WHEN ETHNIC DIVERSITY BECOMES A CURSE IN AFRICA: THE TALE OF THE TWO SUDANS

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Abstract: *This article assesses when diversity becomes a curse in Africa. The review of literature on the causation of civil wars shows gaps, weaknesses and lack of holistic framework of analysis. It is argued in this article that the risk of violent conflict is better explained in Africa by absence of social contract as a manifestation of governance deficit rather than the presence of grievances and greed. Recognizing these gaps, this article uses the heuristic social contract framework to assess the drivers of diversity-related conflicts in Africa. Applying this social contract framework to analyze the case of the two Sudans that have been susceptible to recurrent diversity-related conflict, it is argued in this article that ethnic diversity is not a curse and it becomes a curse when there is governance deficit that is manifested in social contract and system of government that abhor and detest diversity. Transforming diversity to become a virtue requires forging a system of government and a resilient social contract that addresses the core conflict issues as well as building inclusive and accountable institutions that promote social cohesion and democratic governance.*

Introduction: The Cost of Mismanaging Diversity

Diversity is a part of any society, particularly in Africa as no country is characterized by a lack of diversity. But the challenge of managing it is detrimental to stability and development in many African countries. There is a consensus that diversity by itself is not a problem, but the way it is managed makes it either a virtue or a curse. Despite its centrality to the discourse of governance, social contract-making and peacebuilding, diversity lacks a commonly agreed upon definition, as it is a broad concept with many dimensions and makers. Deng[1] refers to diversity as the plurality of identity groups that inhabit individual countries, others emphasize ethnicity as a critical element of diversity and a major driver of its management in Sub-Saharan Africa.[2]

Post-independence African countries have been susceptible to recurrent incidents of diversity-related conflicts and their concomitant high costs. In the case of the two Sudans (Sudan and South Sudan), there have been recurrent ethnic-related conflicts since the independence of Sudan in 1956 and South Sudan in 2011. Diversity has manifested itself as a scourge in the two countries, as they experienced civil wars immediately after their independence and remain bound by internal ethnic-related conflicts that spill over their borders.[3] These violent conflicts

have caused enormous human, material, social and psychological costs that can be traced to the colonial and post-independence periods.

The colonial periods of Turco-Egyptian rule (1821-1881) and the Mahdyia regime (1881-1898) were characterized by lawlessness and slavery that resulted in famine on a huge scale and massive displacement in Sudan and southern Sudan in particular.[4] By the early 1880s, almost two-thirds of the population of Khartoum, the capital city of Sudan, was estimated to be slaves from the African ethnic communities in southern Sudan, Nuba Mountains and Blue Nile.[5] Even during the Anglo-Egyptian regime (1898-1956), the resistance of South Sudanese to heavy taxes was subdued with large scale destruction and devastation and massive confiscation of livestock.[6]

The first Sudan civil war (1955-1972) was characterized by large scale cattle raiding and massive displacement in southern Sudan caused by the government supported Arab nomads counterinsurgency warfare which resulted in a death toll of 500,000 amid recurrent famines in the 1960s.[7] The second civil war (1983-2005) caused the death toll of about 2 million, 420,000 refugees and over 4 million displaced in Southern Sudan.[8] Deng estimates the excess death toll from the 1998 Bahr el Ghazal famine to be about 70,000.[9] Also the violent conflict in Darfur produced a death toll of about 300,000 and 1.5 million displaced.[10] De Waal estimates the crude death rate of the 1984-5 famine in Darfur to about 40 per thousand.[11]

The first civil war of South Sudan (2013-present) has caused massive forced displacement of almost 4.2 million people including 2.2 million in neighboring countries, with nearly 6 out of 10 people experiencing severe food insecurity or famine. It is estimated about 400,000 have died as a result of civil war with half of the dead killed in fighting and the other half from disease, hunger and other causes exacerbated by violent conflict.[12] Also about 41 percent of people surveyed in South Sudan showed symptoms of post-trauma disorder that are comparable to levels of countries that experienced genocide such as Cambodia and Rwanda.[13] The economic cost of this first civil war to South Sudan could be as high as US$158 billion, and the costs to the regional neighbours could rise to nearly US$57 billion and the costs to the international community in terms of peacekeeping and humanitarian assistance could rise to nearly US$30 billion.[14]

The main argument of this article is that ethnic diversity is a virtue, but it becomes a curse due to system of government and social contract that abhor and detest diversity. This article is organized into this section that provides the cost of mismanaging diversity. The next section provides the framework for analyzing the drivers of diversity-related conflicts in Africa. The framework is employed in section three to analyze the drivers and pattern and trajectory of the recurrent diversity-related conflicts in the two Sudans. The article concludes with opportunities

available for the two Sudans to manage and transform diversity to become a source for peace, development, and justice.

The Framework for Understanding Diversity-Related Conflicts

There is a wealth of evidence that shows the virtues of diversity in development and peacebuilding. The nexus between diversity and economic growth on one hand and between diversity and improved performance on the other hand has respectively been observed at a macro-level in developed countries such as the United States of America and Australia and in organizations at the micro-level.[15] It has been found that the performance of an organization is better in a heterogeneous environment than in a homogenous environment.[16] On the causation of civil war, the risk for civil war is less explained by ethnic and religious diversity and it is even suggested that diversity may reduce the risk for violent conflict.[17] Collier refutes the belief that ethnic diversity increases the risk of civil war and argues instead that at a certain per capita income, increased ethnic diversity in fact reduces the risk of violence.[18]

Despite such virtues of ethnic diversity, there are recurrent diversity-related conflicts in Africa. There are competing views about the role of ethnic diversity in causing civil wars in Africa. Some argue that violent conflicts are cultural phenomena like other social processes, while many researchers across all disciplines reject any claim that identifies religion or ethnicity as a prime cause of civil war. There is, however, growing but limited empirical evidence that suggests a positive association between ethnic diversity and cultural differences and the incidence of civil wars. In particular the popular thesis of "clash of civilization" attributes the primary source of conflict to cultural and religious identities and some studies have found that the diversity in the religious dimension of ethnicity has a positive effect on the risk civil war.[19]

The debate in the literature on the causation of civil war has been focused on greed or grievance rather than ethnic diversity. This debate is almost settled by a wealth of empirical evidence that unequivocally shows violent conflicts are largely caused by grievances over real or perceived relative deprivation.[20] There is a long-standing position in political science that attributes the cause of conflict to relative deprivation caused by bad governance and grievance that relative deprivation produces.[21] As such cultural differences and ethnic diversity per se do not cause violent conflict, but they are used and exploited to sustain such violent conflicts.[22]

The grievances that cause diversity-related violent conflict are a manifestation of governance deficit and a failure of public institutions to equitably ensure

access of citizens to various resources including political power.[23] Besides the governance-deficit, there are other drivers of ethnic-related conflicts such as the legacy of pre-colonial empires and colonialism that created the initial conditions for transforming diversity into a source of conflict.[24] It could safely be argued that the quality of governance tends to be the main cause of all violent conflicts including the diversity-related conflicts. Yet, there is a debate of whether the *type* or *system* of government determines the quality of governance. While types of government focus on 'power sources' in terms of who rules and participates in government, systems of government focus on 'power structure' in terms of how power is distributed within government.[25]

Most civil war causation studies have focused on *types* rather than *systems* of government and have undermined the central role played by institutions (power structure) of government in determining the quality of government. The failure of nation-states to deliver quality governance and public goods is more related to institutions and systems of government than to the types of government.[26] The system of government is well captured through the concept of "*social contract*"[27] that refers not only to a structure of governance but also to institutions that provide the necessary conditions and environment for forging social cohesion between and among ethnic groups. The outbreak of violent conflict is a result of absence of, breach of or deviation from or breakdown of social contract rather than the presence of greed, grievances, and horizontal inequalities.[28] The unfinished social contract-making process in Africa may explain the recurrent occurrence of diversity-related conflicts.[29]

In the case of Sudan and South Sudan, various studies have attributed the drivers of the recurrent civil wars to various factors including colonial legacies, ethnic diversity, absence of national identity grievances and failure of previous peace agreements.[30] Other studies highlighted the weak state structure, division within the ruling party, weak state structure, tragedy of ethnic diversity and destructive dynamics of neopatrimonial governance as brute causes of recurrent conflicts in the two Sudans.[31] Some scholars explain that the two Sudans are trapped in vicious cycle of violent conflict because most peace agreements have prescribed pre-determined solutions rather than diagnosing first the root causes.[32]

The real gap in this literature of the causation of violent conflicts in the two Sudan is that these analyses stressed specific driver without providing a holistic framework for understanding the causes and dynamic of violent conflicts. These gaps and weaknesses in existing bodies of literature of the drivers of violent conflict are not peculiar to the two Sudans but they are global.[33] This article is an attempt to provide a holistic framework to understand the causes and dynamics of violent conflict in the two Sudans.

McCandless offers a heuristic *resilient national social contract* framework to better understand and address violent conflict through three postulated drivers; namely: (i) political settlement and social contract-making that addresses the core conflict issues such as diversity, (ii) inclusive institutions that ensure access to resources and representation in government and (iii) social cohesion between and among different ethnic groups as the outcome of the two drivers.[34] This framework is used generally in this article for analyzing the drivers of the recurrent diversity-related violent conflicts in the two Sudans.

The Tale of Two Sudans: The Drivers of Diversity-Related Conflicts

Sudan and South Sudan provide a unique case for assessing the drivers of diversity-related conflicts. While the people of South Sudan voted overwhelmingly in 2011 to secede from Sudan because of the mismanagement of its ruling elites of diversity, South Sudan slid paradoxically into ethnic-related violent conflict in less than three years of its independence because of the failure of its ruling elites to make diversity a source of social cohesion.[35] The ruling Islamic elites who supported the secession of South Sudan in order to have a homogenous Arab-Islamic Sudanese state were faced after the independence of South Sudan with continued diversity-related violent conflicts in the regions of Darfur, the Nuba Mountains, Eastern Sudan, far Northern Sudan and Blue Nile.

Despite the virtues of diversity touted in the development and peacebuilding literature, the real question is why the ruling elites in Sudan and South Sudan have failed to harness such virtues and instead, ethnic diversity appears to be a source of violent conflict. In an attempt to answer this question, this article assesses the evolution of social contract-making processes and its concomitant quality of governance and institutions as one of the ways to manage ethnic-diversity. Two periods are relevant in assessing the social contract and system of governance in the two Sudans; namely the period of colonialism and the post-independence period.

The Legacy of Colonialism: Planting the Seed of Diversity-Related Conflicts

The genesis of the recurrent diversity-related conflicts that plagued the two Sudans can be attributed to the legacy of colonialism, which planted the early seed of such conflicts. The colonial periods considered in this article for which to assess the legacy of colonialism are: (i) the period of anarchy, assets transfer, and planting the seed of power imbalance and inequality (the Turco-Egyptian regime,1821-1881 and the Mahdiyya, 1881-1898), and (ii) the period of accentuating power imbalance and uneven development (the Anglo-Egyptian regime,1898-1956).

Turco-Egyptian and Mahdiyya regimes: Planting the Seed of Power Imbalance and Inequality

The militarily-weak Turco-Egyptian regime in Egypt arrived in Sudan in 1821 with the aim of consolidating its political autonomy from the Ottoman Empire by plundering slaves and ivory through a centralized military system of government.[36] The new regime focused its slave raids and assets transfer from southern Sudan and the regions of Nuba Mountains and Blue Nile, which offered docile and loyal slaves.[37] Besides being used in the army, these slaves became one of the means of paying the remuneration of the Turco-Egyptian standing army.[38]

During this period, the Turco-Egyptian authorities and private Arab traders undertook slave raids on a vast scale into southern Sudan, the Nuba Mountains and Blue Nile regions of Sudan. The Arab nomads sponsored by the new regime became engaged in massive raiding of African ethnic communities in Southern Sudan for slaves and cattle and established al-Zubayr Pasha's slave trading empire in the Bahr el Ghazal region of southern Sudan. The Arab nomads of the western regions of Kordofan and Darfur and the petty traders (known as *jellaba*) benefited considerably by indirectly working for the major slave traders or by levying tax for allowing these traders to move slaves across their territory and directly by conducting their own raiding;, as a result of which slave-owning was widespread among them by the 1870s.[39]

This new regime had planted the early seeds of poisoning inter-ethnic relations between the peoples of southern and northern Sudan and created economic disparities in favor of Arab ethnic groups through massive assets transfer. It had also a profound impact on the African ethnic groups and their traditional systems of government along the north-south border of Sudan and changed the local balance of power in favor of Arab ethnic groups. Psychologically, the new regime considered people of southern Sudan as primitive and inferior, while classifying Arabs as superior to the people of southern Sudan. This classification exacerbated the balance of power between Arab and black Africans leading to greater inter-ethnic mistrust.

The Turco-Egyptian regime was replaced by the Mahdiyya regime in 1881 with full support from the slave traders, particularly Arab nomads of Kordofan and Darfur.[40] This new regime was characterized by chaos, anarchy and scaling up of unprecedented raiding of slaves and livestock in southern Sudan, particularly in the Bahr el Ghazal region. In 1884, the Mahdiyya regime invaded the Bahr el Ghazal region of Southern Sudan with support from various groups with interest in the slave raids: particularly the Arab nomads of western Sudan who took the chance to acquire substantial booty.[41] Unlike the Turco-Egyptian regime period when there was limited efforts to convert people of Southern Sudan to Islam, the

Madhiyya regime had a clear agenda of spreading Islam in Southern Sudan. The way the Mahdiyya regime professed Islam and Arabism in Southern Sudan through barbaric slave raids with support by the Arab nomads left behind complex scars in bitter Arab-African inter-identity relations that plagued Sudan.[42]

The slave raids by the Turco-Egyptian regime, Mahdiyya regime and Arab nomads deeply affected the prevailing system of traditional authorities in South Sudan.[43] For example, the Shilluk Kingdom in southern Sudan enjoyed relative stability until the arrival of the Turco-Egyptian regime in 1821. By 1861, the Turco-Egyptian regime and Arab traders sparked warfare with devastating slave raids against the Shilluk that weakened the Shilluk Kingdom.[44] This warfare continued and was exacerbated by the chaos of Mahdiyya, which imposed an Islamic assimilationist centralized unitary system, and which decimated the Shilluk's herds and caused carnage that halved the Shilluk population.[45]

The Ngok Dinka of Abyei area, at the border between northern and southern Sudan, offer another example of resilience of a traditional system of government in the face of the imposition of a colonial regime.[46] The arrival of the Turco-Egyptian regime changed the local balance of power in favor of their nomadic Arab neighbors, the Misseriyia. This led the Ngok to adopt new defensive strategies against their northern neighbors including diplomacy, using age-sets as a 'standing-army,' and electing 'war chiefs' for each village.[47] Also, the chief of Ngok Dinka, together with other Dinka chiefs in the region of Bahr el Ghazal, accepted a truce offer from the leaders of the Mahdist uprising and forged a temporary alliance to get rid of the Turco-Egyptian regime.[48]

Another ethnic community in Southern Sudan, which adjusted differently to the slave raids and chaos of the Turco-Egyptian and Mahdiyya regimes is the Azande. The socio-cultural flexibility exhibited by the system of government of the Azande helped them to cope with the Turco-Egyptian slave raids, the chaos of the Mahdiyya regime, and to adapt more generally to processes of cultural assimilation and political integration.[49] This resilience helped the Azande to retain and preserve their values, institutions and political system.[50]

Anglo-Egyptian rule: Accentuating Power Imbalance and Uneven Development

The Anglo-Egyptian regime after defeating the Mahdiyya regime in 1898 had a policy of commitment to suppress slavery, at least in theory.[51] The administration of Southern Sudan was not a priority for the new regime and it adopted instead a system of government based on indirect rule through "native administration" by using local customary structures and law.[52] The attempt in the early 1900s by the new regime to finance its administrative expenditure in southern Sudan through forced labour and heavy livestock taxes was resisted by people of southern Sudan.[53] This

resistance was not only harshly quelled but it also allowed the new regime to soften its commitment to suppress slavery by accommodating and entertaining Arab slave raids in southern Sudan.[54] In order to appease the people of southern Sudan and to ensure their protection from Arab slave raids, the regime then formulated the native administration into the Southern Sudan Policy of 1930. The main aim of this policy was to protect the people of southern Sudan from slavery, Islamization and Arabization from northern Sudan and to build a series of traditional self-rule based on indigenous customs and beliefs that promoted equity and adherence to the rule of law.[55]

This policy was instrumental in restoring and protecting the systems and institutions of traditional authorities in southern Sudan. The Anglo-Egyptian rule also managed to revive and reinvent the royal installation ritual and royal institutions of the Shilluk Kingdom after they had fallen into abeyance during the slave raids of the Turco-Egyptian regime and the chaos of the Mahdiyya period.[56] During the Anglo-Egyptian regime, the Ngok Dinka enjoyed relative peace and consolidated their centralized political structure, enhancing the economic position of Abyei as a border point between the African south and the Arab north.[57]

Despite is success in suppressing slavery and strengthening institutions of traditional authorities, the British colonial regime focused its development efforts in northern Sudan and did not invest in southern Sudan. That was left to the Christian missionaries to provide social services such as education. This created uneven development between northern and southern Sudan and planted the seed of social, economic and political disparities. The drastic decision of the British colonial administration to annex southern Sudan to northern Sudan instead of its initial policy of preparing southern Sudan to be annexed to Eastern Africa created a country with immense social, economic and political disparities. The first Sudanese civil war that erupted in 1955 in southern Sudan was primarily attributed to the decision of the British colonial authorities for falsely forging the united Sudan after pursuing a pattern of development during the colonial period that created inequalities and left the south both absolutely and relatively disadvantaged.[58]

For southerners, the independence brokered between the British colonial regime and the northern elite was a mere changing of faces of colonial power from the British to Arabized northerners.[59] At independence in 1956, the Southern Sudan was not only negligibly represented in the post-independence national government but also the administration of Southern Sudan was virtually handed over to the northern Sudanese. The army, police and employees of the southern Sudan administration immediately after independence became overwhelmingly 'northern', with southerners occupying less than 10 per cent of the total senior positions.[60] Besides this limited political representation in the post-independence government, there was enormous inequality in access to basic services at the

independence of Sudan. For example, southern Sudan, which constituted one-third of the population of Sudan, had a share at independence of less than eight per cent, four per cent, and five per cent in intermediate, secondary and university education respectively.[61]

Besides the colonial legacy of social, economic and political disparities, British colonial rule left the boundaries between northern and southern Sudan improperly defined, which resulted in persistent conflict between northern and southern Sudan. For example, the issue of Abyei area, which was transferred in 1905 to the colonial administration in northern Sudan in order to protect the Ngok Dinka from the slave raids of Arab nomads, was left unresolved by colonial rule.[62] The vagueness of boundaries was not only in Abyei area, but it is also prevalent along the border between northern and southern Sudan and remained unresolved and a source of conflicts even after the independence of South Sudan. This is reflected in the eruption of war in 2012 between the two Sudans over the border oilfield of *Panthou* (*Hegilig*) immediately after one year of the independence of South Sudan.

Post-independence Sudan: The Trajectory of Mismanagement of Diversity

As discussed in the previous section, the genesis of the current diverse ethnic or national communities living in today's states in Africa is attributed to the colonial period. The European colonialists divided up Africa, partitioning the continent into entirely artificial territorial and geographical units that constitute today most African nations. Due to this creation of artificial states, the process of state creation and nation building in Africa has been most unnatural, leading to very unstable nation-states.[63] Many former African colonies got their independence before the nations were formed through an inclusive social contract-making process and that may explain the recurrence of diversity-related conflicts in many post-independence African countries.[64]

The modern African states lack cultural roots as they were fashioned and constructed by colonial authorities in virtual disregard for indigenous values and institutions.[65] Rather than forging a new social contract, post-colonial African political leaders became more interested in consolidating the inherited colonial state to contain the threat of disunity and fragmentation.[66] Rather than recognizing ethnic diversity as an unavoidable social phenomenon, many post-independence ruling elites in Africa attempted to forge national identities by suppressing ethnic diversity, arguably leading to more civil conflicts.[67] While these African political leaders largely succeeded in preserving unity, diversity and disparities within states have remained sources of tension and conflict.[68]

Post-independence Sudan provides a good example of how mismanagement of diversity has caused recurrent diversity-related conflicts and resulted eventually

in its partitioning in 2011. The political history of Sudan is generally characterized by an Islamic assimilationist unitary system or military centralized unitary system adopted by the ruling elite to exclude the large majority of indigenous people from political, social, and cultural life on religious and ethnic grounds. Such a system of governance kindles deep frustrations that largely explains the recurrent civil wars in Sudan.[69]

The mismanagement of ethnic diversity is one of the issues that shaped and continues to shape the dynamics of peace and conflict in Sudan. During the negotiation for independence of Sudan with the British colonial regime in the early 1950s, the elites of southern Sudan wanted the British colonial rule to continue with "Southern Policy" rather than be united with northern Sudan and to prepare them to join East Africa (the initial British policy towards South Sudan). When such demand was rejected by the northern Sudanese elites, the southern Sudanese elites demanded federalism as the only way for their self-rule, suppressing calls for secession and preserving unity in the diversity of Sudan after independence. This quest for federalism was cautiously accepted by the northern Sudanese ruling elites to give it due consideration after independence in 1956.[70]

After independence, the northern ruling elites did not only reject the demand for a federal system, but also considered it treason and adopted instead an Arab-Islamic identity as the only way to create a homogenous society in the Sudan. The main objective of the post-independence northern Sudanese ruling elite was the construction of a united Sudan with Arabo-Islamism as the sole determinant for national unity and citizenship. They saw the religious and cultural diversity of the country as a curse and a threat to unity and Arabo-Islamic hegemony and strove to eliminate such diversity.[71] This system of government based on Arabo-Islamic hegemony has haunted and continues to haunt Sudan with the recurrent diversity-related conflicts.[72]

The new rulers of Sudan consistently focused on dismantling Southern Sudan Policy, which was based on traditional systems of government, and replacing it with Arabization and Islamization policy. Well-established religious, cultural, and educational norms in southern Sudan were eroded during the early years of independence as a number of steps were taken to Islamize and Arabize cultural life and the system of government in Southern Sudan.[73] This new policy caused enormous disruption in the system of government and traditional institutions in Southern Sudan. The rejection of the federal system and imposition of Arab-Islamic culture were among the reasons that caused the eruption of the first civil war in southern Sudan in 1955.

Equally, the post-independence systems of government were never stable due to frequent changes of government systems, ranging from secular to socialist to

Islamic regimes. While the system of government remained largely unitary, the policy choice of devolving powers took the form of either decentralization or de-concentration of powers. Immediately after independence in 1956, the new northern ruling elites adopted a deconcentrated system of power transfer from the central government to local governments to maintain law and collect revenue on behalf of the central authorities.

This deconcentrated system of government continued until the socialist regime took power through coup in 1969. The new regime maintained a unitary system but adopted a decentralized system by devolving authority from the central government to local governments in the provinces. In 1981, the regime devolved local government authority to community government in rural areas, and to municipal and town councils in urban areas. These local authorities enjoyed greater autonomy that resulted in improved access to basic social services and greater people's participation in the government.

This new regime also declared the policy of unity in diversity and recognized the right of the people of southern Sudan to have their own self-rule. This policy resulted in ending the first civil war and signing of the Addis Ababa Peace Agreement in 1972 that granted self-rule and regional autonomy to the people of southern Sudan. The provisions of this Agreement were incorporated into the national constitution with the constitutionally devolved authority to the autonomous regional government of Southern Sudan, which exercised legislative and executive authority and with a system of decentralized local government.

During this period of decentralized unitary system, Sudan and Southern Sudan enjoyed relative peace. However, with the discovery of oil in Southern Sudan in the early 1980s, the socialist regime redrew the border between northern and southern Sudan by carving out the areas of oilfields to be part of northern Sudan and that caused tensions between northern and southern Sudan. This was followed by the declaration of Sharia laws, abrogation of the 1972 peace agreement and the division of the autonomous region of southern Sudan into three weaker sub-regions. These factors contributed to the eruption of the second civil war in 1983, led by the Sudan People's Liberation Movement (SPLM) who called for a secular Sudan and unity in diversity.

Despite the political survival efforts of the socialist regime to appease the Islamic parties such as the National Islamic Front (NIF) by imposing Islamic laws, the regime was ousted in 1985 through popular uprising that was followed by a brief period of transitional government and elected civilian government. This elected government was overthrown in 1989 through a coup orchestrated by the NIF that renamed itself later as National Congress Party (NCP) that adopted a very conservative and alien brand of Political Islam as vast majority of Muslims in Sudan follow Sufism that is flexible and adopts Islam to local context. During the 1990s,

the NCP government stepped up Islamization by enforcing Sharia law and using social and political means to mold society into an Islamic state.[74]

As the second civil war intensified in southern Sudan and other peripheral and marginalized regions of Sudan, the Islamic regime became weak and that forced it to sign the Comprehensive Peace Agreement (CPA) in 2005 with its ideological rival, the SPLM. Although the CPA was a compromise between the call for an Islamic state and secular state, it ended 21 years of civil war, recognized and affirmed the diversity of Sudan, adopted a decentralized federal system and granted the people of Southern Sudan not only autonomous self-rule government but also the right of self-determination to decide their political future.

The CPA also granted the people of the border area of Abyei an autonomous self-rule administration and the right of self-determination through a referendum to be conducted simultaneously with that of South Sudan in January 2011. The CPA also granted the people of the Nuba Mountains and Blue Nile special autonomous self-rule and popular consultation that ran short of their demands for right of self-determination to assess how the CPA met their political aspirations and self-rule at the end of the interim period in 2011. In the lead-up to the independence of southern Sudan in July 2011, fighting broke out, starting in Abyei area in May 2008 and May 2011, the Nuba Mountains in June 2011, and Blue Nile in September 2011 due to the refusal of the Islamic regime to conduct a referendum in Abyei, lack of democratic elections in Nuba Mountains and failure to conduct popular consultation in Blue Nile and Nuba Mountains.[75] As such, the Islamic regime failed and missed the opportunity to implement the CPA and mechanisms for managing diversity that could have addressed the root causes of the diversity-related conflicts in Sudan.

Post-independence South Sudan: A regression from the decentralized federal system

As per the provisions of the CPA, the people of South Sudan voted overwhelmingly to secede from Sudan, resulting in South Sudan becoming an independent country in July 2011. This decision came as a result of the failure of the ruling northern elites to make unity attractive and to transform diversity into a driver for development, unity and social cohesion. While the CPA committed the parties to work together in making the option of unity attractive to the people of South Sudan, the attractiveness of secession prevailed for both parties.[76] The NCP feared unity might endanger its political Islam agenda, while the SPLM abandoned its 'New Sudan' agenda of united Sudan after the death of its leader, Dr John Garang, and embraced secession as critical for winning its political base in South Sudan.[77] The international community also saw secession as the only way for managing cultural differences and attaining and sustaining peace in the two partitioned states, and nurtured this option.[78]

Yet, after the secession, violent conflict persists in Sudan and the seceded state, South Sudan, which quickly slid into civil war in less than three years of independence. The real question is what went wrong for South Sudan to slide so quickly into civil war after its hard-won independence?

The Post-Independence Constitution-Making and Political Representation:

The provisions of the CPA that were incorporated into the 2005 Interim Constitution of Southern Sudan (ICSS) guaranteed a decentralized federalism system after the referendum on self-determination. In particular, Article 208 (7) of the ICSS made it clear that if the outcome of the referendum on self-determination favored secession, the decentralized federal system established during the period of the CPA would continue in the independent South Sudan. In preparation for the right of self-determination referendum and transition to the anticipated new state, all Southern Sudan Political Parties (ASSPP) agreed on a national roadmap. This roadmap provides inclusive process for a constitutional review of the 2005 ICSS for independent state in case of secession.[79]

Contrary to these commitments in the roadmap and constitution, President Kiir unilaterally and without consulting other political parties decided to appoint a Constitutional Review Committee to review the 2005 ICSS. All members were from Sudan People's Liberation Movement (SPLM), the ruling political party, with a two-thirds majority and that caused other political parties to withdraw in protest from the work of the Committee. The drafting of the 2011 Transitional Constitution of South Sudan (TCSS) was exclusively carried out by the SPLM with limited participation of other stakeholders, and then passed by the parliament controlled by the SPLM. This process of constitution-making was not only unconstitutional and contrary to the provisions of ICSS, but it excluded the participation of other political parties and civil society in such a critical exercise that would have contributed to the unity of people of the new nation.

The new state was thus built on a constitution that lacks legitimacy and buy-in from key stakeholders – a bad start for building national ownership in the transition process.[80] Contrary to the provisions of the ICSS, the post-independence Transitional Constitution of South Sudan 2011 (TCSS) adopted instead a centralized and autocratic system of government that exhibits the features of an unitary system with excessive powers given to the president such as dismissal of elected state governors, dissolution of elected state parliament and dismissal of senior judges without due process of law and that undermine the checks and balances.[81]

Besides undermining the federal system as the popular demand of the people of South Sudan,[82] the exclusive process adopted by the post-independence ruling elites for drafting the new constitution for the new state missed the opportunity

of forging a new social contract and system of government that would have put the new state on the path of peace, trust, unity and social cohesion.[83] This marked a bad start for forging national ownership and a new social contract during the critical transition process,[84] as the new state was founded on a fragile constitution that lacked legitimacy and buy-in from key stakeholders. Also, the first post-independence national government of the new nation consisted of 19 ministers that were from one political party, the SPLM, except for three from other political parties with an overwhelming majority of 70 per cent from two major ethnic groups, Dinka and Nuer.[85]

The process of constitution-making and refusal of federalism during the transition to statehood marked the beginning of the failure of the post-independence ruling elites of South Sudan to manage diversity. It also made the new nation susceptible to ethnic-related conflict, which ultimately erupted in 2013. This transitional process created a widespread sense of exclusion that is reminiscent of the feeling of exclusion that made the people of South Sudan want to leave Sudan.[86] Apparently, the post-independence ruling elites of South Sudan followed the footpaths of the post-independence northern Sudanese ruling elites by rejecting the federal system and establishing exclusive patronage-based institutions.[87]

The Power Struggle, Governance-Deficit and Weak Institutions

The violent conflict that erupted in 2013 could be attributed to the power struggle and deep cleavages within the ruling party; the SPLM, weak state structure and destructive dynamics of neopatrimonial governance.[88] This power struggle is a manifestation of a governance-deficit and internal demand for democratization within the ruling party. After the independence of South Sudan, the SPLM undertook a process of reviewing its manifesto and its 2008 constitution. The draft 2013 constitution created a rift within the SPLM, between those who demanded democratic governance and those who wanted to maintain the militaristic structure of the party with excessive powers given to the chairperson of the party. Some of the contentious issues included the mode of voting (raising hands or secret ballot), the powers of the chairperson to directly appoint or nominate members of the party to key leadership positions and tenure of the office of the chairperson.

This division and power struggle reached a boiling point when the chairman of the party and president of the country exercised his new constitutional powers less than two years after independence and, without internal party consultation, sacked in July 2013 the entire cabinet including his vice president, and senior leaders of the SPLM and replaced them with a new cabinet.[89] The members of the new cabinet were a circle of close advisers and confidants drawn mainly from the president's own community, some not even members of the SPLM, and others with suspiciously close ties to the ruling National Congress Party (NCP) regime in Sudan.[90] This

move resulted in weakening mechanisms for accountability and transparency in the government and the ruling party, as well as vigorous suppression of the freedom of speech and public debate. The disgruntled and dismissed senior members of the SPLM started calling for democratization within the party and accusing their chairman of thwarting the efforts of transforming the SPLM from a liberation movement into a broad-based and democratic political party. This call resulted in the arrest in December 2013 of some of these dismissed members, including the secretary general of the party under the alleged coup, who with the former vice president fled the capital and formed an armed movement against the government in Juba.

This division within the ruling party would have not degenerated into a national crisis if there were strong institutions; particularly in the Sudan People's Liberation Army (SPLA), the former military wing of the SPLM and the post-independence national army. Besides the division within the SPLM, there was a parallel division within the SPLA[91] that was less of a national army than an amalgamation of ethnically affiliated forces mainly dominated by Dinka and Nuer with allegiances and loyalty to their tribal leaders, Salva Kiir, the president and Riek Machar, the former vice president.[92] Given fragile institutions and lack of professionalism in the security sector, the crisis within the SPLM in December 2013 caused the national army and other law enforcement agencies such as the police to fragment along ethnic lines in fighting the civil war.

Conclusion: Opportunities for Making Diversity a Virtue

This article has emphasized the centrality of a system of government and social contract-making in understanding the diversity-related conflicts in the two Sudans. It is shown in this article that ethnic diversity by itself is not a problem but the way it is managed can make it a curse or a virtue. The management of diversity and transforming it to become a virtue and source of peace, development and social cohesion can only be achieved through a system of government and social contract-making that addresses the core conflict issues and builds inclusive and accountable institutions rather than a mere focus on the type of government. The case of the two Sudans elucidates that the social contract-making is still a work in progress in Africa and that necessitates a compelling case for reviewing the current systems of government and the inherited colonial constitutions to forge a new social contract that would transform diversity into a virtue.

Despite the depressing account of diversity mismanagement in the two Sudans as demonstrated in this article, there are opportunities for transforming diversity into a virtue in the two Sudans. In particular, the 2018 South Sudan peace agreement provides a golden opportunity for forging a new social contract and constitution-making that would embrace a decentralized federal system that would transform

diversity, enabling it to become a source of peace, development, justice and social cohesion. In Sudan, the uprising and revolution that ended the 30 years of misrule by the NCP with its autocratic and corrupt political Islam system of government provides an unprecedented opportunity for adopting a new constitution and social contract-making that would move away from Arabo-Islamic hegemony and political Islam to a decentralized federal system that embraces diversity as a virtue and a source for freedom, peace, and justice—the revolutionary slogans of the Sudanese uprising.

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