POST-CONFLICT CHALLENGES IN SOUTH SUDAN: ISSUES AND PROSPECTS

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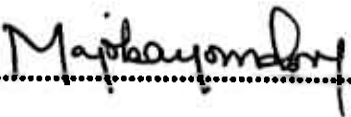
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DECLARATION

I declare that this thesis entitled "Post-Conflict Challenges in South Sudan: Issues and Prospects" is the result of my own work in design and execution and it has not been submitted for any other degree. Due acknowledgements have been made anything whatever has been borrowed from other sources

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I confirm that work reported in this Dissertation was carried out by the candidate under my supervision.

Signature.. Date....9\11\12...........

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DEDICATION

I dedicated this work to my children Dor and Ador for their unwavering love and constant moral support.

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ABSTRACT

Peace agreement can be perceived as an integral part of conflict resolution. It is difficult to explain and describe conflict resolution without analysing some forms of agreement that have been reached between the conflicting parties and thus it becomes hard to talk about conflict resolution devoid of viewing provisions of the peace agreement. Yet an agreement even if implemented, may not be sufficient to establish a sustainable and durable peace. However, peace agreement is a necessary step to bring about lasting arrangement and peaceful co-existence amongst conflicting parties. The post-conflict period is sought to establish new relations between the former conflicting parties particularly for physical confrontation ceasefire. The purpose of the research study was to analyse and evaluate the post-conflict challenges South Sudan in pre and post-referendum era. The objectives for this study were to identify and analyse post-conflict issues that are challenging South Sudan; assess the effect of post-conflict issues on South Sudan's nation state building and analyze and recommend on diplomatic techniques that help in addressing post-conflict issues challenges South Sudan.

The research took the form of combination of both qualitative and quantitative techniques which involved common research methods such as observations, interviews, questionnaires and documentary surveys. Data was collected from Republic of South Sudan institutions, which comprised of (28) National Ministries, National Legislative Assembly, Independent Institutions and Commissions (29). A random sample of 395 principals representing a population (33,831) of public institutions in the Republic of South Sudan was selected using the Slovin's Formula on the bases of sub-clusters. The methods used in this study to collect information included the interviews, observation the use of questionnaires as well as documentary review. Based on the findings, the study concludes that the post-conflict issues challenging South Sudan are the geographical definition of South Sudan, which was an inherited issue from the colonial rule followed by the Abyei area. Both issues create insecurity and violent between the two countries. Other challenges included conflict in the public service employment between those who were inside, Diaspora and those who came from the liberation movement. The study concludes that employment of diplomatic strategies such as negotiation, political and diplomatic pressure in conflict resolution and management would create an enriching environment to ameliorate them. It is therefore recommended that using neighbouring country's diplomacy will be a suitable mechanism to engage the two states South Sudan and Sudan to resolve their differences in a sustainable manner. .

TABLE OF CONTENTS

LIST OF TABLES

LIST OF FIGURES

ABBREVIATIONS

AACC	All Africa Conferences of Churches
ABC	Abyei Boundaries Commission
APROCORP	Arab Petroleum Investment Corporation
AU	African Union
AUHIP	African Union High Implementation Panel
CANS	Civil Authority of New Sudan
CAR	Central Africa Republic
CBOS	Central Bank of Sudan
CNPC	China National Petroleum Corporation
CPA	Comprehensive Peace Agreement
CPI	Consumer Price Indicator
DDR	Downsizing, Demobilization and Reintegration
DOP	Declaration of Principles
DPs	Development Partners
DRC	Democratic Republic of Congo
DUP	Democratic Unionist Party
GDP	Goss Domestic Product
GONU	Government of National Unity
GOS	Government of Republic of Sudan
GOSS	Government of Southern Sudan
IDPs	Internal Displaced Persons
IGAD	Inter-Governmental Authority on Development
JAM	Joint Assessment Mission

JBVMM	Joint Border Verification and monitoring Mechanism
JEM	Justice and Equality Movement
JIUs	Joint Integrated Units
JPMC	Joint Political-Military Commission
JS	Jonglei State
LRA	Lord's Resistance Army
MOFEP	Ministry of Finance and Economic Planning
MPLA	Moviento Popular Libe4racion de Angola
NBS	National Bureau Statistics
NCP	National Congress Party
NDA	National Democratic Alliance
NPC	National Petroleum Corporation
OAS	Organization of American States
OAU	Organization of African Unity
ORSA	Oil Revenue Stabilization Account
PCP	Popular Congress Party
PETRONAS	Petroleum Nacionales
SAF	Sudanese Armed Forces
SDBZ	Safe Demilitarized Border Zone
SDG	Sudan Genne (Pound)
SLM	Sudan Liberation Movement

SPLA	Sudan People's Liberation Army
SPLM	Sudan People's Liberation Movement
SPLM/A	Sudan People's Liberation Movement/ Army
SPLM-DC	Sudan People's Liberation Movement for Democratic Change
SSDF	South Sudan Defence Forces
SSIM	Southern Sudan Independent Movement
SSLA	South Sudan Legislative Assembly
TCRSS	Transitional Constitution of the Republic of South Sudan
UK	United Kingdom
UN	United Nations
UNAMSIL	United Nations Mission in Sierra Leone
UNAVEM	United Nations Angola Verification Mission
UNITA	Unidad Nacionale Indpendencia Totale de Angola
UNMIS	United Nations Mission in Sudan
UNS	Upper Nile State
USA	United States of America
WES	Western Equatoria State
WFP	World Food Programme

CHAPTER ONE

INTRODUCTION TO THE STUDY

1. Introduction

Peace agreement can be perceived as an integral part of conflict resolution. It is difficult to explain and describe conflict resolution without analysing some forms of agreement that have been reached between the conflicting parties. It is very hard to talk about conflict resolution devoid of viewing provisions of the peace agreement. Yet an agreement even if it is implemented, may not sufficient to establish a sustainable and durable peace. Many agreements have been signed and ended as a temporary treaty or a truce between the parties while preparing to recycle the violent and dispute that escalates the conflict. However, peace agreement is a necessary step to bring about lasting arrangement and peaceful co-existence amongst conflicting parties. This chapter will underline background to the study, statement of the research problem objectives of the research problem, literature review, theoretical framework, hypotheses, methodology and Chapter Outline.

The post-conflict period is sought to establish new relations between the former conflicting parties where the physical confrontation ceased. In this period, it begins with a rapid rebuilding of what has been destroyed by the conflict and war, remarking a new era of peace building and reconstruction. The Year 2005 witnessed the emergence of new Sudan's dawn from conflict and war , when the Comprehensive Peace Agreement (CPA) was just concluded between the Government of Sudan and the Sudan People's Liberation Movement/ Army (SPLM/A). This agreement was achieved through diplomatic strategies such as negotiation and mediation that have paved the way for meaningful engagement between the two parties by concluding with peace agreement. African diplomacy could be accredited in bringing the irreconcilable parties by brilliantly tasking the Republic of Kenya on behalf of the Intergovernmental Authority on Development (IGAD) to play a role of third party. Notwithstanding the irreconcilable position between the conflicting parties, there was a desire to bring peace and folding all sufferings and destruction that cannot be measured nor compensation except peace. Despite seemingly irreconcilable differences, a desire for peace

1

emerged as losses grew on both sides[1]. The mediation brought about the signing of historical peace agreement known as the Comprehensive Peace Agreement (CPA) which was monitored and recognized by international community. The signing of the Comprehensive Peace Agreement CPA) has not only ended the conflict and war, but also marked a halt to the historical watershed for Sudan where the agreement laid down programmes for rebuilding and reconstruction of the country devastated by war and conflict.

The history of Sudan peace negotiations can give a general overview on peace processes that were carried out with objective of bring peace and end war. There were several peace initiatives undertaken in 1980s, but in most cases ended with failure, or insignificant success. For example, the British policy toward Southern Sudan was announced by the Civil Secretary, Sir Douglas Newbold after the end of Second World War in 1944 and issued a new policy on the south. He stated that the approved policy of the government is to act upon the fact that the people of the Southern Sudan are distinctly African and Negroid and that our obvious duty to them therefore, is to push ahead as far as we can with economic and educational development so that these people can be equipped to stand up for themselves in the future, whether their lot be eventually cast with northern Sudan or with East Africa or partly with each[2].

The new policy was formulated to accelerate development for Southern Sudan in different fields of education, health, capacity and institutional building, and acquisition of skills. However, the death of the architect of the Southern Sudan policy in March 1945 was a turning point and bad news for the South and he was replaced by new Civil Secretary Sir James Robertson, who immediate reversed the South Sudan policy and replaced with new ones. The new policy stated that the policy of the Sudan Government regarding the Southern Sudan is to act upon the facts that the peoples of the Southern Sudan are distinctively African and Negroid but that geography and economics combine so far as can be seen at the present time to render them inextricably bound for future development to the Middle Eastern and Arabicised Northern Sudan[3]. This policy was controversial and denied the rights of Southern Sudanese to meet their aspirations and eventually was surrendered to the North and their hopes were compromised and that was the end of the promise. The second example was the

[1] *Fegley, R. (2011), Beyond Khartoum: A Historical Subnational Government in Sudan, Asmara, Eritrea, The Red Sea Press Inc., Publishers and Distributors of Third World Books.p.p.227*

[2][3] *Alier, A. (2003), Southern Sudan: Too many Agreements Dishonoured, published by Ithac press, Printed in Lebanon p.265-266.p.33*

[3] *Ibid. P.34*

Addis Ababa Agreement, 1972 which was composed of series of settlements of protocols. The Addis Ababa Agreement defines the powers of self-government in the Southern Provinces of the Sudan and regulates relations between the central government and the region. It also addressed four main questions namely; nationality and culture, economic inequality, the physical security of the nation and the individual citizen and democratic rights and freedoms. Further, it provides a freely elected legislative body charged with responsibility of legislation and supervision of the regional executive and regional executive organ whose head is elected by the regional assembly and cannot be dismissed except by a three quarters majority. President Numeiri decided unilaterally to abrogate the agreement and issued Republican Order No.01/06/1983 to nullify regional government powers and returned them to the central government[4].

The most serious one was in September, 1993 led by heads of states of IGAD during the Summit; the IGAD's states adopted a resolution to establish a technical sub-committee of four countries under auspices of republic of Kenya. However, Kenya was tasked to mediate Sudanese conflict between the Government of Republic of Sudan (GOS) and the Sudan People's Liberation Movement (SPLM)/Sudan People's Liberation Army (SPLA). The mediation was doubted by international community on the ground that Inter-Governmental Authority for Development (IGAD) could not succeed, since the two parties were not deposed to compromise on fundamental issues particularly the issues of state and religion, and self-determination. The mediation came in a political polluted environment, and a new development arises in which Eritrean Government severed its diplomatic relations with Sudan on the grounds that Khartoum Government assisted Eritrean Islamic Jihad which aimed to topple his government. On 5 December 1994, the Sudanese embassy diplomat in Asmara was given an ultimatum of twenty four hours to pack up and leave the country. This action and the fact two of the four IGAD countries, Uganda, and Eritrea were now openly hostile toward the Islamist government in Khartoum[5]. Kenya had a good reason to accept the mediation between the Sudanese warring parties, is because the situation was horrible and mediation would bring them on negotiation table including their allies and constituents.

President Moi was convinced that the Kenya's foreign policy would forge peace deal. Kenya's foreign policy has and continues to enact a preparatory or explore role which

[4] Alier, A. (2003), Southern Sudan: Too many Agreements Dishonoured, published by Ithac press, Printed in Lebanon p.140

[5] Peterson, D., (1999), Inside Sudan: Political Islam, Conflict, and Catastrophe, Colorado, USA, Published by Westview Press books.p.186

includes featuring adversaries' willingness to contemplate alternative, non-coercive methods, and advocating particular forms of conflict resolving processes[6]. Further, the President had a good reason to involve in Sudanese peace mediation because had acquired respectable prestige in African and international diplomatic circles and with vast experience in African conflict management, in addition Kenya is a regional hub in which diplomatic facilities could accessed. Moi's involvement with Sudan would allow him to translate his dreams into action. Moreover, the war in Sudan had affected Kenya adversely. During the course of the fighting, millions of displaced Sudanese had spilled across the northern border, eventually settling in different parts of the country[7]. Therefore, Kenya drafted a document as a roadmap, which was containing guiding principles for negotiation that were known as Declaration of Principles (DOP).

There were reasons for this scorn negotiating resolution. The memory of damaged and failed of many agreements in Khartoum haunts some of the actors. For example the former president General Ga'afar Numeiri had chosen not honouring the Addis Ababa Agreement, which became as a rapid trigger of development towards a most important war in Sudan in 1983. Throughout the years of nationalist agitation and early independence there had been a persistent assumption that the Sudan was an Arab nation whose culture was exclusively Arab and its language predominantly Arabic[8]. Arabism and Islamism of Sudan and categorically disputed such assumptions and asserts that there could be no room for the views which insisted on Arab cultural superiority and domination nor for that which attempted to disregard Arab culture As essentially alien and foreign to the Sudan. It is for this reason that this cultural plurality was addressed in the Addis Ababa negotiations in 1972. It was notable for the Sudanese to find that negotiations were still possible in seeking for amicable solution, although it was so hard and difficult to find a common ground for peace deal negotiation.

In peaceful resolution, goals are pursued by peaceful means other than threats and use of violence. This could be illustrated that in managing ethnic relations, coercive approaches often produces a backlash by generating further resentment and violence resistance. The maintenance of status quo by force is no longer feasibly or too costly to one's international

[6] Kurget, Paul .K., in Okoth, P.G, & Ogot, B.A.,(2008), Conflict in Contemporary Africa, Nairobi, Kenya, Published by the Jomo Kenyatta Foundation, Printed by Print Arts Limited.p.119

[7] Peter Wallensteen (2009) (3rd Ed.), Understanding Conflict Resolution, New Delhi, published by SAGE Publications India PVT Ltd .p.39

[8] Alier, A. (2003), Southern Sudan: Too many Agreements Dishonoured, published by Ithac press, Printed in Lebanon p.265-266

reputation or the maintenance of domestic support[9]. The issues of disagreement have produced equal numbers of traumatic and negative experiences and hopes, such traumas were connected with human suffering on a big scale affecting all communities particularly the marginalized areas in the Sudan. The situation was complicated and diverse; Khartoum had signed an agreement with Dr Riek Machar's movement "Southern Sudan Independent Movement (SSIM) in April, 1997 which was opposing the SPLM and they were integrated into the government and assumed high profile position in the government's hierarchy. The government presented a paper based on the Khartoum Agreement as the basis for a negotiated settlement of the war as a collective effort. This paper was rejected by the SPLM stating that this agreement remained unresolved fundamental issues, instead it would legalized the government to reshape its political system in Khartoum and strengthen the National Congress Party to control the whole country even after the war. The SPLM proposals were unacceptable to the government and talks ended with failure and the situation became worse and human costs attract international community to pay attention.

There was a change of approach by the new administration in White House led by President George Bush the Son, and summed the power 2001. The American engagement in peace process in Sudan was very clear and appointed Senator Danforth as his envoy for peace in Sudan. The September, 11 Attack was a blow to the Sudanese peace process, and in an unexpected situation, the Khartoum pledged US Government to assist them in combating Terrorism and made the US Government to work closely with Khartoum Government[10]. Despite the report produced by Senator Danforth denying the right of self-determination to the people of Southern Sudan, which was rejected and opposed by all southern political parties, the USA government was looking forward a person whose possess characteristics and traits within IGAD framework, who would be agreeable to someone of international stature assuming a leading role in the negotiation and could agree to the task. The American were looking for President Moi to play the role because they had a bad relations with Khartoum, in addition the IGAD countries were heterogeneous and had conflict each other except Kenya[11]

The role of Kenya as a mediator was substantial and guided peace process, devoting itself to understand the root causes of war and conflict. In searching for peaceful conflict resolution

[9] Jeong, Ho-Won, (2010), Conflict Management and Resolution: An Introduction. New York, USA, Published by Routledge. P. 21

[10] Akol, Lam, (2009), SPLM/SPLA: Inside an African Revolution, Khartoum, Sudan, Published by Khartoum University Printing Press p.303

[11] Peterson, D., (1999), Inside Sudan: Political Islam, Conflict, and Catastrophe, Colorado, USA, Published by Westview Press books.p.224

Kenya drafted principles that set the groundwork for substantial negotiation and provided a framework for a serious intervention to end the conflict. These principles known as the Declaration of Principles (DOP) clearly stated that a military solution cannot bring lasting peace and stability, only peaceful and just political settlement solution can do. This tremendous effort that ends the conflict and war has culminated with the signing of the Comprehensive Peace Agreement on 9th January, 2005 in Nairobi. The success of the (CPA) ushered in an era of new relations between north and south Sudan and sets out the framework for a just and lasting peace, marking the beginning of post-conflict era for reconstruction of the country[12]. The signing of the CPA sought to have stop physical confrontation between the previous warring parties, and lay down programmes that will guide the parties to build and reconstruction what has been destroyed by the war. Although the CPA was internationally monitored, it provides a status of Sudan to remain united till the vote of the people of Southern Sudan would be exercise through the referendum in 2011. This situation raises a debate on the post-conflict era on the assumption that it can be started with the day of signing the CPA. However, there is disagreement between political analysts, in which others believed that the ending of the confrontation between the warring parties ceased should be the day of the beginning.

The CPA is assumed to be an intermediate arrangement allows people of South Sudan to confirm either unity of Sudan or secession. The real and actual era of post-conflict reconstruction era begins on the 9 July, 2011. The assumption that is based the post-conflict reconstruction begins with the birth of new state of South Sudan and ended the internal conflict within the Sudan and commenced with new status that any war wage against the Republic of South Sudan will considered as an aggression and will be considered violation of sovereign state's territory and breached international peace and security. In spite of the marking post-war reconstruction, in perception of insiders, the post-war begins before the end conflict and it contribute to the eventual cessation of violence. Whereas outsider efforts is to end the conflict by working in parallel and harmony with the people's continual efforts to reconstruct, maintain a normal secure life.

The Comprehensive Peace Agreement was achieved after many sacrifices that were made for more than two decades of conflict and war in South Sudan. It provides an overall vision and broad strategies to guide peace and stability, good governance and development in post-

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[12] *The Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Published IGAD Secretariat, Nairobi, Kenya, 2005. p.85*

independent South Sudan. The Agreement also mandated two systems to exist during interim period with separate two armies. The CPA left behind unclear positions of borders north-south as well as with three areas of Abyei, southern Kordofan and Blue Nile States, which establishes a special status for the two states and addresses key issues of Popular Consultation, structure of governance, security arrangements and the Resolution of the Abyei conflict that establishing a special administrative status and a referendum and formation of Abyei Boundaries Commission (ABC) to demarcate boundaries of Abyei Area. The provisions of the CPA can be considered as interconnected aspects of reconstruction including nature of peace has signed, social and economic development, environmental development, developing the capacity for governance and re-integration of those were affected by and involved in war and conflict[13].

1.2 Statement of the Research Problem

The dimension of war and conflict in Sudan was so grave and immense, it was not only destroying human resources but encompassing all sort of displacement, traumatised and maimed millions of people, while sowing feelings of hatred and division amongst Sudanese communities, it also destroyed physical infrastructure, eroded economic, political and social systems and environment. The degree of conflict and war effect was so immense and great and was seen in the recycling of the conflict between north and south Sudan, it also embryo seeds of racism and religion, which bears scope of intra and interstate, ethnic, religious and resource conflicts. These conflicts have retarded development, paralysed economy, and destroyed communication infrastructure, health and education services, as well as increased state of dependency.

The study of post-conflict states is blessed with a wide and varied lexicon of terms that overlap, contradict and confuse whilst trying to describe varying forms of collapse. Whether fragile, weak, collapsed or neo-patrimonial, these dysfunctional states all suffer from vulnerability to external shocks, international conflict, competing economic and political structures, and an inability to exercise effective legal control within their borders[14]. He believes that a post-conflict state exhibits all these features of vulnerability and subjected to

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[13] *The Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Published IGAD Secretariat, Nairobi, Kenya, 2005. p.8-85*

[14] *Beswick, D.,and Jackson P (2011), Conflict, Security and Development,: An Introduction, London, published by Routledge.p116*

external shocks, international conflict, competing economic and political structures as well inability to exercise effective legality control within their borders, such description may not illustrate the reality in those countries and loose its impartiality in classification of post-conflict states. For example, the case of Somaliland Republic which declared its independence in 1990s is a typical example which disputes the assumption of post-conflict states possessed characteristics of failed or fragile state. The situation in Somaliland is categorically different and unique despite receiving a less in international aid. Somaliland has shown maintaining law and order and has been described as one of the most democratic state of the Muslim world at the point to be mentioned. http://en.wikipedia.org/wiki/Fragile_state -cite_note-ODI2-5.This system has allowed a multi-party democracy, and enhanced the demobilization of the militias, stability and also development. Somaliland's has local interpretation of democracy and provides a living example of state emerged from conflict suffering which disputed the assumption of post-conflict states possess characteristics of fragile or failed state even it emerged from extreme circumstances of conflict..

However, Republic of South Sudan like other African countries passed through lethal conflict for more than four decades. The situation as follows; the deaths between 1983 and 1998 numbered about two million. According the USA committee on Refugees, population was massively displaced, cattle raids, farmers displacement, drought, famine devastates pastoral economy of south, malnutrition and diseases[15]. The conflict and war in Sudan have witnessed destruction all resources human, financial, material and physical ones and can be argued that post-conflict reconstruction is possible unless the conflict is folded and over, because the change in the conflict is not enough. However, the situation after 2005 may assume that conflict is not yet changed. After the Independence of South Sudan, the conflict had changed differently to apply post-conflict peace building concepts, but still need to be case and locally relevant. For this reason, the purpose of the research study was to analyse and evaluate the post-conflict challenges South Sudan in pre and post-referendum era.

1.3 Research Objectives

The objectives of research study were:

- To identify and analyse post-conflict issues that are challenging South Sudan

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[15] *Sandbrook, R (2000), Closing the Circle: Democratization and Development in Africa, Toronto, Canada, Printed by University of Toronto Press.p.56*

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- To assess the effect of post-conflict issues on South Sudan's nation state building

- To analyze and recommend diplomatic techniques that help in addressing post-conflict issues challenges Republic of South Sudan

1.4 Literature Review

Introduction

The purpose of this literature is to widen the perception of the researcher on several contributions made by various authors on this field, this is very important to enable the researcher to orientate himself/herself with the available knowledge about the subject to explain it and provide theories, techniques and methods of the research that are essential to develop the research study problem. Thus it introduces the already existing literature reviewed from the library and internet to provide a theoretical ground for the study. The argument in this literature is that what to take broader perspectives is to remove the need to rediscover knowledge that has already been reported[16]. He asserts that literature review is an acquired point of view to rediscover facts of what has been already stated, and ascertain that the literature review will identify gaps that have been reported, and also reveal whether procedures and methods applied in the study are useful and can be embodied in this research. The literature on post-conflict issues is diverse in dimensions, goals of post-conflict work and types of actors involved. The phase of transition from violence to sustainable peace and development remained challenging and intangible. Sudan have been considered as the African's longest-running emergencies that has been destructive on the continent provides in many cases peace agreements in Africa served as mere temporal treaties and recycling again. Before the Comprehensive Peace Agreement the human and material costs of the conflict violent was so unbelievable figures at least 2.5 million people have been killed, more than 4 million were displaced and lead exodus of refugees to the neighbouring countries and overseas. Beyond the toll of conflict deaths, there were also increase of infant and adult morality and morbid as a result of famine, diseases, displacement and collapse of service delivery institutions such as health, food security, clean water and housing.

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[16] Fisher, C. (2007) (2rd Ed.), Researching and Writing a Dissertation: A guide book for business students, Harlow, England, Publisher Financial Times, Prentice Hall.P.78

For example, the situation in many African countries like Angola, Eritrea, Liberia, Mozambique, Rwanda, Somalia and Sudan, up to a half or more of the population have been forced to flee at some point. Southern Sudan, where one in five people are estimated to have died as a result of the war, 80 percent of population was displaced at one time or another. There were also some other impacts on environmental cost, land erosion and degradation as well social bondage was weaken, which damaged cultural heritage and appears human and drugs trafficking. Despite immense destruction of social and economic costs it has been observed that tribal leaders, warlords and militia as well as other armed groups have utilized such circumstances and benefited by advancing their economic and means of livelihood[17]. Thus, the intention of conflict resolution is to remove out all barriers and find amicable and acceptable means of reconciling different positions without resorting to violence. South Sudan stands as an example of peace process success and emerged from conflict and violence in 2005 to establish government of Southern Sudan (GOSS). The GOSS achievements and failures can be fully understood in terms of the implementation of the CPA. Its success remains incomprehensible since the violence and conflict still prevailing. Determining what constitutes success or failures in peace agreement implementation, the evaluation and assessment is not as obvious as it may primarily seem, but there are numerous stages and processes will involved in decision making and choosing performance measurement system depending on policy options and what values attached in terms of outcomes for the peace building process. In many ways, the end to Sudan's civil war appears to be one of the biggest diplomatic successes of 21st Century. Peace in Sudan was achieved by diplomatic methods, through a lengthy and difficulty with regional and international mediation.

The Comprehensive Peace Agreement was a unique process that underlie various issues in relation to South-North; North-North; South-South or racial sentiments Arab-African[18].The CPA has laid down principles of administration that there shall be a decentralised system of government with significant devolution of powers from the national, Southern Sudan to state and local levels of government. In spite of the CPA implementation, which provide some fruits of post-conflict arrangements, there are numerous issues that would arise during the implementation of the CPA. Therefore, it is important to have an overview of the main aspects of the CPA which entails; The Machakos protocol emphasises on establishing a

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[17] *Ramsbotham, O., Woodhouse, T. & Maill, H. (2009), Contemporary Conflict Resolution, Cambridge,UK, Published by Polity Press.p.72*

[18] *The Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Published IGAD Secretariat, Nairobi, Kenya, 2005. p.85*

democratic system of governance; find a comprehensive solution to the economic and social deterioration of the Sudan; a solution that replaces war with peace, but also with social and economic justice, and human rights; formulate a reconstruction and development plan for areas affected by war and make a unity of Sudan an attractive option especially to the people of Southern Sudan. The protocol provides the transition process, in which the implementation of the Comprehensive Peace Agreement will cover two phases; a pre-interim period of 6 months and an interim period of 6 years (9th July, 2005 - 9th July, 2011). Conflict settlement perhaps is the greater achievement for a peace process implementation. Yet there are some factors that may influence conflict settlement that emerged outside the peace operation success particularly during violence and after cease-fire phases in which the peace building strategies does not eliminate the willingness of the conflicting parties to use violence at all. However such process seeks to facilitate the relationship shift. Whether, the disputants they resolved the conflict they remains persistent.

The question that can be raised is whether the parties to the conflict resolved their major disagreement? One might argue that the behavioural indicators on violence are incomplete and inadequate for measuring conflict settlements. Violence may abate for a variety of reasons, but disputes can persist with the risk of flaring up in the future. For example the agreement between Armenia and Azerbaijan over Nagorno Karabakh in 1994 can illustrate the case of cease-fire that did not address the root causes of the problem[19]. Such agreements suggest that the two conflicting parties accepted some terms and agreed to move ahead with peaceful settlement opposing conflictual relations.

The Comprehensive Peace Agreement which entails establishing a democratic system of governance; find a comprehensive solution to the economic and social deterioration of the Sudan; find a solution that replaces war with peace, but also with social and economic justice, and human rights; formulate a reconstruction and development plan for areas affected by war[20]. A peace agreement may not be the ending of a conflict. Agreement may not be implemented or partially implemented. This mean the conflict may continue, whether achieved by military victory or through negotiation remain the same outcomes. Thus the information on peace agreement needs to be complemented with data on the conflict

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[19] Diehl, PF., and Druckman, D., (2010), Evaluating Peace Operations, Colorado, USA, Published by Lynne Rienner Publishers Inc.p.43

[20] *The Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Published IGAD Secretariat, Nairobi, Kenya, 2005. p.2*

termination. Internationally, for example there are some agreements that outlined processes towards solution such as Israel and Palestine peace processes, in 1993. On the other hand there are peace agreements that have been undermined such as Cote d'Ivoire which saw failures (2003-2010) and has led to bloody war and ended with military victory between Gbagbo and Qattara, Further, the agreement which made between Russia and Chechnya was undermined[21]. The records of successful peace agreements making is varies from place to place or political environment as can be expected to face some difficulties of ending such long wars. The conflict between India and Pakistan in Kashmir can be cited as an example of uncertainty in conflict resolution and peace building, which ended in 1965 and 1971 and resurfaced again in 1994 and remained unresolved up to date.

The CPA may fall within these categories which were concluded between the Sudan People's Liberation Movement (SPLM) and the National Congress Party in Khartoum which was considered to have exhausted all resources available and mobilize to find resources to win the war, but the conflicting parties were unable to end the war on their own except through peaceful means of mediation and negotiation. Conflicts are ripe for negotiated settlements only under certain conditions whereby the main one is a hurting stalemate. Both sides must realize that they cannot achieve their aims by further violence and that it is costly to go on[22]. He argues that for success of negotiation must possess credible actors who are accepted both sides as well as to have a clear vision of an acceptable compromise, which necessitate to have an element of recognition and dialogue that are prerequisite to legitimize the peace talks processes. The comprehensive Peace Agreement can be considered a category which was concluded through conflict resolution mechanism and is due for evaluation and analysis on how it was implemented. The question can be raise how the CPA was implemented? Was it implemented properly or partially? Such evaluation will identify issues that are challenging the Republic of South Sudan, which emerged from the implementation and becomes an integral part of broadly provisions of the CPA, such issues will explained and discuss in the following chapters.

1.5 Theoretical Framework

The theoretical framework of the study is a structure that can hold or support a theory of a research work. It presents the theory which explains why the problem under study exists. It

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[21] *Peter Wallensteen (2009) (3rd Ed.), Understanding Conflict Resolution, New Delhi, published by SAGE Publications India PVT Ltd.p.29*
[22] *Zartman, W, (1985), Ripe for Resolution: Conflict and Intervention in Africa, New York, USA, Oxford University Press. P.*

examines the limitations of conflict theory relevant to Sudan's conflict, the exploration of conflict theory is important for understanding the nature of political conflict itself. In order to find solutions to the problem it is important to explore theoretical framework which will guide researcher to find an appropriate explanation of the nature of conflict within Sudan and in the search for better solutions.

There are no specific theories for post-conflict reconstruction process alone, but there are multi-theories which deal with complexity of post-conflict reconstruction process. This is because authors and scholars failed to reach consensus on nature of human conflict. Despite there is a large volume of literature written and printed about the nature and theory of conflict, particularly on those theories related to warfare, such theories would be relevant to Sudan's situation among them the Human Needs Theory. The Human Needs Theory was developed by John Burton as a generic theory of human behaviour based on the hypothesis that human needs are to be met to maintain social order and deals with post-conflict reconstruction. The human participants in conflict situations are compulsively struggling in their respective institutional environments at all social levels to satisfy primordial and universal needs-needs such as security, identity, recognition, and development. They strive increasingly to gain the control of their environment that is necessary to ensure the satisfaction of these needs[23]. He further argued that in response to this conflicting situation there has been a major expansion in research and practical effort to reduce violent conflict. Government and Civil society alike have tried to develop answers to a problem that in many areas is hampering development or derailing it completely.

New theories have been developed to describe the various approaches to addressing conflict. The Human Needs Theory recognizes fundamental needs such as security and development in pursuit of other human societal needs. The goals of work based on human needs theory are to assist conflicting parties to identify and share their unmet needs and generate options for meeting those needs, and for the parties to reach agreements that meet the basic human needs of all sides[24]. Meeting basic human needs means that the reaching of an agreement between the two parties to settle a political conflict with intention to end the conflict. This suggests the conclusion of peace agreement, but in practice that the conflicting parties have reached

[23] *John Burton (1991), Conflict Resolution as a Political System in Vamik Volkan et al (eds), The Psychodynamics of International Relationships: Volume II: Unofficial Diplomacy at Work. Lexington, MA, Lexington Books, p.82-83*

[24] *"http://en.wikipedia.org/w/index.php?title=DevelSopment_theory&oldid=486610943"*

settlement, they frequently reopen again as post-conflict issues which may drag the parties to resume the war. It has been observed that conflict attitudes and fundamental structural contradictions may not been resolved or addressed. Conflict resolution situation is define as a situation where the conflicting parties enter into an agreement that solves their central incompatibilities, accept each other's continued existence as parties and ceases all violent action against each other[25].Therefore, the goals of conflict theory are about conflict resolution which the theme of this study is to evaluate the value of peace agreement that has been challenged with emphasis on the implementation of the Comprehensive Peace Agreement.

1.6 Hypotheses

- Addressing post-conflict issues challenging Republic of South Sudan depends on leadership committed to provide enabling environment for political reforms and peace building process

- Assessment of the effect of post-conflict issues challenges the Republic of South Sudan's nation-state building minimizes the potential for a return to violent conflict.

- Analyzing post-conflict issues provides policy makers an opportunity to lay down policies that will resolve uncertainty in peace building and political reforms

1.7 Methodology

This section deals with the description of the methodology and design that will applied in carrying out the research study. It comprises of research population and sample, instruments and procedures that will be used in data collection and data analysis procedures. It underlines the nature of queries that can be tackled and the nature of evidence that is produced. The objective of this research methodology is to identify and analyse post-conflict issues related to implementation of the Comprehensive Peace Agreement (CPA) and challenging the Republic of South Sudan.

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[25]*Peter Wallensteen (2009) (3ʳᵈ Ed.), Understanding Conflict Resolution, New Delhi, published by SAGE Publications India PVT Ltd.p.29*

1.7.1 Area of Study

For the purpose of this study, the boundaries of what we describe as the South Sudan conflict system are clearly defined by the Comprehensive Peace Agreement (CPA). As political-geographic entity South Sudan encompasses 10 states, a territory of approx. 650, 000 square kilometres and a population size of approx. 8.2 million according to the National Population Census and Housing, 2008. It is bordered by Ethiopia in the east, Kenya and Uganda in the south, the Republic of Congo (DRC), the Central Republic of Africa (CAR) and Sudan in the north as agreed upon by the CPA, South Sudan. Topographically the area consists of a shallow irregularly shaped basin enclosed in the gap to south-east and west by the extensive ironstone plateau which forms the watershed between the Nile and Congo rivers system; southwards by the Didinga Hills and the Acholi and Imatong Mountains and to the east by the Ethiopia highlands. The climate is tropical with distinct dry and wet season and temperatures range from a mean average of about 25 - 39 degree Celsius. The average rainfall is greatest over the hills and plateau enclosing the plains ranging from 700mm to13500mm[26].

1.7.2 Research Design

Research design as a set of guidelines and instructions to be followed in addressing the research problem, the main function of a research design is to enable the researcher to anticipate what the appropriate research decisions should be so as to maximize the validity of the eventual results[27]. The importance of research design stems from its role as a critical link between the theory and argument that formed the research and the empirical data collected. This study will adapt a descriptive design survey, because it is designed to obtain pertinent and precise information concerning the current status of a phenomenon and whenever possible, to draw a valid general conclusion from the facts discovered.

- **Study population**

The term population refers to the entire group of individual, objects, items, cases, articles or things with common attributes or characteristics. A research population can be seen as a general a collection of individuals or objects that share common characteristics which is

[26] *South Sudan (Republic), (2007), Wildlife and Protected Area Policy of South Sudan, Juba, published by ministry of Environment, Wildlife Conservation and Tourism.*

[27] *Mouton Johann (1996): Understanding Social Research ,Published by VanSchaik Publishers, Pretoria, South Africa.p.17*

carried out in a response to a particular phenomenon or a problem in a specific population[28]. A population consists of all cases of individuals or things or elements that fit a researcher's specification[29].

- **Sampling**

Sampling is the process of selecting a few (a sample) from a bigger group (the sampling population) to become the basis for estimating or predicting the prevalence of an unknown piece of information, situation or outcome regarding the bigger group[30]. Data was collected from Republic of South Sudan institutions, which comprised of (28) National Ministries, National Legislative Assembly, Independent Institutions and Commissions (29). The choice of public institutions is appropriate since it's had experienced in implementation of the CPA. Further, given the institutions' proximity to Juba, the capital City of South Sudan, the diversity of officials' population reflected typical people of South Sudan. It was thus that the researcher opinion is that Juba was fair representation of the rest of the country. A random sample of (57) of principals representing of the total population (33,831) of public institutions in the Republic of South Sudan were selected in the following functions[31];

Governance and Public Administration Cluster; (Pop.3,471), which includes Anti-Corruption Commission (130), Audit Chamber (131), Natural Bureau of Statistics (383), Ministry of Finance and Economic Planning (571), South Sudan Fiscal and Financial Allocation and Monitoring,(46) and South Sudan Reconstruction and Development (71), the office of the President (409), Ministry of Cabinet Affairs (230), Ministry of Labour, Public Service and Human Resource (575), Ministry of Parliamentary Affairs (68), Ministry of Foreign Affairs and International Cooperation (207), South Sudan Local Government Board (56), South Sudan Employees Justice Chamber (46), South Sudan Public Grievances Chamber (35), South Sudan Civil Service Commission (37), National Legislative Assembly and Council of

[28] *Mugenda, AG (2008) Social Science Research: Theory and Practice, published by Applied Research and Training Services, Nairobi, Kenya, printed by Kijabe Printing Press.p.18*

[29] *Keya, SO., Makau, BF., Mani, J., & Omari, IM., (1989), Guidelines for the Formulation of Research Project Proposals, Nairobi, IDRC and NCST.p.26*

[30] *Kumar, Ranjit (2005) (2nd Ed.): Research Methodology: A step-Step guide for beginners, Sage publications, London. Thousand Oaks. New Delhi.p.144*

[31] *South Sudan (Republic) (2012), National Budget Plan for the Fiscal Year 2012/2013: Juba, Published by Ministry of Finance and Economic Planning, Printed by Government Printers.p.42-59*

States (676); Economic Functions and Infrastructure Cluster (Pop.4,866), which includes; Ministry of Commerce and Industry (628), Ministry of Petroleum and Mining (285), Ministry of Electricity and Dams, Electricity Commission (744), Ministry of Information and Broadcasting (760), Ministry of Telecommunication and Postal Services (200), Ministry of Physical Infrastructure (235), Ministry of Transport, Roads and Bridges (924), South Sudan Urban Water Corporation (656), and Ministry of Water Resources and Irrigation (434).; Natural Resources and Rural Development Cluster (Pop.5,153), which includes; Ministry of Agriculture (669), Forestry, Co-operatives and Rural Development (268), Ministry of Animal Resources and Fisheries (282), Ministry of Wildlife Conservation and Tourism (3750), Ministry of Environment (134) and South Sudan Land Commission (40); Social and Human Development Cluster (Pop.5,473), which includes; Ministry of General Education and Instruction (1,537), Ministry of Higher Education, Science and Technology (120), Ministry of Health (2,343), and HIV/AIDS Commission (237), Ministry of Gender, Child and Social Welfare (162), Ministry of Culture, Youth and Sports (353), Peace Commission (93), War Disabled, Widows and Orphans (70), South Sudan Relief and Rehabilitation (420), and Ministry of Humanitarian Affairs (138); Rule of Law and Security Cluster (Pop.14,678), which includes; Judiciary of South Sudan (2,035), Ministry of Justice (340), South Sudan Law Review Commission (7), Ministry of Interior, Police (8731), Prisons (1614), Fire Brigade (1383), Bureau of Community Security and Small Arms (55), and South Sudan Human Rights Commission (130), De-Mining Authority (98), Disarmament, Demobilization and Reintegration (225), Ministry of Defence and Ministry of National Security (60). The researcher believes that classification would assist in selection of sample population from various units that will be clustered into manageable group. The research will take the form of combination of both qualitative and quantitative techniques which will involve common research methods such as observations, interviews, questionnaires and documentary surveys[32].To enable the researcher get the desired sample size based on clusters, more questionnaires were administered to respondents in the cluster iteratively until the sample size was achieved. A similar technique was used to meet sampling criteria based on the sub-clusters.

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[32] South Sudan (Republic) (2012), National Budget Plan for the Fiscal Year 2012/2013: Juba, Published by Ministry of Finance and Economic Planning, Printed by Government Printers.p.42-59

The sample size was determined using Slovin's Formula.

$$n = N / (1 + Ne^2)$$

$$n = 33,831/ (1 + 33,831(0.05^2)$$

$$n = 395$$

Where n, N and e are the number of samples, the total population and error tolerance respectively. Ariola (2006) argues that in using slovin's formula, the error of tolerance is first determined which can range between 95% and 99% confidence level. (giving a margin error of 0.05 and 0.01 respectively)[33]. In this study, a confidence level of 95% was utilized thus the margin of error was 0.05. Given a total population of 33,831 principals, the sample size was 395 as presented in Table 1.1.

Table 1.1: Sampling Technique and Sample Size

Cluster	Population	Proportion	Sample Size
Governance and Public Administration Cluster	3671	1.17%	43
Economic Functions and Infrastructure Cluster	4866	1.17%	57
Natural Resources and Rural Development Cluster	5143	1.17%	60
Social and Human Development Cluster	5,473	1.17%	64
Rule of Law and Security Cluster	14,678	1.17%	172
Total	33,831	1.17%	395

(Source: Republic of South Sudan, National Budget Plan for Year 2012/13)

1.7.3 Data Collection Techniques

The use of the following data collection techniques were used at different stages: Observation Method which is a commonly used method especially in studies relating to behavioral sciences[34]. Observation is a method of data collection that can be both participant and non-participant. Interview Method is a technique for collecting information or data involving

[33] [33] *Kothari, CR (2004) Research Methodology: Methods and Techniques, New Delhi, India published by New Age International (P) Ltd., Publishers.p.96*

[34] *Ibid.p.97*

presentation of oral-verbal stimuli and reply in terms of oral-verbal responses. During fields, interviews were conducted by use of unstructured format prepared by the researcher. The respondents were interviewed in their respective locations. Questionnaire method is often prepared and structured to meet information collection needs for the task to be investigated[35]. Data collected drawn from various categories of public institutions. The answers were recorded by respondents in the format provided. Documentary method was also used where the government's documents provided sources of literature including policy papers, legislation and research reports sponsored by the government or organizations such as master plans, demographic and health surveys; economic surveys; media sources and information available in internet was collected and integrated with the data obtained. The documentary sources were compared with data that has been already collected. The documents utilized in the research study were official documents of government of republic of South Sudan including: The Comprehensive Peace Agreement (CPA), 2005; JAM Sudan: Joint Assessment Mission (JAM), 2005; Republic of South Sudan Vision 2040, 2011; South Sudan: Wildlife and Protected Area Policy, 2007; Sudan National Population Census and Housing, 2008; Republic of South Sudan, National Budget Plan for Year 2012/13; Republic of South Sudan (2012), South Sudan Development Plan 2011-2013. In conclusion, the methods used in this study to collect information included the interviews, observation the use of questionnaires as well as documentary review.

1.7.4   Data Analysis

Data analysis is a process of evaluating data using analytical and logical reasoning to examine each component of the data provided. The study generated both qualitative and quantitative data that would necessitate the application of Statistical Package for Social Sciences (SPSS) to analyze the data. Responses obtained from questionnaires were organized, tabulated and analyzed.

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[35] (Ngau, P. & Kumssa, A., (2004:98)[35], Research Design, Data Collection and Analysis: A training Manual: UNCRD textbook series, No.12, ISBN:4-906236-91-X, published by United Nations Centre Regional Development.p.126

1.8   Chapter Outline

Chapter One: Introduction to the Study

The chapter addresses introduction and background of the study. It entails the statement of the problem; research problem; objectives of the research problem, literature review; theoretical framework; hypothesis; methodology and Chapter Outline.

Chapter Two: Ending the Conflict

The chapter introduces historical genesis of south Sudan's post-conflict era from the signing of the Comprehensive Peace Agreement (CPA) process through its implementation until to date of the first Independence anniversary of Republic of South Sudan, 2012. The historical connect between interim period of the Comprehensive Peace Agreement (CPA) and the independence of the republic of south Sudan in July, 2011 and beyond that reveal will the issues challenges the republic of south Sudan.The chapter provides the process of negotiation and mediation between the Sudan People's Liberation Movement (SPLA) and government of republic of Sudan that mark the era of ending the conflict and peace agreement implementation

Chapter Three: Issues in Post-conflict Sudan

The chapter looks at the prisms of the practice of the Comprehensive Peace Agreement (CPA) and issues in post-conflict Sudan. It addresses issues challenging South Sudan in the post-reconstruction era.

Chapter Four: Management of Issues

In this chapter, a detailed analysis of the findings is undertaken. This should allow for easy interpretation of the data and management of issues, from which, it will be possible to draw compelling conclusions in Chapter six.

Chapter Five: Conclusion

This is the final chapter of the research in which the conclusions and recommendations are drawn based on critical issues challenging republic of south Sudan raised in chapter one to five.

In conclusion the Methodology and Research design will be followed systematically by the researcher. The interviews were structured to assist the researcher in creating variables and communicating issues of importance when the respondent offers answers to the questions. The Methodology employed will assist the researcher in maintaining consistency in research problem investigation throughout data collection and analysis. The researcher will adhere strictly to ethical norms and values during the process of this study.

CHAPTER TWO

ENDING VIOLENT CONFLICT

2. Introduction

The previous chapter dealt with introduction to the study; statement of the problem; objectives of the research study; conceptual and theoretical framework as well as methodology and research design that were employed in data collection and analysis. This chapter examines a historical genesis of south Sudan's post-conflict epoch and the role of conflict resolution in the conflict to end the war, focusing on efforts to bring armed conflict to an end and factors which have contributed to their success or even failure. It further, examines the nature and difficulties of ending the war and conflict. It would cover all processes of mediation and negotiation that have been carried out in search for ending the conflict including de-escalation of conflict; pre-negotiation; mediation; negotiation and peace talks in ending the war

2.1   Historical Genesis of South Sudan Post-conflict Era

The historical genesis of South Sudan post-conflict to the extent has origins in the historic event of signing the Comprehensive Peace Agreement (CPA), 2005 and connects the interim period and the referendum and beyond. The concept of post-conflict refers to the period following the end of a conflict in a given country. The post-conflict can be understood in two dimensional perspectives as marking the determination of the beginning of a post-conflict period, which is frequently impossible to determine precisely what date when a conflict is supposed to have ended[36]. Despite the official signature of a peace agreement by conflicting parties that usually manifested in decreases of hostilities between the parties that might continue for sometimes. In most cases two major events often occur, firstly; that determining the beginning of a post-conflict period, a major victory by either of the warring parties in which the scenario win-lose occur and consequently the fall of the capital City of the country following a long protracted war. For example the cases of Uganda in 1995 by Yoweri

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[36] *Waihenya, W (2006). The Mediator: Gen Lazaro Sumbeiywo and the Southern Sudan Peace Process, Nairobi, Kenya, published by Kenway Publications. Pp.162*

Museveni and of Ethiopia in 1991 by Meles Zenawi are examples at the point to be cited[37]. The second major event usually used to determine the official ending of a war is the date of signature of a comprehensive agreement between the warring parties, in which the scenario of win-win occur. For example there are number of cases that ended through negotiation such as the ending Apartheid in South Africa; ending internal conflict in Nicaragua, and settlements in Mozambique and Namibia[38]. The case of signing of the Comprehensive Peace Agreement (CPA) between the Sudan People's Liberation Movement (SPLM) and the National Congress Party (NCP) is an example of such scenario. For this reason, it is acceptable to take the date of the signature of a ceasefire agreement as the end of the conflict and becomes the beginning of the post-conflict period.

In context of Sudan perspective, the war in Sudan ended officially when the government signed a comprehensive ceasefire agreement with the Sudan People's Liberation Movement/Army (SPLM/A) on 17-20 July 2002. The concept post-conflict envisaged in various activities that occurs after some fundamental peaceful settlement arrangements has been concluded. It can be argued that the CPA seems to have created conducive environment for evaluating post-conflict reconstruction, yet the question may arise does the CPA to be acceptable as the beginning of the post-conflict reconstruction era? Perhaps there is a debate that the CPA was an internal peaceful conflict settlement that stopped the physical confrontation. In this view the CPA is not quality to be a beginning of the post-conflict era, but only provide avenue for settlement. The actual date that can be considered as beginning of the post-conflict era is the date of departure of South Sudan as an independent and sovereign state on 9 July, 2011.

The result of independence suggests that 9 July, 2011 is the real date for beginning of post-conflict era, in which the South Sudan was officially recognized by the United Nations on July14, 2011 as a sovereign and independent state. The scenario of being new independent and sovereign state necessitate new rules of interaction between other members of international community and would likely shifted from local internal post-conflict within united Sudan to international post-independence issues. However, before the achieving peace agreement there was substantial steps which were taken. In many societies recovering from

[37] [37]*Peter Wallensteen (2009) (3rd Ed.), Understanding Conflict Resolution, New Delhi, published by SAGE Publications India PVT Ltd.p.29*

[38]*Waihenya, W (2006), The Mediator: Gen Lazaro Sumbeiywo and the Southern Sudan Peace Process, Nairobi, Kenya, published by Kenway Publications. Pp.162*

violent and conflict, where the past involves memories of victimization, dehumanization, mass killing and devastation among the majority of population. It suggests that political leaders and other stakeholders promote social forgetfulness as a way for the social cohesion and stability.

2.2   Ending the Violent Conflict

In the context of resolution conflict theory there are various approaches which distinguish the flexibility of the conflict process. These approaches for resolving conflict are dynamic and likely to shift the relations between the parties and remains complex in nature. The bulk of conflict theory regards the issues, actors and interests as given and on that basis makes efforts to find a solution to mitigate contradictions between them. Yet the issues, actors and interests change over time as a consequence of the social, economic and political dimensions of societies. Even if we deal with non-structural aspects of conflicts such as actors' preferences, the assumption of stability usually made in the game theoretic approach to conflict studies is unwarranted. New situational factors, learning experiences, interactions with adversary and other influences caution against taking actor preferences as given[39].

He identified five generic approaches in which conflict transformation takes place include; context transformation, in which conflicts are embedded in social, regional and international context that is often critical to their continuation. This illustrates that local or internal conflicts are influence by global forces and cannot be resolved locally without changing structures which have produced. Secondly; structural transformation, is presumably a set of actors and incompatible goals which interwoven and intermingled which constitutes the conflict. It suggest that if the root causes stemmed from structural relations then it important to resolve the conflict through structural transformation approach although the transformational methods is challengeable and conflicts cannot easily to be transformed. Thirdly; the role of actors is substantial in which redefine directions or modifying if not abandon them. Through changes of actors and their constituencies may create changes in leadership or adopting new goals or values. This will manifest itself in changes in the circumstances and interests of the constituencies a party represents. Fourthly; conflicts are defined by conflicting positions parties on issues. Changes of positions are closely link to changes of interests and changes of goals in which the actors may reframe the issues and

[39] Ramsbotham, O., Woodhouse, T. & Maill, H. (2009), Contemporary Conflict Resolution, Cambridge, UK, Published by Polity.p.139-140

would open the way to settlements. Lastly; Adam Curle believed that changes of hearts contribute to personal and group transformation and argues that the former guerrilla leader, committed to victory through any means, becomes the unifying national leader, offering reconciliation; the leader of an oppressive government decides to accept his opponents into government. Excruciating suffering leads in time through mourning and healing to new life[40]. It can be argued that these five transformations namely; context, structure, actors, issues and personal and groups are very useful for analysing steps toward conflict resolution and would be considered as the main general requirements or generic approaches for ending violent conflicts.

2.2.1 Conditions for Ending Violent Conflict

The debate on regional diplomacy is centered on conflict resolution and ending the war and conflict sought to bring about stability, peace building and rebuilding the torn country by war. African negotiation over conflict and cooperation have evolved with the attainment of political independence mainly because of inter-state, territorial disputes, inter-party or class struggle for power and foreign intervention because of ideological or economic interests coupled with racial, religious and inter-ethnic conflicts[41].

The practice of regional diplomacy marries with theory of conflict resolution that has been facilitated by regional and international organizations such as IGAD and the UN. The tasking of Kenya as a mediator was not by chance, but came as a result of examining the role of Kenya in regional affairs and conflict resolution. Kenya had a long history of stable foreign policy which combined aims and interests that are embodied in their foreign policy. The behavior of Kenyan foreign policy in dealing with conflict management suggests that the role of Kenya as a mediator would produces best practice that will offer guiding principles in mediation and peacemaking and reconciliation. In taking into the role of Kenya in Sudan peace process, Kenya acted as a mediator, an arbitrator, and a facilitator, which were not found in other neighboring countries particularly in dealing with complex Sudanese conflict by playing the role of third party assuming a role of reconciliatory and pursuing long term commitment, consistency and patience when peace negotiation process averse. The Kenyan mediation has portrayed sense of credibility, impartiality and diplomatic skills and methods.

[40] Ramsbotham, O., Woodhouse, T. & Maill, H. (2009), Contemporary Conflict Resolution, Cambridge, UK, Published by Polity.p.139-141

[41] Okoth, P. G & Ogot. A. 0(2008, Conflict in Contemporary Africa, Nairobi, Kenya, Published by Jomo Kenyatta Foundation, Printed by Print Arts Ltd. p.117

However, such qualities and methods are likely associated with the third parties mediation process that seeks to enhance negotiation during the phases of discussion and agreement in quest of conflict resolution and management. While there have been a number of peace talks aimed at ending the conflict in Sudan, none of these efforts have gained hold to date, and all have been lightly regarded by warring parties[42].The majority of these peace efforts have been brokered by regional actors who have unfortunately not been able to put aside their interests in an effort to establish a more credible process.

Many political analysts on the situation in the Horn of Africa argue that relationship between conflict resolution and ending the war has no direct link. The war in Sudan may be brought to an end if the issue of credence of mediators solved and make a push ahead toward amicable and acceptable deliverables to the two sides as peace dividends. It has been observed that IGAD countries had their own problems that occur alternating between war and peace. Ethiopia and Eritrea were pulling robes and at last were locked in a war. As result of war between Eritrea pulled out from of the peace process and started its own peace effort arguing that the IGAD could not work because the Ethiopian-Eritrean conflict in which Sudan had already taken side. Whereas, Sudan and Uganda had traded accusations against each other over supporting their rebels the Lord Resistance Army (LRA) and the Sudan people's Liberation Army (SPLA). The rest of IGAD countries were not affected by the war directly, but they found it very difficult to resolve such conflicts without involvement other sub-regional and regional actors to intervene in these situations. Kenya was only country who can play the role as a mediator. It is not surprising that Kenya would play the role or approached to mediate. Both sides have confidence in Kenya because it possesses credentials that make the mediation meaningful and substantial to carry out the job. Encouraged by President Moi of Kenya and under direct guidance of a Kenyan general Lazarus Sumbeiywo, on July, 2002 the years of IGAD-led discussions were finally formalized in the Machakos Protocol.[43]

Wars often generate additional conflicts, which add to and confuse the original issues. It is quite possible that efforts to resolve a conflict may not end a war, and efforts to end a war may not resolve the underlying conflict. In many cases of ending violent conflict, there is a significant achievement been reached to end the violent and conflict through peace

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[42]Waihenya, W (2006), The Mediator: Gen Lazaro Sumbeiywo and the Southern Sudan Peace Process, Nairobi, Kenya, published by Kenway Publications p.78

[43] LeRiche, M & Arnold, M., (2012), South Sudan: From Revolution to Independence, London, Published in UK by C. Hurst & Co. Ltd.p.105

agreements[44]. It argued that the nature and dimension of conflict root causes elsewhere remained uncertain and is likely prone to breakout again. For example the Lome peace agreement of July 1999 in Sierra Leone broke down in renewed fighting between the two parties, and with intervention of UNAMSIL and support of the election in May, 2002 largely brought to an end. However, peace settlements often break down, and repeated violence occurs[45]. The examples of Latin America and Caribbean illustrate that peace settlements often breakdown and repeated violence again. For example the conflict of Cambodia settlement produced a comprehensive political settlement in 1990, and was again recurrent at a high-intensity conflict in late 1996. There are many of cases of conflicts over the world which possessed the same characteristics, where they were have been settled by negotiation such as ending of apartheid in South Africa, the Ta'if Accord which brought the civil in Lebanon and the ending the internal conflicts in Nicaragua and Guatemala. Therefore, the engagement of peacemakers and political visions have created conducive environment that made the conflict to a negotiated end[46]. It can be argued that civil wars which are ended by negotiations are more likely to lead to the recurrence of armed conflicts than those ended by military victories. This comes despite the fact that, military victories do not end the conflict nor bring national cohesion and reconciliation though in many cases they are more likely to lead to human rights abuses and genocide. Therefore, there is a need for continuity in peace building efforts to resolve the underlying conflicts where many people would ultimately benefit.

2.2.2 The Context Sudan and War Ending

The war raged throughout South Sudan provides the quickest evidence that there was no consensus on peacemaking and national identity. The evidence of polarization in Sudan's conflict was manifested in various political views. Despite of this polarization it has created opportunities for reconsidering the option of accommodating different view through dialogue and peace negotiations. The situation on the ground drastically changed when Mengistu's regime collapsed which accelerated the split in the SPLM/A leadership providing indirect support to the government in Khartoum. The OAU sought to mediate by supporting the SPLM position on secular state against their policy opposed secession. The government in

[44] Ramsbotham, O., Woodhouse, T. & Maill, H. (2009), Contemporary Conflict Resolution, Cambridge,UK, Published by Polity Press.p.159-160
[45] Ramsbotham, O., Woodhouse, T. & Maill, H. (2009), Contemporary Conflict Resolution, Cambridge,UK, Published by Polity Press.p.160
[46] Ibid.p.161

Khartoum only believed that it can achieve military victory to end the war, and it was reluctant on any peace initiative to end the war.

In 1991 the Nigerian President Ibrahim Babangida was elected a new Head of AOU and sent emissaries to the government of Khartoum and the SPLM and to agree on the proposed agenda. The government of Khartoum despite it believes to end the war militarily, accepted the invitation tactically awaiting delay that was caused by the split within the SPLM in which they were insisting to send separate delegations. Nevertheless, international pressure for negotiation and peaceful settlement was mounted. Although Bashir could avoid negotiations he preferred private bilateral negotiation or non-official talks in which the African leaders adapted with previous intention that such negotiation will eventually ended with failure.[47].The Nigerian mediators hinted that the circle of mediators should be widen to include neighboring countries like Eritrea, Ethiopia, Kenya and Uganda, which had immediate interests in the warfare escalating on their borders..

The breakdown of Nigerian peace initiatives have recommended for seeking solutions within the neighboring countries that had immediate interests in escalation. On 7 September, 1993 the IGAD become involved in finding a peaceful solution to the problem of Sudan The case of Southern Sudan in 1972 in which the war of 17 years was concluded by Addis Ababa Accord between President Gen Ja'afar Numeiri and Anyanya-1 Movement led by Gen. Joseph Ladu mediated by All African Council of Churches, World Council of Churches and Emperor Haile Selassie of Ethiopia and lasted for 10 years only. The conflict recycled again in which Gen. Ja'afar Numeiri abrogated the Addis Ababa Agreement on the ground it is neither the Qur'an nor the Holy Bible and the war broke out again[48]. The attempt of Intergovernmental on Development (IGAD) to resolve the problem was paralyzed by President Omar Al Bashir's during the IGAD heads of states summit in 1997. This could be argued that the failure of bilateral negotiations to resolve internal conflict could be attributed to the character of the president in which he uses his powers to undermine any attempt to resolve the problem and therefore there is a need a third party in negotiation to compel him to abide by the peace deliverables. This suggests that participations of allies and constituencies

[47] Lesch, A.M (1998), Sudan: Contested National Identities, Bloomington, Indiana, Published by Indiana University Press.pp.173

[48] Ibid.p.176

have thwarted prospects for bilateral negotiations to end the conflict, which invites multilateral negotiations and provides the allies and constituencies chances to participate.

2.2.3 Ending Violent Conflict: Mediation and Third-Party Intervention

The purpose of mediation and diplomacy of conflict is underlying peaceful settlement of the conflict. While conflict parties have the most significant role in determining outcomes, the role of globalization has been increasing that attract involvement of a range of external agencies in mediation efforts and the third party intervention. Conflict resolution attempts to involve different kinds of agencies such as international organizations, states, non-governmental organizations or individuals such former President Nelson Mandela, addressing different groups and vary in form. These institutions employ different spectrum of approaches ranging from good offices, conciliation, mediation, arbitration and peacekeeping to enforce peacemaking. The methods of peaceful settlement are provided by the Charter of the United Nations in chapter six, article 33 (1) which stated that the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall first of all seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, Judicial settlement, resort to regional agencies or arrangements or other peaceful means of their own choice. The provision for peaceful settlement of disputes or conflict provides free resort to any methods chosen for peaceful settlement[49]. However, there is a fierce debate over whether the third party intervention impartial or partial, coercive or non-coercive, state based or non-state based carried by outsiders or insiders[50]. Thus the mediation has been a popular mechanism which is voluntarily in nature in which the parties involved enjoy autonomy over the process, outcomes and the acceptance of the third party..

The role of third party is substantial and important in conflict because it contributes in achieving peaceful settlement. Thus mediation can be considered as a flexible process that cannot be constrained by rules or by rigid framework. Most mediators usually develop their own techniques and styles within the framework agreement upon. Because truly neutral mediation is impossible it suggests that mediators remain free to define their own styles, so long as they properly inform the parties of the process and underlying impossibility. However the Sudanese conflict was mediated by IGAD and tasked Kenya to play role of mediator in the Sudanese conflict. The process of negotiation took place in three phases; namely pre-

[49] *Charter of United Nations*

[50] *Ramsbotham, O., Woodhouse, T. & Maill, H. (2009), Contemporary Conflict Resolution, Cambridge, UK, Published by Polity Press.p.168*

negotiation phase, actual negotiation and post-negotiation, each of these phases went under specific stages the failure of negotiation is often attributed to a contest of will that leads to a refusal to make concessions needed to reach a compromise. When one side is forced to accept the other's position, resentment emerges as its own concerns go unaddressed. In order to avoid military confrontations, adversaries must engage in a search for mutual solutions that meet the goals of both sides[51] . However, ending strategies depend on mechanism party's reference, the outcome can be win-win or win-lose poles. The high quality agreement can be judged in terms of maximum joint gains; both sides feel satisfied about the mutual gains, which came as accommodation of each other's essential needs[52].

Deng observed that negotiations with third-party mediation are the counterpart to violent confrontation. Since independence, Sudan has twice alternated between devastating violent conflicts and negotiations leading to the peaceful resolution of the conflicts. The seventeen-year war (1955-1972) was ended by the Addis Ababa Agreement and twenty-two year war (1983-2005) ended with the Comprehensive Peace Agreement (CPA). The search for durable peace and prospects for achieving genuine consensual unity will continue to require an ongoing process of negotiations into the foreseeable future[53]. Deng perceived that violent conflicts are closely related to field of diplomacy which involves various actors in management of human relations such as individuals, groups or states. The human interaction between actors in endeavour to resolve conflict or prevent can be realized in conflict management.

Interests of Kenya in Mediation; with reference the Kenya's leading role in facilitating the CPA, which brought an end to Sudan's war in 2005, and ultimately led to South Sudan's independence. Whether Kenya can effectively play role as a mediator, it had its own interests in the region and in the conflict. In the regional level Kenya will ensure its position as a willing interlocutor. Kenya also would like to avert a humanitarian crisis in the region that may fuel a further influx of refugees into its northern territory from Somalia, Ethiopia and South Sudan. Further, sees that certain advantages in a stable south Sudan that will be an economic partner and doesn't want to have a neighbour that is constantly have a problem. The Kenyan economic and commercial interests are abound in South Sudan, since

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[51] Jeong, Ho-Won, (2010), *Conflict Management and Resolution: An Introduction*. New York, USA, Published by Routledge. P.13

[52] Ramsbotham,·O., Woodhouse, T. & Maill, H. (2009), *Contemporary Conflict Resolution*, Cambridge, UK, Published by Polity Press,p.168

[53] Deng, F. M (2010), *Sudan at the Brink: Self-Determination and National Unity*, New York, Printed in the United States of America, A Joint Publication of Fordham University Press and the Institute for International Humanitarian Affairs. p.44

independence and Kenyans have flocked to the country to establish business and foster trade such as opening banking system in the ten states, Kenya Commercial Bank (19) branches, Equity Bank (13) branches, CFC Stanbic Bank, Cooperative Bank (1) as well as many petroleum stations and business centres. Moreover, Kenya, Ethiopia and South Sudan broke ground on a monumental oil pipeline linking South Sudan's oil fields with Kenyan coastal port could be considered as a fruit of mediation and the deal is poised to significantly vitalize all three countries. In spite of all these vast interests, Kenya, however, remained a choice to conduct successful mediation, which is complementary to its previous track records in facilitation of the peace process and continues closely aligned with both countries.

2.2.4 Peace processes

The intervention of IGAD consists of tasking Kenya to mediate in the Sudanese conflict. The first meeting between the warring parties was between17-23 March, 1994, which was held in Nairobi at the Ministry of Foreign Affairs under auspices Hon. Stephen Kalonzo Musyoka and has reaffirmed Kenya commitment to continue facilitating the mediation efforts aimed at resolving the conflict in Sudan through a peaceful political settlement under auspices of IGAD and hope the two parties would be able to make progress in the ongoing negotiations[54].

The IGAD proposal on interim arrangement and constitutional principles underlying resolution of conflict and war were rejected by the Khartoum government and insisted to discuss only interim period and they will pull out and leave if the issue of self-determination placed on the agenda. The position of SPLM was very clear that without placing the self-determination on agenda the talks will not continue, whereas the SPLM-United despite agreeing on self-determination, it supported government position[55].

The second round of peace talks was betwen17-22 May, 1994; the government of Sudan presented a paper that omitted self-determination and referendum. It underlies government position that Sudan must remain united and Sharia, and custom must be the two main sources of legislation. Further, Government of Khartoum stated that the interim period should be long

[54] [54]Waihenya, W (2006), The Mediator: Gen Lazaro Sumbeiywo and the Southern Sudan Peace Process, Nairobi, Kenya, published by Kenway Publications p.78

[55] [55] The Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Published IGAD Secretariat, Nairobi, Kenya, 2005. p.85

enough to the authorities to restore and build confidence, set up governing and administrative institutions and undertakes rehabilitation and reconstruction. The SPLM position was accepting the plan supporting a peaceful resolution of the problem and the right self-determination for south, southern Blue Nile, Southern Kordofan and Abyei with an interim period of two years only in which two confederal states that would lead to referendum monitored internationally. The IGAD mediators adjourned the second meeting since the warring parties were adhering to their previous positions in Abuja talks and presented their own proposal, in which they were asked to examine confidentially this document and was discussed at the third round of the peace talks in July, 1994[56]. The document was known as Declaration of Principles (DOP) which called for a commitment of the parties to a peaceful and just solution to the conflict and war. President Daniel arap Moi stated that the DOP the right to self determination of the people of Southern Sudan to determine their future through referendum was reaffirmed. It is also declare Sudan as multi-racial, multi-ethnic, multi-religious and multi-cultural society. It also agreed that a secular and democratic state must be established. IGAD calls on the leaders of both Sudan and South Sudan to put their respective people first and immediately end the most recent hostilities and start to negotiate in good faith.

On 27 April 1997, the Sudan Peace Agreement popularly known as the Khartoum Peace Agreement was signed in Khartoum with Southern Sudan Independence Movement/Army as a strategic ally to revert impelling military situation in the south, and under this circumstance the government of Sudan decided to returns to the IGAD mediation. In July, 1997, the government resumed peace talks after three years of abandoning the mediation and accepted once again the DOP proposal as the framework for negotiation. Khartoum government accepted the DOP as a non-binding starting point to end the war, but reserved the right to reject any one of principles. The talk was held in Nairobi through the mediation at the IGAD ministerial sub-committee and between April and July, the fourth ministerial sub-committee meeting on the conflict in south Sudan held in Nairobi to discuss the interim arrangement and other related issues of the conflict. In August, 1998 significant strides were made on the geographical definition of Southern Sudan in a conference held at Addis Ababa. Further, the two sides agreed on the basis of the determination of first January, 1956. Only district of

[56] The Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Published IGAD Secretariat, Nairobi, Kenya, 2005. p.85
[56] Ibid. P.21

Abyei remains to be resolved. They also agreed to observe an unilateral and three months cease-fire respectively, to facilitate the free and unimpeded flow of international humanitarian assistance to all population affected by famine in all areas constituting the theatres of conflict between Government and the SPLM. On the interim arrangement, the government of Sudan and the SPLM agreed that an expert panel under the special envoys to be formed to consultation with the two sides. The two sides agreed that the work of shuttle diplomacy be continued during the period leading to the next meeting in six months time[57]. Finally the ministerial sub-committee welcomed the continued supportive role of OAU, IGAD and IGAD Partners Forum and international community to the IGAD peace process which was concluded very successfully. UN Operation Lifeline of Sudan started to carry relief to opposition controlled areas including Nuba Mountains.

2.2.5 The Breakthrough the deadlock

The Machakos protocol was considered as a breakthrough round of negotiations in 2002 and laid down the principles and procedures to guide political development until referendum in the Southern Sudan in 2011; it identifies the levels and roles of government and sets out the basic agreements reached on state and religion. The implementation of the CPA was covering two phases a pre-interim period (9 January to 9 July, 2005); and an interim period of six years (9 July, 2005 to 9 July, 2011). During pre-interim period the institutions and bodies of a transitional government will be established in the context of a comprehensive, internationally monitored ceasefire. The Machakos protocol was widely supported by the Sudanese and it appeared that it was at entrance of achieving peace. Further, it has motivated the mediators and created enriching environment to continue in peace negotiation. In the other rounds that followed Karen, Nanyuki, Nakuru and Naivasha, the parties were engaged in details discussions on arrangements governing the interim period leading to the referendum; this will include the issues of power sharing and wealth sharing, security arrangements and three areas of Abyei, southern Kordofan and southern Blue Nile. The mediators adopted a new approach to tackle the negotiation through topical tracks and were categorized as follows; power sharing; wealth sharing; security arrangements; the three areas and the national capital. The secretariat of IGAD mediation presented a draft framework on the resolution of the outstanding issues to the parties for amendment. The government rejected the draft and

[57] *The Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Published IGAD Secretariat, Nairobi, Kenya, 2005. P.21*

embark on public mobilization against IGAD draft framework. The acceptance of the SPLM of the draft framework without any amendment raised the question neutrality of IGAD mediation[58]. However, the strong interest of neighbourly mediators in achieving stability is paramount and likely to reverse conflict and create conducive environment for stability. For example in December, 1998, members of SADC launched a campaign to reverse the decision by Lesotho's monarch and military to oust the elected parliament. South Africa Nelson Mandela and Zimbabwe leader Robert Mugabe led campaigns to calm the situation in Lesotho and to keep a nascent democratization process there on track. Similarly in Sudan case IGAD is seen as the best vehicle to break the Sudanese impasse, because the mediating parties namely neighbouring countries led by Kenya have vested interest in regional stability as well as they constituted the ideal framework for a negotiated settlement of the Ethiopian-Eritrea conflict[59].

The CPA as a compilation of protocols and agreements between the Government of Sudan and the Sudan People's Liberation Movement (SPLM), it would place emphasis on process of implementation stipulated in the CPA such as; the transformation of political groups and movements into political democratic parties that strive for political legitimacy. The guarantee of power sharing between the Government of Khartoum and the SPLM, which provides the foundation of establishment Government of Southern Sudan during period based on secular regional constitution; the establishment of an independent Judiciary and the right of the population of Southern Sudan to decide about independence through referendum in 2011. The proportional representation in the national government distributed as follows; SPLM 28%, northern opposition parties 14%, southern opposition parties 6% and the National Congress Party 52%. The arrangement for power sharing sought to create the potential to balance the vest interests of all parties[60]. The CPA provides devolution to states with their own constitutions that have to be compatible with national and regional constitutions. It is also includes section on the repatriation, resettlement and integration of internally displaced persons (IDPs) and refugees as well as rehabilitation and reconstruction of the affected

[58] The Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Published IGAD Secretariat, Nairobi, Kenya, 2005. p.2

[59] Martin, G (2008), Africa in World Politics: A Pan African Perspective, Trenton Asmara, Published by Africa World Press, Inc.p.194

[60] The Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Published IGAD Secretariat, Nairobi, Kenya, 2005. P.2

areas[61]. The formula of wealth sharing the Government of National Unity (GONU) and Government of Southern Sudan (GOSS) are entitled to one half of the total oil revenues stemming from Southern Sudan oil production after deduction of 2% for each producing state[62]. The CPA provides the arrangement for reallocation of revenues and to enhance economic development, in an effort to determined development in the war ton areas. The development effort has been backed by Multi-Donors Trust Fund of Western countries, which pledged USD 4.5 billion administered by the World Bank. The GONU and GOSS were supposed to contribute toward development plan through their share of oil revenue. The CPA stipulates that land commission are to be established at national, GOSS and states to initiate a process that will amend and develop the relevant laws toward incorporation of customary laws and practices (the regulation of control of land)[63]. The CPA provides steps towards the solution of particular problems in three critical areas on the boundary between north and south Sudan (Abyei, southern Kordofan and southern Blue Nile). Abyei area was declared as a special area fall under direct control of presidency until, 2011. The CPA provides structuring of the military groups and forces according to a special schedule. It provides a choice of other armed groups either to join the SAF or SPLA. The implementation of the CPA was monitored by the United Nations Mission in Sudan (UNMIS) based on UN Resolution No.1590/2005 for a period of six years up to 2011. It also provides formation of commission composed of both parties and independent experts to make assessment and evaluation of implementation of the CPA such as the sharing of oil revenues, land issues, demarcation of north-south boundary, clarification of the status of Abyei, civil service sector reform, respect of human rights, and assessment of implementation itself[64].

2.2.6   Internal and International Responses on Ending Violent Conflict

2.2.6.1 Internal Responses: The Government of Southern Sudan (GOSS) Responded on ending violent conflict in three directions;

Firstly; Political and legal responses in which diplomatic and peace negotiations such as the referendum arrangements negotiation between the North and South as a part of the CPA

[62] [63] *The Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Published IGAD Secretariat, Nairobi, Kenya, 2005..p.48*

[63] *Ibid.p.61*

[64] *Ibid.p.3*

implementation; negotiations with armed groups/dissidents such as that in Jonglei state, Upper Nile state and Unity state; reconciliation efforts and peace conferences facilitated by Development Partners (DPs), NGOs traditional and religious leaders; creation of institutions such as former Peace Conference Commission (now the Ministry of Peace-building) peace advisors, Southern Sudan Legislative Assembly (SSLA) Committee of Peace and state level peace structures and the CPA, the Interim constitutions and presidential decrees in place.

Secondly; Security responses; military operations by SPLA to calm down the insurgency in Western Equatoria State (WES), JS, UNS and Unity State; opening of security roads to ease free movement of the people as they conduct their business; disarmament programme being undertaken by Goss; demobilization and reintegration of ex-combatants; and strengthening the capacity of the police through training, recruitment and deployment.

Lastly; Social-economic responses; provision of basic services, including health, education, water and sanitation to the people; and development programmes focusing on road rehabilitation, trade and regional cooperation[65]

2.2.6.2 International Responses

The international community on the other side responded through financial and technical support and provision of emergency aid by various humanitarian agencies. Firstly; Political and legal responses which includes contribution to reconciliation, peace and dialogue processes, post-referendum arrangement negotiations as well as budgeting processes and technical support. Lastly; Development assistance includes contribution by bilateral and joint donors to GOSS programmes such as the Sudan Peace Fund and Sudan Recovery Fund. Thirdly; Humanitarian response includes emergence programs by the United Nation (including the World Food Programme (WFP) and humanitarian organizations that have supported the people by providing food aid and mine clearance. These responses on the CPA were crucial and important to support implementation of the agreement and create conducive environment for the restoration of confidence and new era of neighboring relations[66]. This achievement was considered by many people to be the most difficult conflict resolution process which exhausted all resources, in an endeavor to end the war and have tested African

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[65] *South Sudan (Republic) (2012), South Sudan Development Plan 20012-2013: Realizing Freedom, Equality, Justice, Peace and Prosperity for all, Juba, Published by Ministry of Finance and Economic Planning. P.43*

[66] *Ibid.148*

diplomacy in peace making and conflict resolution. In a nutshell it really has shown the role of African diplomacy and seriousness of African leadership engagement to resolve this conflict which long for 38 years. The Comprehensive Peace Agreement has made a paradigm shift from old Sudan based on racism and religious bigotry to the new Sudan which emphasizes on diversity and accommodates difference as elements of its richness based on citizenship and fundamental rights of human being that would be enshrined the national constitution. For this reason the post-conflict reconstruction and peace building remains a priority of government of South Sudan in order to sustain peace settlements without return to fresh violence and conflict.

2.2.7 A Comparative Perspective of Conflict Resolution Efforts in the Angolan and South Sudan Case Study

The African continent has been associated with brutal war and conflicts that have portrays untold human sufferings. Martin argues that it has been estimated that between 1955 and 1995 some 10 million people died as a result of violent conflict in Africa. In Central Africa Republic and Great Lakes region alone, the death toll is over six million, including two million in Sudan, about one million in Rwanda genocide of 1994, 3 millions in the Democratic Republic of Congo (DRC) between 1998 and 2001, and 200, 000 in Burundi out of 48 recorded genocides in the World 20 recorded in Africa, indeed it is a horrible situation that needs to be resolved and mitigated[67]. In the case of Angola, the changed international and regional environment resulted in a mutually hurting military stalemate. From the perspective of the MPLA, the disintegration of the Soviet Union removed one of its main sponsors for weapons. The withdrawal of Cuban troops, which formed part of the deal to secure UN Resolution 435 and the independence of Namibia, also weakened Luanda's capacity to sustain its war effort. This changed strategic environment, however, also adversely affected UNITA's military option. The end of global bi-polarity resulted in the United States being less willing to militarily aid its former surrogates fighting to defend capitalism. In addition, the withdrawal of South Sudan forces from Namibia meant that

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[67] Martin, G (2008), Africa in World Politics: A Pan African Perspective, Trenton Asmara, Published by Africa World Press, Inc.p.185

Wright, George. The Destruction of a Nation: United States' Policy Towards Angola Since 1945, 1997. P. 159

Rothchild, Donald S. Managing Ethnic Conflict in Africa: Pressures and Incentives for Cooperation, 1997. Page 251

UNITA could no longer count on the South Sudan Defence Force (SADF) to come to its aid in its fight against the MPLA. Thus, in the Angolan scenario the pre-negotiation stage was already doomed and with it the Bicesse Accords. The conflicting parties came to the negotiating table for the wrong reasons hoping to continue to play the zero-sum games they played out on the battlefield so destructively[68]. In this way, compromise was anathema and trust was non-existent. It was a negotiation to be dictated by Washington, Moscow and Lisbon but had no relevance to the situation on the ground in Angola. The international environment had changed but this had not yet impacted in a significant way at the local level in Angola. In the South Sudan case, while political parties came to the negotiating table with fixed position; they maintained a flexible posture to ensure that negotiations did not stalemate, although all parties played brinkmanship to the extreme. Besides the willingness to compromise, the other distinctive character about the South Sudan case is that the willingness to talk peace came from neighbouring countries like Kenya and Ethiopia and was not engineered by internal actor.

However, it must be noted that this willingness to compromise also related in large measure to the various parties such as SPLM having a true appreciation of their relative strengths and weaknesses. There is an important distinction between the Angolan and South Sudan cases in which Angola had two conventional armed forces matched against each other with each controlling formidable armed forces that were well equipped, whereas in case of south Sudan they had separate army and separate sources of armament and training. Thus every government only control their own territories as stipulated by the CPA, which created unambiguous presence of two armies in unitary system in the Sudan[69]. In apprehension of root causes of the problem the case of Angola was categorically different one of South Sudan. In the case of Angola, it is difficult to separate the root causes of the conflict from ideological outlook (capitalism vs communism) and ethnic (Ovimbundu vs Mbundus). As for ideological considerations these were largely put to rest with the disintegration of the Soviet Union and the almost unseemly haste with which Marxists-Leninism ideology in the MPLA rushed to embrace the free enterprise system. As for UNITA's concerns regarding the presence of Cuban troops in Angola; these were also met when the last 119 Cuban troops

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[68] Chester A. Crocker, Pamela R. Aall, and Fen Osler Hampson. Grasping The Nettle: Analyzing Cases Of Intractable Conflict, 2005. P 218

[69] Wright, George. The Destruction of a Nation: United States' Policy towards Angola since 1945, 1997. P. 159

from Angola arrived in Havana on 27 May 1991[70]. In the case of Sudan, the desires of political leaders for irrational and uncontrolled political aggrandizement were a greater problem. While such irrationality was connected to Arabism and Islam bigotry to divide Sudan on religious and Arab race nationality line. These problems were addressed in the CPA, which opens up the peace process and set the agenda for third party intervention to engage in the negotiation between the SPLM and NCP at the Machakos Protocol, 2002. The lesson to be dawned from this engagement is that the drafting agenda which has all-inclusiveness in nature provides avenue for resolving the conflict despite diversity of issues that are always used as agenda for negotiation.

Finally the issue of ownership of peace process is a paramount. In terms of late Dr John Garang de Mabior the leader and founder of the Sudan People's Liberation Movement/Sudan People's Liberation Army (SPLM/A) after signing historic Comprehensive Peace Agreement (CPA) said that "Everyone should read, understand and own these Protocols". It is clear that the sustainability of the peace process dependent upon ownership of the process based on empowerment of local actors so that they become the primary architects, owners and long-term stakeholders in the peace process. The truism of this statement is clearly borne out in the Angolan situation where the Bicesse Accords was, in large measure, imposed upon the parties by international actors US Secretary of State for African Affairs Herman J. Cohen; Soviet Deputy Foreign Minister Vladimir Kasimirov, US Secretary James Baker; Soviet Foreign Minister Aleksandr Bessemertnylch; and UN Secretary-General Javier Perez de Cuellar. In the case of South Sudan the situation was reversed and different. In the case of Angola, because the peace was imposed and the architects were outside sponsors, facilitators came from these sponsoring countries and these, too, were, imposed upon the belligerents. There were no internal facilitators whom the parties could agree upon[71]. This underlined the fact that the Bicesse Accords was not owned by Angolans themselves. In the case of Sudan, the situation was once again reversed. Sudan has a large and experienced pool of facilitators who greatly contributed to the peace process. Moreover inside the political parties there was a large and vocal pro-peace lobby whose proponents were well schooled in the art of

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[70] *Ted Robert Gurr and Kumar Rupesinghe. Journeys Through Conflict: Narratives and Lessons, 2001. P.181*

[71] *Rothchild, Donald S. Managing Ethnic Conflict in Africa: Pressures and Incentives for Cooperation, 1997. Page 251*

facilitation and negotiation and eventually separation of South Sudan from the Sudanese state.

In the Angolan case, the Bicesse Accords called for the formation of a national army, the establishment of government administrations all over Angola and the institution of a multiparty system. Elections were to be held between September and November 1992 and these were to be prepared for. A joint Political-Military Commission (JPMC) was to be established and charged with overall responsibility for the peace process, including the cease-fire. The United Nations Angola Verification Mission II (UNAVEM II), under the direction of the JPMC, was responsible for policing the transition[72]. In addition, the Accords committed UNITA and the MPLA to demobilisation; and UNITA was to convert to a political party, presenting its candidates in national presidential and legislative elections. Clearly, it was impossible to accomplish all these tasks within fifteen months; but this was precisely what the Accords bound them to. In the South Sudan scenario was different there was flexibility in one's negotiating position and flexibility around timeframe were the watchwords to ensure all-inclusiveness process as stipulated in the CPA. The important lesson to be learnt from the South Sudan scenario is that the government of National Unity (GoNU) displayed no flexibility regarding the secession, thereby preventing protracted negotiations resulting in the loss of a peace momentum. At the same time, the government displayed considerable flexibility to ensure that the all-inclusive character of the negotiations was maintained and that root causes were being addressed in the process slowly.

In terms of sustainability of the effort, in the Angolan case, it was clear that commitment on the part of the sponsors was lacking. For example, the international community erred by under-resourcing the peacekeeping operation with a mere 400 observers. This translated into one observer for every 333 soldiers whereas in Namibia there was one observer for every six soldiers[73]. Part of the reason for this could be that the international community's attention was deflected elsewhere to Iraq and the Middle East. As a result the unsure response on the part of international sponsors, especially the United States, to Savimbi's rejection of the results of the 1992 election, which was hailed as relatively free and fair by the United Nations, and which UNITA lost and unclear condemnation of UNITA's actions may have resulted in their return to the civil war which was thought to avoid the recurrent of the war,

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[72] *Ted Robert Gurr, and Kumar Rupesinghe. Journeys Through Conflict: Narratives and Lessons, 2001. P.181*

[73] *Ted Robert Gurr, and Kumar Rupesinghe. Journeys Through Conflict: Narratives and Lessons, 2001. P.181.*

instead, of encouraging UNITA to share peace dividends by the guarantor of the peace the United States. In the case of South Sudan the international sponsors played a minimal role and most of the effort to sustain the process was left in the hands of the parties themselves74. The international community conducted international conference for supporting recovery for South Sudan in Oslo in 2005. They created an institution to mobilize financial resources namely Multi-Trust Donors Fund based in Juba. However, the international community was deflected elsewhere to Darfur and eventually the role was left for the Government of South Sudan to mobilize its own resources except those who were meant for capacity building. In evaluating success and failure of peace agreement; A crucial element of any peacekeeping design should be a process of evaluation which indicates whether the main interests of the parties are being addressed, the precedents and principles used in searching for a solution (and whether they were useful), the obstacles encountered and factor which led to progress, alternatives and missed opportunities, co-ordination with other peacemaking activities, and what could be learned from the process. In the Angolan case, such a built-in system evaluating success and failure was not designed into the process. If it was perhaps the parties and international sponsors would have asked why throughout the negotiations leading up to the Bicesse Accords, fighting on the ground continued. Part of the problem could also have been an unrealistic timetable (as explained above) which made no provision to evaluate whether each of the requirements of each phase were being met. Another problem which may have hindered an evaluation of success and failure is that the root causes were not properly spelled out. As such, it would be difficult to assess whether issues of divergence were being addressed or not.

In the South Sudan case, this clearly was not the case as problem issues were clearly put on the agenda thus progress towards a resolution of the conflict could be assessed in terms of whether these root causes were being addressed or not. To once more underline the central thrust of this argument: knowing what the points of divergence are forms the basis for the successful resolution of the conflict and, hence this is the first step in the evaluation of success or failure of the peace process[75]. Assessing the role of local peacekeepers it was observed that the role of local peacemakers who are influential members of local

[74] Rothchild, Donald S. Managing Ethnic Conflict in Africa: Pressures and Incentives for Cooperation, 1997. Page 251

[75] Rothchild, Donald S. Managing Ethnic Conflict in Africa: Pressures and Incentives for Cooperation, 1997 P. 251

communities with a firsthand knowledge of conflict, actors, the political and economic situation and the cultural background will have a distinct comparative advantage over other potential peacemakers wishing to act as third-party mediators. The role of these local peacekeepers take on added importance if one considers the erratic and ambivalent role played by outside peacekeepers, as was displayed in the Angolan case. In 1991 the Angolan crisis was dominated by the Gulf crisis[76]. It can be argued that had local actors been given the resources to mediate in the Angolan conflict their closeness to the conflict and deeper understanding of the nuances may have brought a sharper appreciation of what was possible within a realistic framework and a more sustained presence that may have yielded a different result.

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[76] *Ted Robert Gurr, and Kumar Rupesinghe. Journeys Through Conflict: Narratives and Lessons, 2001. P.181*

CHAPTER THREE

ISSUES IN POST-CONFLICT SUDAN

3. Introduction

The previous chapter dealt with process of negotiation and mediation between the Sudan People's Liberation Movement (SPLA) and Government of Republic of Sudan that lead to ending the conflict with peaceful settlement. This chapter looks at the prisms of the practice of the Comprehensive Peace Agreement (CPA) and issues in post-conflict. Peace agreements are formal agreements aimed at ending the violent conflict and creating the conditions for durable peace. The peace agreements are considered to signal the end of conflict that are achieved through negotiation processes, which are often slow and gradual, usually they start from pre-negotiation in which the parties are likely to accept and accommodate different opinions to reach a win-win solution, where there neither losers nor winners, but both win and lose all together. During negotiation processes successive rounds were characteristically interrupted by rolling conflict. Issues were being framed and reframed by parties understanding of the conflict and substantial outcomes were integral part of the process. With regards to the issues both parties in the conflict; the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) has made significant changes in their positions and goals. In the preamble of Declaration of Principles acknowledged the previous peace talks between the Government of Sudan and the SPLM/A, and after cognizance of the importance of the unique opportunity afforded by the IGAD peace initiative to reach a negotiated peaceful solution to the conflict in the Sudan. Further, it agrees on the Declaration Principles which would the basis for resolving the conflict in the Sudan[77].

Amidst the doubtful situation, the longest war could be folded and brought to an end. The situation had complexities involved, the experience of the past in bringing peace to the continent, the state of intransigence of the government and above all lack of confidence between south and north[78]. Historical experience with past agreements in the country, a

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[77] *n South Sudan (Republic). (2005) The Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Published IGAD Secretariat, Nairobi, Kenya. p.1*

[78] *Alier, A. (2003), Southern Sudan: Too many Agreements Dishonoured, published by Ithac press, Printed in Lebanon Pp.265*

tendency to ignore, quite casually and irresponsibly, their mandate and to act against the interests of the very electorate they represented; prevailing constitutional practice in other countries with similar constitutional frameworks- and the negative experience of yet other countries with similar arrangements such as the United Nations sponsored Eritrean-Ethiopian federation, were all taken into account in the formulation of the amendment provision in the agreement[79]. He further argues that throughout the years of nationalist agitation and early independence there had been a persistent assumption that the Sudan as an Arab nation whose culture was exclusively Arab and its language predominantly Arabic. Alier ironically display the assumption of northerners that Sudan is an Arab and Islamic state which enforce the vision of the national culture and identity that cannot be ignored and had dictated the survival of the nation-state.

In most cases of African mediation, the mediators were encountered with hasty entry without assessing whether they have skills and necessary expertise enough to carry out the mission. The credentials of mediator made him to be appointed by the president. Sambeiywo is an army officer who was well versed with on the conflicts of region as a Director of Military Intelligence and later head of the Liaison Department, he had immense intelligence on what was happening beyond Kenya's borders. Secondly; the President Moi needed a person whom he could trust. His involvement in Sudan conflict was so passionate and wanted a man who had the zeal and the energy to execute what he wanted and believed that he had. Thirdly; the combatants in the conflict were military people and the task at hand would be better handled by someone who understood the mind of the General rather than a diplomat who might be bogged down by the niceties of diplomat[80].

3.1 Actors in the Conflict

In resolving this conflict it suggests that it should go beyond the CPA if the solution could be found. The role of actors was significant in the conflict resolution; it was clear that they were involved in the peace process including; constituencies and allies who were interesting in outcome of peace process. The mapping of actors in Sudanese conflict peace process, it illustrate that they complex and diverse. If the role of actors is fundamental then who are

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[79] *Alier, A. (2003), Southern Sudan: Too many Agreements Dishonoured, published by Ithac press, Printed in Lebanon Pp.265*

[80] *Ibid.p.38-39*

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actors? Actors refer to all those who were engaged in or being affected by the conflict[81]. The actors would comprises of individuals such as president Moi; groups such as IGAD Partner's Forum and institutions such as IGAD whose contributed significantly whose intentions is to save lives and rescue the deteriorating situation in Sudan. The interaction of actors and issues in a conflict creates the mediation system. The mediation system includes not just the parties themselves, but also the third party, and issues and interests that affect their relationship. How those actors and issues interact determines the strategies that are used in the management of the conflict[82]. The mediation system is created by multiplicity of actors and issues involved that would be useful to track the conflict by many participants that can help the peace process toward successful conclusion. In the case of comprehensive peace agreement processes was mediated by group of states of Horn of Africa under umbrella of IGAD which composed of Kenya, Uganda, Somalia, Ethiopia, Eritrea, Djibouti, and Sudan. These states were in odd situation, either individually or between the mediators themselves, which had direct effect on mediation and consequently affect the peace process.

However, it has been observed by many analysts that bilateral negotiation always turn difficult to bring just peace and stability. Wanyama portrays the situation in some African countries in which African has a tradition of solving cases ended in disagreement, bilateral and multilateral negotiations in Africa have failed to resolve conflicts due to three factors; first, those mutual agreements have always fallen apart immediately due to the absence of third party to hold the bets and witness the agreement. Second, that African leaders or states involved in a conflict are usually preoccupied with the unilateral pursuit of the dispute that they are unable to conceive of a negotiated solution[83]. The mediation of Sudan was a typical example of multiplicity of mediators and exhibited all different forms of difficulty in mediation.

3.2.1 Parties in Conflict

Parties in a conflict differs in methods they were involved, but the important is the outcome of their involvement. This could be illustrated in Sudanese conflict as follows; the primary

[81] Okoth, P. G., (2008), Peace and Conflict Studies in a Global Context, Kakamega, Kenya, Published by Masinde Mulire University of Science and Technology, Printed by Eusally Agencies

[82] Mwagiru, M. (2006), Conflict in Africa: Theory, Processes and Institutions of Management, Nairobi, Kenya, Published by Centre for Conflict Research, Printed by Exscape Printers.p.101

[83] Wanyama, F. O. (2000), Conflict Resolution in Africa by Africans: A Review of Past Experiences for Twenty-First Century in Okoth, P. G. Ed. Africa at the Beginning of the 21st Century, Nairobi, University Press. P.200-201

parties in the Sudanese conflict were those who were opposing each other and have direct involved in fighting, which are the National Party (NCP) in Khartoum and the Sudan People's Liberation Movement (SPLM). The SPLM and NCP parties played a major role in Sudanese peace process. The two primary parties had their own allies who are involved indirectly but they have a direct stake in outcome of the conflict, these groups include political parties; armed groups, civil society, media; regional and international allies were very closed to the peace process and have shape it greatly. These groups were allies or sympathisers with the primary parties, but they were not directly in resentment and who were divided geographical definition and originally from the marginalized areas who were supporting the SPLM, including those belong to Arab origin such as National Democratic Alliance (NDA) which composed of many opposition parties both from north and south Sudan; the Democratic Unionist Party (DUP) and Umma Party which are northern traditional parties. The other important parties are the Beja Congress in eastern Sudan; Sudan Liberation Movement (SLM) and Justice and Equality Movement (JEM). The other parties that were believed to be Arabs and Muslim were support the Government in Khartoum on the ground that the Arabs and Islam are in danger and they are committed to depend it and have mobilized financial resources to support the National Congress Party (NCP) such as Popular Congress Party (PCP) which split out from the National Congress Party (NCP) led by Dr Hassan Al-Turabi; the Janjaweed Arab militia sponsored by the Khartoum Government; the South Sudan Defence Forces (SSDF); These allies were adamant to see the progress in peace is paramount and should lead to final settlement. The third parties were actors who were mediators and peacekeeping forces which intervened to facilitate conflict resolution, such as IGAD and Western allies known as the IGAD Partner's Forum such as (USA, U.K. Italy, and Norway) and United Nations Mission in Sudan (UNMIS); particularly the USA who played a great role to mobilized support to the peace process. Other international allies such as China and Russia were trapped by Khartoum government and were sources of moral and financial support to Khartoum. The United Nations and African Union were supportive to peace process, whereas, African Union tasked President Moi to play the role as a mediator.

3.2.2 Supranational Actors

Supranational is the existence of an authority that is higher than that of the nation-state and capable of imposing its will on it[84]. It could be perceived that supranational organisation

transfers sovereignty and decision-making authority from the states members to this particular organisation. The advance of such organisation is seen by realists as a threat to sovereignty and national identity. Perhaps there no organization qualify to assume right to which all members countries surrender all or part of their sovereignty, in which members are subordinated to that organisation, except the United Nations that existing in theory as super-national organisation that possess some characteristics of such organisation, since a vast major of countries (193) are members. It suggests that United Nations have a life and authority to impose beyond the wishes of its members. Article 1 of the United Nations Charter spell out the purposes of the organisation as among others to maintain international peace and security; develop friendly relations among the nations based on the respect for the principle of equal rights and self-determination of peoples; to achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights for all fundamental freedoms for all and is to be a centre for harmonising the actions of nations in the attainment of these common ends[85].

Though unimpressive in its efforts to halt Sudan's conflict, the United Nations played a key role in implementing the CPA. Set up by Security Council Resolution 1547 of June, 2004, the United Nations Advance Mission in Sudan (UNAMIS) laid the groundwork for a larger mission to be deployed during the interim period provided by the CPA. On 24 March, 2005, UNAMIS was transformed into UN Mission in Sudan (UNMIS), which was authorized to have up to 10,000 military personnel and an appropriate civilian component, including up to 715 police. Further, the Security Council also requested the UN Secretary General through his Special Representative in Sudan that to coordinate all activities of the UN system in Sudan to mobilize resources and support from international community for both immediate assistance and the long-term economic development of Sudan, and to facilitate, coordination with other international actors in particular the African Union and Intergovernmental Authority on Development (IGAD), of activities in support of the transitional process established by the Comprehensive Peace Agreement (CPA), and to provide good offices and political support for the efforts to resolve all going conflicts in Sudan[86]. The role of UN in Sudanese conflict was significant and facilitated the success of mediation in mobilizing

[85] Heywood, Andrew, (2011), Global Politics, Published by Palgrave MacMillan, Printed in China. P.485

[86] Fegley, R. (2011), Beyond Khartoum: A Historical Sub-national Government in Sudan, Asmara, Eritrea, The Red Sea Press Inc., Publishers and Distributors of Third World Books P.233-234

resources for the peace process and humanitarian assistance which was integral part of peace process by saving lives of thousands who were subjected to hardship of war[87].

3.2.3 Regional Actors

There were many sub-regional organizations, in which some of them have multiple purposes that combining military, economic, security, social and political roles in conflict management such as African Union (AU) and the Organization of American States (OAS) as examples. The African Union to be relevant to the new International order after demise of Soviet Union and collapse of communism block, there was a need to redress internal conflict within African continent; this led to emergence of regional organisations to respond to African conflicts and its strategies of management. For example IGAD took proactive role in negotiating the Sudan Peace Agreement in 1994 and established a standing committee tasking Kenya to mediate in the conflict and drafted Declaration of Principles (DOP) as a roadmap for negotiation. The IGAD was very instrumental in the mediation and its efforts culminated signing the Comprehensive Peace Agreement (CPA) in 2005. This illustrates that role of sub-regional organization was around certain regional supremacy.

3.2.4 Religious Actors

In July 1971, Abel Alier was appointed by Government of Sudan as a minister for Southern Sudan Affairs. He was given a task to negotiate with all southern leaders. The World Council of Churches helped mediate in the conflict and acted as mediators in the Addis Ababa talks[88]. The role of religious organisations in Sudanese conflict was significant during the first war from 1955-1972, the mediation of the World Council of Churches and All Africa Conferences of Churches (AACC) were instrumental to end the war of 17 years by bringing peace between the Government of Khartoum and Southern Sudan Liberation Movement (Anyanya). Further, the long and protracted conflict in the Sudan has been attributed in part as emanating from a religious background[89]. Thus the regional actors had tendency to resolve the conflict by themselves.

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[87] *South Sudan (Republic). (2005) The Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Published IGAD Secretariat, Nairobi, Kenya. p.51-52*

[88] *Diocese of Rumbek (2001), The Church in Sudan: Journeying Towards Justice and Peace, Nairobi, published by Paulines Publications Africa, Kenya.p.29*

[89] *Douglas, Johnson, (2003), The Root Causes of Sudan's Civil Wars, Kampala, Fountain Publishers.p.*

The actors in their individual capacity or the system of actors have to handle conditions that drive them apart. It can be argued that actors assume their own rationality based on their own judgements in which they make decisions and pursue various strategies with intention to end the war or reaching to an agreement despite ending the war is not only the actor's interests but also the interest of conflicting parties and their allies. The CPA have shown many issues in the conflict in which the parties in conflict have tried to provide solutions for incompatibilities and were engaged in serious negotiations and where the implementation is under way in which it illustrated many difficulties of making peace agreement implementation during interim period and post-independence of South Sudan in July, 2011. Among others are relationship between state and religion, self-determination, geographical definition of Southern Sudan territory (borders and boundaries), security, land and resources and oil issues that will be addressed in chapter five which deals with data analysis and interpretation driven from questionnaire and interviews captured from various respondents (Managing of the Issues).

3.3   Issues in the conflict

The crucial issues that to be addressed are related to root causes of the problem, which centred around national identity whether Sudan Africa or Arabic or Afro-Arab; the position and role of religion in a nation-state of diverse religions, cultures and languages; inequitable distribution of economic resources and benefits; the monopoly of state power by a few and the alternative demand for fair sharing of the same including the army, and related security services; civil service; the conduct of foreign relations and diplomatic representation abroad; the Judiciary and economic and financial institutions[90].There was deliberate grandstanding on nearly everything. It has been observed whenever the envoys discussed an issue with either side of the conflict; they rigidly stuck to their different positions. The differences in the two sides were openly flaring up into serious confrontation and threatening any chance for proper, fruitful negotiations.

The issues in the conflict were numerous some of them are continuing after the conflict ended, others emergent issues and centred on the issues self-determination to the people of Abyei Area ; the development and services delivery issues; security arrangements; the status of the three areas (Abyei, Southern Blue Nile and Southern Kordofan) and post-independence

[90] Aller, A. (2003), Southern Sudan: Too many Agreements Dishonoured, published by Ithac press, Printed in Lebanon.pp.308

such as citizenship, repatriation of refugees from the north; free movement between the two states, sharing of assets and international debts

3.3.1   Continuous Issues inherited from pre-referendum Era

The Government of South Sudan (GOSS) acknowledges in all of its policy documents the unsustainable nature of its oil-dependent economy, as oil revenue accounts for almost 98% of expenditure. The SSDP underscores that this high reliance on one commodity has created a situation of volatile revenues and, due to the lack of buffer savings through the CPA period, unstable government expenditure patterns. No effective strategy has been developed to pursue saving when oil prices are higher than expected. Volatile public-spending is extremely damaging for the economy as it increases the risk that spending commitments, such as teachers' salaries or contract payments are not paid. As well, it can have a destabilizing effect on price levels. In the opinion of a senior government official, "since 2005, we are maintaining a rent-seeking economy. People keep waiting for, and counting days for, transfers from Khartoum. Owning our oil after 09 July will not change the situation. What is required is to break the trap by using oil revenues effectively to give impetus to other sectors of the economy, agriculture, trade, manufacturing, tourism, so that the energies and skills that are still dormant and waiting for rents will have the motivation to work for making a decent life[91].

The challenge is fueled by the North's bitterness about the secession of the South, the loss of territory and oil revenue, and the diminished position to which it finds itself relegated as a result. Although the North has officially accepted the secession, it does not take a visitor to the country long to discover that in practice most people have not internalized the new reality and feel deeply resentful. For its part, the South is angry at the North's refusal to allow a referendum to take place in the contested border region of Abyei which would have decided whether the region belongs to the North or South and to implement other provisions for the border areas. The South is also resentful of the general disdain with which the North has historically treated it. Reciprocal anger manifests itself most clearly in the dispute over the transit fees that the landlocked South should pay the North in order to ship its oil through a pipeline running to the northern Port Sudan terminal[92]. In this dispute, both sides appear

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[91] *Abyei: Sudan's Kashmir. Roger Winter and John Prendergast (2008). ENOUGH Strategy Paper 11. www.enoughproject.org*

[92] *Ibid. Paper 11. www.enoughproject.org*

willing to undermine themselves economically in order to score points against each other by April 2012, no oil was being shipped, thus the South received no revenue from sales and the North received no transit fees.[93]

The 2012 South Sudan-Sudan border war was an armed conflict between the states of Sudan and the South Sudan in 2012 over oil-rich regions between the South Sudan's Unity and the Sudan's South Kordofan. The oil rich region Heglig is well under the control of the Republic of Sudan. Certain areas involved, notably Abyei, are claimed by both sides as part of their sovereign territory[94]. In September 2012, a series of eight agreements were made, resolving most aspects of the conflict. According to the published budget, the revenue of GOSS is, and will continue to be, dominated by oil proceeds (98% in 2010), while progress in improving non-oil revenues has been slow. 53% of the government spending was on salaries, 29% was on operating costs, and only 18% on capital. According to the SSDP, the pillar with the lowest budget allocation is the Social and Human Development pillar, with less than 10% of the expenditures over 2008-2010 in spite of the importance given to health and education at the policy level. As such, the economy is described as a classic "payroll" economy where the wage packet of the army, organized forces, and civil servants drive almost all expenditures. Coupled with off-line allocations for defence and security, there has been less public money for capital investment and public services[95]. Thus, there is almost a complete lack of infrastructure, including no paved trunk road system, no electricity or power grid, only a handful of public water and sanitation systems, and the complete absence of social infrastructures throughout the South. There has been essentially no public investment program in South Sudan during the last six years, which is increasingly seen as one of the major failures of the CPA interim period. According to a UN source, even the percentage of national resources that are being channelled into the social sector, particularly the block transfers to the states, is often sent back by the ministries responsible for these sectors at the end of the year, unable to spend it.

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[93] *Abyei: Sudan's Kashmir. Roger Winter and John Prendergast (2008). ENOUGH Strategy Paper 11. www.enoughproject.org*

[94] *The President of South Sudan, in his address to a meeting with the Abyei community leaders following independence, asserted that Abyei belongs to the nine Dinka Ngok chiefdoms.*

[95] *South Sudan (Republic) (2012), National Budget Plan for the Fiscal Year 2012/2013: Juba, Published by Ministry of Finance and Economic Planning, Printed by Government Printers*

3.3.1.1 Issues of Geographical definition of South Sudan

The issue of geographical definition of Southern was a contentious and the demarcation of territories of Southern Sudan was a real problem, but the two parties reached to a point of understanding by accepting the colonial boundaries of January, 1956 when the Sudan had formal independence from British. Indeed, the accepting the border of 1956 as a benchmark had created anxiety and fears from the three areas of Abyei, southern Kordofan and southern Blue Nile. The position of Abyei has created a special status which belongs to the south and was later annexed to the north administratively which the SPLM claimed as an integral part of south Sudan. Also the status of southern Kordofan and Southern Blue Nile which are not belongs to the colonial definition of the south, but during the war of liberation they becomes integral of Southern Sudan politically.

- **Borders**

Most African borders were artificially drawn by European powers to serve their purposes on the basis of sovereignty and territorial integrity as a principle to respect the drawn boundaries as a matter of policy power. The acceptance of artificial boundaries has continued to make claims on each other's territories that lead to conflict and war. Such claim of borders is one of causes of conflict and war between South Sudan and Sudan. The CPA provides that the border between South Sudan and Sudan will be demarcated on the premises of the geographical definition of south Sudan as stated on 1st January, 1959. The demarcation of the north-south boundary in Sudan as stipulated by the 2005 Comprehensive Peace Agreement (CPA) and has been the potential to redraw a new international boundary in Africa, one that will run from the Central Africa Republic to Ethiopia. The boundary between north and Southern Sudan is about 2010km (1,250 miles) long. If Southern Sudanese vote for secession in the referendum due to be held in 2011, this boundary will become a border between two new states[96]. The border between Sudan and South Sudan is one of the longest between neighbouring African countries. The main flashpoint of the dispute is Abyei, an oil rich enclave that encompasses an area of 10,460 square Kilometres. The issue of border demarcation has been controversial between north and south. During colonial times when British governed the south and north as separate states, the border never been clearly defined and demarcated. The boundary settlement stipulated in the CPA has already exacerbated and

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[96] Johnson, D.H. (2010), When Boundaries Become Borders: The Impact of boundary-making in Southern Sudan's frontier zones,, Nairobi, Kenya, Published by the Rift Valley Institute.p.9

created tensions among Sudan's borderland peoples, whether it is the creation of a new boundary as case of Abyei or the confirmation of an existing boundary and restore existing boundary, which remains a source of conflict.

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

While important progress has been made, the North-South border demarcation is not fully resolved. The parties have also made some progress on citizenship rights, although there was no formal agreement on this issue as of June 2011. The GOSS has called for debt forgiveness for Sudan, but the parties have not reached agreement on what percentage, if any, of the debt the GOSS will be responsible for. Other unresolved issues include currency, security arrangements, and use of Sudanese ports and the Sudan pipeline for the export of oil. In early June 2011, President Salva Kiir issued a presidential decree to set up a marketing team to market South Sudan oil and also to explore alternative routes for the exportation of its oil[97].

The conflict was well summed up in a conversation one of the authors had with Hassan Turabi, one of the oldest Islamist politicians in Sudan and President Bashir's ally-turned-enemy, who said: "The New North has a New South." In the post-secession context, the Khartoum government in the North is fighting insurgencies around its periphery in South Kordofan, Blue Nile, and Abyei as it fought in the same areas against the southern SPLM/A before the South became independent. Conflict in these areas is shaped by the presence of various armed rebel groups, making it quite different from the economic warfare between the two nations that has focused mostly on pipelines and resource allocation. An agreement between Khartoum and Juba would thus most probably not settle the conflicts of the border area because liberation movements have formed, local populations have been mobilized, and the capitals' control is tenuous at best. The border areas are beginning to look worse than

[97] Johnson, D.H. (2010). When Boundaries Become Borders: The Impact of boundary-making in Southern Sudan's frontier zones,, Nairobi, Kenya, Published by the Rift Valley Institute.p.9

they did before the CPA was signed in 2005; fighting is widespread and the leadership is more fragmented.

3.3.1.2 Issues of Security

The security arrangement protocol was signed in Naivasha on 25 September, 2003. It covered five areas namely; status of two armies Sudan Armed Forces (SAF) and the Sudan People's Liberation Army (SPLA); ceasefire; redeployment of two armies; formation and deployment of Joint Integrated Units (JIUs) ; command and control of the two forces and status of other armed groups in the country. There is no doubt significance of the protocol, the two armies agreed to remain separate during the interim period and both shall be considered and treated equally as Sudan National Armies. The parties agreed to downsizing of the forces as soon ceasefire arrangements are completed. Further, agreed that the JIUs shall constitute equal numbers from the SAF and the SPLA and shall constitute a nucleus of national army in case of confirming unity or dissolved in case separation as a result of referendum confirming succession of South Sudan. On redeployment of the two armies SAF and SPLA, agreed that except for JIUs, the rest of the forces of SAF shall be redeployed north of the north/south border of 1/1/1056, similarly, the rest of the SPLA in the Nuba Mountains and southern Blue Nile shall be redeployed south of north/south border of 1/1/1956 as soon as the JIUs are formed and deployed. All the redeployment shall be carried out under internationally monitoring and assistance. It was also agreed to implement with assistance of international community Downsizing, Demobilization and Reintegration (DDR) programmes for the benefit of the soldiers of both armies. On issue of command and control of two armies, it resolved that to establish a Joint Defence Board under presidency comprising the chiefs of Staff of two forces; their two deputies and other senior officers. Finally, the protocol ruled out that no armed group allied to either party shall be allowed to operate outside the two forces. Yet the issue of security with government is mistrustful inextricably linked to border demarcation and therefore would be no buffer zone can be created without a clear agreement on the central borderline[98].

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[98] *South Sudan (Republic). (2005) The Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Published IGAD Secretariat, Nairobi, Kenya.p.87-89.*

Whereas the Republic of South Sudan is proposing full demilitarization of all the disputed and claimed areas including the 14 miles which Khartoum government occupying. The so-called agreed areas include; Kafia Kengi/Hofrat El Nahas; Kiir/Bahr El Arab (Wheatly Monroe); Kaka town; Megenis and Jodha. There are also areas that are called disputed and claimed areas not agreed including Panthau/Heglig; 80km of border opposite Kaka town and Buth/Babanis/Obud. However, United Nations (UN)/African Union High Implementation Panel (AUHIP) have created a Safe Demilitarized Border Zone (SDBZ) and its concomitant body, the Joint Border Verification and monitoring Mechanism (JBVMM). These organs were to set up in accordance with administrative and security map presented to the parties UN/AUHIP had made clear that the map would not prejudice negotiation on the disputed and claimed areas and demarcation of border. It seems the government of Khartoum is uncomfortable with such arrangements and continued to reject the map on the ground that the 14 miles south of river Kiir to what it perceives as a border of south Sudan. The government of south Sudan argues that the establishment of SDBZ was to reduce the threat to peace and security between the two countries and not to establish a de facto between the Sudan and South Sudan. This is seen a significant portions of the disputed and claimed areas still under occupation of Sudan Armed Forces (SAF) including the areas of Heglig and Kafia Kengi. Further, the Khartoum government continued to escalating the conflict by launching heavily military fighting in order to establish a de facto status[99].

Contrary to what might have been expected before the signing of the CPA, it can be observed that, the agreement provides security for all or mostly people of the South. The formation of various security institutions, such as the Joint Integrated Units (JIUs) and the Joint Defense Board could set mechanism for addressing security, but it did not comply with the timetable in the CPA as scheduled. Perhaps, the implementation of comprehensive peace agreement may portray insignificant role played by the international community in overseeing military reform as stipulated in CPA. It is observed that there is a resistance of the NCP to implement security reform. Further, it has been said that National Congress Party (NCP) was supporting the other armed groups and remained active in the South, violating the agreement's mandate. Despite the possibility of escalation of conflict between south Sudan and Sudan that will undermine peace agreement, it survived with a lot of hurdles that may pose an immediate

[99] South Sudan (Republic). (2012). An internal briefing paper on the current negotiations between Sudan and South Sudan, Juba, Published by the Ministry of Foreign Affairs and International Cooperation.p.1-8

threat to the peace and security in the two countries and will be analyzed the extent it may be challenging.

3.3.1.3 Issues of ownership of land and natural resources

The wealth sharing protocol included guiding principles on an equitable sharing of common wealth; ownership of land and natural resources; oil and non-oil revenues; fiscal and financial matters; government assets and liabilities; and reconstruction and development funds. The two parties to some extent agreed upon general applicability over the whole country and others related to south Sudan. The two parties disagreed and failed to reach an amicable solution to land ownership and natural resources, in spite of all they agreed on land tenure; the usage and exercise of the rights in land is to be a concurrent competency exercised at the appropriate levels of government. They agreed to develop and amend the relevant laws to incorporate customary laws and its practices, local heritage and international trends and practices. The parties agreed to establish land commissions with specific functions and in case of inconsistency they are ask to reconcile their positions or referred to constitutional court in case disagreement[100]. The parties agreed on oil revenue stabilization account (ORSA) from government net oil revenue derived from actual export sales above an agreed benchmark price. The parties agreed that the producing states will be allocated 2% of oil revenue and after payment of ORSA and producing states the two governments will sharing the net equally during interim period. It was also agreed that a future generation fund shall be established once national oil production reaches two million barrels per day. On non-oil revenue they will be shared equally 50% collected in the Southern Sudan. On a fiscal and financial allocation and monitoring commission was agreed upon to ensure transparency and fairness of revenue collected nationally and at GOSS level. On the monetary policy and banking, the parties agreed to establish a bank of Southern Sudan as a branch of central bank of Sudan. Two instruments were introduced to regulate and supervise the implementation of a single monetary policy through an Islamic financing window in the north under deputy governor of CBOS and a conventional financing window in the BOSS headed by deputy governor of CBOS. The protocol provided establishment of reconstruction and development funds and multi-donor trust funds both at national and GOSS levels. Finally it agreed that

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100 *South Sudan (Republic). (2005) The Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Published IGAD Secretariat, Nairobi, Kenya.p.48-49*

there shall be no legal impediments to interstate commerce or flow of goods and services, capital or labour between the states[101].

3.3.1.4 Oil Issues

The history of oil exploration in Sudan was initiated in 1959 after independence by Italian Agip Oil Company at Red Sea, but their attempts were unsuccessful. In 1975 the American Oil Company Chevron discovered the oil in south Sudan at Bentiu. Chevron, Royal, Dutch Shell, the Government of Sudan and the Arab Petroleum Investment Corporation (Apricorp) formed consortium known as White Nile Petroleum Company with intention to build pipeline from Bentiu to Port Sudan at the Red Sea. In 1983 the war erupt the plan and Chevron suspended its operations. During the war the Government sold its interests to Sudanese Concorp, which in turns made concession to the Canadian company State Petroleum Corporation, which sold its interests to Arakis Energy Corporation and started to operate, but it experienced financial difficulties and sold 75% of its share to China National Petroleum Company (CNPC), PETRONAS (Malaysia), Sudanpet (Sudan) and formed consortium GNPOC which made considerable discoveries and constructed pipelines from Bentiu in Unity State to Port Sudan at Red Sea.

The Comprehensive Peace Agreement spelt out that the principles guiding the management of the development of petroleum sector. An independent institution National Petroleum Commission (NPC) was established constituted with equal numbers from the Government of National Unity and Government of Southern Sudan. The parties agreed to establish oil Revenue Stabilization Account where the basis of sharing the oil revenue was that, 2% of the overall oil revenue went to the producing state in proportion of the total output produced in such states. It was also agreed that, 50% of net oil revenue derived from oil producing wells in Southern Sudan shall be allocated to the GOSS and Government of National unity equally and fund will be established once national oil production reaches two million barrels per a day. However, issue of how many barrels produced to the Southern Sudan as well the net oil revenue is unknown. Number of wells of oil also was not known and raised a great concern which alarming Southern Sudan that there is no transparency in dealing with oil industry.

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[101]South Sudan (Republic). (2005) The Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Published IGAD Secretariat, Nairobi, Kenya.p.p.59-60

Southern Sudan tries several times to investigate the mechanism used to deal with oil revenue[102].

The lack of confidence and transparency has lead to closure of oil industry production, trading accusations against each other. Southern Sudan accused Sudan to have committed theft of oil both in number of oil wells which were hided and were pumped secretly to Khartoum without knowledge of Southern as well as cheating in net oil revenue which has been prone to theft and the government of South Sudan issued press release on the issue accusing Sudan to committed robbery and theft of it oil alleging to have made a clumsy pretexts in a thinly veiled attempt to justify its thievery. Whereas Government accused South Sudan to have not paid their transport fees of their pipeline to Port Sudan and they have used the revenue of the processing and transportation facilities. As a result the South Sudan closed oil production and went looking for a new alternative rather Sudan. This act has dragged to the two countries into war and confrontation along borders of South/North and the areas of oil production. In conclusion the issues surfaced during negotiation which were based on the Declaration of Principles were many, some were addressed but others remained unresolved. The issues in conflict were the relationship between the state and religion; self-determination; security; borders; land and natural resources and oil. In viewing the conflict in Sudan it has been observed that ending the war by sharing government between the Sudan People's Liberation Movement and Government of Sudan is not enough by itself since the main issues were still pending. Some issues were developed to become incompatible and will need to be managed if they are once again brought to resolution.

3.3.2 Emerging key issues from post-referendum Era

3.3.2.1 Political and Tribal polarization

In the aftermath of the CPA interim period, the GOSS will need to demonstrate that it can govern effectively by including the political opposition and civil society in the governance process and by becoming increasingly accountable to the citizens of South Sudan. Social, political and economic stability will depend on GOSS core institutions performing their

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[102] *South Sudan (Republic). (2005) The Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Published IGAD Secretariat, Nairobi, Kenya. p.51-52*

functions sufficiently well to manage public resources effectively and distribute them equitably. Transparent governance will be critical to mitigate conflict fuelled by patronage systems that favour particular ethnic or socio-economic groups. The viability of the new state of South Sudan is, therefore, contingent on the promotion of multi-party democratic, decentralized and participatory governance. These principles are already enshrined in the Transitional Constitution of the Republic of South Sudan (TCRSS), which was passed on the eve of the independence proclamation. Controversy over some critical constitutional issues will continue to haunt the political discourse, and could well determine the success or failure of the transition to a permanent constitution and the long-term future of the country. Political consensus is yet to be reached on a process of inclusiveness and political accommodation of the competing political interests and groups, and forging a shared national identity in order to better address the challenges of state- and nation-building[103]. There are fears and concerns not only amongst opposition political forces, but even within the ranks of the SPLM, civil society groups, and the donor community, of degenerating into a centralized authoritarian one-party state, nurturing divisive tribal and ethnic proclivities, thus mirroring the observed patterns and governance concerns in post liberation governments across Africa. Ordinary South Sudanese would hate for their leadership to replicate the bad model of governance that has led to separation from the north. Besides, South Sudan has a golden opportunity to craft alternative and truly innovative governance frameworks that could be an example for other African countries. There is tribal polarization and politicization along ethnic lines which have become very acute.

The intensification of conflict even between communities previously known to be allies has resulted to further fragmentation of communities and tribes in Jonglei state. In earliest months after the comprehensive peace agreement (CPA) was sighed, it has identified 11 localized tribal conflicts, most of which were in the three former Akobo, Bor and Pibor districts (counties) and became highly fatal.[104] All parties to these localized conflicts have gangs of fighters, and many groups and many groups and individuals have easy access to small arms and light weapons. These groups are a threat to public security and especially to that of returnees. In addition to that, the national census, the basis for establishment of constituencies for the elections at local, regional and national levels was not conducted

[103] *Laws of the Republic of South Sudan (2011). The Transitional Constitution, Juba, Printed and Published by Ministry of Justice*
[104] "South Sudan's Rebel Groups Accuse Uganda President of Killing George Athor, Vow New Offensive," South Sudan News Agency, December 23, 2011, www.southsudannewsagency.com/news/press-releases/south-sudans-rebel-groups-accuseuganda-president-of-killing-george-athor-vow-new-offensive.

according to schedule in November 2007 GOS/SPLM/A 2004a: 1.8.1 and 1.8.2) but delayed until the end of April 2008. The SPLM had the motivation to postpone the census until all the IDPs and refugees, who were still waiting in Northern Sudan, had returned to the south. The party also demanded inclusion of ethnic and religious identity of the population in the census form, with the intention of creating a statistical basis on which claims by the NCP that Muslims form the Majority in the south could be verified or falsified. A further reason for the delay was the late release of funds by the GONU to the GOSS. Ultimately the census was conducted without more delay. The identity issues were not incorporated in the form. In some areas such as Darfur and along the North-South boundary, the census could not be carried out properly because of armed conflict and contests between the GONU and the GOSS about the allocation of the area to northern or South Sudan (author's observation and interviews with members of regional assembly in Juba, April 1, 2008.

Interlocking political and tribal divisions threaten to distract the country from state-building efforts and plunge it into internal turmoil, adding to the misery caused by renewed fighting with the North. The population is diverse, with the Dinka accounting for an estimated 40 percent, the Lou Nuer an additional 20 percent, and the remaining 40 percent representing a large number of much smaller tribes. The Dinka have been major players in the SPLM/A, while the Nuer were more closely associated with the earlier separatist movement, the Anya-Nya. During the CPA period, the SPLM/A dominated the South, just as the National Congress Party dominated the North, although other parties and liberation movements also existed. In the South Sudanese Legislative Assembly elections of April 2010, the SPLM/A won 160 seats, the Sudan People's Liberation Movement-Democratic Change (a breakaway of the SPLM/A) two seats, the NCP one seat, and the remaining seven seats went to independents. Much of the opposition was tribally based. Fortunately for the country and unfortunately for analysts trying to interpret the politics of the nation, differences between political and tribal opposition were never clear-cut[105]. The Dinka have enjoyed a dominant presence in the SPLM/A, however, the organization has also made a considerable effort to integrate other groups, even appointing them to leadership positions. For example, President Salva Kiir is Dinka and Vice President Reek Marcher is Nuer. Relations between them have been far from stable, with Marcher moving in and out of the SPLM/A, founding a separate

[105] "South Sudan's Rebel Groups Accuse Uganda President of Killing George Athor, Vow New Offensive," South Sudan News Agency, December 23, 2011, www.southsudannewsagency.com/news/press-releases/south-sudans-rebel-groups-accuseuganda-president-of-killing-george-athor-vow-new-offensive

organization that sought to negotiate directly with Khartoum and even signing an agreement in 1997, and setting up a military force that sought to compete with the SPLM/A before returning to the SPLM/A in 2002. Similarly convoluted histories mark other members of the leadership such as James Wane Inga who is an equatoria and occupies the leadership of the National Legislative Assembly as the Speaker and Joseph Bol Chan from Shulluk tribe how is the Speaker of the Upper House of National Legislative Assembly (Council of States). The authority of the Government of South Sudan in Juba is seem to be contested and it has portrayed inexperienced and powerless public officials as well as incompetent are likely unable to impose bureaucratic order on the new country. The concept of a political opposition appears to be missing in the new state or likely to catchword meaning political manipulation game with politicians breaking from the ruling SPLM or National Congress Party (NCP) and routinely forming armed militias rather than political parties. Across much of the South, furthermore, tribal authorities still dominate. While this is an understandable response to the Juba government's inability to maintain a presence, let alone effectively provide administration, in much of the country, it weakens the government even more, creating a vicious cycle that is difficult to interrupt. Many southern states are witnessing significant levels of violence and continued instability, much of it caused by competition to control natural resources land, grazing rights, water, and even oil. While such conflicts are inevitable in a new country where a weak government is attempting to superimpose the structures of a modern state on a society that must still rely on existing social organizations and tribal structures, this does not make them less destructive. The fact that Khartoum still fishes in the troubled waters of tribal tensions as it did before the South's independence adds another political layer to the problem[106].

3.3.3 Repatriation, Return, Reinsertion, and Reintegration in South Sudan

Despite the Comprehensive Peace Agreement (CPA) provides commitment of two governments to carry out the issues of returnees and integration in their previous homes. It was thought that this issue is likely to impact the implementation of the five Rs Plan (Repatriation, Reintegration, resettlement, Relief and Rehabilitation) particularly in which large numbers of refugees have inundated in their origin communities. The situation was of

[106] [105] "South Sudan's Rebel Groups Accuse Uganda President of Killing George Athor, Vow New Offensive," South Sudan News Agency, December 23, 2011, www.southsudannewsagency.com/news/press-releases/south-sudans-rebel-groups-accuseuganda-president-of-killing-george-athor-vow-new-offensive.

much concern unless such programme is not carry out successfully the refugees can be source of conflict and social tension. The issue of returnees was expressed by the Southern Sudan Head of Office for the United Nations Development Programme Mr. Feeneey the significance of repatriation and the government at all level must ensure all returnees are reintegrated successfully into their communities. It was observed that particularly the governors bordering the north Sudan indicated that the problem is very dynamic and might change quickly due to the unpredictable security in those areas[107]. The case of war broke out between Sudan and South Sudan over Heglig oil field on ownership of the area that caused delayed completion of the plan. Further, the other obstacle for re-integration was assimilation which makes it difficult for authorities where these communities resettle to instill some orders. It was observed that the unfavorable conditions might discourage some south Sudanese who were willing to return decided to differ their journey to South Sudan.

3.3.4 Conflict over recruitment and appointment into public service in South Sudan

The overall recruitment and employment policy of the GOSS is to uphold the goal of provision of effective and efficient services, broad representativeness of the previous population, and groups in the public service. However, individual recruitment into the new public service of GOSS shall be based mainly on individual merit and qualifications directly relevant to performance in the job for which the individual is being considered[108]. The manual of Public Service Procedures provides four categories that are due for recruitment and promotion as stipulated in it. The categories were former civilian of Civil Authority of New Sudan (CANS); former Southern Sudanese employees of Government of Sudan; regular new employees and specialized temporary employees[109].However, the criterion used for selection was many sided with the need to involve political forces inside and outside the country. After selection of, many voices were raised on the criterion on which they based. In various field of public services many who came from Khartoum were duly favored in professional and technical grades while they possessed low standard of experience and education. It is true because those who came from the bush and Diaspora were few in comparison with their peers from Khartoum. It was observed that criterion for selection was predetermined that have

[12] *South Sudan (Republic) (2012), South Sudan Development Plan 20012-2013: Realizing Freedom, Equality, Justice, Peace and Prosperity for all, Juba, Published by Ministry of Finance and Economic Planning p.386-387*

[108] *Government of Southern Sudan (2007), Manual of Public Service Procedures, Juba, Produced and issued by the ministry of Labour, Public Service and Human Resource Development of Southern Sudan.p.3*

[109] *Ib.d.p.3-5*

caused conflict between those who were inside and outside, particularly Diaspora who possessed skills and knowledge of expertise in different fields of knowledge.

3.3.5 Economy challenge

The National Bureau of Statistics (NBS), 2011 produced first estimates of South Sudan's GDP for the calendar years of 2008-2010. Nominal GDP in 2010 was estimated to be SDG 20.5bn (USD 10.89bn, equaling 3556 per capita, with oil exports accounting for 71% of the value. Given that oil exports accounted for almost three quarters of GDP in 2010, the absence of oil will have a dramatic negative impact on GDP growth, the overall direct effect of the shutdown will be a contraction in GDP of around 70%. The key priority for 2012/2013 should therefore be to limit as much as possible the impacts on the shut down on the economy and people of South Sudan. In the short term, the government spending will remain a key driver of the size of the non-oil economy. Although oil revenues ceased in February, so far for government revenue has fallen very slightly compared to the pre-shutdown levels.[110] Accurate time series data on labor markets is limited although the 2008 Census provides some insight into employment. It is likely that, employment patterns have changed somewhat since 2008, not least because of influx of return of refugees around the referendum and subsequent independence of South Sudan. Most employment currently takes place in the informal economy, with majority of South Sudanese engaged in agriculture and grazing activities. The rate of unemployment is among the youths, with around one fifth of under 24 years being unemployed. Inflation in South Sudan is measured by the Consumer Price Index (CPI) and collected and published by the National Bureau of Statistics (NBS). The inflation is driven by changes in the price of food items, with the 'food and non-alcoholic beverages' category comprising 71% of the overall consumption baskets. Inflation in south Sudan is extremely volatile, partly because the CPI is constructed from a limited number of prices. At the same time, South Sudan is highly dependent on import for consumption. Given the absence of non-revenue oil revenue, the first source of funding for the 2012-2013 budgets is non-oil revenues. The volume of non-oil revenues is determined by two key factors: the tax rate and the size of tax base. Since July 2011, no-oil revenue has increased based to the one-

[110] [12] *South Sudan (Republic) (2012), South Sudan Development Plan 20012-2013: Realizing Freedom, Equality, Justice, Peace and Prosperity for all, Juba, Published by Ministry of Finance and Economic Planning p.90-91*

off changes brought by independent coupled with the MOFEP's reforms[111]. It should be noted that the government spending has also increased markedly since independence and this has a significant impact on growth in non-oil revenues and hence the size of the tax base in South Sudan.

[111] *South Sudan (Republic) (2012), National Budget Plan for the Fiscal Year 2012/2013: Juba, Published by Ministry of Finance and Economic Planning, Printed by Government Printers .p. 14*

CHAPTER FOUR

MANAGING OF THE ISSUES

4. Introduction

The previous chapter look at the prisms of the implementation of the Comprehensive Peace Agreement (CPA) and dealt with various issues which are being implemented during the interim period of six years. It also provides formation of commission composed of both parties and independent experts to make assessment and evaluation of implementation of the CPA such as the sharing of oil revenues, land issues, demarcation of north-south boundary, clarification of the status of Abyei, civil service sector reform, respect of human rights, and assessment of implementation itself. This chapter shall offer an analysis of the data that was collected as a result of the interaction between the researcher and the respondents. The researcher targeted a sample of 395 respondents based on cluster categories in which 327 filled in and returned the questionnaire guide making a rate of 81.8%. This rate was very high (excellent) and representative which conforms to Muganda and Mugenda (2003)[112] that argue that a response rate of 50% is adequate for analysis and reporting; a rate of 69% is good and a response of 70% and over is excellent The study also collected secondary on the subject from clustered ministries, institutions, independent commissions and chambers.

4.1 Quantitative Analysis

4.1.1 Demographic Information

Table 4.1.1: Sampling Technique and Sample Size

Cluster	Population	Sample Size
Governance and Public Administration Cluster	3671	43
Economic Functions and Infrastructure Cluster	4866	57
Natural Resources and Rural Development Cluster	5143	60
Social and Human Development Cluster	5,473	64
Rule of Law and Security Cluster	14,678	172
Total	33,831	395

(Source: Republic of South Sudan, National Budget Plan for Year 2012/13)

[112] *Mugenda, O.M and Mugenda, A.G (2003), Research methods: Qualitative and Quantitative approaches, Nairobi; Kenya ACTS Press*

Table 4.1.2: Participants in the Study

Cluster	Sample Size
Governance and Public Administration Cluster	43
Economic Functions and Infrastructure Cluster	57
Natural Resources and Rural Development Cluster	60
Social and Human Development Cluster	64
Rule of Law and Security Cluster	172
Total	395

(Source: Republic of South Sudan, National Budget Plan for Year 2012/13)

Table 4.1.3: Participation by Gender Respondents

Cluster	Sample Size	Male	Female
Governance and Public Administration Cluster	43	20	23
Economic Functions and Infrastructure Cluster	57	27	30
Natural Resources and Rural Development Cluster	60	43	27
Social and Human Development Cluster	64	26	38
Rule of Law and Security Cluster	172	80	92
Total	395	196	199
Percentage	100	46%	54%

(Source: Republic of South Sudan, National Budget Plan for Year 2012/13)

The findings in figure 4.1.3 show the gender of the respondents. From the findings, the study established that the majority of the respondents were female as indicated by 54% while males' respondents were 46%.

4.1.2 Addressing Post-Conflict Issues that are challenging South Sudan
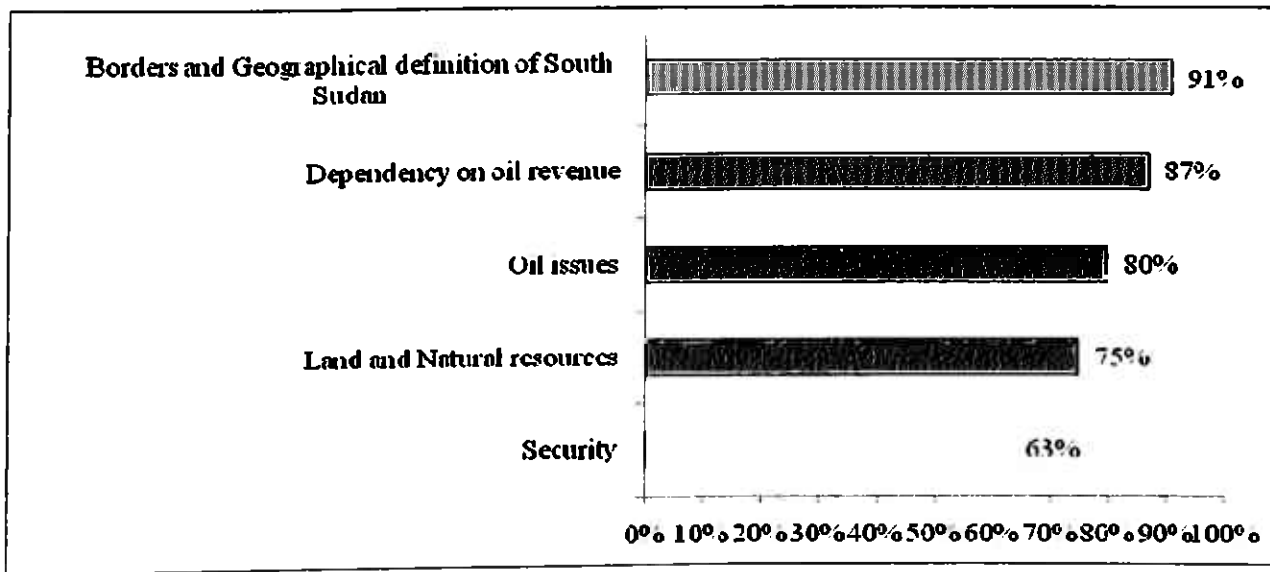
Figure 4.1.2.1: Inherited Post-Conflict Issues

Findings indicated that inherited post-conflict issues for South Sudan were borders and geographical definition of South Sudan (91%), dependence on oil revenue (87%), oil issues (80%), land and natural resources (75%) and security issues (63%). In interview with two ministers of governments of South Sudan namely minister of Cabinet Affairs and Deputy Minister of Defence and War Veteran argue that there are external issues which are related to colonial rule in Sudan that are usually referred to as post-conflict issues or post-colonial issues. In case of South Sudan there are unfinish issues which were inherited from colonial rule such as borders and Abyei Area. These issues will remain for sometimes since the republic of Sudan is unwilling to resolve the two issues and government of South Sudan have absolute rights to use peaceful and diplomatic means to achieve this goal. This will make South Sudan to engage with regional and international actors as well as civil society to make it happened. Further they argue that there are internal issues such as security, state building, nation building, peace building, devlopment, lack of clear road map for recovery plans[113]. From the interview conducted, the issue of border was found to be the most prevalent

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[113] [interview conducted by the researcher with three ministers of Government of South Sudan who are members of negotiating team and are (Minister of Cabinet Affairs, Minister for Parliamentary Affairs and Deputy Minister for Defense and War Veterans) in Juba Capital seat of South Sudan on 12/10/2012; 13/10/2012 and 14/10/2012. The interview was structured and purposive and was conducted separately at their locations. The purpose of interview was to capture which are issues challenging South Sudan and how they were managed, what obstacles encountered them in management and how they were ameliorated.

followed by the issue of Abyei. The Ministers made it clear that, while the two issues are the main challenges to the Government of South Sudan, other issues including sponsored insecurity by Khartoum as well as poor governance and rampant corruptions were also considered major in the country's development.[114]. On borders issues the Integrated Border Management approach adopted the agreement between the South Sudan on isses calling for maintaining a peaceful, safe and secure borders and develop jointly and progressively their vision of a peaceful, safe and secure international boundary and coordinate boder management at all levels. The two states shall resolve any conflict that may arise in relation to the border exclusively through peaceful means which consist bilateral cooperation, inter-agency cooperation, intra-agency cooperation and involvement local stakeholders in management[115].
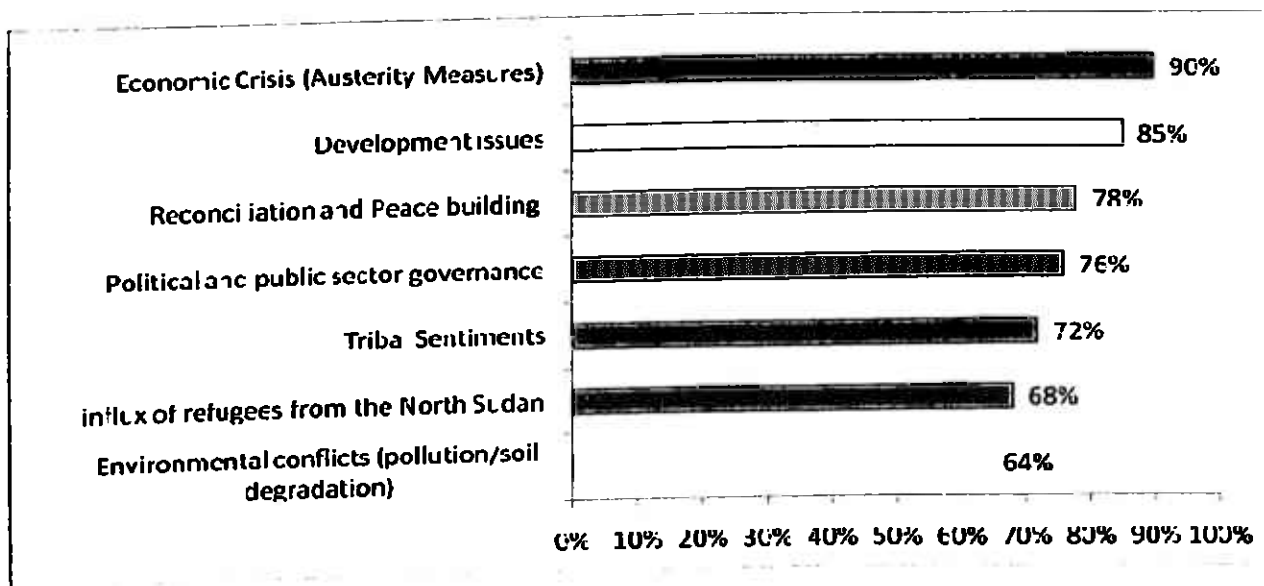
Figure 4.1.2.2: Emerging Post-Conflicts

Figure 4.1.2.2 depicts the emergence of post conflict issues. The findings indicted that issues found to be largely contributing were the economic crises (90%), development issues (85%), reconciliations and peace building (78%), political and public sector governance (76%) and the tribal sentiments (72%). Others were the in influx of refugees from the North Sudan and

114 12 South Sudan (Republic) (2012), South Sudan Development Plan 20012-2013: Realizing Freedom, Equality, Justice, Peace and Prosperity for all, Juba, Published by Ministry of Finance and Economic Planning p.386-387

115 Agreement between the Republic of South Sudan and Republic of Sudan on border issues, Principles and Modalities of Border Management Addis Ababa, Ethiopia, 8/102012

the environmental conflicts (pollution/soil degradation) with 68% and 64% majority respectively.

The study also established that, the state of social, political and economic relationships in post-conflict in South Sudan was very bad as confirmed by 79% of the respondents while 21% were not sure. At the same time, 70% of the respondents said very effectively CPA partners do collaborate or differ at the different levels of implementation of peace agreement while 30% of the respondents were indifferent. Whereas emerging issues are around oil, border trade, refugees and Internal Displaced Peoples (IDPs), the two governments of Sudan and South Sudan agreed on resumption of oil production and have reached a deal on the matters and now instructed the international companies to resume their operations. The agreement reached will aid in resolving the economic crisis of South-Sudan and Sudan borders by both nations refraining from the acts that otherwise divert resources meant in resorving economic crisis to other unprecedented issues emanating from cross-border conflicts[116]. The border trade has been resolved in the recent agreement in Addis Ababa on free trade, free move of citizens of two countries along South Sudan-Sudan borders[117].. The issue remained unresolved is the borders and disputed/claims areas that will be tabled in the next negotiation in Addis Ababa latest of October, 2012. The South Sudan would go for arbitration if government of Sudan is still unwilling to resolve the issue of the borders.

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116 *The republic of South Sudan position on outstanding oil issues: 11th September, 2012 in Agreement on 27th September, 2012 in Addis Ababa*

117 *Iinterview conducted by the researcher with three ministers of Government of South Sudan who are members of negotiating team and are (Minister of Cabinet Affairs, Minister for Parliamentary Affairs and Deputy Minister for Defence and War Veterans) in Juba Capital seat of South Sudan on 12/10/2012; 13/10/2012 and 14/10/2012. The interview was structured and purposive and was conducted separately at their locations. The purpose of Interview was to captured which are issues challenging South Sudan and how they were managed, what obstacles encountered them in management and how they were ameliorated.*

4.1.3 Assessing the effect of post-conflict issues on South Sudan's nation state building
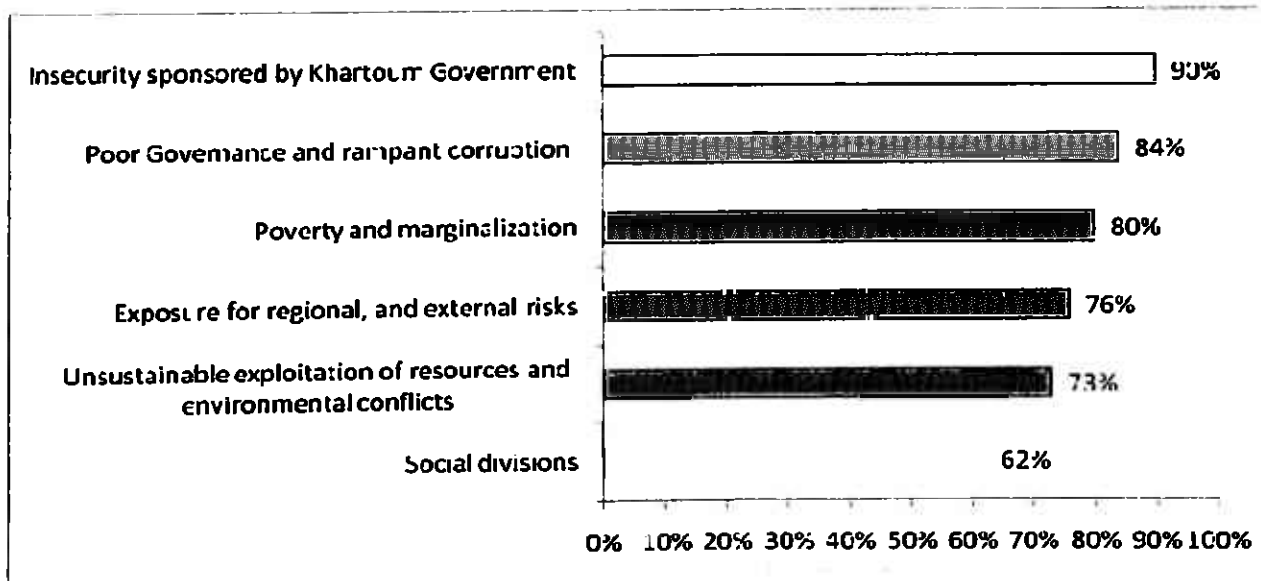
Figure 4.1.1: Effects of issues that are challenging South Sudan during the post conflict era

Figure 4.1.3.1 shows the effects of issues that are challenge South Sudan during the post conflict era, the majority of respondents indicated the effects as insecurity sponsored by Khartoum Government (90%), poor governance and rampant corruption (84%), poverty and maginalization (80%) and exposure for regional and exterior risks (76%). Others effects were unsustainability of resources and environmental conflict (73%) as well as the social divisions (62%)[118]. The ministers collectively agreed on the extent the issues that are challenge South Sudan that government of South Sudan of done several attempts to revert the situation, but they were not enough to address such issues. There is a lack of assured means of financing these efforts such as peace building, nationa building, service delivery as well overall of post-conflict recoverym which remained unresolved and will contimue for sometimes till governemnt of south Sudan is in position to address them and hopefully to be soon.. [119]

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[118] [12] South Sudan (Republic) (2012), South Sudan Development Plan 20012-2013: Realizing Freedom, Equality, Justice, Peace and Prosperity for all, Juba, Published by Ministry of Finance and Economic Planning p.43

[119] Intei view conducted by the researcher with three ministers of Government of South Sudan who are members of negotiating team and are (Minister of Cabinet Affairs, Minister for Parliamentary Affairs and Deputy Minister for Defense and War Veterans) in Juba Capital seat of South Sudan on 12/10/2012: 13/10/2012 and 14/10/2012. The interview was structured and purposive and was conducted separately at their locations. The purpose of Interview was to capture which are issues challenging South Sudan and how they were managed, what obstacles encountered them in management and how they were ameliorated.

4.1.4 Analysis and recommendation of diplomatic techniques that help in addressing post-conflict issues challenges Republic of South Sudan
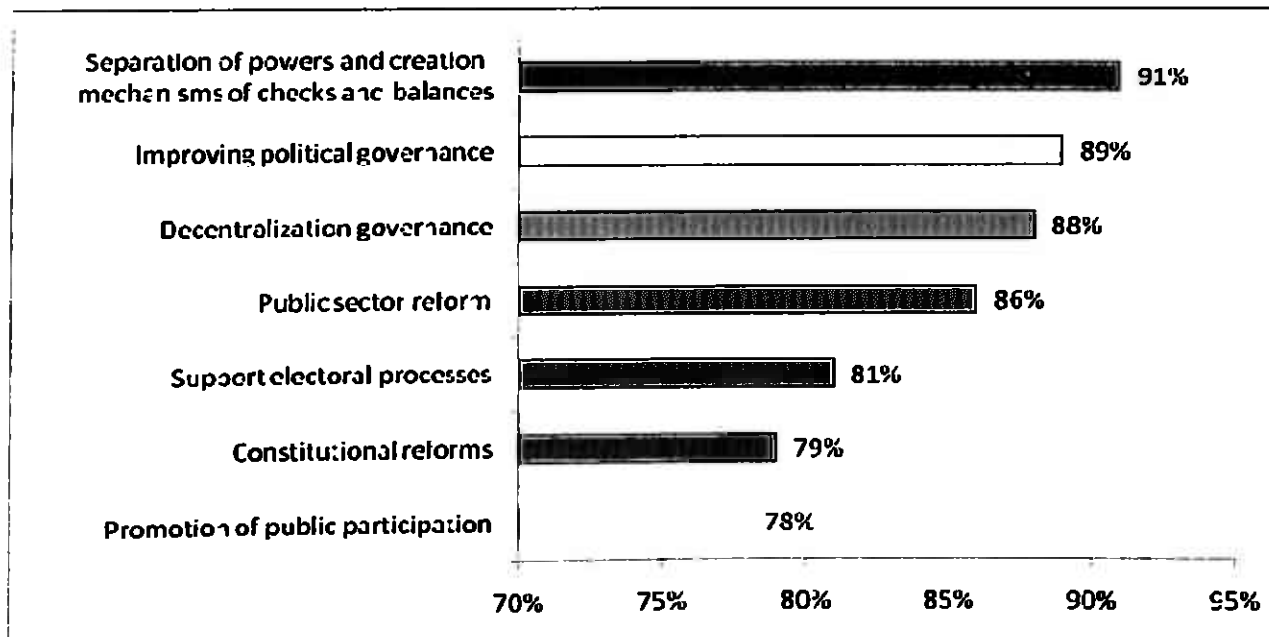
Figure 4.1.4.1 shows how Government of Republic of South Sudan Employ Diplomatic Techniques to addressing Post-Conflict Issues Challenging the State, majority of respondents mentioned the separation of powers and creation mechanisms of checks and balances (91%), improving political governance (89%), decentralization governance (88%) as well as public sector reform (86%). Other diplomatic techniques include the support electoral processes (81%), constitutional reforms (79%) and promotion of public participation (78%).

The agreement arrived at in Addis Ababa on 27th September, 2012 advocated for diplomatic techniques to resolve conflicts between South Sudan and Sudan. The diplomatic step will make South Sudan to engage with regional and international actors as well as civil society to make it happened. Further they argue that there are internal issues such as security, state building, nation building, peace building, development, lack of clear road map for recovery plans[120]

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[120] Iinterview conducted by the researcher with three ministers of Government of South Sudan who are members of negotiating team and are (Minister of Cabinet Affairs, Minister for Parliamentary Affairs and Deputy Minister for Defense and War Veterans) in Juba Capital seat of South Sudan on 12/10/2012; 13/10/2012 and 14/10/2012. The interview was structured and purposive and was conducted separately at their locations. The purpose of interview was to capture which are issues challenging South Sudan and how they were managed, what obstacles
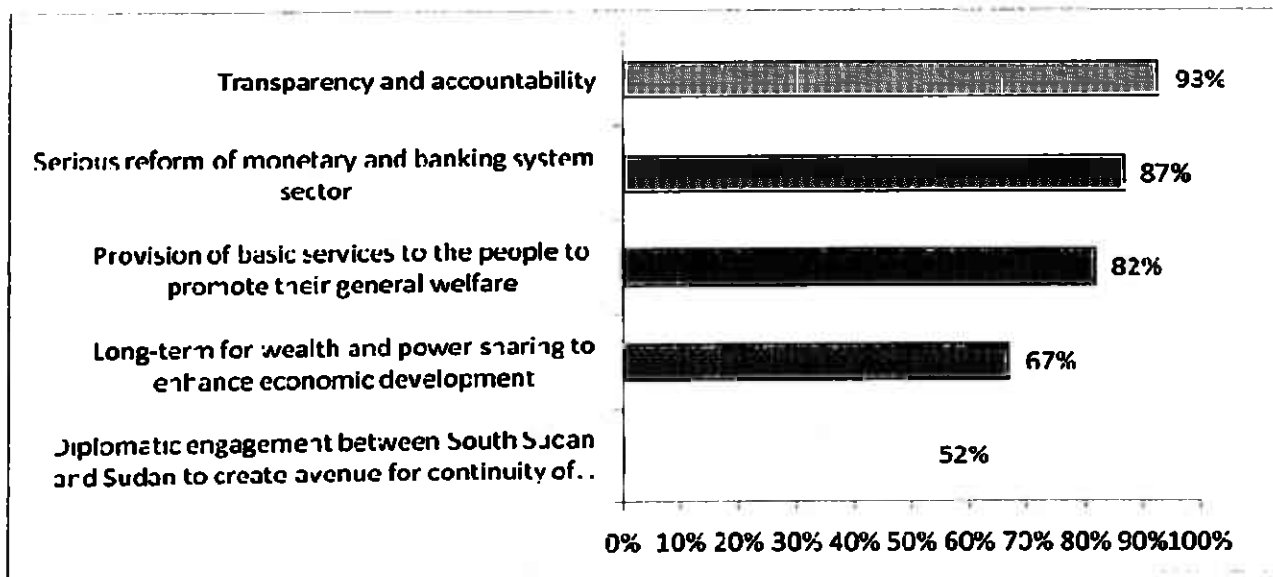
Figure 4.1.4.2: Economic Governance

Figure.4.1.4.2 shows the Government of South Sudan to address challenges on economic governance, most respondents indentified what needs to be done including employment of transparency and accountability (93%), serious reform of monetary and banking system sector (87%), provision of basic services to the people to promote their general welfare (82%), long-term for wealth and power sharing to enhance economic development(67%) and diplomatic engagement between South Sudan and Sudan to create avenue for continuity of dialogue and negotiation (52%)[121]. The cooperation between South Sudan and Sudan on post-conflict issues agreed that transparency in each state will be enhanced in a manner specified, full mutual transparency of all information relevant to its own petroleum that maybe relevant for or affect the petroleum sector and its activities in the other state. The Agreement also gave each state mutual audit right for its verification and implementation[122].

[121] *South Sudan (Republic) (2012), South Sudan Development Plan 20012-2013: Realizing Freedom, Equality, Justice, Peace and Prosperity for all, Juba, Published by Ministry of Finance and Economic Planning p.58*

[122] *Interview conducted by the researcher with three ministers of Government of South Sudan who are members of negotiating team and are (Minister of Cabinet Affairs, Minister for Parliamentary Affairs and Deputy Minister for Defense and War Veterans) in Juba Capital seat of South Sudan on 12/10/2012; 13/10/2012 and 14/10/2012. The interview was structured and purposive and was conducted separately at their locations. The purpose of Interview was to capture which are issues challenging South Sudan and how they were managed, what obstacles encountered them in management and how they were ameliorated.*
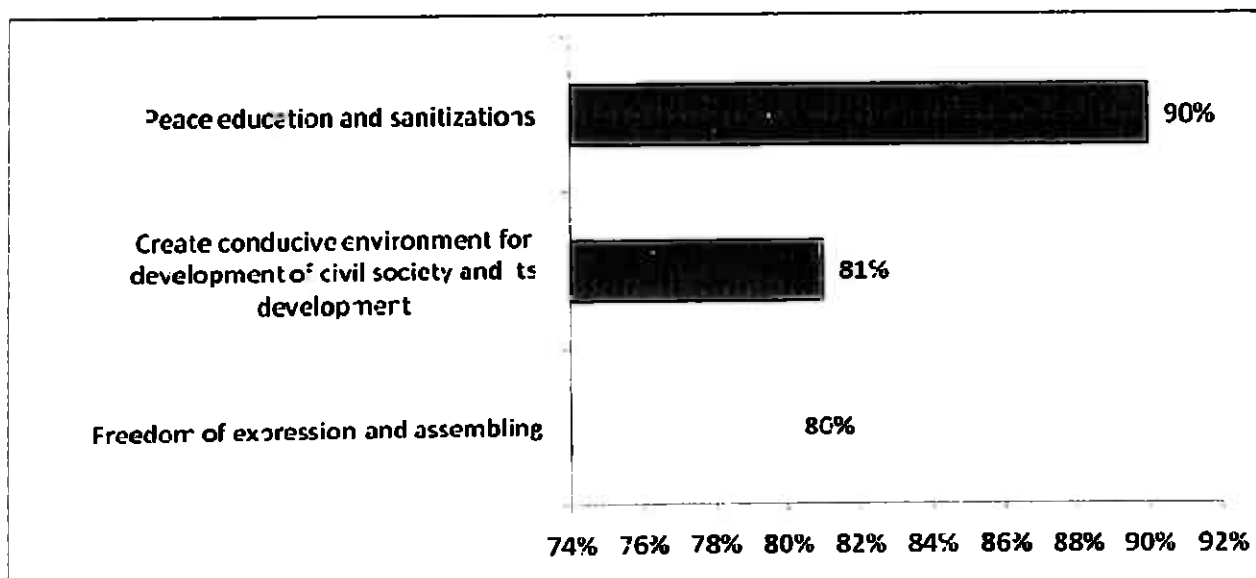
Figure 4.1.4.3: Information, Media, Public Opinion and Sensitization

Figure.4.1.4.3 shows findings on the information, media, public opinion and sensitization. Majority of respondents mentioned peace education and sanitizations (90%), creating conducive environment for development of civil society and its development (81%) as well as freedom of expression and assembling (80%)[123]. As indicated in the Agreement arrived at on 27th September in Addis Ababa, the three ministers interviewed expressed that, each of the two conflicting states shall facilitate within its territories education of nationals of the other State at all levels of formal education. This will be meant to promote the peace education and sensitizations as well as creating conducive environment for civil societies[124].

123 12 *South Sudan (Republic) (2012), South Sudan Development Plan 20012-2013: Realizing Freedom, Equality, Justice, Peace and Prosperity for all, Juba, Published by Ministry of Finance and Economic Planning p. 121*

124 *Iinterview conducted by the researcher with three ministers of Government of South Sudan who are members of negotiating team and are (Minister of Cabinet Affairs, Minister for Parliamentary Affairs and Deputy Minister for Defense and War Veterans) in Juba Capital seat of South Sudan on 12/10/2012; 13/10/2012 and 14/10/2012. The interview was structured and purposive and was conducted separately at their locations. The purpose of Interview was to capture which are issues challenging South Sudan and how they were managed, what obstacles encountered them in management and how they were ameliorated*

Enhancing and promoting human rights — 92%

Give chance for peace and provide political justice, social justice and truth healing — 83%

Conflict resolution and peace building through truth and reconciliation commission — 74%

0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%
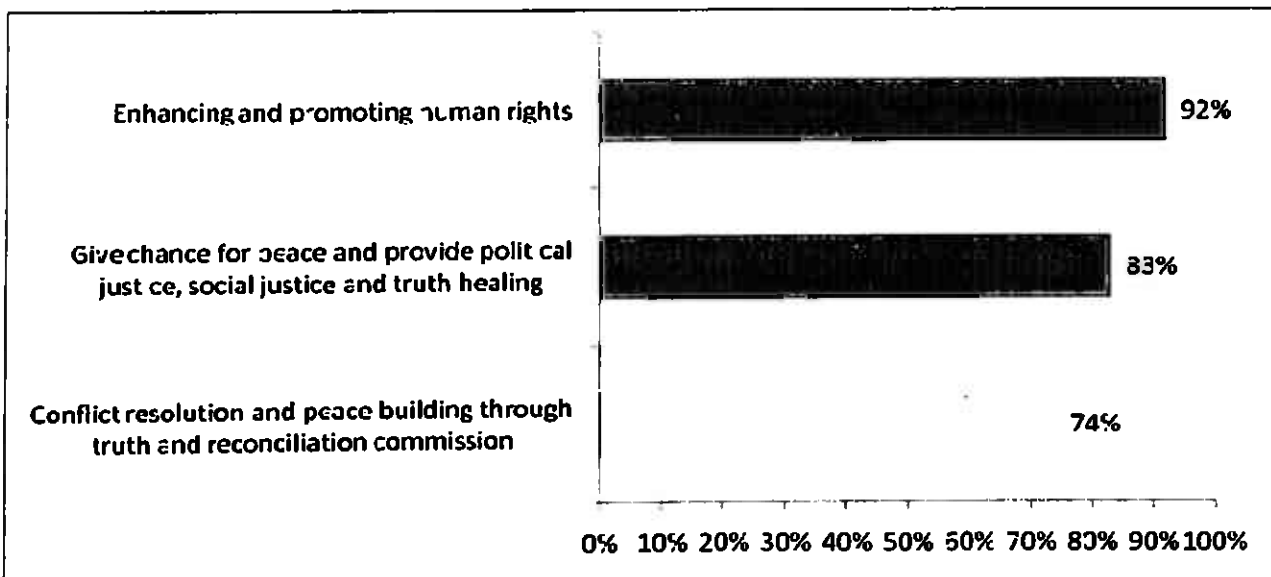
Figure 4.1.4.4: Justice and Reconciliation

Figure 4.1.4.4 shows how justice and reconciliation are promoted. Respondents were of the opinion that, the Government of South Sudan should enhance and promoting human rights (92%), give chance for peace and provide political justice, social justice and truth healing (83%) as well as conflict resolution and peace building through truth and reconciliation commission (74%). However, the study also sought for the party, among the different players, that respondents think carries the biggest responsibility in resolving uncertainty in peace building and nation-state building. Findings established that, IGAD Kenya, Ethiopia, Uganda and Djibouti had a remarkable and appreciated role in mediation while the United Nations was a moving wheel to establish international peace and reverse human tragedy. The researcher also discovered that, EAC was superior in understanding the problem while Africa was the vehicle for resolving post-conflict issues[125]. Respondents also applauded European Union for the massive provision of fund for reconstruction and humanitarian assistance while USA was recognized for being a giant behind the success of peace processes and post-conflict by supporting financial, diplomatic and humanitarian assistance. The respondents, however, indicated that the role of Arab League in peace building in Sudan was insignificant.

125 *13 South Sudan (Republic) (2012), South Sudan Development Plan 20012-2013: Realizing Freedom, Equality, Justice, Peace and Prosperity for all, Juba, Published by Ministry of Finance and Economic Planning p.375-376*
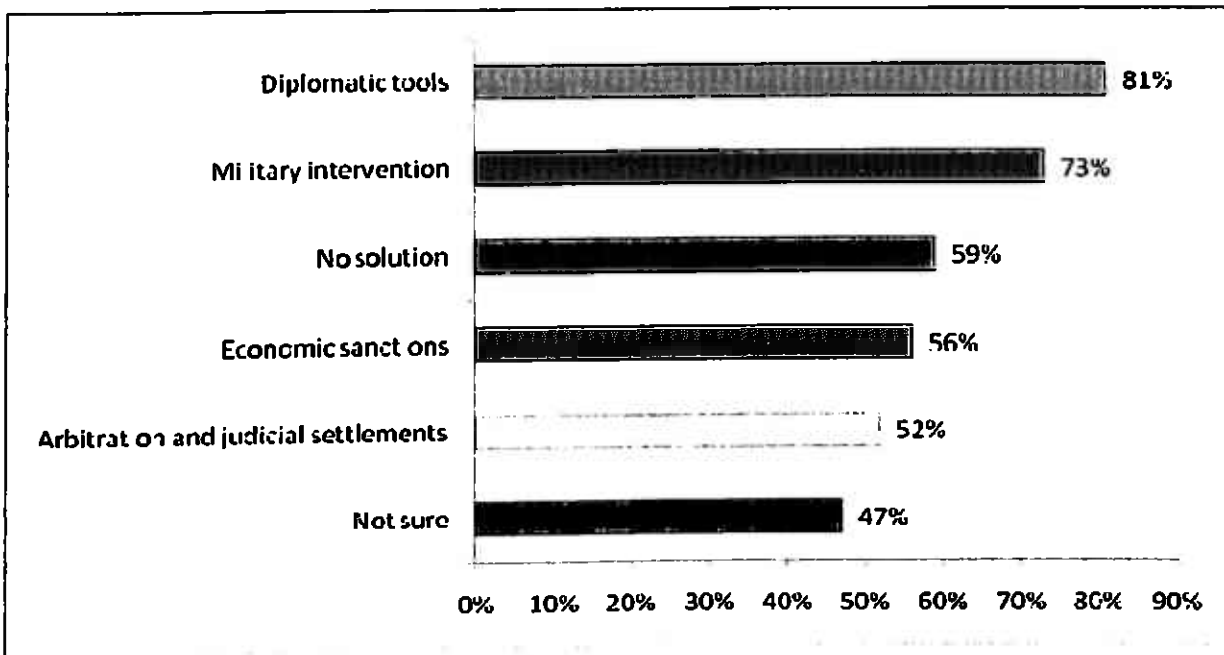
Figure 4.1.4.5: Assessment how Government of South Sudan to create effective and Sustainable Rapport with the Republic of Sudan

Figure 4.1.4.5 shows assessment of how Government of South Sudan to create effective and sustainable rapport with the Republic of Sudan, majority of respondents (81%) said diplomatic tools such as negotiation, political and diplomatic pressure, 52% arbitration and judicial settlements (73%), military intervention (56%), economic sanctions others (47%) are not sure while the remaining respondents (59%) believed there will be no solution[126]. It can be observed that, diplomatic tools are prioritized in conflict resolutions where both parties are willing to engage a thirty party. In this study, it is established that the two states shall resolve any conflict that may arise in relation to the border exclusively through peaceful means which consist bilateral cooperation, inter-agency cooperation, intra-agency cooperation and involvement local stakeholders in management[127].

[126] [2] *South Sudan (Republic) (2012), South Sudan Development Plan 20012-2013: Realizing Freedom, Equality, Justice, Peace and Prosperity for all, Juba, Published by Ministry of Finance and Economic Planning p.149*

[127] *Agreement between the Republic of South Sudan and Republic of Sudan on border issues, Principles and Modalities of Border Management Addis Ababa, Ethiopia, 8/102012*

4.2   Qualitative Findings

4.2.1   Addressing Post-Conflict Issues that are challenging South Sudan

Interviews for this study were carried out with the principals in charge of different institutions in the Republic of South Sudan. In particular, the interviewees were drawn from the National Ministries, National Legislative Assembly, Independent Institutions and Commissions. The principals observed that, core conflicting parties affecting South Sudan are the Sudan People's liberation Movement for Democratic Change; National Congress Party-South Sudan; South Sudan Liberation Army; Militia Group led by Gen George Athor Deng as well as Democratic Forum by Abdelrahman Sule. The principals added that, the relationships between conflicting parties seem to be different in ideology and political agenda. For instance the NCP in both north and the south have the same ideology in which their ultimate goal is to establish Islamic state. Further, the SPLM northern sector and the southern sector share the same ideology and political agenda on separation religion from the state. The main different between the SPLM and NCP is that the philosophical outlook they believe the theocratic state and secular ones. The justification is that if the Sudan was a secular state South Sudan would not have separated with the North.

According to the interviewees, the South believes citizenship should be the basis on Sudan identification not religion or race. They also acknowledged that, the conflict and violent have cost south and north heavily in terms of human and natural resources, destruction of social and economic development. However, some principals felt that, the conflict issues could be link to power struggle, political ideology, and competition over natural resources and lack of justice and democracy. Different in various views, opinions or positions may stark conflicts. Human needs may arise over ambitions that may provoke aggression such as Arab spring in North Africa and Middle East, 2011[128].

The principals also noted that, violence by the armed groups supported by the NCP to destabilize the SPLM's government in the south. This include the cattle rustling between communities such as between Nuers, Murle and Dinka recently in Jonglei state this year, 2012 and rivalry among political parties such as SPLM-DC. This rivalry has produced

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[128] *Interview conducted by the researcher with three ministers of Government of South Sudan who are members of negotiating team and are (Minister of Cabinet Affairs, Minister for Parliamentary Affairs and Deputy Minister for Defense and War Veterans) in Juba Capital seat of South Sudan on 12/10/2012; 13/10/2012 and 14/10/2012. The interview was structured and purposive and was conducted separately at their locations. The purpose of Interview was to capture which are issues challenging South Sudan and how they were managed, what obstacles encountered them in management and how they were ameliorated*

instability and fears among communities and civil population. It has also deprived communities to enjoy peace dividends and caused desertion of villages and their farms and created homeless communities and caused poverty. The conflicts have delayed government efforts to construct roads, schools, health facilities in rural areas. The violence has prevented local population to produce food. There were assertions that, there are limitation from government to construct roads which link Bomas with Payams and county's HQs, even between states and national capital of South Sudan Juba. The post-conflicts have delayed development in the rural areas, where schools, hospitals and clean water could have been provided. The peace commission is spearheading institutions for managing the conflict plus traditional leaders in the rural areas. The government and members of both states and national assembly are also stakeholders[129].

4.2.2   Assessing the effect of post-conflict issues on South Sudan's nation state building

Regarding the assessment of the effect of post-conflict issues challenges the republic of South Sudan's nation-state building; the principals agreed that in terms of human and natural resources for instances the 1st and 2nd war in the Sudan has cost both regions more than five million lives. It has been uprooted the economic infrastructure of both regions, widespread of diseases and poverty, complete destruction in social texture. They retaliated that the recent conflicts in oil sector, which have culminated in closure of pipelines that have led to decline of economy growth from both regions. The violence in Heglig/Pathou and Abyei resulted in destruction of oil facilities and great loss of human lives in both countries. In addition, the disarmament and Demobilization and Reintegration programme; rehabilitation and resettlement; provision of health care, schools and clean and portable water; vocational training programme; capacity building programme; peace and reconciliation programme. At the same time, the CPA has provided framework which supports post-conflict reconstruction such as the protocol of security arrangement, democratic transformation and distribution of wealth and natural resources between the two regions, which are main tools for stability, peace building and development. It was also mentioned that, the programmes involving participation of all local of the government in the CPA, such as national, state, county and

129 South Sudan (Republic) (2012). South Sudan Development Plan 20012-2013: Realizing Freedom, Equality, Justice, Peace and Prosperity for all, Juba, Published by Ministry of Finance and Economic Planning p.386-387

traditional authority levels. At all levels they participate in peace building, development programmes and in services provision to all population[130].

The interview established that, the nature of participation was peace building such as integration and absorption of other armed groups into SPLA in a direct negotiation and dialogue between different factions, political parties and traditional leaders. This is because the conflict caused influx of refugees to and fro neighboring countries, the diplomatic relations between states considerably changed due to economic, social and political consequences which are associated with the influx of refugees and internal displaced persons that will accompanied by widespread of diseases and poverty as well as increase of insecurity and crimes. In this situation, the members of friendly countries respond positively and warmly receive the refugees, whereas unfriendly members of countries pursue policy of expulsion and exclusion and usually they face various difficulties including human rights abuses. The rate of implementation is good in cities but poorly implemented in the rural areas (63%) due to insecurity caused by insufficient funds for development, militia groups activities against communities, cattle-raiding among communities and migration from rural areas to urban areas causing unnecessary unemployment and diminishing services delivery[131].

4.2.3 Analysis and recommendation of diplomatic techniques that help in addressing post-conflict issues challenges Republic of South Sudan

Concerning the analyses of post-conflict issues provides policy makers an opportunity to lay down policies to resolve uncertainty in peace building; the principals highlighted the challenges of the previous peace settlements. These challenges include the conflicts in ideologies between the conflicting parties and political agenda, competition over natural resources, lack of democracy and respect of rule of law, spread of armed groups and proliferation of small arms. The communities affected by the conflict and did a great deal in helping the government to bring about peace. They were ready for reconciliation and forgiveness for themselves. The Wunliet peace settlement between Dinka and Nuer was well implemented by both parties. Both parties were able to forgive each other as they slaughtered

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[130] *South Sudan (Republic) (2012), South Sudan Development Plan 20012-2013: Realizing Freedom, Equality, Justice, Peace and Prosperity for all, Juba, Published by Ministry of Finance and Economic Planning p.386-387*

Ibid. p.41-42

a white bull as a sign of peace, reconciliation and forgiveness. Other challenges included the poor management of resources remain as a main challenge to post-conflict reconstruction, insecurity because of militia groups supported by Khartoum government to delay post-conflict reconstruction; through good governance, respect of human rights, rule of law plus transparency in management of resources we shall strengthen post-conflict reconstruction without going to war again; poor management of resources, borders, insecurity, lack of transparency in government institutions and injustice may be the main challenges to post-conflict reconstruction and the fact that, the Republic of South Sudan must maintain peace and stability, as well as improve management of natural resources and must be abide to rule of law and social justice[132].

4.2.4 Obstacles encountered in management of issues in South Sudan

There were several obstacles which surfaced in managing of issues among of them;

Firstly; unresolved CPA Issues, which are related to implementation of the CPA by the Government of National Unity in which the Khartoum's Government was very selective and deliberately slow at anytime. This deliberate act of not implementing the CPA has been witnessed by guarantors of the CPA particularly United Nations officials in Sudan and observed unwilling of Government of National Unity in implementation. In many occasion President Bashir, for example, adamantly rejecting implementation of the Abyei Boundary Commission (ABC), and several agreements reached on this issue over the past two years and ended unresolved. Yet, the parties are obliged by the CPA to resolve several key issues which are always an obstacle to reach for an agreement, among others Abyei, border demarcation, and citizenship rights.

Secondly; Border Demarcation, Citizenship Rights, and Other Issues: While important progress has been made, the North-South border demarcation is not fully resolved. The parties have also made some progress on citizenship rights, although there was no formal agreement on this issue as of June 2011 and was finally signed in October, 2012Addis Ababa[133]. The GOSS has called for debt forgiveness for Sudan, and the parties have reached

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[132] [1] *South Sudan (Republic) (2012), South Sudan Development Plan 20012-2013: Realizing Freedom, Equality, Justice, Peace and Prosperity for all, Juba, Published by Ministry of Finance and Economic Planning p.41-42*

[133] *Agreement between the Republic of South Sudan and Republic of Sudan on border Issues, Principles and Modalities of Border Management Addis Ababa, Ethiopia, 8/10,2012*

to an agreement to forgive Khartoum Government of $8bn, while government of Khartoum will be responsible for its own debt that incurred during the war. Other unresolved issues include currency, security arrangements, and use of Sudanese ports and the Sudan pipeline for the export of oil. In early June 2011, President Salva Kiir issued a presidential decree to set up a marketing team to market Southern Sudan oil and also to explore alternative routes for the exportation of its oil.

Thirdly; Development problems, South Sudan faces serious development challenges, and many evidence made by observers asserting that it will take some years to sustained economic growth. This could be related to the absence of good infrastructure and skilled labour, lack of public financial management laws which regulates taxation and accountability in dealing with financial transactions as well as dependency on oil revenues only as solely source of income and rampant pathologies of corruption.

Fourthly; it has been observed that there are residual elements of the CPA which were not resolved since the ending of the War and conflict in 2005, including oil-sharing, border demarcation and the status of Abyei. (Abyei is the disputed territory that straddles Sudan and South Sudan). The failure to resolve these matters continues to exacerbate tensions between the two countries, as evidenced, by South Sudan's shutdown of its oil production, recurring violence along the Sudan-South Sudan border or the presence of security forces from Sudan and South Sudan in Abyei.

Fifthly; the reliance over oil resources was a problem because the secession of the South has created new environment that made republic of Sudan to lose of the territory and oil revenue, and the diminished resources as a result of secession. Although the North has officially accepted the secession, it does not refuse to discuss or resolve post-independence issues, even under auspices of African Union mediators. For its part, the South is angry at the North's refusal to allow a referendum to take place in the contested border region of Abyei which would have decided whether the region belongs to the North or South and to implement other provisions for the border areas. The South is also resentful of the general disdain with which the North has historically treated it[134]. Reciprocal anger manifests itself most clearly in the dispute over the transit fees that the landlocked South should pay the North in order to ship

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[134] *Agreement between the Republic of South Sudan and Republic of Sudan on border issues, Principles and Modalities of Border Management Addis Ababa, Ethiopia, 8/102012*

its oil through a pipeline running to the northern Port Sudan terminal. In this dispute, both sides appear willing to undermine themselves economically in order to score points against each other by April 2012, no oil was being shipped, thus the South received no revenue from sales and the North received no transit fees[135]. Across much of the South, tribal authorities still dominate. While this is an understandable response to the Juba government's inability to maintain a presence, it weakens the government even more.

Finally; it has been noticed and observed that violence is taking place within South Sudan: in different places, perhaps the authorities in Juba remained contested and portray sense of inexperienced or probably they don't possess enough powers in managing government institutions that made them unable to impose bureaucratic system on the new country. The concept of a political accommodation appears to be dominant and in many cases opposition parties as checks and balances to the government remained missing in the new state. in several occasions political parties seems to have lost the track of democracy and ended either forming a local and family based party or forming armed militias rather than political dominated by tribal elites as response tools to the Juba government's inability to maintain a good governance and rule of law and order. The institutionalization of political accommodation have weakens the government and created environment of no confidence and lack of spirit of national obligation creating a brutal cycle of violent and conflict.

There are some South Sudan states witnessing emergence of violence and conflict that continued as source of instability some of them are related to competition over control of natural resource such as grazing rights; water; and even oil. It could be argued that such conflicts are inevitable in a new country which inherited weak government's apparatus and institutions that necessitate creating new structures of a modern state that must respond to citizens' expectations and needs to promote their general welfare. The creation of institutions and mechanisms to provide social and political justice as well economic incentive to the people would narrow aspirations of Khartoum government who still hunting and fishing in tribal sentiments that are used by others to raise tribal tensions to divide South Sudan on

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[135] *South Sudan (Republic) (2012), South Sudan Development Plan 20012-2013: Realizing Freedom, Equality, Justice, Peace and Prosperity for all, Juba, Published by Ministry of Finance and Economic Planning p.166-167*

tribal line to undermine its independence and breed seeds of tribalism and political division as means of continuity of conflict and instability in South Sudan[136].

4.2.5 Amelioration of obstacles surface in managing issues

Despite all differences that might have been experienced in the fields, the official channels of diplomacy were explored and applied suitable tools to maintain momentum of negotiation between south and Sudan even when the government of Sudan bombarded civilians and civil targets in south Sudan, and government of South Sudan retaliated and occupied disputed area of Heglig claimed by both sides. The two governments called for resumption of talks to negotiate post-independence or post-referendum issues to reach an agreement on them. In interview with three ministers (Minister of Cabinet Affairs, Minister of Parliamentary Affairs and Deputy Minister of Defence) who are members of negotiating team conducted in Juba capital of South Sudan on 12, 13 & 13/10/2012 respectively reaffirmed the commitment to used diplomacy means to achieved their rights peacefully without resort to war[137]. The ministers were interviewed separately and provided mechanisms that they are and will continue using to end conflict between republic of South Sudan and Sudan by using mediation of African Union/High Implementation Panel (AUHIP) in which series of negotiations are being conducted, as well as good offices of President Kibaki. However, the recent agreement of cooperation between South Sudan and Sudan in Addis Ababa is to be cited. It could further be argued that, the government of South Sudan would prefer to go for arbitration at the International Court of Arbitration in case republic of Sudan is unwilling to reach an agreement on two issues of borders and disputed/claimed areas and issue of Abyei..

On using non-official Conflict Management Methods, the Government of South Sudan is still preferred the role of IGAD and African Union to provide mechanism for resolving African problems by themselves. This amount the involvement civil society and traditional authorities to embark on peace conflict resolution. The republic of South Sudan support mechanism

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[136] *South Sudan (Republic) (2012), South Sudan Development Plan 20012-2013: Realizing Freedom, Equality, Justice, Peace and Prosperity for all, Juba, Published by Ministry of Finance and Economic Planning p 166-167*

[137] *Iinterview conducted by the researcher with three ministers of Government of South Sudan who are members of negotiating team and are (Minister of Cabinet Affairs, Minister for Parliamentary Affairs and Deputy Minister for Defense and War Veterans) in Juba Capital seat of South Sudan on 12/10/2012; 13/10/2012 and 14/10/2012. The interview was structured and purposive and was conducted separately at their locations. The purpose of Interview was to capture which are issues challenging South Sudan and how they were managed, what obstacles encountered them in management and how they were ameliorated.*

owned by the African people to support indigenous dispute resolution and legal institutions. This would include conflict prevention through formation of Peace commissions, civilian peace monitors agencies, conducting non-violent campaigns that will support non-official facilitation/problem-solving mechanisms and Humanitarian diplomacy. On the military measures they argued that preventive peacekeeping forces is necessary but it lack of mandate to intervention as well funding as an obstacle to carry out designate mission. The case of Abyei in 2011 is still fresh in the mind in which the Sudan Armed Forces (SAF) occupied Abyei by forces while four thousands of African Troops were sent to the area but undermined the African Union Mission in Abyei. The South Sudan should embark on restructuring/integration of military forces to minimize internal insurgence in order to create conditions for professionalization/reform of armed forces as well as enhancing confidence-building and security measures and conform to non-aggression agreements and create environment for collective security or cooperation arrangements. It is important to create demilitarized zones between the two states and carry out programme of Disarmament; arms proliferation control; Crisis management procedures; limiting military intervention and encourage peace enforcement. On the economic and Social Measures it will include economic reforms; economic and resource cooperation; inter-communal trade; Humanitarian assistance; Repatriation, resettlement of refugees and displaced people as well as support to indigenous legal institutions[138]

4.3   Prospects on Post-Conflict Challenges in South Sudan

4.3.1   The Role of the State as a Vehicle for Conflict Resolution and Management

The present situation in South Sudan poses complex questions: Has the peace process come to an end? Is the war in southern Kordofan and southern Blue are related to the peace of South Sudan? What are the challenges for the regional actors that had been involved in peace process and successfully achieved the Comprehensive Peace Agreement? These questions will be understood in the context of linkages between South Sudan and two areas of southern Kordofan and southern Blue states as well as common relations with IGAD countries who

[138] Iinterview conducted by the researcher with three ministers of Government of South Sudan who are members of negotiating team and are (Minister of Cabinet Affairs, Minister for Parliamentary Affairs and Deputy Minister for Defense and War Veterans) in Juba Capital seat of South Sudan on 12/10/2012; 13/10/2012 and 14/10/2012. The interview was structured and purposive and was conducted separately at their locations. The purpose of Interview was to capture which are issues challenging South Sudan and how they were managed, what obstacles encountered them in management and how they were ameliorated.

played great role in mediation and subsequently achieving peace agreement. The role of state is very important to unveiled this paradox and would need to define state which became a vehicle for not only the purpose of description, but also for distinguishing between those political communities that might properly act as subjects of international law and those that would not. This will direct attention both to the rational aspect of statehood and that its description or meaning constituted in a range of ideas about authority and responsibility. It still doesn't quite deal with the problem. Crawford assumed that the legal order accords statehood to those entities that poses the requisite characteristics might work so far as one may conceive of states emerging through an essentially consensual process[139]. For example the creation of republic of south Sudan out of defunct Sudan posed relatively immense problems, because Khartoum government have regretted for allowing South Sudan to secede and always make attempts to deny any legal interests or claims to the sovereign state over territories agreed to be respected that is based on the date when the condominium rule of British and Egypt on 1/1/1956. Perhaps as creating the necessary legal space for the new state to them asserts its rights over the territory and population concerned. This can be argued the parent state assumed the role of recognition, this implying that it abandoned all its beliefs over resurgent communities as a sign of recognition of independence, but not a gift, but only acknowledges the claims of communities to have definitely embodied in the independence. Grawert argues that states a crucial role in these spaces since they try to control the structures and activities taking place within them. Further, using concept of state as field of power, the reality of post-colonial states in Africa can be captured adequately. A field of power is marked by the use and threats of violence and shaped by the image of a coherent, controlling organization in a territory and the actual practices of its multiple parts[140]

Explaining the image of state and its practice that would provides understanding contradictions within state components, the Montevideo Convention on the rights and duties of states, 1933. Article 1 provides that the state as a person of international law should possess the following qualifications: a permanent population; a defined territory; government and capacity to enter into relations with other states[141]. This argument provides essential elements or components of definition that includes administration and judicial units within a

[139] Crawford, J (2006) (2nd Eds.), The Creation of States in international law, Oxford; Oxford University Press.p.5
[140] Grawert, Elke, (2010), After the Comprehensive Peace Agreement in Sudan: Eastern Africa Series, Suffolk, UK, Printed and bound in the United States of America.p.243-244

[141] Evans, M.D (2010) (3rd eds.), International Law, Oxford, New York; Published by Oxford University Press.p.220

demarcated state territory which are imposed duties and responsibilities by international law and therefore any attempt to diffuse this demarcation would amount irrational state behaviour lead to inconsistent state actions which will culminated in violent conflict. This could be reverted by using diplomacy of neighbouring country continuously and create avenue of engagement between the two states, and adapt viable mechanism to provides peace dividends such political and social spaces between the communities of the two countries to provides peaceful incentive for leverage. Thus, the vital role of state as a political entity remains as actor of conflict resolution and management.

4.3.2 The Role of non-State as a vital element for Conflict Resolution and Management

The complexity of African conflicts and their dimension made many scholars argue that all African conflicts destructive and costly in terms of lives and material resources. However, it has been observed that all conflicts between 1990 and 1998 has drastically changes and decreases significantly due to changes in rule of games and utilization of peaceful means. The recovering from the post-conflict pose the risk of conflict relapses. It has been observed in recent years in a number of countries such as Liberia, Democratic Republic of Congo and Sierra Leone. It has been noted that transitional-crossing cuts issues render them more likely to experience periods of instability as they move. As observed that all African states face a quadruple as compare to(triple Eastern Europe, double for Latin America) transformation they must negotiate ethnic diversity at the same time as they are building state capacity, democratizing political systems and liberalizing economic institutions. All these transformation processes are a recipe for competition and if not well managed violent confrontation occurs[142]. This statement is very clear that there must be a need for African leaders to play major role in perception, management and conflict resolution processes. This is preaching adapting viable mechanism for redressing conflicts internal and beyond calling for a paradigm shift towards prevention as a means for dealing with conflict construction. This mechanism call for broadening the field of peace and security by widen scope of participation of non-state actors and narrowing state-centric approaches. This would allow regional economic communities (RECs) such as EAC, SADC, IGAD, ECOWAS and civil

[142] Nhema, F,. & Zelega, P.T (2008), *The Conflict Resolution of African Conflicts: The Management of Conflict Resolution and Post-conflict Reconstruction*, Published in association with OSSREA, Addis Ababa, James Curry, Oxford, Ohio University Press, Athens, OH, UNISA Press, Pretoria.p.4-6

society to champion the role of conflict resolution as important factor in the peace processes and managing of the conflicts. The process of reaction to the problem as usually used by states is always harming and destructive in nature. It can be argued that the role of state in conflict is necessity and must espouse principles of good governance, transparency and promotion of human rights and economic development that will bring all African countries closer to each other toward integration as the vision of African Union to integrate its political, economic, social and technological advances as strategies for conflict prevention, conflict management, conflict resolution that will enhance the ideals of African perspective to own its process to restore hopes aftermath of prolonged civil war and conflict[143]. That is the engagement of Sub-regional groupings in conflict resolution and management.

[143] Nhema, F,. & Zelega, P.T (2008), The Conflict Resolution of African Conflicts: The Management of Conflict Resolution and Post-conflict Reconstruction, Published in association with OSSREA, Addis Ababa, James Curry, Oxford, Ohio University Press, Athens, OH, UNISA Press, Pretoria.p.2

CHAPTER FIVE

CONCLUSIONS

This is the final chapter of the research in which the conclusions and recommendations are drawn based on critical issues challenging republic of south Sudan raised in chapter one to five. The years of recurring violent conflict and neglect have left South Sudan one of the most underdeveloped regions in the world, despite its rich resource base. Poverty is widespread, and is especially acute in rural areas and the more remote corners of the South. Poverty in South Sudan has many dimensions, including low levels of consumption, and poor health and education. The legacy of the prolonged war in South Sudan makes the fight against poverty more demanding and challenging. The reduction of poverty and improvements in human development are central objectives of SSDP. Statistical indicators are of paramount importance because they highlight the nature, magnitude and range of poverty and measure the effectiveness of development interventions.

There are social development issues where poverty is a multi-dimensional phenomenon that affects populations through reduced access to healthcare, education and economic opportunities. There has been almost no development in the form of basic services over the past five decades since independence. This is clearly seen in the poor levels of various social indicators like literacy levels, infant mortality and morbidity rates and access to water and sanitation. Poverty and severe marginalization of the peripheries, combined with poor governance, are at the centre of continuing conflicts in Sudan. Poverty reduction requires a particular focus on rural transformation and the delivery of essential social services. Rural development especially will be crucial for improving livelihoods and food security, and expanding employment opportunities for the very large numbers of poor living in towns and rural communities throughout South Sudan. It will require continued improvements in transport infrastructure, increased agricultural and livestock production, clarification of issues pertaining to land, as well as improved access to markets, inputs, and finance and extension services.

In post-conflict era, the tools and approaches to conflict prevention and security presents a dilemma. Security claims a large portion of the national budget, crowding out expenditures for economic and social development, but state and local governments actively seek more, rather than less, security as the essential basis for all other investments and programmes in

governance, economic development and human and social development. In the security sector, demobilization must continue while a new National Security Architecture (NSA) transfer security from military to civilian control and the sector continues to transform itself into a smaller, modern force for defence and policing. Community security continues to be a prime concern for most of the nation's people. But while this continues, the effort to build a new nation under the rule of law must be promoted strongly, continuing to create a legal framework for all levels of government, working to assure the effective implementation of this framework so every resident knows of his or her rights and that they are protected in fact as well as in law, and ensuring that the criminal justice system treats the human rights of every individual correctly while applying the legal framework to justice for all. Cutting across all the pillars is a focus on addressing the social, economic and geographical disparities which are so clearly highlighted in the analysis of poverty in South Sudan. Integrated within this also is a priority focus on tackling gender inequities, and the needs of youth. Each of the four pillars identifies key actions required to address the needs of women and youth, adding up to a strong policy focus on gender and youth empowerment issues.

The economy is characterized by high dependence on a depleting oil resource, currently limited domestic production and a high reliance on imports. Although the oil revenues are significant, production from existing fields has peaked and the revenues will gradually decline in the years ahead unless new discoveries take place. Volatility in the prices and production of oil makes macro-economic and budgetary planning difficult.

In conclusion there is the need to address the key nation-building, state-building and peace-building objectives of a new nation recovering from conflict and wishing to move onto a fast-track development path. Insecurity is a continuing concern and has numerous causes, including clashes between communities over cattle and access to grazing land; breakdown of cultural values and norms; the availability of arms, and lack of economic opportunities. The consequences of insecurity include large numbers of displaced persons, continuing food insecurity, disruption to social services and increased poverty. Measures that promote rural development also serve to diversify the economy. Second, actions to improve key basic social services, such as health, education and water and sanitation, also address poverty by increasing well-being and labour productivity and in turn reduce the conflict.

The situation post-July 2011 will necessitate some changes to the approaches to conflict mitigation and peace-building by both GOSS and the international community. A range of

challenges persist, including cattle-raiding, conflict of border demarcation and over land and water, nepotism, corruption and political privileges. In the African continent context with regional inequity having fostered frustration and created a breeding ground for rebellion, there is a need for decentralization that should be accompany with delegation of power and resources which provides a meaningful devolution enshrined by the constitution, it states, adding, the government's propensity for using militias and divide-and-rule strategies has to stop for a brighter future for South Sudan.

The duty and responsibility of post-conflict states is to embark on improving security and sustained peace that will improve people's well-being directly, while underpinning efforts to reduce poverty. Security clearly matters for the business environment and the confidence that is important to local and international investors. Clarifying issues pertaining to grazing rights and land are important for avoiding further conflict and part of the foundation for much-needed rural development. The new nation must consolidate the institutional and governance mechanisms developed during the CPA interim period. Good governance, including transparency and accountability, builds confidence, stability and the credibility of government as well as ensuring macroeconomic and fiscal stability, which is one key aspect of these issues challenging post-conflict state in its endeavour in national building and peace building.

BIBLIOGRAPHY

Adesina J.O., Olukoshi...A., and Graham Yao (2005) Africa and Development challenges in the New Millennium: The NEPAD Debate, publishers CODESA in Association with ZED Books, Dakar

Akol, Lam, (2009), SPLM/SPLA: Inside an African Revolution, Khartoum, Sudan, Published by Khartoum University Printing Press

Alier, A. (2003), Southern Sudan: Too many Agreements Dishonoured, published by Ithac press, Printed in Lebanon

Beswick, D., and Jackson P (2011), Conflict, Security and Development: An Introduction, London, published by Routledge

Bryman, A. and Bell. E. (2007) (2nd Ed.), Business Research methods, Oxford, Oxford University Press.

Chester A. Crocker, Pamela R. Aall, and Fen Osler Hampson (2005), Grasping The Nettle: Analyzing Cases Of Intractable Conflict.

Churchill, Gilbert A., Jr. (1979), A Paradigm for Developing Better Measures of Marketing Constructs, Journal of Marketing Research, 16,1,64-73

Cochran, W.G. (2009) (Ed.), Sampling Techniques, New Delhi, India, Published by John Wily India PVT Ltd.

Collier, P. (2009) Wars, Guns and Votes: Democracy in Dangerous Places, published by the Bodley Head, Great Britain Press

Collins, R. O. (2008), A History of Modern Sudan, published in the United Kingdom at the University of Cambridge Press, Cambridge, UK

Crawford, J (2006) (2nd Eds.), The Creation of States in international law, Oxford; Oxford University Press

Deng, F. M (2010), Sudan at the Brink: Self-Determination and National Unity, New York, Printed in the United States of America, A Joint Publication of Fordham University Press and the Institute for International Humanitarian Affairs

Diehl, PF., and Druckman, D., (2010), Evaluating Peace Operations, Colorado, USA, Published by Lynne Rienner Publishers Inc.

Diocese of Rumbek (2001), The Church in Sudan: Journeying Towards Justice and Peace, Nairobi, published by Paulines Publications Africa, Kenya

Douglas, Johnson, (2003), The Root Causes of Sudan's Civil Wars, Kampala, Fountain Publishers

Evans, M,D (2010) (3rd eds.), International Law, Oxford, New York; Published by Oxford University Press.p.220

Fegley, R. (2011), Beyond Khartoum: A Historical Subnational Government in Sudan, Asmara, Eritrea, The Red Sea Press Inc., Publishers and Distributors of Third World Books

Fisher et al (2011), Working with Conflict: Skills and Strategies for Action, New York, published by Zed Books Ltd

Fisher, C. (2007) (2rd Ed,), Researching and Writing a Dissertation: A guide book for business students Harlow, England, Publisher Financial Times, Prentice Hall

Francis, D.J. (2008), Peace and Conflict in Africa, New York, Published by Zed Books Ltd

Government of Southern Sudan (2007), Manual of Public Service Procedures, Juba, Produced and issued by the ministry of Labour, Public Service and Human Resource Development of Southern Sudan

Grawert, Elke, (2010), After the Comprehensive Peace Agreement in Sudan: Eastern Africa Series, Suffolk, UK, Printed and bound in the United States of America

Heywood, Andrew, (2011), Global Politics, Published by Palgrave MacMillan, Printed in China

Hilde F, Johnson (2011), Waging Peace in Sudan: The inside story of the negotiations that ended Africa's longest Civil War, Published by Sussex Academic Press, Brighton & Eastbourne, Great Britain

Jeong, Ho-Won, (2010), Conflict Management and Resolution: An Introduction. New York, USA, Published by Routledge

John Burton (1991), Conflict Resolution as a Political System in Vamik Volkan etal (eds), The Psychodynamics of International Relationships: Volume II: Unofficial Diplomacy at Work. Lexington, MA, Lexington Books, p.82-83

Johnson, Douglas, H. (2010), When Boundaries Become Borders: The Impact of boundary-making in Southern Sudan's frontier zones, Nairobi, Kenya, Published by the Rift Valley Institute

Keya, SO., Makau, BF, Mani, J., & Omari, IM, (1989), Guidelines for the Formulation of Research Project Proposals, Nairobi, IDRC and NCST

Kinfe, A. (2005), Sudan: The Politics of War and Peace , A Constitutional Diplomatic and Political History, Addis Ababa, published by the Ethiopian International Institute for Peace and Development and the Horn of Africa Democracy and Development International Lobby.

Kothari, CR (2004) Research Methodology: Methods and Techniques, New Delhi, India published by New Age International (P) Ltd.

Kumar, Ranjit (2005) (2nd Ed.), Research Methodology: A step-Step guide for beginners, Sage publications, London. Thousand Oaks. New Delhi

Laue (1987) in Kanyane MH, James HM & DA Kuol (2009) Liberation Struggle in South Sudan: Critical Issues for Consideration, Reach Publishers, Pinetown, Durban

LeRiche, M & Arnold, M., (2012), South Sudan: From Revolution to Independence, London Published in UK by C. Hurst & Co. Ltd

Lesch, A.M (1998), Sudan: Contested National Identities, Bloomington, Indiana, Published by Indiana University Press

Malok, Elijah (2009) The Southern Sudan: Struggle for liberty, Kenway Publications, Nairobi, Kampala and Dar es Salaam

Martin, G (2008), Africa in World Politics: A Pan African Perspective, Trenton Asmara, Published by Africa World Press, Inc.

Miller, D. (1983) (4th Ed.), Handbook of Research design and Social measurement, London, Longman Publishers

Mouton, Johann (1996) Understanding Social Research, Pretoria, South Africa, Published by Van Schaik Publishers,

Mouton, Johann (2009), How to Succeed in your Master's and Doctoral Studies: A south Africa Guide and Resource Book Pretoria, South Africa, Published by Van Schaik Publishers,

Mugenda, O.M and Mugenda, A.G (2003), Research methods: Qualitative and Quantitative approaches, Nairobi; Kenya ACTS Press

Murray, R. Thomas. (2003) Blending Qualitative and Quantitative Research Methods in Theses and Dissertations, Sage publications Ltd

Mwagiru, M. (2004), Diplomacy: Documents, Methods and Practice, Nairobi, Kenya, published by Institute of Diplomacy and International Studies, printed by Kiwan printers

Mwagiru, M. (2006), Conflict in Africa: Theory, Processes and Institutions of Management, Nairobi, Kenya, Published by Centre for Conflict Research, Printed by Exscape Printers

Mwagiru, M. (2008), The Water's Edge: Mediation of Violent Electoral Conflict in Kenya, Nairobi, Kenya, Published by Institute of Diplomacy and International Studies and printed by Wab Artistic Works

Nachmais, C & Nachmais, D. (2008) (7th Ed.), Research Methods in Social Sciences, New York, Worth Publishers

Ngau, P. & Kumssa, A., (2004:98), Research Design, Data Collection and Analysis: training Manual: UNCRD textbook series, No.12, ISBN: 4-906236-91-X, published by United Nations Centre Regional Development

Nhema, F,. & Zelega, P.T (2008), The Conflict Resolution of African Conflicts: The Management of Conflict Resolution and Post-conflict Reconstruction, Published in association with OSSREA, Addis Ababa, James Curry, Oxford, Ohio University Press, Athens, OH, UNISA Press, Pretoria

Okoth, P. G & Ogot. A. O(2008, Conflict in Contemporary Africa, Nairobi, Kenya, Published by Jomo Kenyatta Foundation, Printed by Print Arts Ltd

Okoth, P. G., (2008), Peace and Conflict Studies in a Global Context, Kakamega, Kenya, Published by Masinde Mulire University of Science and Technology, Printed by Eusally Agencies

Orodtho, A. J. (2003), Essentials of Educational and Social Sciences Research Methods, Nairobi, Kenya, Masola Publishers

Peter Wallensteen (2009) (3rd Ed.), Understanding Conflict Resolution, New Delhi, published by SAGE Publications India PVT Ltd

Peterson, D., (1999), Inside Sudan: Political Islam, Conflict, and Catastrophe, Colorado, USA, Published by Westview Press books

Ramsbotham, O., Woodhouse, T. & Maill, H. (2009), Contemporary Conflict Resolution, Cambridge, UK, Published by Polity Press

Reinikka, Ritva and Collier, Paul (2001) Uganda's Recovery: The Role of Farms, Firms and Government, Fountain publishers, Kampala, Uganda

Rothchild, Donald S. (1997), Managing Ethnic Conflict in Africa: Pressures and Incentives for Cooperation

Sandbrook, R (2000), Closing the Circle: Democratization and Development in Africa, Toronto, Canada, Printed by University of Toronto Press

South Sudan (Republic) (2011), National Baseline Household Survey 2009, Report for South Sudan, 2011 Juba, Published by National Bureau of Statistics, Printed by Government Printers

South Sudan (Republic) (2012), National Budget Plan for the Fiscal Year 2012/2013: Juba, Published by Ministry of Finance and Economic Planning, Printed by Government Printers

South Sudan (Republic) (2012), South Sudan Development Plan 20012-2013: Realizing Freedom, Equality, Justice, Peace and Prosperity for all, Juba, Published by Ministry of Finance and Economic Planning

South Sudan (Republic), (2007), Wildlife and Protected Area Policy of South Sudan, Juba, published by ministry of Environment, Wildlife Conservation and Tourism.

South Sudan (Republic), (2012), An internal briefing paper on the current negotiations between Sudan and South Sudan, Juba, Published by the Ministry of Foreign Affairs and International Cooperation

South Sudan (Republic). (2005) The Comprehensive Peace Agreement between the Government of the Sudan and the Sudan People's Liberation Movement/Sudan People's Liberation Army, Nairobi, Kenya, Published by the IGAD Secretariat

Sudan (Republic). (2008), The Sudan Population and Housing Census, (2008): Southern Sudan Centre for 1Census statistics and Evaluation, Juba, Southern Sudan, Printed by National Bureau of Statistics

The Sudan Peace Initiative (1988), The Peace Accord between the Democratic Unionist Party (DUP) and the Sudan People's Liberation Movement/Army (SPLM/A), signed on 16 November, 1988 in Addis Ababa, Ethiopia

Waihenya, W (2006), The Mediator: Gen Lazaro Sumbeiywo and the Southern Sudan Peace Process, Nairobi, Kenya, published by Kenway Publications

Wanyama, F. O. (2000), Conflict Resolution in Africa by Africans: A Review of Past Experiences for Twenty-First Century in Okoth, P. G. Ed, Africa at the Beginning of the 21st Century, Nairobi University Press. P.200-201

Wright, George. (1997), The Destruction of a Nation: United States' Policy Towards Angola Since 1945.

Young, J (2012), The Fate of Sudan: The Origins and Consequences of a Flawed Peace Process, London, Published by Zed Books Ltd, UK

Zartman, W., (1985), Ripe for Resolution: Conflict and Intervention in Africa, New York, USA, Oxford University Press

APPENDICES

ANEXTURE NO. 1: QUESTIONNAIRE GUIDE

DEAR RESPONDENT

Your participation will be greatly appreciated.

PART ONE

1. COUNTRY PROFILE

Categories		
1.	Name of Country	
2.	Name of Institution	
3..	Name of Department	
4..	Country population	
5.	Total number of clusters distribution	
6.	Place of Questionnaire; please specify	
7.	Date of conducting Questionnaire	
8.	Status of Questionnaire: completed/incomplete	

PART TWO

ADDRESSING POST-CONFLICT ISSUES CHALLENGING REPUBLIC OF SOUTH SUDAN DEPENDS ON LEADERSHIP COMMITTED TO PROVIDE ENVIRONMENT FOR POLITICAL REFORMS AND PEACE BUILDING PROCESS

SOUTH SUDAN POST-CONFLICT CHALLENGES ISSUES

2. TICK IN THE RELEVANT BOX, THE APPROPRIATE ANSWER

2.1 What are the inherited post-conflict issues in the Republic of South Sudan?

a) Political and public sector governance	
b) Oil issues	
c) Development issues	
d) Geographical definition of the independent South Sudan	
e) Economic governance, growth and development	
f) Security	
g) Information, media, public opinion, sensitization	
h) Land and resources	
i) Justice, rule of law, human rights and reconciliation	
j) Public participation and community policing	
k) Others (Specify)	

2.2 What are the emerging post-conflict issues challenges in the Republic of South Sudan?

a) Political and public sector governance	
b) Oil issues	
c) Development issues	
d) Geographical definition of the independent South Sudan	
e) Economic governance, growth and development	
f) Security	
g) Information, media, public opinion, sensitization	
h) Land and resources	
i) Justice, rule of law, human rights and reconciliation	
j) Public participation and community policing	
k) Others (Specify)	

PART THREE

ASSESSMENT OF THE EFFECT OF POST-CONFLICT ISSUES CHALLENGES THE REPUBLIC OF SOUTH SUDAN'S NATION-STATE BUILDING MINIMIZES THE POTENTIAL FOR A RETURN TO VIOLENT CONFLICT.

3. TICK IN THE RELEVANT BOX, THE APPROPRIATE ANSWER

3.1 Tick in the relevant box: What is the state of social, political and economic relationships in post-conflict period in South Sudan?

Very Good	Good	Bad	Very bad	Not sure

3.2 Tick in the relevant box: To what extent do the CPA partners collaborate or differ at the different levels of implementation of the peace agreement?

Very effective	Effective	Indifferent	Ineffective	Very ineffective

3.3 Tick into the box: What are the effects of the issues that are challenge in Southern Sudan during the post conflict reconstruction?

a) Poverty, marginalization, and vulnerability	
b) Unsustainable exploitation of natural resources and environmental deterioration	
c) Insecurity, militarization, and lawlessness	
d) Societal divisions	
e) Poor governance, corruption, and low capacity	
f) Poor economic performance, limited fiscal resources, and disruption of infrastructures and public services	
g) Regional and external risks	
h) Others (Specify)	

PART FOUR

ANALYZING POST-CONFLICT ISSUES PROVIDES POLICY MAKERS AN OPPORTUNITY TO LAY DOWN POLICIES THAT WILL RESOLVE UNCERTAINTY IN PEACE BUILDING AND POLITICAL REFORMS

TICK IN THE RELEVANT BOX, THE APPROPRIATE ANSWER

4.4 Tick in the relevant box: How should the government of Republic of South Sudan employ diplomatic techniques in addressing post-conflict issues challenging the state?

4.4.1 Political and Public Sector Governance

a) Improving political governance is critical to providing the foundation for good	
b) Governance through support of electoral processes	
c) Promotion of participatory processes	
d) The establishment of a political system that has effective checks and balances such as watchdog organizations and independent electoral and natural resource management commissions;	
e) Public sector reform;	
f) Constitution reconstruction;	
g) Decentralization of governance	
h) Capacity-building for government and civil society	

4.4.2 Economic Governance, Growth and Development

a) Transparent and accountable management of natural resources	
b) Combating youth unemployment	
c) To encourage and facilitate continued dialogue and cooperation between the governments of Sudan and South Sudan.	
d) Jumpstarting the economy	
e) Wealth-sharing and the fair distribution of resources long-term economic growth and investment	
f) Provision of health, social and educational services	
g) Reform of the banking and financial sectors	

4.4.3 Security

a) Disarmament, demobilization and reintegration	
b) Security sector reform	
c) Small arms and light weapons control and monitoring	
d) Enhancing community policing	
e) Peace negotiation with Sudan	

4.4.4 Information, Media, Public Opinion, Sensitization

a) Establishment of an independent	
b) Media, particularly print media and radio	
c) Peace education and sensitization;	
d) Capacity-building for civil society	

4.4.5 Justice, Rule of Law, Human Rights and Reconciliation

a) Creation of post conflict justice (e.g. Special Criminal Courts);	
b) Reconciliation activities including Truth and Reconciliation Commissions, restorative justice, restitution and healing	
c) Enhancing human rights training and watchdogs	

4.4.6 Public participation and community policing

a) Strengthen women, youth, and community participation in peace building;	
b) Empower local government structures;	

c) Invest in education and especially adult literacy;	
d) Adopt a comprehensive security framework of human security;	
e) Continue applying corrective and commending public figures through quiet diplomacy.	

4.5 Among the following actors, which party do you think carries the biggest responsibility in resolve uncertainty in peace building and political reforms

a) Individual actors	
b) International actors	
c) Regional actors	
d) Religious actors	
e) Parties in the conflict	

4.6 In your opinion, how do you think the following international parties can assist in South Sudan's post-conflict reconstruction and nation-state building?

a) IGAD Frontline States (Kenya, Ethiopia, Djibouti)

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b) United Nations

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c) East African Community (EAC)

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d) African Union

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e) European Union

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f) United States of America

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g) Arab League

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4.7 In your assessment how can the government of the republic of South Sudan create an effective and sustainable peace rapport with the Republic of Sudan? Use the scale of 1 to 5 where 1 represents the least challenging issue while 5 represents the most challenging issue

Solution	
a) Sanctions	
b) Diplomatic Pressure	
c) Legitimization (International recognition)	
d) Military intervention	

PART FIVE

GENERAL COMMENTS

5.1 GENERAL COMMENTS

Provide generally comments about post-conflict reconstruction and peace building, how can it be implemented

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Thank you for your time spent in completing this questionnaire!

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ANNEXURE NO. 2: INTERVIEW GUIDE

DEAR RESPONDENT

Your participation will be greatly appreciated.

A. PERSONAL INFORMATION

1. Please indicate your position, organization and the number of years that you have worked in this job?

B. ADDRESSING POST-CONFLICT ISSUES CHALLENGING REPUBLIC OF SOUTH SUDAN DEPENDS ON LEADERSHIP COMMITTED TO PROVIDE ENVIRONMENT FOR POLITICAL REFORMS AND PEACE BUILDING PROCESS

1. Who are the core conflicting parties affecting South Sudan?
2. What are the relationships between the conflicting parties?
3. What are different perception of the causes and nature of the conflict among the conflict parties?
4. What is the magnitude of the conflict and violence between South and North Sudan?
5. What are the conflict issues? Is it possible to differentiate/distinguish between positions, interests and needs?
6. In your opinion, which of these issues most challenges the Republic of South Sudan in implementing post-conflict reconstruction programmes? Explain how they are challenging?
7. Are there some post-conflict reconstruction initiatives that are not currently being undertaken and that need attention too? Explain your answer.
8. Are there institutions or fora which could serve as legitimate channels for managing the conflict?

C. ASSESSMENT OF THE EFFECT OF POST-CONFLICT ISSUES CHALLENGES THE REPUBLIC OF SOUTH SUDAN'S NATION-STATE BUILDING MINIMIZES THE POTENTIAL FOR A RETURN TO VIOLENT CONFLICT

1. Does the conflict and violence directly affect the lives of the two conflicting regions? Please substantiate your answer.

2. Which programmes, projects or activities have your department/unit been involved in under the post-conflict reconstruction plan? Provide a list and brief description of post-conflict reconstruction plans implementation available under this project or activity.

3. In your opinion, does the Comprehensive Peace Agreement (CPA) framework support the implementation of post-conflict reconstruction and peace-building programmes and the improvement of lives of people?

4. Did these programmes, projects or activities involve the participation of all levels of government or at national level of government only?

5. If yes, what was the nature of participation?

6. At regional level how do relations with neighbouring countries and societies affected by the conflict?

7. How do you rate the implementation of post-conflict reconstruction programmes after the independence of South Sudan as an independence state?

D. ANALYZING POST-CONFLICT ISSUES PROVIDES POLICY MAKERS AN OPPORTUNITY TO LAY DOWN POLICIES THAT WILL RESOLVE UNCERTAINTY IN PEACE BUILDING AND POLITICAL REFORMS

1. What were challenges of the previous peace settlements?

2. To what extent have the communities affected by the conflict been involved in the formulation and implementation of peace building efforts? Explain your answer.

3. Describe the success, if any, of peace settlements and management processes that have been implemented

4. Offer a general comment about issues which are challenging post-conflict reconstruction programmes and how they can be managed?

5. How do we ensure sustainable post-conflict reconstruction programmes without a return to a fresh war and conflict again?

6. In your opinion, what are the potential challenges to the post-conflict reconstruction plans/programmes implementation?

7. In your opinion what would you expect from the government of South Sudan in order to implement post-conflict reconstruction programmes? Explain your answer.

E. PURPOSIVE INTERVIEW WITH KEY MEMBERS OF NEGOTIATING TEAM IN ADDIS ABABA

1. What are the post-conflict issues challenging South Sudan in pre and post-independence

2. How did you manage these challenging post-conflict issues

3. What are obstacles/problems encountered in managing these post conflict issues

4. How can we avoid the same problems in the future

Thank you for your time spent in participating in this interview survey!

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