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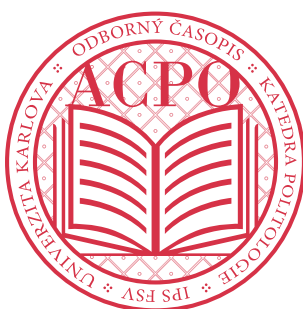
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## Viability of a Secessionist State in Africa: Case Study of South Sudan

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### **Abstract:**

*South Sudan declared its independence after the long-term civil war in 2011, a move which was welcomed both by its inhabitants and the international community and widely supported by the African Union. However, a new civil war broke out a few years later, bringing old ethnic and power rivalries back to light. This article focuses on the causes behind the failure of the state-building process in South Sudan, power relations of its elites, and the difficulties of nation-building. Its main scope is to analyse the causes of the state failure in South Sudan which have their roots deeper in the Sudanese peace process, and which started in the 1990s and culminated with the Comprehensive Peace Agreement in 2005. All these phenomena are studied in a broader geopolitical context bearing in mind also relations with neighbouring states, including parent state Sudan, and with international organisations and the African Union in particular. From a methodological point of view, this article is an intrinsic case-study based on the analysis of documents released by the Government of South Sudan, the African Union, and various international organisations, literature, and also partly on the interviews and observations conducted at the African Union Commission, Addis Ababa, in 2011.*

**Key words:** *Africa; South Sudan; state-building; secession; civil war; African Union*

### **Introduction**

South Sudan gained its independence in 2011 after a bloody civil war lasting almost sixty years. Independence was granted partly in order to achieve peace in the region of the Horn of Africa and to prevent the spill-over effect, particularly after '9/11'. However, enthusiasm from newly gained independence and peace did not last long, and less than two years after the declaration of independence a new conflict that escalated into civil war flared up, decimating the South Sudanese population. Even though this conflict is usually explained as a tribal or ethnic conflict between the majority ethnic Dinka and their opponents the Nuer, the real situation is far more complicated, and therefore a convenient simplification of the causes of South Sudanese civil war should be reconsidered. The author of this article argues that the current political crisis and civil war in South Sudan is caused by the failure of nation- and state-building in the state, which instead of focusing on the creating of effective instruments and institutions focused on satisfying the power and economic interests of various Southern Sudanese elites and power groups.

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The article aims to answer the following questions: What are the main causes leading to the renewed civil war in South Sudan? How did the power interests of South Sudanese elites influence the peace process and following state-building process? And last, but not least, what are the interests of neighbouring countries and international organisations in South Sudan, and how have they influenced the state-building in this state? The author analyses the case using the self-determination and Remedial Rights Only Theories on the basis of which the independence of South Sudan is legitimised. It suggests that secession might be used as a last resort solution for the long-term civil conflicts and violation of human rights of particular peoples and, therefore, might bring a peace to the territories torn apart by the wars. Besides that, the author analyses the state-building and nation-building, suggests the factors which are crucial for the viability of a secessionist state and, in the second part of this paper, tries to identify the key causes, both internal and international, of the renewed conflict in South Sudan. From a methodological point of view, this paper is an intrinsic case study (Ženka, Kofroň 2012), which means that its main objective is the proper understanding of the selected single case; it is not primarily driven by aiming to generalise its results over a broader set of cases and create a universal theory. An intrinsic case study is “*exploratory in nature, and the researcher is guided by his or her interest in the case itself rather than in extending theory or generalizing across cases*” (Mills, Durepos, Wiebe 2010: 499–500). While theory-building is not the primary goal of this study, its results may stimulate the formulation of hypotheses relevant for similar cases of secession. The case of South Sudan has been selected for this study because it is the latest successful secession in Africa and thus has not yet been thoroughly analysed in the literature. This study is based on the analysis of various documents, such as the peace agreements, UN Security Council resolutions, documents of the Intergovernmental Authority on Development (IGAD) and the African Union, and literature. These sources are complemented partly by the interviews and observations carried out in 2011 at the African Union Commission in Addis Ababa, Ethiopia with the aim of illustrating the postures of the AU towards the case of South Sudanese independence. The interviews had a semi-structured form, which means that even though the set of questions was fixed, the respondents had enough space to address their issues (e.g. Dunn 2005: 79–105).

Concerning the structure of the text, the first part is dedicated to the theoretical introduction, where basic concepts of self-determination of nations, remedial secession and even secession in general are discussed. The second part of the paper is the case study of South Sudan itself. The attention is paid to the emergence of South Sudan and geopolitical factors that made it possible for South Sudan to emerge as an independent state. In the following section, the causes and consequences of the South Sudanese state-building efforts are scrutinised based on the explanation of the role of South Sudanese elites in particular. This issue is also discussed in a broader geopolitical point of view, taking into account the politics of its neighbours, and peace initiatives developed by international organisations.

## **Viability of Secessionist States**

Secessionist states are the results of the application of the right to self-determination, which, in its external form, may be defined as the “*right of all peoples to free themselves from foreign, colonial, or racist domination*” (Senese 1989: 19). Besides that, there is also an internal right to self-determination in international affairs, which is limited only to the exercising of

the right within an already existing state, and therefore means “*the right of people to freely choose their own political, economic, and social system*” (Senese 1989: 19). As Kirgis suggests (1994: 307), self-determination may have many different forms: (1) *the right to be liberated from colonial domination*; (2) *the right to remain a dependent territory*; (3) *the right to dissolve an established state peacefully to create new states*; (4) *the disputed right to unilateral secession*; (5) *the right of divided states to reunite*; (6) *the right of limited autonomy*; (7) *minority rights*; (8) *and the right of internal self-determination*.

Self-determination is one of the collective human rights enshrined in various international human rights instruments, such as the UN Charter, International Covenant on Civil and Political Rights or in the African Charter on Human and Peoples’ Rights. This concept originated already in the enlightenment thinking but was introduced in international politics after the First World War by its prominent advocate, US president Woodrow Wilson. In this era, the self-determination principle was applied mostly in the European and Asian liberated territories (Geldenhuis 2009: 30). After the Second World War, in fact, the right-to-self-determination in its external form has been restricted only to the nations under the colonial oppressive rule and become the part of the decolonisation process (Buchanan 1992: 348). The UN human rights covenants on Civil and Political rights and on Economic, Social and Cultural rights adopted in 1966 laid down a foundation to the internal right to self-determination, which may be exercised beyond the decolonisation process and thus introduced “*the right to free, fair and open participation in democratic processes of governance*” (Geldenhuis 2009: 32). The Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, adopted by the UN General Assembly in 1970, also confirmed the previous declarations and ensured the internal right to self-determination and besides that, included a clause protecting democratic states from territorial fragmentation (Geldenhuis 2009: 32). External self-determination is therefore beyond decolonisation widely understood as something undesirable in international affairs. The international community generally opposes the emergence of new states on the basis of secession, fearful of “opening a Pandora’s box”, or triggering a domino effect that would lead to the partition of multi-ethnic states in various regions. Therefore, it adheres to the principle of territorial integrity developed in the 19<sup>th</sup> century and enshrined in various international instruments, such as in Article 2 (4) of the UN Charter, and in a numerous UN Resolutions (Marxsen 2015). In the African context, this principle has been enshrined in the Charter of the Organisation of African Unity (OAU) and Resolution 16 (1) adopted in Cairo in 1964. However, authors such as Jaroslav Tir (2002; 2005) and Chaim Kaufmann (1996) perceive secession as a possible solution to ethnic conflicts, since “*ethnic separation does not guarantee peace, but it allows it*” (Kaufmann 1996: 150).

Therefore, partitions or secessions may be used as remedies for an ethnic conflict, which is defined as a “*violent domestic conflict that takes place between groups that are distinguished from one another by their differing ethnic characteristics (such as kinship, race, religion, or language)*” (Tir 2002: 262). This approach is to a large extent consistent with the theory of remedial secession, which is understood in academia as a last resort solution for long-term conflicts and human rights violations using the principle of external self-determination. Allen Buchanan originally proposed that “*the sole valid justification for secession is that the state is not conforming to or upholding principles of justice; that secession is only justifiable on grounds of injustice*” (Buchanan 1991: 325). Generally, proponents of remedial secession argue that “*a ‘people’ that is denied internal self-determination*

or is faced with massive human rights violations should have a right to secede from the repressive parent state as a last resort” (Meester 2012: 151). Therefore, secession is possible in international affairs only when there is no other solution for a long-term civil war or when it is clear that continuing existence of a unified state would bring even more harm for the local population. Nevertheless, there should be an assumption that people exercising their self-determination by the means of secession would be able to create a viable political unit or state that would not become a burden to the international community and which would contribute to the peace in the region in question.

In his further works, Buchanan elaborates the Remedial Rights Only Theory according to which a general right to secession applies only when the nation or “*group in question*” has suffered serious injustice. Besides that, this theory allows the special right to secession when “(1) *the state grants a right to secede or if (2) the constitution of the state includes a right to secede, or perhaps if (3) the agreement by which the state was initially created out of previously independent political units included the implicit or explicit assumption that secession at a later point was permissible*” (Buchanan 1997: 36). There is a wide consensus in academia that secession is “*neither legal nor illegal in international law, but a legally neutral act the consequences of which are regulated internationally*” (Crawford 2006: 390; Cassese 1995: 30; Meester 2012: 152). Therefore, generally, secessions are recognised by the international community in cases where agreement on independence was reached with the parent state. Geldenuys (2009: 36) calls this consensual dismemberment as a “*partition*” in order to distinguish it from the unilateral secession. Partition is the case of South Sudan since its representative Sudan People’s Liberation Movement/Army (SPLM/A) managed to conclude the Comprehensive Peace Agreement (CPA) with the Government of Sudan. Conclusion of the CPA was besides others the most important prerequisite for international recognition of South Sudanese independence in 2011 by the African Union (Interview with the representative of the Political Affairs Department, Addis Ababa, 15 November 2011). A similar case of secession in the African context is Eritrea. In 1993 following the removal of the Ethiopian Derg regime from power, the leaders of Ethiopian and Eritrean opposition movements agreed on the holding of a UN-sponsored referendum on Eritrean independence in which the Eritrean people declared their desire for independence. Therefore, in both cases, decisions of political representations were confirmed in the referendum where people concerned declared their will to create an independent state. Holding a referendum is one of the key preconditions for the granting of an international recognition by the African Union, as shown in the interviews carried out at the AU Commission in Addis Ababa in 2011.

Even though there might be understandable reasons for secession, the granting of recognition is a matter of foreign policy for each state, and within the scope of the international community. Generally, secessionist territories must meet various criteria to be granted international recognition. According to Alexis Heraclides (1997: 504), the non-viability of the rump state is among arguments supporting the principle of territorial integrity and rejecting secessions in contemporary international affairs. Other factors include “*the domino effect; [...] the issue of stranded majorities or trapped minorities; the danger of giving birth to non-viable entities which would be a burden internationally; the damage done to the will of the majority; and the ability of a minority to constantly blackmail the majority with secession*” (Heraclides 1997: 504; Etzioni 1992–1993). However, there is still one question remaining unanswered in the international relations: “*Would the adoption and enforcement of remedial secession in international law likely be a positive force for the*



*prevention and reduction of armed conflict?*" (Meester 2012:151). And elaborated further, under which circumstances may secessionist states become viable and functioning entities in the international system? What must be done to create a viable state that would not be a burden for the international community, as authors denying the right to secession argue?

To answer these questions, there is a need to first understand the multi-faceted nature of civil wars and their international dynamics. As Buhaug and Gates (2002) suggest, there are important geographical factors, be they physical geographical factors, natural resources or human geographical factors of identity and ethnicity, which influence the scope and location of particular civil wars. According to Gleditsch (2007: 294) "*risk of civil war at the outset may be influenced by participants and processes outside the boundaries of the nation state*" and therefore, the civil war in South Sudan is analysed in the wider geopolitical context taking into account the role of neighbouring countries and international organisations both in the war itself and in the peace process, which may be influenced by the third parties' interests. Moreover, there is a danger of a spill-over effect, which is apparent in a fragile region such as the Horn of Africa and more likely to happen between states with shared ethnic ties (Gleditsch 2007).

Secondly, the concepts of state-building and nation-building should be elaborated in brief, since as stated by Geldenhuys (2009: 40), secessionist states should, *inter alia*, "*have a relatively effective central government that has provided order over a significant period (say at least three years) in terms of functioning police, military and judicial systems*"; "*has to be constituted on a democratic basis, guarantee individual and minority rights on its soil, accept appropriate international obligations, respect applicable international conventions, and recognise the territorial integrity of other states*" and "*has reasonable prospects of survival and economic prosperity, instead of becoming another basket case*" Generally, there are two basic approaches to the state-building process: the institutional approach, which focuses mainly on the capacity of institutions to affirm their authority, and the legitimacy approach. As Lemay-Hébert (2009: 22) states, "*to be effective, statebuilding has to take into account not just the rebuilding of state institutions, but also the complex nature of socio-political cohesion, or what some refer to as nation-building*". Therefore, there are several factors which must be taken into account when trying to evaluate the success of the state-building process. The first is the success of nation-building process in the form that new nation should identify itself with the state, and further fragmentation or the domino effect along the ethnic or confession lines should be avoided. The second is the creation of effective institutions which would be able to administer the newly emerged state and the creation of new elites which would identify themselves with the state and work for the good of the people and the nation. Since secessionist states are largely the results of long-term civil wars, it is important also to ensure the rehabilitation of the armed movements and to investigate war crimes committed during the civil war.

If these factors are not ensured, it is, according to the author of this study, more likely that the state-building process would fail and that a new conflict might emerge. Therefore, all these factors are subjects of the following case study of South Sudan.

## **South Sudanese Independence**

South Sudanese independence may be perceived as a result of implementation of the remedial right to secession, although the possibility of independence was enshrined in the bilateral

agreement concluded between Government of Sudan and SPLM/A. In the South Sudanese context, the independence was an inevitable result of the long-term civil war which flared up almost immediately after the independent Sudan was declared in 1956. The motives for the south Sudanese struggle for independence were mainly the marginalisation of south Sudanese ethnics by the Sudanese government in Khartoum, since the newly established state was identified by its political representation as an Arab-Islamic state (Illés 2011:102). Francis Deng calls the situation, when the South had to face the Arabisation and Islamisation tendencies from the North “*internal Arab ‘colonialism’*” (Deng 2002: 256). By the means of Arabisation and Islamisation, it aimed at eradication the influence of the British colonial system and unification the entire country under a single religion and culture, originating from northern Sudan which was considered as a civilisation mission (Deng 2002: 265). It was manifested primarily in the marginalisation of “Southerners” in the economic and political life. They were, for example, excluded from the industrial and agricultural development since the main manufacturing and trading centres were in the North. Power elites who took the highest administrative positions in the newly established Sudan were mostly from the traditional sectarian families al-Mahdi and al-Mirghani from the Nile basin in the North Sudan, educated at Khartoum University, and speaking Arabic; their way of life had become the norm of Sudanese identity in the colonial era (O’Fahey 1996: 261). The opposition in southern Sudan was influenced by the ethnicity and tribalism; therefore, the only unifying element at the time was a common dissatisfaction with the government in Khartoum and the resistance against it. Residents of marginalised regions in southern Sudan, as a consequence, created their own common identity in contrast to northern Sudan, independent of ethnic and linguistic differences (Badal 1976: 469). The first civil war (1956–1972) ended with the signing of the Addis Ababa peace agreement guaranteeing autonomy for the South. The second civil war (1983–2005) began when government in Khartoum declared Islamic law Sharia valid in the whole state territory, including southern Sudan.

During the civil war, and especially in its last phases, South Sudanese elites were quite successful in turning global public opinion towards the issue, which may be illustrated for instance by the personal commitment of Hollywood actor George Clooney in the South Sudanese case (e.g. Clooney; Prendergast 2010; Heaton 2010). Nevertheless, once the CPA was concluded between the Sudanese government of the National Congress Party (NCP) and independence movements led by the SPLM/A, the newly established South Sudanese transitional government was obliged to “*make unity attractive*”. It means that the both sides agreed to work together to make a more stable state by the means of democratisation. In case this process would fail, South Sudan was entitled to hold a referendum on independence. However, as Lovise Aalen (2013: 174) states, “*the CPA failed in providing sustainable peace and democracy not only because of the lack of implementation of the deal, but because of the contradictory content of the CPA. This is due to the incompatible aims of the agreement: that of making an immediate end to an armed conflict and that of democratisation.*” In fact, the CPA was exclusive and lacked the participation of civil society and citizens. Therefore, it created elites with exclusive positions on both sides: the National Congress Party (NCP) in the North and the SPLM in the South. In this case, the independent South Sudan seemed to be a favourable option both for the NCP, which aimed at creation of an Islamic Sudanese state, and the SPLM, with its aim of self-government. Due to the death of SPLM leader John Garang as the most viable and powerful proponent of a united reformed Sudan, in a helicopter incident a few months after signing of the CPA, the voices

for independence, represented mostly by existing SPLM/A deputy chairman Salva Kiir Mayardit, prevailed. The transitional administration put little effort into the reform process that would enable the existence of the united Sudanese state. Instead, it started to work immediately to ensure that the referendum due in January 2011 would end by the pro-independence result.

The independence of South Sudan was declared on 8 July 2011, on the basis of results of the referendum on independence that took place six months earlier and in which 98.8 per cent of South Sudanese declared their wish for independence (Southern Sudan Referendum 2011). The referendum took place on the basis of provisions enshrined in the CPA. Its results were not questioned by any state in the international community despite several malpractices reported from South Kordofan and Jonglei (Mamdani 2014). Already before declaring South Sudanese independence, experts had predicted the possible future disintegration of the newly emerging state. There were anxieties that ethnic rivalries would escalate over natural resources, which could lead to the failure of the nation-building project (Jok 2011). Despite assurances by the South Sudanese political representation that it would deliver services to all people and build a stable and independent state, it follows from the further developments that there had been serious failures of both state- and nation-building, which are subjects of the next part of this paper.

### **Failure of South Sudanese State-building Efforts: Causes and Consequences**

The current conflict began in 2013, when Vice President Riek Machar, coming from the Nuer ethnic group, was accused of plotting a coup d'état against President Salva Kiir of the Dinka group. Machar criticised the transitional constitution and the government, and proposed changes that would limit the power of the president already in spring 2013. It was a part of the long-term contest of leadership within the SPLM and motivated particularly by the national elections scheduled for 2015. Other challengers of Kiir's power were John Garang's widow Rebecca Nyandeng and SPLM secretary general Pagan Amum, who had both declared their intention to run against the current president (Rolandsen 2015: 170; Rolandsen et al. 2015: 88). In response, Kiir suspended Pagan Amum and Riek Machar from all functions, and the crisis then peaked by dissolving the transitional government in July 2013. No official reason for the government dismissal was given, but ministers were accused of corruption and ineffectiveness. Besides that, also the SPLM secretary-general and Unity State governor were replaced. The real cause of these political changes was the internal power struggle within the SPLM/A. On 6 December 2013, the internal opposition within the SPLM declared in a press statement its stances towards Kiir's leadership of the SPLM and the Government of South Sudan. For example, they criticised the move away from John Garang's legacy; *"the shift in decision-making process from SPLM national organs to regional and ethnic lobbies around the SPLM chairman"* and the usurpation of decision-making by the Chairman and his ethnic allies; the failure of transformation of the SPLM from resistance movement towards regular political party (Sudan Tribune 2013).

This renewed conflict escalated into civil war in December 2013 in the barracks south of the city centre of Juba and spread quickly to the different parts of the capital. Riek Machar emerged as a rebel leader of the opposition militias' Sudan People's Liberation Movement/Army (In Opposition) (SPLM/A-IO). Government forces were trying to round up



rebels, and Nuers became a target of harassment from the army. The mutinies of the SPLM's opposition factions flared up in Jonglei, Upper Nile and Unity (Rolandsen 2015: 163–164).

This newly revived conflict has been routinely explained as an ethnic conflict between the Dinka-led government and Nuer-led rebellion (Mamdani 2014). Nuer and Dinka are majority ethnic groups, together making up around 4.8 million or 57 per cent of the South Sudanese population. These two groups share a common culture, way of life – an agro-pastoralist economy – and speak similar languages. Dinka are the largest ethnic group in South Sudan, outnumbering the Nuer by a factor of 2 to 1 (Sørnbø 2014: 2). In fact, however, it is important to note that these two peoples are internally divided along political lines. Ethnic identities have been politicised, mainly during the British colonial administration, and ethnicity itself is closely associated with territoriality since the South Sudanese tribes had been divided by the colonial administration and setting of boundaries (Rolandsen 2015: 165). The current conflict situation is far more complicated and may not be simplified to an ethnic conflict between Nuers and Dinkas. It must therefore be scrutinised from different points of view, bearing in mind the power relations of South Sudanese elites and political relations with neighbouring countries in particular. Rather than focussing on the ethnic factor, the conflict should be perceived as another internal split of the SPLM with personal, economic and ideological dimensions (Mamdani 2014). According to Rolandsen (2015), moreover, it is the *“combination of a weak patrimonial state, a wartime mentality and lack of peaceful mechanisms for political contestation and transition that brought about the current war.”* Therefore, it is essential to search for the roots of the current crisis in the origin and character of current South Sudanese elites and the causes of the failure of the state- and nation-building processes in South Sudan. These issues are the subject of analysis in a further two parts of this paper.

### ***South Sudanese Elites – The Obstacle to State Building***

The contemporary political crisis in South Sudan must be understood taking into account also the South Sudanese political and military elites since, in fact, it is not an ethnic conflict but rather a political fighting between power elites within the SPLM. According to Rolandsen (2015: 163), the renewed conflict in South Sudan raised the question about the viability of newly emerged states and *“intensified the debate over the Sudan People's Liberation Movement's (SPLM) capacity and suitability to govern”*. The SPLM/A has never been a united movement and armed force; instead, it has always been a conglomerate of various ethnic and tribal militias. It was established in 1983 by a group of students, intelligentsia and former soldiers coming mainly from the Dinka ethnic group from the Greater Upper Nile and Greater Bahr el-Ghazal who had fled to Ethiopia. Later, in 1988 the Nuer militias under the name Anyanya II were absorbed into this movement. In this phase of the war, the SPLM/A consisted of Dinka of Bahr el-Ghazal and of the eastern bank of the Nile, and Nuers. Even though the SPLM/A expanded to other areas, including the South Sudanese periphery and absorbed other allied forces, the movement's core was formed along the three most prominent groups mentioned above with the leadership held by John Garang coming from the eastern bank Dinka faction (Rolandsen 2015:167).

Nevertheless, there have been several political disputes and splits during the movement's history. One of the most important took place in 1991, when Riek Machar together with Lam Akol called for the replacement of the SPLM's leader, John Garang.

After unsuccessful attempts, the insurgents formed a break-away faction under the name SPLM-Nasir (Sørbo 2014: 1–2). Unlike Garang, this group, more than creation of New Sudan supported the ideas of South Sudanese independence. The severe consequence of this split was violence and fighting between Dinka and Nuer culminating in the November 1991 massacre of around 2,000 Dinkas in Bor. Besides that, SPLM-Nasir created an alliance with the Sudanese Islamic organisation the National Islamic Front and was supported by the Ethiopian regime in order to fight the mainstream SPLM/A led by Garang in South Sudan (Wassara 2009: 266–276).

After the creation of independent South Sudan, the SPLA was not transformed nor reformed besides expansion of its numbers (de Waal 2014: 357). Since the conclusion of the CPA and then since 2011, the opposition Khartoum-supported militias recruited mostly from the Nuer were absorbed into the SPLA. Even though their leaders were promoted, ordinary troops did not receive sufficient status within the army (Johnson 2014: 6). Moreover, there was another problem with leadership. After John Garang's death in 2005, his faction from the eastern bank of the Nile began disintegrating, and the power centre has shifted to the Bahr el-Ghazal faction with Salva Kiir being the South Sudanese president. The third main faction of the SPLM was formed by Nuer leaders Riek Machar, Taban Deng and Peter Gadet in the Greater Upper Nile. Despite splits and insurgencies, the Nuer factions were reintegrated into the SPLM/A in around 2000. Two years later, Machar turned back to the SPLM/A and in 2006 the signing of the Juba declaration meant reintegration of South Sudan Defence Forces (SSDF), the Nuer faction led by Paulino Matiep, into the SPLM/A (Rolandsen 2015: 168).

According to Alex de Waal (2014: 348–349), the current South Sudanese government may be perceived as neo-patrimonial, which means that political functions and offices serve for personal advantages. South Sudanese political regime has particular characteristics, such as “1) it is kleptocratic, 2) it is militarized; 3) governance transactions are highly monetized and 4) it is dynamic and turbulent system” (de Waal 2014: 348–349). The SPLM is intertwined with the state apparatus, Salva Kiir serves as a president and at the same time as SPLM chairman and SPLA commander-in-chief. Therefore, the boundaries between the office of the president, the party leadership and the army are quite vague. Moreover, the distribution of resources in the neo-patrimonial state limits the possibilities for opposition parties to get financial support (Rolandsen 2015: 169). It follows that there is power in Sudan solely in the hands of elites who emerged from the peace process, and the political system is influenced by ethnic factors and old military relations from the era of the Sudanese civil war.

### ***Peace Negotiations and Broader Geopolitical Context***

Maintaining good relations with neighbouring Sudan, Uganda and Ethiopia is an essential precondition for South Sudanese successful and viable existence. Since the boundaries in Africa are porous, neighbouring countries and Ethiopia in particular have been the target countries for Sudanese refugees and vice versa, Ethiopian refugees were fleeing to Sudan especially during the regime of Mengistu Haile Mariam in the 1970s and 1980s. The Ethiopian government of Emperor Haile Selassie also became a mediator in the Sudanese peace process when it took part in negotiations in Addis Ababa in 1972 ending the first Sudanese civil war (Malwal 1994: 91–92). After the coup d'état led by Colonel Mengistu, Ethiopia became one of the most important proponents of South Sudanese independence

and a long-term supporter of the SPLM, since Khartoum supported Ethiopian opposition. The SPLM itself was founded in Ethiopia in 1983 (Rolandsen 2015: 167).

Concerning the current South Sudanese crisis, peace talks were facilitated particularly by the Intergovernmental Authority on Development (IGAD)<sup>2</sup>, the East African political and economic integration organ, which at that time was chaired by Ethiopia. Ethiopia took the main responsibility for the peace negotiations, the venue was Addis Ababa, and Ethiopian diplomat Seyoum Mesfin was appointed as Chairman of the IGAD Mediation Process, assisted by Lazarus Sumbeiywo, who participated in peace mediation between the Government of Sudan and the SPLM (Rolandsen et al. 2015: 95). The result of talks was the signing of the Memorandum on the Cessation of Hostilities on 23 January 2014 (Rolandsen 2015: 164); it has been, however, violated continuously, and mediation was concentrated towards the long-term ceasefire and a new power-sharing agreement (Rolandsen et al. 2015: 95). Another agreement was concluded on 9 May 2014, but similarly did not bring a durable peace, and clashes between particular factions within the SPLM/A continued. The peace agreement under the name “Agreement on the Resolution of the Conflict in the Republic of South Sudan” was finally signed by Riek Machar as leader of the armed opposition (SPLM/A-IO) and Pagan Amum, representing the SPLM Leaders known as the Former Detainees (FDs)<sup>3</sup> in Addis Ababa, Ethiopia on 17 August 2015, and was due to be signed by South Sudanese government 15 days later. At first, President Salva Kiir refused to sign the deal, because he did not agree with the provision of de-militarisation and withdrawal of government forces from Juba (Nield 2015). Finally, and partly due to international pressure, the peace accord was signed on 27 August 2015. The peace agreement was negotiated by the IGAD PLUS, which incorporated the representatives of IGAD, and representatives of the AU 5 (Algeria, Chad, Nigeria, Rwanda, South Africa), the AU Commission, China, the EU, Norway, the UK, USA and UN (Office of the IGAD Special Envoys for South Sudan 2015).

The IGAD had been already a party to peace talks between SPLM and Government of Sudan which culminated in the signing of the CPA in 2005. Therefore, it serves as a guarantor of peace in the region and one of the most important regional authorities regarding the peace talks. This mechanism is in accordance with the “*African solution for African problems*” concept, which means that European and world powers do not directly intervene in Africa and instead resolution is left for African stakeholders, such as the AU or various regional organisations and integrations, such as the IGAD in this case. Norway, the UK and the USA, known as the Troika, only guaranteed the keeping of the agreed provisions and assisted in the negotiations (Cosmas 2015).

Success of IGAD-mediated peace talks was, however, limited by the fact that neighbouring countries, especially Sudan and Uganda, involved themselves in the renewed South Sudanese conflict. Uganda provided military assistance to the South Sudanese government through the Ugandan People’s Defence Force (UPDF) on 20 December 2013, immediately after the conflict ended. It had always been a key ally of the SPLM in the region and therefore supported the South Sudanese government of Salva Kiir (Rolandsen 2015: 166; Apuuli 2014). Another important motive for Uganda’s intervention in South Sudan was the fear

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<sup>2</sup> IGAD is an institution established in 1996 as a successor of Intergovernmental Authority on Drought and Development (IGADD) and consisting of eight countries in East Africa, namely Ethiopia, Kenya, Djibouti, Somalia, Eritrea, Sudan, South Sudan and Uganda. It is well-known for its peace mediation efforts mainly in Sudan and Somalia.

<sup>3</sup> SPLM-FDs is a group of ten officials arrested during the first days of South Sudanese conflict.

that the opposition led by Riek Machar, supported by Sudan, which is Uganda's traditional rival in the region, would gain more power (International Crisis Group 2016:4). Officially, these forces were deployed to "*assist in protecting infrastructure and preventing escalation of the conflict*" and evacuating foreign citizens, but they also took part in the operations against the SPLM-IO (Rolandsen et al. 2015: 97).

Sudan, as the former parent state of South Sudan, still maintains relations with the secessionist state mostly in terms of economy. South Sudan has the second most important oil deposits in Africa (Mamdani 2014) and its export is the most important source of state revenues. However, oil is exported through a pipeline passing through Sudanese territory to Port Sudan, from where it is exported. Therefore, cooperation between Sudan and South Sudan is an essential condition to profit from the rich oil deposits in the South. Even though Juba agreed to pay transit fees to Khartoum for its use of the Sudanese pipeline, Sudan started to load the oil into its own tankers in January 2012, which led to the shutting down of oil production in the South. Based on mutual agreement, the oil production was finally renewed, but the shutdown caused considerable damage to both economies (International Crisis Group 2016: 4). In a political and geopolitical sphere, the relations between Sudan and South Sudan are more complicated, taking into account for instance still unresolved issue of disputed territory of Abyei. Moreover, South Sudan have been accused by the Sudanese government of supporting the opposition movement Justice and Equality Movement (JEM) (Sudan Tribune 2014a) and vice versa: during the renewed conflict in South Sudan, there was speculation, although unconfirmed, about the possible support of the SPLM-IO from Khartoum (Sudan Tribune 2014b).

Besides Ethiopia and the IGAD, also Tanzania involved itself through the ruling party Chama Cha Mapinduzi (CCM) in the mediation of the peace in South Sudan. The result of negotiations was the signing of the "Agreement on the reunification of the SPLM" in Arusha, Tanzania on 21 January 2015 by representatives of three SPLM factions: Salva Kiir, Riek Machar and Deng Alor Kuol (Agreement on the reunification of the SPLM 2015).

The UN engaged itself in the resolution of the South Sudanese conflict through the UN Mission in South Sudan (UNMISS). Originally, this peace mission was deployed to South Sudan already in June 2011 when South Sudan became independent. The deployment was based on UN Security Council Resolution 1996 (2011) with the mandate to monitor the keeping of provisions of the CPA, to "*consolidate peace and security and to help establish conditions for development*" (S/RES/1996 [2011]). When conflict in South Sudan flared up, the mandate was modified in UN Security Council Resolution 2155 (2014) adopted on 27 May 2014 towards "*the protection of civilians, monitoring and investigating human rights, creating the conditions for delivery of humanitarian assistance and supporting the implementation of the Cessation of Hostilities Agreement*" (S/RES/2155 [2014]). In fact, the UNMISS was unable to prevent the atrocities due to its mandate and also due to obstacles stemming from the warring parties. In 2016, the UN Security Council backed the deployment of the Regional Protection Force based on UN Resolution 2304 (S/RES/2304 [2016]) with the mandate, besides others, to ensure free movement into, out of, and around Juba, to protect the airport and key facilities in Juba, and to protect humanitarian actors and civilians.

The African Union was one of the parties which supported the Naivasha peace process and the conclusion of the CPA. After the declaration of an independent South Sudan on 9 July 2011, the AU recognised its existence almost immediately, and South Sudan was accepted as a new member. Interviews carried out at the AU Commission in Addis Ababa

in 2010 and 2011 prove that the AU adopted a conciliatory approach towards South Sudanese independence because of the long-term civil war which had led to a humanitarian and security crisis in the region (Interview with the representative of the AU Legal Counsel, Addis Ababa, 18 November 2011). Therefore, the secession was perceived as a possible last resort solution for the conflict and was supported especially because SPLM managed to conclude CPA with Sudanese government (Interview with the representative of the Political Affairs Department, Addis Ababa, 15 November 2011). In this situation, the AU did not have any reason to oppose the arrangements on secession which was negotiated between the warring parties and guaranteed by international actors. Therefore, even though the AU does not welcome the creation of new states in Africa and supported the idea of a unified Sudan, it could not block South Sudanese independence, since the principle of self-determination is internationally recognised (Interview with the representative of AU Border Programme, Addis Ababa, 18 November 2011).

The African Union still serves as an important player in the current South Sudanese conflict. After the renewal of the conflict, the AU Peace and Security Council established the Commission of Inquiry into alleged atrocities. In its final report, the Commission presented findings connected to the violation of human rights and institutional reforms (AU Commission of Inquiry on South Sudan 2014). Besides that, the AU proposed sending a regional peacekeeping force under the UN mandate. On the role of the AU in the South Sudanese conflict, Mahmood Mamdani said, *“South Sudan is not a failed state, but a failed transition. It needs a second transition, this time under an authority other than the United States, Britain and Norway or IGAD, whose members have conflicting interests in South Sudan”* (Mamdani 2017). According to him, this second transition should be guaranteed by the AU and appointed jointly by the AU Peace and Security Department and UN Security Council. The idea of trusteeship, however, both guaranteed by the AU and UN, and suggested by the USA already in 2013, was rejected by the South Sudanese representatives.

Even though many peace initiatives have taken place since the beginning of the conflict and even the warring parties agreed on signing the peace deal, the situation in South Sudan still remains insecure and fighting between particular factions within the SPLM continues. Several officials called for immediate action and pressure to warring parties to keep the terms declared in the peace agreements. However, the fighting continues even a year and a half after the conclusion of the peace agreement, and in February 2017 the United Nations Special Adviser on the Prevention of Genocide, Adama Dieng, expressed his concern over the danger of genocide in South Sudan (Michael 2017). The same concern was articulated besides others also in reports of the UN Commission on Human Rights in South Sudan, from the UN Panel of Experts on South Sudan and human rights organisations (Lyman, Lindborg 2016). During the conflict, tens of thousands of people died, and in total there were some 1.5 million South Sudanese refugees as of 31 January 2017, most of them seeking refuge in Uganda, Ethiopia or Sudan (UNHCR 2017). The total number of displaced people, including IDPs, however, reaches 2.4 million (Human Rights Watch 2017). The warring parties have committed serious atrocities against the civilian population, including sexual and gender-based violence recruiting the child soldiers (Human Rights Watch 2017). Currently, the people of South Sudan have to face serious issues of food supply, which even culminated in famine in some parts of the country at the beginning of 2017, and it was expected that the total number of food insecure people would rise to 5.5 million in June 2017 (Sudan Tribune 2017).



## Conclusion

As it follows from this paper, the current conflict is a result of the failed transition and state-building process. Even though it is perceived as a struggle between ethnic groups in South Sudan, the most important being the Dinka and Nuer, in fact it is a power struggle between particular factions within SPLM/A. Even though they, to a large extent, correspond with the ethnic groups, their motives are primarily economic and political. The cleavages inside the SPLM/A first occurred in the early 1990s and led to creation of mostly Nuer and Shilluk movements fighting against mainstream the SPLM/A. With the Naivasha peace process and conclusion of the CPA, they were absorbed again to the SPLM but not fully integrated. Their primary motive was that their faction leaders thought they could gain more power, since the CPA was an exclusive agreement between the SPLM and Government of Sudan. In fact, it constituted elites who then took the most important seats within the newly established Government of South Sudan. After the South Sudanese independence, old cleavages surfaced and led to the renewal of civil war in South Sudan.

In the case of South Sudan, therefore, the secession did not prove to be the solution for the long-term civil war and instead became the catalyst for the renewal of old rivalries. There have been a number of internationally led initiatives with the aim of ending the conflict. Even though the peace agreement between the South Sudanese government and SPLM-IO was signed in 2015, the fighting continues and ceasefires are being violated. Currently, South Sudan is on the verge of famine, and there is even concern about a possible genocide. In this situation, it is necessary to put pressure on warring parties to let international missions protect civilians, and to propose the conclusion of a power-sharing agreement, guaranteed mainly by trusted African actors, which would establish a more representative transitional government and limit the power of current South Sudanese warlords.

South Sudan may be, according to Herbst (2000), classified as a country with favourable geography, since the highest concentration of population and power may be found in one area surrounding the capital and, in contrast to its parent state Sudan for example, has considerably smaller territory. Therefore, it should have been more favourable for state consolidation, according to Herbst's model. It has been proved by the analysis of the case study of South Sudan, however, that this model, even though extremely interesting in the whole African context, should be re-examined with emphasis on the particularities of selected cases.

In comparison to other successful case of secession in Africa, such as Eritrea, South Sudan proved to be even less viable, even though both states are classified as failed by various indexes. In the case of Eritrea, however, the regime may be characterised as autocratic, and there are continuous reports of human rights violations. Similarly to South Sudan, the state-building process after gaining independence in 1993 may be perceived as failed. Therefore, it would be quite interesting to compare the reasons for the state-building failure and their consequences in these two particular cases with the possible aim of generalising the findings and formulating hypotheses valid for other cases as well.

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