, leading the LRA peace talks, called for their departure, noting the agreement authorizing their presence had long since expired. However, the GoSS allowed them to stay. Since then, reports indicate that their behavior has improved considerably. Crisis Group interviews, Juba, Dungu, February 2010. But some SPLA elements continue to disapprove of their presence.

⁵⁵ This was asserted by both senior SPLA and Ugandan army officials and other observers in South Sudan, though no claims have been corroborated. It was alleged that they sought refuge near Kafia Kingi because it is controlled by the Sudanese army and home to other government-sponsored militia. Crisis Group interviews, senior SPLA official, February 2010; Ugandan army commander, Kampala, February 2010. A Ugandan army spokesperson later said Kony returned to the CAR in April.

⁵⁶ Milton Olupot, "I'm ready to face trial — Museveni", *The New Vision* (Uganda), 13 March 2010. For more on the LRA, see Crisis Group Africa Briefing N°41, *Peace in Northern Uganda?*, 13 September 2006; Africa Report N°124, *Northern Uganda: Seizing the Opportunity for Peace*, 26 April 2007; Africa Briefing N°46, *Northern Uganda Peace Process: The Need to Maintain Momentum*, 14 September 2007; Africa Report N°146, *Northern Uganda: The Road to Peace, with or*

3. The CPA and the prospect of independence

Personnel connections and informal ties are important in Kampala's relationships with its neighbours. Policy is driven largely by Museveni, and South Sudan is no exception. Museveni enjoyed a very close relationship with the late John Garang, reinforced by common Marxist-socialist and pan-African values, strong military backgrounds and mutual strategic interests.⁵⁷ While he and Kiir likewise engage regularly, a strong personal connection is absent, and the interests and individuals that previously nurtured a close relationship have evolved. When it comes to tough decisions on Sudan policy, the foreign ministry will likely take a back seat, not least because "the president is watching this closely".⁵⁸ Museveni is a particularly dedicated ally of Juba, but elite Ugandan support goes beyond the president. While policy toward South Sudan might not be as highly centralised if he were not in power, support for independence would remain constant.

Museveni has vehemently opposed Arab and Islamic expansion in the region, and his relationship with President Bashir and the Islamists in Khartoum is characterised by mutual animosity, factors which have long figured in Ugandan policy on Sudan. Residual concerns of this kind remain in Kampala today.⁵⁹ However, the issue is not principally defined in these terms in Kampala. Rather, Ugandans say the South is legitimately struggling for basic rights and freedoms, and they have pledged to support them in that struggle – including militarily.

The president also has pan-African aspirations and sees himself as a regional patriarch. While his support for South Sudan is evident, he may simultaneously try to manage relations with Juba so as not to create another regional competitor. Museveni has in the past had problems "transitioning when junior regional partners become equals."⁶⁰

Given the army's powerful political position, the ties it has developed with SPLA leaders and the security interests at stake, the military also plays an important role in

without Kony, 10 December 2008; and Report, *LRA: Regional Strategy Beyond Killing Kony*, op. cit.

⁵⁷ Museveni and Garang met while at the University of Dar es Salaam in 1969-1970, which served as a bastion for pan-African and liberation/revolutionary ideals. Garang was a research associate in rural economics; Museveni studied economics and political science. Both were members of an activist group, the University Students African Revolutionary Front (USARF).

⁵⁸ Crisis Group telephone interview, senior Ugandan foreign ministry official, 22 February 2010.

⁵⁹ Numerous officials in Kampala assert that Khartoum's endorsement of the CPA was not driven by magnanimity, nor was Khartoum ever committed to its implementation. Crisis Group interviews, Kampala, February 2010.

⁶⁰ Crisis Group interview, Uganda expert, Juba, April 2010.

orienting Uganda's Sudan policy. Any decisions regarding support or recognition of an independent South will likely be driven first and foremost by the president, with the support of the defence establishment.⁶¹

Officially, the government endorses full CPA implementation and will support the outcome of the referendum.⁶² Officials insist that the vote must be held on time and the results respected. They share the opinion that any deviation would likely ignite new conflict. They do not believe the NCP can, or will attempt, to deny the South its vote but warn if it does, Uganda will "stand on the side of the people".⁶³ They are clear that they will hold Bashir to his verbal commitment to honour the results.⁶⁴ Ugandan diplomats are also the most forthright in noting in public forums that unity has not been made attractive.⁶⁵

Unofficially, multiple senior officials report that independence is privately encouraged. This is not the collective policy of the government, but prominent individuals with close relations in Juba have made it clear to their counterparts that independence is the best way forward. Likewise, Salva Kiir has made his appeal to Uganda no secret. While visiting Northern Uganda in November 2009, he proclaimed that if Southerners choose to secede, he "expects" Uganda to lead in extending official recognition.⁶⁶

One Ugandan minister said Kampala may "pay lip service" to orderly resolution of the CPA but will no doubt support independence. When asked about the possibility of extending official recognition in the absence of Khartoum's endorsement and an AU consensus, another high-ranking official close to Museveni noted: "We've been split many times before. There is nothing wrong with ideological differences. Things were sticky before, and we took a side. It is easier to recognise a state than a rebel group [as we did previously]".

How exactly recognition will take shape remains to be seen and will depend on the circumstances; what matters for Kampala is the legitimacy of the referendum exercise itself. Uganda will seek to ensure that all other means have been exhausted, but if Khartoum undermines the process and the GoSS pursues a UDI, it is unlikely to sit on the fence. Uganda is scheduled to hold presidential and parliamentary elections in February 2011, one month after the referendum in South Sudan. While most observers believe Museveni will retain his tight grip on power, election season may generate more demand for accountability. Opposition voices may call on the government and the military to justify their foreign engagements in both Sudan and the Congo, including the still unfinished business with the LRA. The election atmosphere will likely turn much of Uganda's attention inward, and any complications in the electoral process could risk further distracting a key regional state and one of Juba's most committed supporters.⁶⁷

C. EGYPT

Egyptians came to Sudan in the early nineteenth century and maintained an occupying presence until a brief period of self-rule following the Mahdi revolution.⁶⁸ Immediately thereafter, Egypt formed a special partnership with Britain and together exercised sovereignty over Sudan in a condominium for half a century until the country gained its independence in 1956.⁶⁹ Throughout that period, Egypt worked – often with little consent from the Sudanese – to maintain control of, and unity with, Sudan. Today, it in many ways sees Sudan as a "lost province", has a sometimes paternalistic attitude toward the country and approaches its policy accordingly.⁷⁰ As a result of this shared history, Egyptian influence – particularly in the north – is unmistakable. Sudanese read Egyptian writers

⁶¹ Other figures likely to weigh-in on policy toward South Sudan include the president's brother and adviser, General Salim Saleh, the security and trade ministers and veteran army commanders.

⁶² Uganda is well aware of popular sentiments in support of independence; one senior official close to this file said, "everywhere we go in South Sudan, people are waiting for independence". Crisis Group interview, Ugandan diplomat, February 2010.

⁶³ Crisis Group telephone interview, senior Ugandan foreign ministry official, 22 February 2010.

⁶⁴ At a 19 January CPA anniversary celebration in Yambio, Western Equatoria state, President Bashir pledged that he would be the first to support separation if so decided in the referendum.

⁶⁵ Crisis Group interview, Khartoum-based international official, Nairobi, March 2010.

⁶⁶ Ngor Arol Garang, "Kiir urges Uganda to lead recognition of independent South Sudan", *Sudan Tribune*, 26 November 2009.

⁶⁷ While unlikely since the NCP has its hands full, mistrust in Kampala is illustrated by rumours that Khartoum may even go so far as to support an opposition candidate against Museveni.

⁶⁸ The Mahadiya revolution began in 1881, led by Mohamed Ahmed ibn Abdalla, who proclaimed himself to be the chosen Mahdi (guided one). Almahdi and his "al ansar" troops stormed Khartoum in January 1885, killed the famous British general, Gordon, and captured the city. Following Almahdi's death only six months later, the Khalifa Abdallahi took the lead and transformed the theocracy of Almahdi into an Islamic state with a centralised administration. November 1899 marked the end of the Mahdist state and the beginning of the Anglo-Egyptian condominium. Robert O. Collins, *A History of Modern Sudan* (Cambridge 2008).

⁶⁹ Rather than implement the onerous requirements stipulated in the Anglo-Egyptian agreement of 1953, Sudan's parliament voted to declare independence in December 1955, a precedent not lost on some Southerners considering independence.

⁷⁰ Alex de Waal, "Sudan: international dimensions to the state and its crisis", Crisis States Research Center, LSE, April 2007.

and political analysis and enjoy Egyptian film and music, while Egyptian commodities are prominent in Khartoum markets. Egyptian investments in Sudan – some \$2.5 billion in 2008 – have tripled since 2002.⁷¹

Many Sudanese professionals are educated in Egypt, and Cairo University has long operated a branch in Khartoum. Sudanese with adequate means often holiday, seek medical care and own residential properties in Egypt. In 2004, Presidents Bashir and Mubarak signed the “four freedoms agreement”, guaranteeing free movement, residence, work, and property ownership between the two countries. Estimates put the number of Sudanese living in Egypt today as high as three million.⁷² Despite these many connections, there remain mixed opinions in political circles about the differing state models, as well as Egypt’s role in the country.

Sudan is of utmost strategic importance for Egypt, which maintains a large presence in Khartoum, including a sizeable and active embassy that is often better informed about the host country’s dynamics than any other foreign presence.⁷³ Cairo’s foreign ministry operates a department dedicated specifically to Sudan policy. It is one of only two such separate departments in the ministry⁷⁴ and is reportedly a gateway to career advancement and prominent positions within the government.⁷⁵ The intelligence bureau also plays a prominent role on Sudan policy and has the ear of the president.

1. Working on unity

During Sudan’s peace talks, Egypt was adamantly opposed to any agreement that included possible Southern secession. It feared an unstable entity in the South would, among other things, pose a threat to its supply of Nile water. Unhappy with Khartoum’s willingness to entertain negotiations that espoused what it saw as a separatist agenda, Egypt actively opposed the IGAD process and promoted competing initiatives that prioritised unity.⁷⁶ Its primary strategic concern was then, and remains, its access to Nile water.

Since the signing of the CPA, it is often said that Egypt has done more to “make unity attractive” than Khartoum. Unhappy with the latter’s minimal efforts, it has tried to convince Bashir’s government to invest more in the South. Cairo has also privately expressed disappointment with UNMIS, arguing it too has done little to advance unity.⁷⁷ Cairo is concerned that South Sudan is not sustainable as an independent state and that donors will not support it long enough to become one.⁷⁸ Egyptian officials have not given up on unity. Mubarak received a delegation led by Salva Kiir in October 2009 and made a public commitment to endorse the outcome of the self-determination referendum, yet the message from the foreign ministry and Interior Minister General Habib Ibrahim El-Adly was that Cairo is pushing hard for unity. As a GoSS minister noted, “their mind is made up; they have voted in their hearts for unity”.⁷⁹ Unconfirmed press reports claimed that Kiir cut short his visit as a result of the pressure exerted for preserving unity.⁸⁰

In December 2009, the SPLM foreign minister in the national unity government in Khartoum, Deng Alor, and SPLM Secretary-General Pagan Amum travelled to Cairo to discuss CPA implementation, elections and other outstanding issues. According to one official present, “unity” was the only agenda item put forth by Cairo.⁸¹ Three days later in a television interview, Egyptian Foreign Minister Aboul-Gheit affirmed Egypt’s opposition to separation. The visit also included a rare one-on-one meeting between Mubarak and the foreign minister, in which the Egyptian president reportedly shared concerns about instability and expressed fear that in a stand-alone Northern Sudan without the moderating influence of the SPLM, Islamists might again gain a foothold in Khartoum.

Having long felt sidelined in peace initiatives concerning its own backyard, Egypt tried to re-assert its role in Sudan negotiations in early 2010. Intelligence Director Omar Sulieman invited NCP presidential advisor Nafie Ali Nafie and the SPLM’s Pagan Amum to Cairo in late February for a relatively quiet workshop on “the foundations and guarantees for unity in Sudan”. The SPLM participated, as it wanted to be seen giving unity a chance and realises the importance of engaging Egypt, but it also sought to use the forum to persuade Cairo to accept the South’s right to self-determination.⁸² The talks focused

⁷¹ This is an increase from \$82 million in 2002. Marchal, “Sudan – No Easy Ways Ahead”, Heinrich Böll Stiftung, 2009.

⁷² “World Refugee Survey 2000”, U.S. Committee for Refugees, June 2000. A portion of these expatriates left as a result of political and economic strife, particularly after the 1989 coup that brought the National Islamic Front (NIF) government to power.

⁷³ Crisis Group interview, Khartoum-based international official, Nairobi, March 2010.

⁷⁴ The foreign ministry also maintains a similar department for Israel policy and a unit on Palestine.

⁷⁵ Crisis Group interview, Egyptian diplomat, March 2010.

⁷⁶ These included the Joint Egyptian-Libyan Initiative and the Sudan Peace Commission – a grouping of nine Arab League states. Both were predicated on the preservation of unity and desired a place at the table for Northern opposition parties.

⁷⁷ Crisis Group interview, UNMIS official, Juba, February 2010.

⁷⁸ Crisis Group interview, Egyptian officials, Juba, April 2010.

⁷⁹ Crisis Group interview, GoSS minister, Juba, February 2010.

⁸⁰ “Egypt urges African countries to assist Southern Sudan”, *Sudan Tribune*, 10 November 2009.

⁸¹ Crisis Group interview, SPLM official, Nairobi, March 2010.

⁸² Crisis Group interview, senior SPLM official, Juba, February 2010. Some news agencies reported that Cairo floated a proposal to postpone both the elections and the referendum, a proposi-

exclusively on unity but deadlocked after Nafie Ali Nafie refused to discuss Sharia (Islamic law), long a point of contention between the two parties. Soon afterwards, Suleiman and Aboul-Ghait went to Khartoum to invite Bashir and Kiir to Cairo, again to encourage agreement on unity.⁸³ Egyptian officials said another invitation may be extended to the parties now that the April elections have been held. These efforts all signal an attempt to again assert their role in the resolution of Sudan's problems.⁸⁴

While Egypt remains opposed to secession, a new pragmatism is evident, as it has simultaneously begun to position itself for the likely eventuality. A number of recent events illustrate a degree of evolution – albeit erratic – in its position. A consulate was opened in Juba in 2005, and President Mubarak visited in November 2008 to discuss cooperation with the GoSS and development support to the South. This was a major event, the first visit by a head of state in more than 40 years. Mubarak spent very little time in Khartoum before heading to Juba, a fact that registered in the South, where his aforementioned public commitment to the referendum was also a welcome development.

Cairo has offered modest development assistance to the South in the form of power stations, clinics, schools and technical cooperation on irrigation. It has given Southern Sudanese scholarships to study in its schools and pledged to establish a branch of Alexandria University in Wau. It also spearheaded an “Arab Conference on the Investment and Development in South Sudan” in February 2010. Arab League Secretary General Amr Mousa led a sizeable delegation of investors (mostly Egyptian) to Juba to discuss financing infrastructure and development projects, though they did not hide their primary aim of encouraging unity.⁸⁵ These are all welcome initiatives, but if aimed at “making unity attractive”, they are viewed in the South as too little too late.

tion the SPLM vehemently opposes. Both Egyptian and SPLM officials present maintain that this was not discussed.

⁸³ Aboul-Ghait later hinted that several options could be considered instead of secession, including a confederation-style arrangement. “Egypt hints at supporting a North-South confederation for Sudan rather than secession”, *Sudan Tribune*, 21 March 2010.

⁸⁴ Despite media reports that President Mubarak would return to Juba and Khartoum in early 2010, Egyptian diplomats reported that no such plans existed. Crisis Group interview, Egyptian officials, April 2010.

⁸⁵ Mousa remarked “our objective in being here today is to promote the cause of development in South Sudan, and – maybe it is not too late – to make unity attractive”. Dina Ezzat, “Holding it together”, *Al-Ahram Weekly Online*, 25 February-3 March, 2010.

Egypt has sent strong signals on the dangers of secession, warning that “simply taking sovereignty and then seeing what happens next is not acceptable”,⁸⁶ but has also seen the writing on the wall and does not want to end up on the wrong side of history. Investments intended largely as part of an attempt to moderate secessionist leanings may now serve to improve Cairo's image in the South and ultimately fortify strategic ties with a newly independent partner.⁸⁷

2. Nile Waters

The waters of the Nile have been Egypt's lifeblood since its civilization began and were one of the primary drivers behind its initial expansion into Sudan. Protecting access is a fundamental foreign policy objective; one it has historically pledged readiness to go to war over.⁸⁸ Water and irrigation needs are acute and growing steadily along with the population.⁸⁹ While other countries of the Nile valley can rely upon rainwater for at least some of their agricultural output, Egypt is largely dependent upon the river. Although it uses 95 per cent of its allocated water on irrigation, it still imports over 50 per cent of its food grains.⁹⁰ Increasing demand for food is creating further pressure on

⁸⁶ Egyptian officials also expressed disapproval with Kenya and Uganda, both in regard to facilitating weapons flows to South Sudan as well as what they called a hunger for Southern oil. Crisis Group interview, Egyptian official, Nairobi, January 2010.

⁸⁷ Some GoSS officials reported that Egypt has improved its image in the South, regardless of whether this is based on genuine considerations or Realpolitik. Like others in the region, Egypt also sees an export market as well as arable land for cultivation.

⁸⁸ In 1978, Egyptian President Sadat noted: “We depend upon the Nile 100 per cent in our life, so if anyone, at any moment, seeks to deprive us of our life, we shall never hesitate to go to war, because it is a matter of life and death”. Following contentious Nile Basin consultations in early 2010, the legal and assembly affairs minister, Moufid Shehab, said, “Egypt's historic rights to Nile waters are a matter of life and death. We will not compromise them”. Dina Zayed, “Egypt spat fuels water tension in Nile Basin”, *Reuters*, 27 April 2010. The Nile provides nearly 90 per cent of Egypt's annual water supply.

⁸⁹ Egypt is the most populous country in the Arab world, with some 79 million people and an estimated growth rate of roughly 2 per cent. A 2006 government report predicted the country will have only 71 billion cubic meters of water in 2017, while needing more than 86 billion. “Reality and Future of Water in Egypt”, the Egyptian Cabinet – Information and Decision Support Center (IDSC), January 2006.

⁹⁰ Egypt's current supply is technically around 860 cubic metres per person; the international poverty level is 1,000 cubic metres per person per year. This figure includes human consumption, irrigation, industry, and energy production. Because Sudan does not use all its allocated water, Egypt benefits from some additional flow.

the water supply.⁹¹ Its relentless pursuit of this resource and claims to Nile water as an undeniable right have underscored perceptions of Egypt as a regional hegemon and spurred opposition from Nile Basin countries, not least Ethiopia, who wish to renegotiate the existing treaty and threaten to move forward without Egypt and Sudan if necessary.⁹² Dispute over the Nile has the potential to polarise the region further and stiffen Cairo's resolve to maintain the status quo by rallying behind Khartoum and against other Nile riparians.

While no official policy has been declared, GoSS officials are careful to assure their Egyptian counterparts that if the South becomes independent, they would first review existing water usage with Khartoum and operate within Sudan's current allocation of 25 per cent, thus not affecting the Egypt's allocated flow.⁹³ Nevertheless, while Egyptian officials try to downplay the water concerns, some worry an independent South would soon join the groundswell of states objecting to the standing agreements. GoSS officials report a commitment to preventing excessive loss but also want Egypt to recognise the South's development needs. South Sudan requires irrigation to grow more food, as a huge percentage of its crops are rain-dependent.⁹⁴ Officials in Juba report that Egypt has agreed to allow them to construct hydroelectric dams but stipulated that they would want such projects to be contracted to Egyptian companies or supervised by Egyptian technical advisers.⁹⁵

⁹¹ Swain, Ashok, "Mission not yet accomplished: Managing water resources in the Nile River Basin", *Journal of International Affairs*, spring/summer, vol. 6, no. 2 (2008), p. 204.

⁹² The most vocal of the Nile Basin states, Ethiopia claims that the Blue Nile contributes the majority of the river's flow, and along with others, wants to reduce end-user dominance. The Nile Basin countries include Egypt, Sudan, Ethiopia, Kenya, Uganda, Tanzania, Burundi, Rwanda, Congo (DRC) and Eritrea (observer). Following an April 2010 meeting of Nile Basin states that failed to reach consensus on a new agreement because Egypt and Sudan did not endorse it, other riparian states sought to replace the colonial-period agreement with a framework of their own that would allow for more downstream usage.

⁹³ The 1959 Nile Waters Agreement allocated 55.5 billion cubic metres of water annually to Egypt, and 18.5 billion cubic metres to Sudan.

⁹⁴ Plans to bring skilled South African farmers and their irrigation techniques to Southern Sudan are also being considered.

⁹⁵ Crisis Group interview, GoSS minister, Juba, February 2010. The Jonglei Canal also remains a project of interest for Cairo, though plans remain on hold. A major infrastructure development project between Egypt and Sudan, construction of the canal started in 1978 but was halted in 1983 with the onset of civil war in Sudan. It aimed to divert and thereby conserve much of the water that floods the South's vast swampland, incorporate modern irrigation and drainage systems and ultimately boost agricultural output for the two countries. Feasibility stud-

3. Security Politics

Egypt is no friend of extremism, Islamic fundamentalism or anything that interferes in its internal affairs. In this regard, a reliable, stable government in Khartoum would serve its interests – a bill the current regime does not fit. Fervent Islamist governments could again export ideas and offer direct support to Islamic groups in Egypt. It was just fifteen years ago that the National Islamic Front (NIF) government in Khartoum sponsored – some say orchestrated – an assassination attempt on President Mubarak.⁹⁶ Relations subsequently improved as the then champion of a pan-Islamic militant revolution, Hassan Al-Turabi, and expansionist policies were sidelined, and Sudan sought to recruit international allies. Egypt looked past the attack in exchange for greater political and economic presence in Sudan, in part to achieve food and water security, but also to maintain regional influence.

Cairo fears that secession could lead to instability in both North and South Sudan, opening the door again for extremist elements that could destabilise the region, just as Khartoum played host to Osama bin-Laden, al-Qaeda, and a variety of other unsavoury characters and groups in the mid- and late-1990s.⁹⁷ Likewise, Egypt would rather Sudan not become a regular conduit for weapons smuggling to the Middle East. In January 2009, Israeli airstrikes destroyed a weapons convoy near Port Sudan, just south of the Egyptian border. Similar shipments – believed to originate in Iran and be destined for Hamas – have been smuggled through a network of tunnels from Egypt to Gaza.⁹⁸ In this regard, Egypt sees the South as a moderating influence on the North and would thus prefer unity so as to maintain that check. Both Mubarak and the intelli-

gies to further explore possible negative effects on the environment and pastoralist migration are pending.

⁹⁶ In June 1995, Jama'at al-Islamiyya assassins made an attempt on Mubarak's life during a visit to Addis Ababa. Elements of the Sudanese government were later discovered to have been intimately involved, having hosted the assassins and provided passports, weapons and a safe-house in Addis Ababa. Long wary of Turabi's growing fundamentalist voice, Mubarak and the Egyptians blamed him for masterminding the conspiracy. See Collins, *A History of Modern Sudan*, op. cit., pp. 211-217. They also reportedly implicated current Second Vice President Ali Osman Taha.

⁹⁷ Driven primarily by Hassan Al-Turabi, Sudan hosted and accommodated Islamic fundamentalists and militant radicals from Palestine, Iran, Syria, Afghanistan and elsewhere in the Middle East and North Africa during this period. Alex de Waal refers to a brief period in which Khartoum was the "hub of a global Islamist militancy", De Waal, "Sudan: international dimensions to the state and its crisis", Crisis States Research Center, LSE, April 2007.

⁹⁸ Michael Gordon and Jeffrey Gettleman, "US Officials say Israel Struck in Sudan", *The New York Times*, 26 March 2009.

gence chief have confided this concern to prominent officials in Sudan and the region.⁹⁹

Despite reservations about and frustrations with the leadership in Khartoum, there remains a reluctance to go publicly against it, presumably so as not to endanger interests. Egypt is not necessarily fond of the NCP, but water and security interests push it to maintain partnership with whomever is in government, and it is currently without strong alternatives.

D. ETHIOPIA

The Ethiopian government arguably played the most crucial role in supporting the SPLA during the war, particularly in its early days.¹⁰⁰ Immediately following the Bor mutiny in 1983, the SPLA set up operations in Ethiopia and was fully accommodated by the then leader, Mengistu Haile Mariam. Mengistu played a formative role in the movement, including helping elevate a fellow Marxist, John Garang. Angered also by Khartoum's backing for Eritrean and Tigrayan rebels, Ethiopian support to the SPLA was extensive, including bases, training, political direction, weapons and other supplies.¹⁰¹ It also provided the rebels a frequency and the means to create and transmit "Radio SPLA" across the region, and it hosted tens of thousands of Southern refugees. Consequently, Khartoum largely saw the SPLA as a proxy of Mengistu and Museveni.¹⁰²

When Mengistu fell in 1991, the SPLA was expelled, and Ethiopia's support ceased. Because the SPLA had been close to Mengistu and employed in his strategy against the Ethiopian People's Revolutionary Democratic Front (EPRDF), which was now in power, relations were severed. However, they soon improved, and the new regime in Ethiopia resumed considerable military support to the South in 1993. Having supported both the Tigrayan and Eritrean rebels to topple Mengistu, Khartoum was dismayed that the new governments had turned against them including by endorsing the principle of self-determination in the

CPA talks.¹⁰³ While Kenya fronted the mediation, Ethiopia was equally important in the IGAD process, using a combination of diplomatic and military manoeuvres in support of the SPLA to move the talks forward.

This policy reorientation was largely a response to the danger posed by the National Islamic Front (NIF) – an increasingly expansionist Islamic regime with an international agenda – that had consolidated its grip in Khartoum and was pursuing destabilising activities in the region, thus threatening Ethiopian security.¹⁰⁴ In part aimed to counter encroachment, Ethiopia's renewed military support for the SPLA included fighting decisive battles against government forces inside Sudan in the mid-1990s. In fact – with endorsements and financial backing from the U.S. – Ethiopia, Eritrea and Uganda each took up the cause, intervening directly in support of opposition forces in order to stem extremist ambitions and associated risks of terrorism.¹⁰⁵ However, attention was diverted just a few years later, when war broke out between Ethiopia and Eritrea in 1998, again altering regional dynamics as both countries re-calibrated their relations with Khartoum.¹⁰⁶

1. Economic Cooperation

Today, Ethiopia maintains strong ties to the South and also has good relations with Khartoum. Foreign Minister Seyoum Mesfin recently opened an impressive new embassy in Khartoum, and trade with northern Sudan has grown in recent years. Long-term political and ideological interests tie Addis Ababa to the South, but short-term dividends carry weight when it comes to the government's own political survival. Addis hosted several delegations from Khartoum in 2009 to negotiate and sign bilateral cooperation agreements, including a visit by President Bashir less than two months after the ICC issued its arrest warrant.

Aware of both the weight of Ethiopia's influence and its links to the South, Khartoum has sought to neutralise Addis by linking roads, sweetening trade deals, providing access to Port Sudan and most importantly, selling oil at

⁹⁹ Crisis Group interviews, senior Sudanese government of National Unity (GNU) official, Nairobi, March 2010; regional third-party official, Addis Ababa, March 2010.

¹⁰⁰ Ethiopian support for Sudanese dissidents pre-dating the SPLA began in 1976. See Douglas Johnson, *The Root Causes of Sudan's Civil Wars* (Bloomington, 2003), p. 59.

¹⁰¹ Khartoum offered some support to Eritrean and Tigrayan rebels in their fight against Mengistu, allowing operations and a rear base in Sudan, as well as a limited amount of arms and non-lethal supplies.

¹⁰² John Young, "Sudan IGAD Peace Process: An Evaluation", 30 May 2007.

¹⁰³ Ethiopia – Foreign Minister Mesfin in particular – led the drafting of the Declaration of Principles.

¹⁰⁴ The 1995 assassination attempt on Egyptian President Mubarak (see above) took place in Addis, and served as a wake up call for the Ethiopians, Egyptians, and others in the region.

¹⁰⁵ U.S. support came as part of its "Frontline States initiative". For more on the activities of the frontline states as well as Sudanese support to Islamic forces in the region, see "Global Trade, Local Impact: Arms Transfers to all sides in the Civil War in Sudan", Human Rights Watch, August 1998.

¹⁰⁶ The war and pursuit of rapprochement with Khartoum undermined the peace talks to a degree, and Khartoum attempted to exacerbate these divisions. Crisis Group interview, international envoy party to the IGAD process, Juba, February 2010.

a favourable price.¹⁰⁷ Addis has also secured a deal to sell hydroelectric power to Sudan. However, a former high-ranking Ethiopian official said that despite the recent and deliberately visible boost in diplomatic relations, “the relationship is not as smooth as seen on television”, and both governments know where the other stands on Sudan.¹⁰⁸

Meanwhile, the relationship between Juba and Addis Ababa has expanded considerably, with new agreements on trade and economic development, telecommunications, housing, electricity, transportation and security. There are regular flights between the two cities, and the state-owned Commercial Bank of Ethiopia has begun business in South Sudan. A long-term joint roads project will open routes from Ethiopia’s Gambella region to Juba via both Eastern Equatoria and Jonglei states, as well as a route through Upper Nile to Malakal, spurring development in these otherwise remote areas. The network could eventually connect South Sudan through Djibouti to the Red Sea.¹⁰⁹ GoSS ministers undertake regular visits to Addis on a variety of official and unofficial grounds, and relations are good. Hydropolitics are also important in Addis. For Ethiopia – the source of the Blue Nile and other tributaries – another state in the region also means another potential ally in the demand for revision of the Nile Basin treaties.

2. Regional Security

Regional security is the primary concern in Addis. Any conflict in Sudan would “undoubtedly cause damaging spill over in Ethiopia”.¹¹⁰ Hostility between Ethiopia and more than one of its neighbours would force Addis to calibrate Sudan policy in light of these security concerns. Following the 1998-2000 war and the outstanding dispute over the shared border, tensions remain high with Eritrea.¹¹¹ This hostile relationship is likely to feature prominently in each country’s Sudan calculations. Ethiopia is aware that renewed conflict or destabilisation in Sudan would likely draw in much of the region, including creating opportunities for Eritrea.

Long wary of Islamists coming to power in Somalia as well as fears of Somali irredentism, the Ethiopian army

invaded and occupied Somalia in December 2007 to support the Transitional Federal Government (TFG) and oust the Islamic Courts Union. The Ethiopians officially withdrew in January 2009 but remain deeply involved. These concerns both occupy attention and force Addis to avoid agitating Khartoum, lest it find itself faced with hostile neighbours on the majority of its borders.

Ethiopia has its own share of separatist worries, particularly involving its Oromo and Ogadeni communities. While it is unclear whether such considerations would significantly alter policy on partition in Sudan, they will certainly not be ignored. Addis has enshrined a self-determination principle in its own constitution but would prefer to avoid the risk of renewed calls for secession.¹¹² The greater concern for the EPRDF in this regard would be Khartoum’s ability to again lend support to opposition groups and other Islamic elements.¹¹³

As a frontline state with a long common border, Ethiopia must pay especially close attention to internal dynamics, including reform issues, in the North. Even if a North-South partition proceeds peacefully, a continuation of the centre-periphery problem in the North and continued instability in Darfur, the transitional areas and the East would remain causes for concern. It will also be wary of any post-referendum violence in the South, which could spill over to Gambella – a historically volatile and marginalised region that has strong cultural and ethnic ties with South Sudan. Ethiopia shares a more than 1,000km border with South Sudan that is straddled by common Anyuak and Nuer peoples. While border disputes and cross-border clashes between ethnic groups have been problems in the past, neither side sees it as a major present concern. The Ethiopian foreign ministry and GoSS Minister for Regional Cooperation Oyay Deng established a quarterly forum in which governors from the bordering territories meet periodically.

The SPLA and the Ethiopian army meet every month at a senior level to discuss cooperation. Ethiopia trains SPLA officers, pilots, technical experts and engineers in Addis and deploys officers as well as non-governmental security experts to Juba to support transformation of the Southern army.¹¹⁴ South Sudan buys small arms and ammunition,

¹⁰⁷ In 2009, 80 per cent of Ethiopian demand was fulfilled by Sudanese oil. Marchal, “Sudan”, op. cit.

¹⁰⁸ Crisis Group interview, former high-ranking Ethiopian official, Addis Ababa, March 2010.

¹⁰⁹ The roads are largely complete on the Ethiopian side of the border. While the GoSS has approved the project, financing for its side of the project has not been identified.

¹¹⁰ Crisis Group interview, senior Ethiopian diplomat, Addis Ababa, March 2010.

¹¹¹ Given Ethiopia’s procrastination in demarcating its own border with Eritrea, it is also unlikely to be out front in making demands regarding demarcation of Sudan’s North-South border, a key outstanding component of the CPA.

¹¹² Article 39 of the Ethiopian constitution affirms the right of, and requisites for, self-determination for any nation, nationality, or people.

¹¹³ Sudan is also believed to have supported Islamic groups in Somalia, and Ethiopian officials have at times implicated it in this regard, including for a series of hotel bombings in Ethiopia in 1996. “Global Trade, Local Impact: Arms Transfers to all sides in the Civil War in Sudan”, Human Rights Watch, August 1998.

¹¹⁴ Khartoum made an unsuccessful appeal to the Ethiopian government in 2008 to stop its training for the SPLA. Crisis

uniforms and a variety of non-lethal items from Ethiopia, as well as refurbished tanks and equipment.¹¹⁵

Several incidents suggest that Ethiopia, like Kenya, has also facilitated larger GoSS weapons acquisitions in recent years. In one instance, in October 2008, observers were denied access to Ethiopian military aircraft offloading light and heavy weaponry at Juba airport, ostensibly as equipment for a bilateral trade fair. Many believe the fair was used as a convenient cover to supply, or at least aided in transferring, a significant arms shipment.¹¹⁶ When asked if the Ethiopian army would become involved in the event of new conflict, a former high-ranking military official replied that diplomacy would be the preferred means of resolution and that any potential military support would probably be provided in a context of “plausible deniability”.¹¹⁷

3. The CPA and the prospect of independence

Ethiopia has little interest in advertising its view of the situation and, like all other regional states, officially supports full implementation of the CPA and the decision of the Southern Sudanese people. Privately, senior officials assert that independence is inevitable, and Prime Minister Meles Zenawi has reportedly assured the SPLM that he would not act against the decision of the people in the referendum.¹¹⁸ While Ethiopia is far more discreet than Kenya and Uganda, it arguably offers as much support to the South as any other state in the region. Citing security cooperation, capacity-building and information sharing, a senior SPLM official called the relationship “far more strategic than with any other in the region”.

Nevertheless, the sensitivity with which Addis approaches Sudan policy is unmatched in the region. Given the risks of being seen as partial, it is extremely careful to toe a neutral line. With conflict in Somalia, tensions with Eritrea and a volatile domestic agenda, it has enough to keep it fully occupied. While its support of the SPLM is evident, it cannot afford to upset Khartoum, so it is unlikely to be out front on any difficult decisions. It can instead be expected to remain quiet and more inclined to seek a com-

mon IGAD or AU position than other regional states. “Our situation is very delicate”, an Ethiopian official said.¹¹⁹

Ethiopia hosts the AU headquarters and will be careful not to alienate member states on an issue that could prove divisive for the institution. Given its parallel chairmanship of IGAD and Foreign Minister Mesfin’s co-leadership of recent IGAD engagement on Sudan, it will be critical in ensuring coherence between IGAD and AU policy and has already begun to try to harmonize the efforts of both.¹²⁰ Indicative of its interest in avoiding new conflict and need to balance both sides, Meles suggested to the SPLM at the March 2010 IGAD summit that it withdraw the party’s presidential candidate, Yasir Arman, from the April elections and strike a deal with Khartoum in the interests of stability.¹²¹ Then, in the contentious days immediately after those flawed elections, he invited Salva Kiir to Addis to discuss the situation and ensure the SPLM would do everything it could to find a solution that maintained stability.¹²²

The former rebels now governing Ethiopia remember their own struggle against oppression and are sympathetic to the South. Ethiopia also sits on a fault-line of Muslim and Christian spheres and remains cautious of Islamist agendas. SPLM officials feel confident that Meles will stand with them when the chips are down. Independent officials close to the CPA process indicate that Foreign Minister Mesfin’s support for self-determination was clear during the IGAD peace negotiations and believe he too will remain firm.¹²³ The Ethiopians emphasize the importance of addressing post-referendum issues with particular credibility, given their own unhappy experience with Eritrea. Unresolved matters resulting from separation produced a war and continue to keep the two countries on the brink of renewed conflict. A foreign ministry official

Group interviews, former high-ranking Ethiopian official, Addis Ababa; senior ministry official, Juba, February 2010.

¹¹⁵ Crisis Group interviews, Senior GNU official (SPLM), GoSS official, Addis Ababa, March 2010.

¹¹⁶ Mike Lewis, “Skirting the Law”, *op. cit.*

¹¹⁷ Crisis Group interviews, ex-high-ranking Ethiopian official, Addis Ababa, senior ministry official, Juba, February 2010.

¹¹⁸ Crisis Group interviews, international observer, Nairobi, March 2010; senior SPLM ministry official, Juba, February 2010.

¹¹⁹ Crisis Group interview, senior Ethiopian foreign ministry official, March 2010.

¹²⁰ Mesfin’s comments at the opening session of the March IGAD summit (delivered for him by Dr Tekeda) included acknowledgement of this as his greatest obligation and a pledge to make it his top priority for the year. The Ethiopian delegation characterised the AU as Africa’s premier political body and IGAD as the key building block for the AU on Sudan.

¹²¹ The suggestion was reportedly only Ethiopia’s. Crisis Group interview, third-party official, Nairobi, March 2010.

¹²² Crisis Group interview, senior GoSS official, Juba, April 2010; Crisis Group telephone interview, Ethiopia-based diplomat, April 2010.

¹²³ Mesfin has been foreign minister since 1991. Crisis Group interview, third-party official, Nairobi, March 2010. Minister of State for Foreign Affairs Dr Tekeda Alemu is also a driving force on Sudan policy and maintains regular dialogue with the GoSS.

observed: “We failed to do it ourselves and look what happened”.¹²⁴

Ethiopia has been one of the closest U.S. allies on the continent. Washington, which is strongly supportive of the self-determination referendum, has backed Addis as an instrument of its counter-terror policy and a bulwark against Islamic extremism. The Bush administration maintained almost lock-step support for Prime Minister Meles and was silent about restrictions placed on the domestic opposition. The current U.S. administration works closely with Ethiopia but has been seeking to define a relationship less tied to specific leaders. If the U.S. has a clear policy following the referendum, as is expected, it too may influence Ethiopia.

E. LIBYA

Libya’s relationship with Sudan has never been easy, and Muammar Qaddafi’s past policies have often been seen as attempts to boost his influence in the region by weakening regimes in Khartoum. For example, he offered financial and military support to the SPLA rebels in the early 1980s, in part driven by his attempts to undermine then President Jaafar Nimeiri.

Libya’s primary interest in Sudan has long been, and remains, Darfur, where it could support a more autonomous arrangement. Historically, Qaddafi made several efforts to bring the territory into his orbit.¹²⁵ Since the most recent conflict there began in 2003, Libyan engagement has been erratic. The desire to play a role has been hindered by an inconsistent, sometimes contradictory policy. Attempts to mediate have been met with caution by Khartoum, not least because of a history of tension over differing practices of socialism and Islam as well as Tripoli’s support to Darfur rebel groups, but official relations remain cordial.¹²⁶

A series of recent events highlight inconsistent messages from Tripoli. Sources close to Salva Kiir report that during his June 2009 visit, Qaddafi summoned him in the middle of the night and informed him that he would indeed support independence should Southerners so choose.¹²⁷ While

Libyan diplomats have disputed the validity of this account, some in Juba attribute such backtracking not to “the leader” but to mid-level government officials aiming to muddle the public line in an effort to appease Khartoum.¹²⁸ Libyan diplomats say full CPA implementation would be ideal, but some concerns have surfaced in Tripoli about the many tasks still to be accomplished in an unstable environment, as have concerns about a “rush” toward separation.¹²⁹

In August 2009, Qaddafi seemed to hedge his bets. Publicly reiterating his support for independence as a sensible choice, he underscored the South’s cultural, linguistic and religious differences from the North and its more natural kinship to East Africa. But he simultaneously warned Southerners that they would face an uphill battle as an independent state and could fall victim to neo-colonial interests. Somewhat paradoxically, he thus recommended a united Sudan.¹³⁰ However, in an exchange the following month with President Bashir, who was among the guests at the 40th anniversary celebrations of the revolution that brought Qaddafi to power, the Libyan leader noted the likelihood of secession, argued that Southerners had long been – and still were being – oppressed and reiterated his commitment to supporting independence if the people so desired.¹³¹

Qaddafi has long sought client-states and espouses a foreign policy geared toward increasing his own influence in both the Arab and African spheres. His audacious aspirations to lead a “United States of Africa” have foundered, particularly after his attempt to extend his AU chairmanship was denied. Yet, he continues to appeal to African states and traditional African leaders to support this vision, including through investing in developing regions and positioning himself in concert with sub-Saharan Africa.

Decisions on Southern independence, like on so many foreign policy issues, are driven not by policy organs but by Qaddafi himself. For a variety of reasons – most obviously geography – Libya does not share the same proximate relations that some of the others do with South Sudan. Contact is thus comparatively minimal. Officials in

¹²⁴ Crisis Group interview, senior Ethiopian foreign ministry official, March 2010.

¹²⁵ Robert O. Collins, *A History of Modern Sudan*, (op. cit.), p. 178. After then-President Nimeiri denied Qaddafi’s appeals to build a greater Islamic Saharan state, Qaddafi focused on extending his influence in Darfur (including by sponsoring and arming opposition groups) and undermining Nimeiri.

¹²⁶ “Sudan Country Profile”, Conciliation Resources, www.c-r.org/our-work/accord/sudan/profiles.php.

¹²⁷ Crisis Group interview, senior GoSS official, Juba, February 2010. Press reports indicated that Kiir asserted the same in a

public forum, a move that may have put Qaddafi in a difficult position.

¹²⁸ Crisis Group interview, GoSS minister, Juba, February 2010.

¹²⁹ Crisis Group interview, Libyan diplomat, New York, January 2010.

¹³⁰ “Libyan leader says independent South Sudan would be very weak”, *Sudan Tribune*, 25 August 2009. In March 2010, Qaddafi delivered a speech advocating division of Nigeria into two, along Muslim-Christian lines, and lauded the India-Pakistan division as a partition that saved lives. “Divide Nigeria in two, says Muammar Gaddafi”, BBC, 16 March 2010.

¹³¹ A “spirited” discussion reportedly ensued. Crisis Group interview, senior GNU official, March 2010.

Juba believe he is sympathetic, preferring to listen to one side of his inconsistent messages and underscore that his is the only Arab country to come out in support of independence – even if in a qualified manner. Still, they are well aware that he is notoriously unpredictable, and his support cannot be relied on. As one said, “if you put your future in the hands of someone like that, you will be disappointed”.¹³²

F. ERITREA

Former Sudanese President Jafaar Nimeiri played a critical role in arming and supporting Eritrean and Tigrayan fighters against Emperor Haile Selassie’s Ethiopian government as early as the 1960s, and subsequent Sudanese regimes continued that support to the rebellion against Mengistu through the 1980s. However, as noted above, those ties quickly faded, as Khartoum’s support for Islamic groups, including Eritrean jihadists, increased in the 1990s. Asmara soon broke diplomatic ties, and President Isaias declared in 1994 that “President Omer al-Bashir will be overthrown within a year”.¹³³

Irritated with Khartoum, and backing John Garang’s vision of the democratic transformation of the whole of Sudan, Isaias began supporting multiple opposition elements in an effort to achieve forceful regime change in Khartoum. The Eritrean army was instrumental in the SPLA’s “third front”, when Garang attempted to expand the war in the North and stretch Khartoum’s army. Asmara provided bases, training, military intelligence and skilled strategists and deployed its own troops deep in eastern Sudan in the mid-1990s, contributing to a crucial SPLA victory in Blue Nile state in 1997. It also hosted the National Democratic Alliance, a group of primarily Northern opposition parties plus the SPLM, and attempted to bring it to the negotiating table with Khartoum. Isaias likewise has been a key supporter of both the Beja Congress in eastern Sudan and the Sudan Liberation Army (SLA), Justice and Equality Movement (JEM) and other rebel groups in Darfur.¹³⁴

Their bilateral tension and the extent to which Khartoum becomes a crucial third party has long been and will continue to be the primary concern of both Eritrea and Ethiopia. The three nations have historically been engaged in a dizzying chess match of regional politics. Eritrea’s Sudan policy may in fact be more defined by the hostile relation-

ship with Ethiopia than by anything in Sudan.¹³⁵ While Ethiopia and Eritrea each has serious concerns about the regime in Khartoum, both have at times had to engage constructively with it to serve their own interests.

SPLM delegations visited Asmara in February and September 2009, the latter led by Kiir. The agendas included the situation in Sudan as well as bilateral relations and stimulating progress on existing bilateral agreements that have yet to bear fruit. Because the “New Sudan” ideal that had been championed by John Garang would be in Asmara’s interest, Isaias indicated that secession would be “unfortunate”, but Eritrea would not oppose it.¹³⁶ He is also on record as emphasising respect for the people’s choice, but noting that in the event of a vote for secession, detailed studies would be required to assess the consequences.¹³⁷ Eritrean diplomats confirm their government’s position that unity of a transformed Sudan is still preferable, but that it would not stand in the way of separation.¹³⁸

The Eritrean government faces a dilemma. On the one hand, it played an important role in supporting the SPLA and Sudan’s opposition groups more broadly. It also was critical in enshrining the principles of secular governance and self-determination during the early days of the IGAD peace talks. Likewise, its own hard-fought independence struggle is not forgotten. Eritrean private business has expanded noticeably since 2005, and the country would like to continue to build its relationship with South Sudan.

On the other hand, regional circumstances have changed, and the warming of relations with Khartoum and recent actions suggest that the Eritrean president’s policy may be driven more by self-preservation than principle, a fact not lost on the SPLM. On 5 March 2010, just days before the IGAD summit, Bashir made a one-day visit to Asmara, undoubtedly bringing incentives, including his formal rejection of the “unjust sanctions” of Security Council Reso-

¹³² Crisis Group interview, SPLM official, Nairobi, March 2010.

¹³³ Alex de Waal, “Chasing Ghosts: Alex de Waal on the rise and fall of militant Islam in the Horn of Africa”, *Contemporary Conflicts*, (www.conconflicts.ssrc.org), 1 September 2005.

¹³⁴ This included using SPLA-controlled areas to provide arms to Darfur rebels.

¹³⁵ An IGAD official noted: “In everything Isaias says (publicly), he is talking to Addis”. Tensions remain high between the two countries. Eritrea feels besieged by the U.S. and disappointed by the international community’s irresolution on its border dispute with Ethiopia. With regard to recent Security Council sanctions, an official suggested they left Eritrea more vulnerable to Ethiopian attack. He suggested Ethiopia, with assistance from Djibouti and the U.S., was preparing a possible attack to regain the Port of Assab. Crisis Group interview, Eritrean official, New York, March 2010.

¹³⁶ Crisis Group interviews, senior ministry official, Juba, February 2010; Eritrean official, New York, March 2010.

¹³⁷ Eritrean information ministry, www.shabait.com, 14 January 2009.

¹³⁸ Crisis Group interview, Eritrean official, New York, March 2010.

lution 1907 against Eritrea.¹³⁹ Immediately afterwards, Isaias publicly proposed postponing the referendum.¹⁴⁰ As he had previously affirmed his support to the SPLM, Southern officials were both surprised and unhappy; one called his comments “absolutely unacceptable”.¹⁴¹

Eritrea needs Khartoum for a variety of reasons. After years of hostile posturing, it began a discreet rapprochement with Khartoum in 2005-2006, sending delegations to seek economic assistance and discuss trade, border issues and the flight to Sudan of Eritrean youth hoping to escape a repressive atmosphere and mandatory military conscription.¹⁴² At the same time, Asmara attempted to play a more constructive role with rebels in both Darfur and the East. In this regard, Isaias participated in the February 2010 signing ceremony of the First Framework Agreement in Doha between the Sudanese government and the JEM rebels. Increasingly isolated both regionally and further afield, he may see Khartoum as one of the few allies available. If it is alienated, Asmara would be in an even more untenable position, a fact that gives the NCP considerable leverage in the relationship.

Despite his own questionable credentials, President Isaias publicly criticised the GoSS in May 2009 for corruption and mismanagement and lamented that it seemed to lack a clear plan for the future. Some see this as a response to increasing GoSS investment in its relationship with Ethiopia, others as pandering to Khartoum. In fact it may have been genuine criticism in light of the growing secessionist tone in Juba. John Garang developed close relations with Isaias and convinced him of the “New Sudan” ideal. With this vision, adequate natural resources and human capital, Isaias believed in the SPLM and saw it as a partner against the Islamists in Khartoum. It is possible he regards corruption, indecisiveness and secessionist intentions as the squandering of a great potential for renewal in all of Sudan.¹⁴³

Eritrea suspended its participation in IGAD in 2007, following Ethiopia’s invasion of Somalia and what it saw as “the moral failure of IGAD to condemn the acts of aggression against a fellow Member State”.¹⁴⁴ The push for the sanctions the Security Council eventually imposed on Eritrea first developed in IGAD, further angered Asmara.¹⁴⁵ Despite these disputes with regional actors and its descent to pariah status internationally, Eritrea remains important, at least as a potential spoiler, a role at which it has frequently exhibited both willingness and considerable skill. But with its international standing diminished, its support may prove less important for an independent South Sudan.

¹³⁹ A press release from the Eritrean information ministry noted Sudan’s stance against sanctions would further enhance bilateral ties. “People and Government of Sudan Reject Resolution 1907: President Omer Hassen Al-Beshir”, www.shabait.com, 5 March 2010. Weeks later, Sudan angered fellow Arab League states at a summit in Sirte, by actively opposing a resolution condemning Eritrea’s occupation of Djibouti.

¹⁴⁰ Isaias had suggested postponement to regional actors previously, though not in a public forum.

¹⁴¹ Crisis Group interview, senior SPLM official, Nairobi, March 2010.

¹⁴² The engagement was aided also by the presence of the SPLM in the newly-formed GNU in Khartoum. Crisis Group telephone interview, former UNMIS official, March 2010. Asmara sent an ambassador to Khartoum in 2007.

¹⁴³ Isaias later said in an interview that South Sudan is a genuine friend, and criticism should be viewed in that light.

¹⁴⁴ “IGAD: A communiqué devoid of any legality”, Eritrean Ministry of Foreign Affairs (www.shabait.com), 3 February 2010.

¹⁴⁵ IGAD members Ethiopia and Kenya drove this effort; the AU PSC ultimately decided it would be best for the Security Council to impose sanctions, thus providing political cover. Crisis Group interview, senior AU official, Addis Ababa, March 2010.

II. ENGAGEMENT OF REGIONAL ORGANISATIONS

As the CPA's six-year Interim Period enters its final stage, the Sudanese parties have redoubled diplomatic campaigns to appeal to likely supporters, a focus that will again increase now that elections are out of the way. Juba has undertaken efforts across the continent to make its case for CPA implementation and to shore up support for Southern self-determination, though more outreach remains to be done.¹⁴⁶ IGAD's recent re-engagement, requested by the SPLM, is a welcome attempt to ensure completion of the peace process it initiated. It should prove its importance by swiftly implementing the tasks it set forth in its March communiqué (see below). The AU High-Level Panel, whose expanded mandate includes CPA implementation, has also increasingly positioned itself to support efforts on referendum arrangements and post-referendum negotiations.

Nonetheless, much remains to be done to ensure that the region and the continent more broadly are prepared to support the referendum and the implementation of its outcome. Circumstances will shape specific policy responses, but regional actors must prepare now for all possible eventualities, including: the orderly conduct of the referendum and subsequent recognition of an independent state; a decision to preserve unity; any challenge to the right of self-determination; or a contested result of the referendum.

A. IGAD

Following the SPLM walkout from the Government of National Unity in Khartoum in October 2009, the party began lobbying IGAD to convene a special session to review the status of CPA implementation.¹⁴⁷ The primary aim was to re-engage the body that had negotiated the peace agreement and keep its member states' eyes on the CPA process, the elections and, most importantly, the self-determination referendum.¹⁴⁸ During a January 2010 visit to Nairobi, Salva Kiir urged Kenyan President Kibaki to convene a summit and reaffirm a central role for IGAD. To facilitate renewed engagement, he also requested that former IGAD Special Envoy Lazaro Sumbeiywo head an

effort to revive the IGAD secretariat.¹⁴⁹ Kibaki tasked his foreign minister accordingly.

After securing agreement from the principal actors to a summit in Nairobi, the Kenyan and Ethiopian foreign ministers travelled to Khartoum and Juba to lay the groundwork. Bashir sought to pre-empt their visit by proposing a postponement of the summit until after the April elections, because he was "very busy with internal affairs in the country".¹⁵⁰ The ministers went anyway, and despite another attempt by NCP elements to thwart the meeting, they eventually discussed the situation in Sudan and the proposed summit with Bashir. Arguing there was no need for a summit or external engagement, Bashir made no commitment to participate.¹⁵¹ The NCP has long expressed misgivings about IGAD's role in Sudan. It knows that its powerful members are supportive of the South and does not see it as a forum that will secure its interests.¹⁵² But told that the summit would go ahead, and absence would serve only to isolate Khartoum, Bashir finally agreed to send Second Vice President Ali Osman Taha.

An official close to the process said the NCP came "kicking and screaming" and was not happy to be there,¹⁵³ but

¹⁴⁹ Crisis Group interview, official, Kenya foreign ministry, Nairobi, 1 February 2010. SPLM officials sought re-instatement of the secretariat to again institutionalise attention specifically on remaining CPA implementation, as it was concerned the Kenyan foreign ministry had too many responsibilities to devote time and resources to the foundering process. Crisis Group interview, SPLM official, Nairobi, March 2010.

¹⁵⁰ Crisis Group interview, Kenyan foreign ministry official, March 2010

¹⁵¹ Bashir complained he had been misled by GoSS leaders, who went back on their word to withdraw the SPLM presidential candidate. Bashir suggested the delegation raise this in Juba. The candidate, Arman, withdrew on 31 March, citing an environment not conducive to democratic elections.

¹⁵² Senior NCP officials have discussed the regional context with IGAD members and indicated they believed Kenya, Uganda, and Ethiopia were firmly in the South's camp. Crisis Group interview, IGAD state diplomat, Nairobi, March 2010. The NCP tried to move away from IGAD as the negotiating forum during the talks and has failed to engage with IGAD several times since 2005. It has also protested SPLM participation, and sent junior officials to senior meetings, to the chagrin of other participants. Crisis Group interviews, officials, Kenyan foreign ministry, international actors, Nairobi, February 2010. In November 2009, the NCP failed to participate in an extraordinary meeting on Sudan on the margins of an IGAD session in Kampala. In April 2007, then AEC Chairman Tom Vraalsen was invited by the IGAD Council of Ministers to Nairobi to report on CPA status. Khartoum objected, and upon his return, Second Vice President Ali Osman Taha rebuked him for engaging a voice whose CPA work was long since finished.

¹⁵³ Crisis Group interview, senior official close to the process, Nairobi, March 2010. Despite safe-passage guarantees, Bashir

¹⁴⁶ As permitted in the Interim National Constitution, the GoSS has conducted diplomacy across the continent, and has built up its representation via liaison offices in Egypt, Ethiopia, Eritrea, Uganda, Kenya, Congo, South Africa and Zimbabwe; another will soon open in Nigeria.

¹⁴⁷ Crisis Group interview, SPLM official, Nairobi, March 2010.

¹⁴⁸ The governments in Ethiopia, Eritrea and Uganda are the same as when the IGAD process began in 1993.

the summit was held 8-9 March in Nairobi – the first such meeting on Sudan since 2005 – and included broad participation of IGAD heads of state and supporting international actors. The final communiqué emphasized the body's centrality in the CPA process and committed it to: open a liaison office in Juba to follow CPA implementation; provide technical support on border demarcation and to the referendum commissions; dispatch election observers; and "immediately undertake shuttle diplomacy to nurture mutual trust and confidence building".¹⁵⁴ In his address, Salva Kiir insisted that IGAD continue to play a leading role in ensuring the agreement is implemented in "spirit and letter". He was unequivocal that regional states ensure the referendum is held on schedule, calling it his people's most significant political achievement, one they would "defend ... at any cost".¹⁵⁵

The SPLM's primary objective for the summit was to ensure more eyes on the process, and it got what it wanted.¹⁵⁶ In a subsequent press conference, Secretary General Pagan Amum hailed the meeting as "the most important positive regional development in the last five years" and said it had "closed the door" on speculation about postponement of the referendum or extension of the interim period.¹⁵⁷ While IGAD is unlikely to play a leading role in negotiating outstanding CPA items or post-referendum arrangements, its members' role in securing peace in Sudan and the impact Sudan's future will have on these immediate neighbours make its participation in the process and acceptance of the referendum results critical.

B. THE AFRICAN UNION

When it comes to official recognition of the independence of South Sudan, the AU will be crucial. However the referendum unfolds, the international community will seek to calibrate its response in light of African opinion. While some AU elements have sounded concern about the pos-

was no doubt reluctant to travel to Kenya, a party to the Rome Statute of the International Criminal Court.

¹⁵⁴ The modalities of this last provision remain undefined and may be recalibrated at the May 2010 meeting of regional and other international actors in Addis Ababa. "Communiqué of the 14th Extra-Ordinary Session of the IGAD Assembly of Heads of State and Government on the Sudan Peace Process", Nairobi, 9 March 2010.

¹⁵⁵ Other plenary interventions were largely immaterial save for former Kenyan President Moi's, in which his pro-independence leanings were evident.

¹⁵⁶ As a senior IGAD official later noted of impediments to self-determination, "IGAD will not ignore negative consequences between now and the referendum; it will engage the parties before things go off course". Crisis Group interview, Addis Ababa, March 2010.

¹⁵⁷ Crisis Group was at the press conference, Nairobi, 10 March 2010.

sibility of secession, it is important that the continental body respond to events in Sudan in the context of the CPA, to which it is legally bound as guarantor.

1. AU Scepticism

Due in large part to arbitrary boundaries drawn by colonial powers, a considerable number of African states feel themselves under varying degrees of secessionist threat and have resisted assertions of independence by would-be new states on the continent. For example, African governments have for two decades resisted Somaliland's assertions of sovereignty, and the status of the disputed territory of Western Sahara proved one of the most divisive issues in the history of the Organisation of African Unity (OAU), the AU's predecessor. Likewise, some have expressed reticence about Sudan's impending partition.

The most recent experience of African secession was Eritrea's 1993 separation from Ethiopia. While the process itself was smooth, Asmara's troubled road and international isolation since are not lost on the continent. Ethiopia was among the first to recognise the new state following its UN-sponsored referendum, which made African recognition easy. Despite President Bashir's stated commitment to honour the outcome of the January 2011 self-determination referendum,¹⁵⁸ it is conceivable that Khartoum would not immediately endorse the outcome and thus that the international community – and the AU in particular – would have a greater responsibility to step forward and do so and to support a managed transition amid possible expectations in Juba of immediate secession.

Given continental reservations about re-drawing borders, the African Union Constitutive Act cites sovereignty and territorial integrity as "objectives" and expresses "respect" for the continent's borders as achieved at independence.¹⁵⁹ While the Act does not guarantee sovereignty and territorial integrity, the pro-unity inclination of the organisation's secretariat became clear in January 2010, when AU Commission Chairman Jean Ping cautioned that Southern secession could set a dangerous precedent for the continent and posited a "catastrophic scenario" in which Darfur and other regions would follow suit, leading to the disintegration of the country.¹⁶⁰

However, the AU is a signatory to and guarantor of the CPA. Thus, while it has an obligation to do everything in its power to make unity attractive in Sudan, it is also

¹⁵⁸ Skye Wheeler, "Sudan's Bashir says would help an independent south", Reuters, 19 January 2010.

¹⁵⁹ Articles 3 (b) and 4 (b) of the African Union Constitutive Act (2000).

¹⁶⁰ "Sudan Like a Powder Keg, says AU Chief Jean Ping", BBC, 28 January 2010.

bound to respect the right of self-determination.¹⁶¹ If it were to renege, the credibility of the institution would suffer in the region and beyond. It is in some degree torn, and divisions among its member states in response to the referendum result could be disastrous.¹⁶² The way the body responds will be important not just for Sudan, but for the AU itself.

The SPLM has been understandably wary of the commitment of the more reluctant member states of the Commission and the AU to the South's right of self-determination. Statements such as Ping's have contributed to a broader perception that the AU is against independence. Regardless, it is in the GoSS' interest to engage not only with supporters but also with those parties and institutions that harbour reservations. And while anti-secessionist sentiments remain, a shift toward a more pragmatic approach to the referendum and the likelihood of southern independence is emerging.

2. The AU High-Level Implementation Panel

In July 2008, the AU Peace and Security Council (PSC) called for the formation of a panel to examine the crisis in Darfur and formulate recommendations to address issues of accountability and reconciliation in the region. This high-level panel was led by former Presidents Thabo Mbeki (South Africa) Pierre Buyoya (Burundi), and Abdulsalami Abubaker (Nigeria).

Against a background of African criticism of the ICC arrest warrant for President Bashir, there was some concern that the Mbeki-led initiative was intended to undermine the international attempt to bring the Sudanese leader to trial by presenting itself as a non-judicial, diplomatic alternative. However, its report – presented to African heads of state in October 2009 – was exhaustively researched and very well-received, though implementation remains minimal. In any case, the panel's work represented a new chapter in AU political engagement on Sudan.

The PSC subsequently broadened the mandate of the panel – now known as the AU High Level Implementation Panel (AUHIP) – to both lead in implementing its Darfur

recommendations and to assist the Sudanese parties in implementing the CPA and related processes.¹⁶³ The panel led commendable efforts ahead of what proved to be Sudan's seriously flawed April elections to secure an electoral code of conduct as well as Political Parties Councils to review complaints arising from breaches of the code.¹⁶⁴ Most recently, it has advanced plans to engage on both preparations for the referendum and the many post-referendum issues to be negotiated by the parties. It has increased its engagement in both Khartoum and Juba and informed both that it stands ready to assist.

SPLM officials expressed mixed feelings about the AUHIP following affirmation of the expanded mandate in February. Most were open to engagement and more eyes on CPA implementation but unsure of what role the panel might play. Concerned that it had a steep learning curve on the Sudan file and limited time, many suggested it might best serve as a complement to IGAD.¹⁶⁵

Warranted or not, uncertainties also included concern about the panel's ultimate intent, including that of Mbeki in particular, who was perceived to have a preference for unity.¹⁶⁶ While Mbeki may have such an inclination – at least for unity in a transformed Sudan – and also may be concerned about the potential costs of separation, at the end of the day he is a pragmatist, who can be expected to uphold the panel's mandate and respect the self-determination right the CPA provides.

Despite SPLM reservations, the panel's increased engagement, its endorsement by key regional states and a growing awareness of the importance of AU recognition are slowly changing opinions in Juba, a process encouraged by Ethiopia. According to officials present at an 18 April meeting in Addis Ababa, Prime Minister Meles – the IGAD chair and an important AU player – expressed to the SPLM his confidence in the panel and the value of complementarity with IGAD. A good friend of Mbeki – Meles said he believed that after some time on the Sudan file, the panel fully understands the circumstances of Southern Sudan and is not pursuing a unity agenda. He

¹⁶¹ In apparent contradiction to the Constitutive Act, African states also affirmed an “unquestionable and inalienable right to self-determination” in the African Charter on Human and Peoples' Rights. Article 20 (1). The charter was approved by the Organisation of African Unity (OAU) in 1981 and incorporated by the AU in 2004. As of 2009, 53 countries had ratified it.

¹⁶² Following the AU summit in February, SPLM officials expressed confidence in the support of the majority of states in East, Central, and Southern Africa but acknowledged need for more diplomacy in West Africa. By contrast, a handful of prominent North African states expressed scepticism. Crisis Group interviews, SPLM officials, Juba, February 2010.

¹⁶³ “Communiqué of the 207th meeting of the heads of state of the AU Peace and Security Council”, Abuja, 29 October 2009. This mandate was re-affirmed at the February 2010 AU Summit in Addis Ababa.

¹⁶⁴ “More Sudanese Political Parties Sign Electoral Code of Conduct”, African Union, 16 March 2010.

¹⁶⁵ Crisis Group interviews, SPLM officials, Juba, February 2010.

¹⁶⁶ Crisis Group interviews, SPLM officials, Juba, February and April 2010.

advised the SPLM leaders that it is in their interest to engage the panel robustly.¹⁶⁷

3. AU Powerbrokers

The response of the IGAD countries and Egypt will be critical, and their opinion will have credence in the AU. Additionally, other prominent states have the potential to influence AU peace and security policy considerably, chief among them South Africa.¹⁶⁸ Its most significant engagement has been through chairmanship of the AU Ministerial Committee on Post-Conflict Reconstruction and Development in Sudan.¹⁶⁹ Additionally, it has trained GoSS public servants and offered scholarships for post-graduate study. The South African police signed an agreement with Norway in 2009 to provide training for Sudan's police – the bulk of it in the South. Long an ally of the SPLM, South Africa's African National Congress (ANC) signed a memorandum of understanding in October 2009 which committed resources and expertise to further developing the SPLM as a party.

In recent years, many in the West have criticised South Africa for seeming appeasement of Khartoum, including multiple efforts to dilute international responses to Darfur at the UN and elsewhere. The criticism was also linked to the “anti-imperialist character” of Pretoria's foreign policy, a surge in economic cooperation with Khartoum and then-President Mbeki's preference for diplomatic engagement with the NCP, rather than public criticism.¹⁷⁰

South African foreign policy has evolved in recent years, however, in part due to the ascendance of President Jacob Zuma in May 2009. While remaining comparatively quiet on Sudan of late, South African officials report that they no longer see unity as a viable option and want to ensure the two parties will “make the break-up as peaceful as possible”.¹⁷¹ Concerns remain about the difficult state-building task ahead in South Sudan, and its post-referendum relationship with Khartoum. Pretoria also cautions against the impatience with which some are approaching self-deter-

mination. Officials state that the referendum must take place on time, that they will support a choice for separation and that attempts to deny it will be met with firm diplomatic pressure. But they recognise the referendum results will not be implemented overnight and believe agreement on all the outstanding post-referendum issues will take time.¹⁷²

C. ENSURING AU-IGAD POLICY COHERENCE

Despite considerable international engagement, it is important to recognise that the two dominant parties – the NCP and the SPLM – are the driving actors with regard to the remaining CPA agenda. That said, the AU and IGAD will play critical roles in both supporting and responding to events. Ensuring policy coherence rather than competition between these two important bodies will be critical, particularly in the event of obstruction to self-determination or implementation of referendum results. The consultations to be convened by the AU in Addis Ababa on 8 May 2010 should affirm cooperation between the two key regional bodies, as well as the UN and the broader field of international actors, so as to prevent spoilers from playing one forum against the other.

While the SPLM believes the two bodies should work together, many party officials see IGAD, which led the CPA process and whose membership is most directly affected by Sudan's future, as better placed to lead the regional response to the referendum. This preference is also no doubt due to the sympathy the SPLM believes it has in IGAD, which it hopes may serve as a counterweight to AU sceptics, since the opinion of the lead sub-regional organisation can reasonably be expected to be given considerable weight.

While lining up IGAD is wise, the weight of the AU and the importance of its official recognition cannot be ignored. IGAD's membership should, and likely will, be the first to make any recommendations regarding Southern Sudan's post-referendum status, including extending official recognition. But ensuring AU participation in and ultimate backing of that sub-regional policy is crucial if an independent South is to secure maximum legitimacy. The SPLM should recognise that the AU High-Level Panel can be an ally in this regard, as it could play a leading role in persuading the continental body's 53 member states to accept realities on the ground.

¹⁶⁷ Crisis Group interviews, senior GoSS official, Juba; Crisis Group telephone interview, Ethiopia-based diplomat, April 2010.

¹⁶⁸ South Africa will be a member of the AU Peace and Security Council in January 2011.

¹⁶⁹ The committee's mandate includes assessing post-conflict development needs and mobilising African and other support, including through international developmental forums.

¹⁷⁰ There was a ten-fold increase in South African exports to Sudan between 2000 and 2006, as well as new agreements on oil exploration and other infrastructure development. Laurie Nathan and Sally Healy, “Explaining South Africa's Position on Sudan and Darfur”, Chatham House, February 2008.

¹⁷¹ Crisis Group telephone interview, South African foreign ministry official, April 2010; Crisis Group interview, South African diplomat, New York, March 2010.

¹⁷² Crisis Group interview, South African diplomat, New York, March 2010; Crisis Group telephone interview, senior foreign ministry official, April 2010.

III. CONCLUSION

As those who will be most impacted by Sudan's immediate future, regional states must be prepared for the last and most contentious element of the CPA: the referendum on Southern self-determination. Circumstances will heavily shape policy responses, and regional actors must be ready to anticipate – individually and through regional institutions – all eventualities. Regional neighbours, the AU and IGAD should harmonise their efforts to support the process, recognise its results and manage its implementation. The stability of Africa's largest country depends primarily on its two dominant parties, but also importantly on the region.

Nairobi/Brussels, 6 May 2010

APPENDIX A

MAP OF SUDAN

