



After the split: post-secession negotiations between South Sudan and Sudan¹

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■ Executive summary

South Sudan's secession from Sudan on July 9th 2011 has changed the relative imbalance of power and international standing of the two parties, bringing South Sudan more on par with Sudan. Compared to the negotiations preceding the 2005 Comprehensive Peace Agreement, less is at stake in the current AUHIP process. However, delaying a solution to outstanding issues until after South Sudan's independence has made it more difficult to resolve these issues. Several are still far from being settled.

This report analyses how South Sudan's newly won sovereignty has affected the two parties' relative strength and the positioning of external actors involved in or following the negotiations, and how it has changed the parties' approaches to the outstanding issues, i.e. oil wealth, the delineation of the border, security in the border areas and the issue of Abyei.

Introduction

On July 9th 2011 South Sudan became an independent country. The first two years as a sovereign state have been a bumpy ride, not only for South Sudan, but also for Sudan, its northern neighbour. Both countries have struggled with periphery rebellions, political turbulence and strained economies linked to a cluster of unresolved issues between these two countries. Most of these issues are legacies of the conflicts and relations that existed before South Sudan's secession.

This report sheds light on the impact of South Sudan's independence. More specifically, it explains how the new situation has affected:

- the negotiation framework;
- the relative strength of the two parties;
- how other countries and multilateral institutions are involved; and
- the status of and future outlook for the unresolved issues.

From domestic conflict to international dispute: a shift in negotiating frameworks

The referendum of January 2011 resulted in an overwhelming majority favouring South Sudan's secession, necessitating negotiations over the terms of the new country's independence and future relations with the remainder of Sudan. Post-independence relations between the two countries bear a striking resemblance to the pre-2011 period. Indeed, these continuities might even overshadow the fundamental changes that have indeed taken place in the formal status of the negotiations between the two countries and the negotiators, the relative strength of the two parties, and the new setting – which has also affected the goals and strategies of the leaders involved.

Negotiated since 2002, the Comprehensive Peace Agreement (CPA) was signed on January 9th 2005, marking the end of a long civil war that began in 1983. Juridically, the CPA process may be described as domestic asymmetrical negotiations between the government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A), but in practice they resembled bilateral negotiations between two governments,² i.e. a rebel movement negotiating on behalf

¹ Research for this report was carried out in the period May 15th-September 15th 2013, including a visit to Addis Ababa, Ethiopia, and is based on written sources (official documents and press briefings) and interviews with key observers and participants in the negotiations.

² Interviews with Norway's special envoy to Sudan and South Sudan, Endre Stiansen, June 5th 2013; and Alex de Waal, research professor, Fletcher School, Tufts University, former senior advisor to the AUHIP, June 12th 2013.

of the people of what was to become South Sudan and the National Congress Party (NCP) negotiating on behalf of the government of Sudan.

The Intergovernmental Authority on Development (IGAD) – the regional organisation – provided a framework for the CPA negotiations. The Troika countries – the U.S., Britain and Norway – exerted pressure on the parties and supported the talks financially, logistically and through expertise on relevant issues. Other countries also contributed financially and were active supporters of the process at the time, significantly Italy and the European Union (EU). After the CPA was signed, a six-year interim period began, monitored by the international Assessment and Evaluation Commission. The CPA was based on a mutual obligation to make the continued unity of Sudan attractive for southern Sudanese people. Consequently, during the interim period the parties and others involved in the implementation of the CPA were obliged to abstain from officially supporting or promoting a future independent South Sudan. As unity became increasingly unlikely, this policy became a strait-jacket that made it difficult for involved parties to plan the transition to an independent South Sudan.

In 2010 the African Union High Level Implementation Panel (AUHIP), chaired by South African president Thabo Mbeki, emerged as the framework to negotiate post-referendum and post-CPA relations between the two Sudans. Originally having a broad mandate, the AUHIP has mainly focused on facilitating relations between Sudan and South Sudan since 2011 (AU, 2010; *Sudan Tribune*, n.d.).

There are several reasons why the baton passed from IGAD to the AU. IGAD's involvement was deeply linked to the CPA process, which was founded on the assumption that Sudan was to remain united. It would have required drastic changes to the whole framework of the agreement to accommodate negotiations over the terms for secession. These challenges might have been overcome if there had been sufficient willingness to start such a process, but a complete makeover proved to be more politic. Although IGAD was an African organisation, the creation of the AUHIP grew out of the AU's ambition to find "African solutions to African problems".³ IGAD's engagement was regarded as an extension of Western countries' quest for influence in the region. A change to an African framework through the AUHIP was a convenient solution for the Troika countries, which wanted to distance themselves from what had increasingly become a "hot potato". Western countries are now primarily engaged through their special envoys and through financing the IGAD Transitional Support Unit, which was established in late 2011 with the purpose of supporting the AUHIP financially and logistically.

Both the composition of the negotiating delegations from both parties and some of the key issues on the table have

changed little since the CPA process started in 2002. Because of these obvious continuities, some of the fundamental, less conspicuous changes have gone largely unnoticed. The introduction of the AUHIP framework and the formal shift from a domestic negotiation process prior to July 2011 to one between two sovereign states are important. Firstly, as an independent and sovereign state, South Sudan has a new set of rights, duties and responsibilities, to which the international community can hold it accountable.⁴ The international community also has new obligations regarding disputes between the two Sudans, which are no longer domestic conflicts, but international disputes. The obligation to react to violations of the sovereignty of one of the parties by the other is encoded in the charters of international organisations such as the United Nations (UN) and the AU.

The negotiations have not only changed their status from "domestic" to "international", but have in this process also increased their international significance. Firstly, compared to a domestic agreement, it is more legitimate for third parties to hold the signatories accountable if they violate an international agreement. Secondly, any agreement negotiated after the secession will function as a regulatory document of the relations between the two states, and will thereby also contribute to giving added substance to South Sudan's newly won sovereignty.

Relative strength of the two parties

The relative strength of the parties in the negotiations is decisive for the turn the negotiations take and for the incentives the parties have to continue talks rather than resorting to other strategies. Before 2005 the incentives for pursuing the CPA talks were the prospects of ending the civil war and the ensuing peace dividends – the alternative was continued civil war (Rolandsen, 2011). Other incentives for negotiation were the promise of the lifting of U.S. sanctions on Sudan vs the threat of a more confrontational relationship with the U.S. While progress was made in the CPA negotiations, the war in Darfur hindered the lifting of sanctions. Ten years later, what are the incentives for the leaders of the two Sudans to continue negotiations within the framework of the AUHIP? What is the relative strength of the parties? We will address these questions here by looking at the military balance between the two parties, their economic strength, their internal cohesion and the extent of their international support.

Military balance: As is the case in most civil wars, the government army – the Sudan Armed Forces (SAF) – was until 2005 reckoned to have a vast military superiority over the rebel army of the SPLA. Future research might nuance this assumption, but SAF did at least have better arms and equipment, and in large quantities. The provisions of the CPA allowed the rebel army to be kept intact and also gave

³ Interview with Endre Stiansen.

⁴ Interviews with Luca Zampetti, first secretary, EU Delegation to the AU, Addis Ababa, Ethiopia, July 1st 2013; and Endre Stiansen.

the government of South Sudan permission to procure arms without Khartoum's approval (which it did on several occasions) (BBC, 2008). The Justice and Equality Movement's attack from Darfur on Omdurman in May 2008 was a wake-up call demonstrating that Khartoum was not outside the rebels' reach. On the other hand, leaders in Juba have considerable political capital invested in the status quo and, with Sudan's air superiority, a return to war would have devastating consequences for South Sudan and put fragile political alliances in jeopardy.

It is fair to assume that Khartoum maintains a military edge over South Sudan, despite economic difficulties and being bogged down in military confrontations in Darfur, South Kordofan and Blue Nile. The gap between the two armies has, however, been sufficiently narrowed so that, even for the most hawkish SAF general, a full-scale confrontation with South Sudan would be too costly and the outcome too unpredictable. Except for smaller provocations and skirmishes along the border, there is therefore little suggesting that either of the parties has much appetite for a military confrontation. Both countries are threatened by domestic military and political opposition, so proxy warfare and support to the other party's internal opposition emerge as the main tools of intervention.

Internal cohesion: Lack of internal cohesion is often presented as a problem that is specific to South Sudan, but the frequent manifestations of internal dissent in Sudan are equally threatening, if not more so, to regime stability. The current government in Khartoum faces a lethal cocktail of periphery rebellions, unruly militias, strong urban resistance, a mutinous army and splits within the ruling clique. The regime has grappled with the unpopular civil war in Darfur since 2003, which also has serious international repercussions, isolating and weakening the regime politically and economically. When rebellions in South Kordofan and Blue Nile reignited in mid-2011, internal rivalry within the ruling elite came out in the open. As student protests started in Khartoum, the support base of the regime seemed to crumble away.

Against this background, there were doubts as to whether the NCP regime would weather South Sudan's secession, which was very unpopular among northern Sudanese. Although the outcome of the South Sudan referendum cannot have come as a surprise to the northerners, the loss of South Sudan was nevertheless a defeat for the NCP leadership and was regarded as a sign of weakness on its part. Some thought it was an unnecessary concession brought about by foreign interference, while others resented the loss of the political force South Sudan represented in efforts to bring about political change in Sudan. President Bashir and negotiators from Sudan have turned this into an argument in the negotiations with South Sudan whereby the NCP leaders stress that "letting" South Sudan

secede was a large "concession" that justifies a tougher stance in the negotiations on outstanding issues.⁵ They insist on "no more concessions now". As the Sudanese president said in February this year: "We handed the South [Sudanese] a fully sovereign state but rather than focus on building their state they have become devoted to creating conflicts." He added: "We are advocates of peace but peace will not be at any cost. We have given everything and we do not have anything new to offer" (*Sudan Tribune*, 2013).

The secession has also been an up-hill struggle for South Sudan. Juba's main issues are the lack of state penetration in rural areas, small-arms proliferation among civilians and a general lawlessness accompanied by vigilantism (Schomerus & Allen, 2010). Many Sudanese politicians and foreign observers gave the new state a dark prognosis, suggesting that it was only the opposition to Khartoum and the struggle for autonomy that had kept the South Sudanese united. The government in South Sudan has proven more resilient than expected, however: splits have been few and manageable, and it has survived the one-year halt in oil production, as well as heavy internal political contestation and a series of military insurgencies in the states of Unity and Jonglei. Despite a series of internal disputes, the SPLM has continued as a grand alliance uniting most political groups. It remains to be seen, however, if the fallout from the radical government reshuffle of summer 2013 and the imminent national convention of the SPLM will pose an insurmountable challenge to regime cohesion.

Economy: Sudan's national economy is larger and more diversified than that of South Sudan. Yet oil revenues fuel not only the economies of both countries, but also various political patronage mechanisms. This is why both parties urgently needed to resolve issues related to oil revenues following the secession of the South. This urgency helped trigger the crisis around Khartoum's confiscation of oil in December 2011 and the subsequent shutdown of oil production by South Sudan in January 2012. Increasing economic difficulties pushed the parties towards an agreement in September 2012. In June 2013 Khartoum threatened to stop the transport of oil through its pipelines, but the threat was withdrawn a few days before the September 6th deadline that Khartoum had set (Reuters, 2013). Parallel to these negotiations, both parties are trying to reduce their dependency on each other: Sudan is exploring new oil fields and South Sudan is looking for alternative routes for transporting its oil to an international harbour. But for the time being their economic interests are closely intertwined, since neither can afford to be without the oil income for more than a short period of time.

International support: The steady flow of oil revenues, as well as other revenues, is crucial for each state's autonomy and capacity to withstand foreign interference in their internal affairs. Compared to Sudan, South Sudan is still

5 Interview with Luca Zampetti.

more vulnerable to pressure and interference from external parties both within the negotiations framework and in foreign affairs more generally. Before July 2011 both parties were susceptible to such pressure, because they were still committed to the CPA and the South's secession was still at stake.⁶ Today, South Sudan is less constrained in the negotiations than before, but it is still the most likely to bow to external pressure. One reason is that it needs external technical and administrative resources to run its state apparatus and improve its military. While it is not as dependent on external aid as some observers would have it, the consequences of a reduction in such assistance are difficult to predict.

Another reason is South Sudan's strategy of being the "good guy" and the "underdog", which was used effectively in mustering international support before 2011. Maintaining this image is difficult, however, when an ill-trained former guerrilla army faces local rebellions and well-armed civilians. The abuse of executive power and reports of government harassment of the political opposition, combined with the curtailing of freedom of speech, have also dented the country's image of moral superiority vis-à-vis Khartoum. Despite South Sudan's greater international goodwill, it is reasonable to assume that Sudan still has the upper hand in the negotiations because of its diplomatic experience and lesser vulnerability to external pressure.

In sum, South Sudan's secession has brought Juba more on par with Khartoum both militarily and economically. The SPLA remains a credible military threat – now as a formal national army – and any border transgression on the part of Khartoum will today have much higher diplomatic costs than it would have had before South Sudan's secession. When it comes to oil, not only does South Sudan receive a larger share of the revenues, but Juba has more control over oil production, and agreements with Khartoum are more closely monitored and protected by international rules and regulations. Even though South Sudan is still susceptible to external pressure, its ability to withstand such pressure and its diplomatic and foreign policy capacity are stronger than before.

Realignment of external actors

The degree to which an independent South Sudan has changed regional dynamics is reflected in how external actors approach the two Sudans and their changing roles in the negotiations. The shift from the CPA framework to the AUHIP is symptomatic of this realignment: the Sudan issue has ceased to be a war and a humanitarian crisis to be resolved by the "international community" and has instead become one of the many uneasy bilateral relations between African states. Countries involved in the negotiations and in the Sudans in general have significantly

changed their approaches following South Sudan's secession, with a general downscaling of involvement.

Compared to the CPA process, the **Troika countries** have taken a more backseat approach to the AUHIP talks. The U.S., Britain and Norway have vested interests in the legacy of the CPA and in ensuring that the two Sudans remain at peace and avoid state collapse, as indicated by the continued appointment of special envoy's focusing just on these issues. It is, however, unclear how much political capital and resources they are willing to invest in long-lasting negotiations. The U.S. has been seen as favouring South Sudan at least since the mid-1990s, but has also cooperated with Khartoum on counter-terrorism issues since before the attacks in the U.S. of September 11th 2001. After South Sudan's secession the U.S. appears to increasingly be seen as partisan to the South. Britain has historically had a closer relationship with whatever regime was in power in Khartoum, but seems to be practically shut out after 2011. It is now assisting the U.S. in training and building up South Sudan's military and border control capacity. Norway, also regarded as biased towards the South, continues to be welcomed in both Juba and Khartoum, but struggles with maintaining domestic interest and the necessary level of diplomatic and economic engagement.

The secession has also resulted in new relations between the two Sudans and their **neighbouring countries**. Ethiopia has managed to maintain relatively good relations with both countries, while Kenya and Uganda have more openly sided with South Sudan. Eritrea remains uncommitted. There has been an interesting change in Egypt's approach. Before 2011 Egypt was an uncompromising ally of Khartoum, but South Sudan's secession coincided with the Arab Spring, and domestic challenges have since crippled Egypt's foreign policy apparatus. Yet the imperative of protecting its upstream interests in the Nile and gaining influence in riparian countries has compelled Egypt to make overtures towards South Sudan and to adopt a more balanced approach. A somewhat similar process has taken place with regard to China, which, for reasons of protection of its oil interests, which are now split between the two Sudans, and in general pursuit of a combined political and economic expansive agenda in Africa, has also changed from a one-sided approach to an attempt at balancing its interests in Sudan and South Sudan. Chad and Libya have remained aloof, and South Sudan's secession has not had much impact on their relations with Khartoum.

External parties involved in the negotiations stress that they are not mediators, only facilitators. They maintain that the parties themselves are responsible for finding solutions to their disputes. The AUHIP continues to emphasise its role as facilitator, yet close observers and advisors to the process testify that at least the leader of the panel, Thabo Mbeki, has had an unofficial mediator role.⁷ This is not only

⁶ Interview with Luca Zampetti.

⁷ Interview with Alex de Waal; see also De Kock (2010).

how he is perceived by observers of the process, but a close examination of his role reveals actions that are consistent with that of a mediator (shuttle diplomacy, presentation of compromise solutions, etc.). Stressing the facilitator role is also convenient for the external parties, to avoid losing prestige in the event of failed negotiations. The Troika countries have been more akin to supporters of the process, providing logistical and financial support through the IGAD Transitional Support Unit. The EU has also been an important donor to the AUHIP and, like the Troika countries, has supported the talks with experts in the different areas. Thus, if not acting as a mediator, the EU has at least contributed to making more difficult the distinction between these two types of actors.

The international realignment has had two important effects. The importance of Sudanese-South Sudanese relations has been downgraded for most of the external actors involved. The exceptions are neighbouring countries and China, which all have strong vested interests in peace and stability in the region. The other effect is a strengthening of South Sudan's position. It has become possible for some countries to more clearly express their support for South Sudan than it was when it was part of Sudan, while some of Sudan's stronger supporters have had to balance their patronage.⁸

Status of the outstanding issues

External parties involved in the CPA process and the preparations for the secession pushed the parties to reach an agreement before July 9th 2011, but this quickly turned out to be impossible. Khartoum wanted a piecemeal solution focusing first on oil arrangements, while South Sudan banked on a strengthened position after gaining sovereignty and on using oil as leverage to achieve solutions to other problems.⁹ However, while South Sudan, by becoming an independent state, has strengthened its relative position vis-à-vis Sudan, the nature of the outstanding issues has changed and they have become more difficult to resolve.¹¹ The border question is perhaps the most obvious case in point, but the new circumstances have affected all of the issues.

Oil: The structural and mutual dependency between the two countries related to oil revenues – with South Sudan holding the majority of the oil reserves and Sudan controlling the pipeline to export this oil to international markets – made oil a major issue in the negotiations about the future relations between the two countries. This became a fine-tuned game of words. South Sudan had gained independence through the CPA process and the referendum, and was not willing to pay a share for the oil money as a “ransom” or “fee” for independence. Yet Khartoum, partly supported by the international facilitators, argued

that Sudan needed compensation for its loss of oil revenues. It was important for South Sudan not to pursue the old language of the CPA process, about “sharing” the oil wealth, because this implied that the wealth did not belong only to it, yet it could agree to provide “assistance” or “aid” to Sudan.¹² The unresolved oil issue became a major obstacle in relations between the two countries and constituted a serious impediment in the fragile peace between them. Eventually, with the deadlock in the give-and-take of the comprehensive approach, South Sudan was pressured into signing an oil agreement with Sudan in September 2012. The outcome of these negotiations was largely in Sudan's favour, since South Sudan has to pay a transportation fee above a normal rate, and the oil issue, instead of contributing to solving the other outstanding issues, has become linked to the question of ending the rebellions in South Kordofan and Blue Nile.

The future of South Sudan's oil sector is uncertain. Existing oil fields in production have a limited life span, while exploration for new sources has not gained momentum. There has been considerable interest around the possibility of building a new pipeline through Kenya or Ethiopia, but these alternatives are still at the planning stage and their realisation will probably be dependent on finding new oil fields worth developing. In any case, it is probable that the mutual dependency between Sudan and South Sudan in terms of oil production is of a limited duration. But until the oil ends or a new pipeline is built, each country will continue to have strategic control over its neighbour's oil revenues.

Abyei and border issues: South Sudan's secession has raised the stakes of the various border disputes with Sudan and the contested areas between the two countries. There is no doubt that the case of Heglig/Panthau is not only a matter of territorial control and ownership of natural resources, and that ownership of oil resources has played a role. The livelihoods of people in the borderlands and their interaction across the border are also part of the process (Johnson, 2010). This issue has been somewhat muddled by the portrayal of local interdependence and the claim that people from both Sudan and South Sudan need access to territories on each side of the border. This is, however, only partly correct as it is to an overwhelming degree the Misseriya and Rizeigat cattle herders in Sudan who are dependent on access to dry-season pastures in South Sudan, while there is no corresponding dependency on northern Sudanese territories among South Sudanese agro-pastoralists (Rolandsen, 2013). The main evidence put forward in the process of solving the various disputes consists of colonial maps and evidence of settlement or use of contested areas, but these are often inconclusive and support overlapping claims.

8 Interviews with Princeton Lyman, former U.S. special envoy to Sudan and South Sudan, June 23rd 2013; and Endre Stiansen.

9 Interviews with Luca Zampetti, Alex de Waal, Princeton Lyman and Endre Stiansen.

11 Interview with Princeton Lyman.

12 Interview with Endre Stiansen.

The question of Abyei's borders and whether it is a part of Sudan or South Sudan is for historical reasons treated separately in the negotiations, but it is closely linked with the other border disputes (Johnson, 2008). It was decided during the CPA negotiations that the future of Abyei was to be determined by a referendum that was supposed to take place at the same time as the one for South Sudan. The discussion during the interim period was therefore over what exactly constituted Abyei and its population, and who would be allowed to vote. It was furthermore assumed that the main source of contention over Abyei was ownership of oil and oil revenues from the area, and hence that the 2009 ruling of the International Arbitration Court in The Hague would resolve the issue. Oil proved to be less significant than was assumed, and because the secession of the South is now a fact and the referendum has still not been held, the issues around Abyei have become a mixture of national prestige, border determination and local antagonism. They have certainly been affected by the secession: what would otherwise have been a redrawing of a domestic administrative border is now a change of ownership from one sovereign state to another. In late October 2013 the Abyei community conducted a referendum on the future of the area in which more than 99% of the votes were in favour of becoming part of South Sudan. The referendum was officially seen as a local, "unilateral" initiative and the governments of Sudan and South Sudan have refused to recognise its legitimacy. The people of Abyei and their leaders seem to hope that the referendum will force this issue further up on the agenda and ensure a rapid resolution.

The major blockage to a solution to the Abyei issue is the need for both governments to maintain good relations with important constituencies in the area. The SPLM and South Sudan regard Abyei as an area that was wrongfully taken from the South by an agreement with a local chief before Sudan's independence in 1956, presumably acting against the wishes of the people of the area. The Ngok Dinka, who see Abyei as their historic home, are also regarded as naturally belonging to the South. The Ngok Dinka joined the SPLM/A at an early stage and many of its people are in high positions, although the recent cabinet reshuffle reduced their influence somewhat. Khartoum, on the other hand, sees Abyei as a part of Sudan and claims that "giving" Abyei to South Sudan would start a process of breaking up (what is left of) Sudan. Khartoum has relied on the Misseriya and Rizeigat as an important source of support in the border area, and these groups have also been pools of manpower for the mobilisation of militias. Now, the Misseriya claim that they have been betrayed by the arrangement regarding Abyei and also abandoned by the NCP. In Sudan there is a fear that they will turn against Khartoum if they are not placated. Thus, both sides would lose prestige at the national level and antagonise important local allies if they were to concede on the Abyei issue.

On March 8th 2013 the parties signed an agreement on the establishment of a safe demilitarised border zone and the deployment of a joint border verification and monitoring mechanism in order to strengthen border security and provide the framework to resolve the outstanding border issues (UN News Centre, 2013). It is, however, not likely that this cluster of border issues will be resolved any time soon. This is partly because they are not seen as particularly urgent and because there is no viable solution in sight. Abyei and the other contested border areas only have zero-sum solutions: one party wins and the other loses. Trading territories will not work, and the border disputes must be resolved separately and be rooted in local processes to ensure the highest degree of local legitimacy. The other alternative is to leave the issues unresolved and to find some kind of temporary mechanism to govern the contested areas until there is a more conducive environment for solving the disputes. In any case, highly trained civilian police are needed to monitor movements in these areas.

Security in South Kordofan and Blue Nile: The issue of security along the border and the rebellions in the two Sudanese states of South Kordofan and Blue Nile have become a major point of contention between the two Sudans, and the issue has certainly changed character as a consequence of South Sudan becoming an independent state. In fact, it has to a large extent arisen because of the secession.

Khartoum's key demand is that South Sudan stop the rebellions in South Kordofan and Blue Nile. It is, however, difficult to determine the level of support provided by South Sudan to the rebels in these two areas. South Sudan has welcomed refugees from both areas, and presumably among them there are rebel soldiers who use the camps as resting areas. It is also possible that supplies are provided to the rebels either by sympathetic locals or on orders from higher up in the chain of command. It is nevertheless difficult to substantiate Khartoum's claims that the government of South Sudan is providing the rebels with military equipment or – perhaps even more importantly – that Juba has sufficient control over the rebels to make them end the rebellion or to disarm them.

Part of this issue is the allegation from Juba that Khartoum supports armed militias and rebels in South Sudan. This is both related to smaller groups attacking Unity State from South Kordofan and support to various rebellions in Jonglei. Compelling evidence of this support has been presented.¹³ Recent reconciliation efforts from the side of South Sudan have reduced the number of militias and armed groups available for sponsoring and it is expected that more of them will in the near future sign agreements with the Government of South Sudan.

13 Cf. recent reports from the Human Security Baseline Assessment Arms and Ammunition Tracing Desk: <<http://www.smallarmssurveysudan.org/facts-figures/arms-and-ammunition-tracing-desk.html>>.

It is difficult to discern any short-term solution for the two areas and the security issues. The two areas are part of a larger complex of problems and the issues surrounding them have to be resolved within the domestic framework of Sudan. South Sudan can play a constructive role, but probably not much more than that. The security question is first and foremost one of trust and about how both parties can feel sufficiently protected from border incursions, invasions and occupation of their territory. This is, however, difficult to achieve as long as there are rebellions within the two countries that are assumed to have links to the other regime. International forces could play a role here, but it is doubtful if sufficient will, funding and personnel are available to set up any force capable of fulfilling this function. A redefined UN Mission in South Sudan might do this, but it would require significant restructuring.

Conclusion

The fact that the two parties have agreed on a framework for the regulation and negotiation of issues pertaining to their mutual relations is positive. Considering recent developments and the history of what are now two separate states, it is not surprising that there has been and is still antagonism and lack of cooperation. The parties have nonetheless managed the minimum achievement of avoiding an outright war. With the two parallel election processes coming up, both governments are likely to be focused on internal politics and managing their respective oppositions. The question is to what extent these two electoral processes will affect each other, and whether they can create a more collaborative environment or only trigger more tensions.

The outcome of the AUHIP negotiations affects internal political dynamics, cohesion and even the two regimes' stability. Indeed, several of the issues on the agenda not only impact relations between the two parties, but also have domestic repercussions. It is still reasonable to assume, however, that less is at stake this time around than during the CPA negotiations a decade ago.

Regime survival is a key concern for both parties. President Bashir and his ministers struggle under regime weariness and a crumbling support base after more than twenty years in power. South Sudan needs to stay politically afloat while also creating a new state more or less from scratch. Besides the need to keep oil revenues flowing and fend off armed rebellions, other issues discussed in the negotiations are politically costly to resolve: if either party is perceived as giving too many concessions, it will face discontent and harsh criticism at home. Moreover, the negotiation process puts further strain on the political and diplomatic capacity of the two governments. However, in the longer term it seems best for everyone's stability to find an agreement rather than to let the unresolved issues fester and become more complex as time goes by, while new grievances and claims are added to the mix.

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