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South Sudan's Engagement with China

Foreign Policy of a Liberation Movement in Government

Akok Manyat Madut

Thesis Submitted for the Degree of Doctor of Philosophy (PhD) 2018

Department of Politics and International Studies

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University of London

Dedication

To all heroines and heroes of yore who made ultimate sacrifices for the liberation of my country.

DECLARATION

I certify that the thesis I have presented for examination for the PhD degree of the School of Oriental and African Studies, University of London, is solely my own work other than where I have clearly indicated that it is the work of others.

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ABSTRACT

This thesis seeks to study and understand South Sudanese relations with China after the signing of the Comprehensive Peace Agreement (CPA) from 2005-2011 and 2011-2017. The CPA led to the formation of the Government of Southern Sudan (GoSS) during the six-year interim period (2005-2011) and subsequent independence of South Sudan in 2011. During the war of liberation, Southern Sudan considered China as an enemy and its oil interests were legitimate military targets for the SPLM/A due to Beijing's economic, political and military support for the government of Sudan. Nevertheless, after the signing of the CPA South Sudan and China opted for cooperation instead of continued confrontation.

Grounded in spoiler theory within conflict resolution studies and the context of African state formation, these two approaches explain the behavior of South Sudan towards China, both during the six-year interim period and after independence. In 2005, South Sudan pragmatically decided to engage China for the peaceful implementation of the CPA. Given its considerable leverage, Beijing was the only major power that could prevail over Sudanese leaders in Khartoum not to abrogate the CPA, particularly with regard to the peaceful conduct of the referendum. By the end of the CPA's interim period, South Sudan realized an important role that China could continue to play in resolving post-independence issues between the two Sudans as well as socioeconomic development of a new country, the latter of which South Sudanese leadership had failed to manage. Mainly through primary research and a single case study approach, this thesis concludes that South Sudan's decision to engage China in 2005-2011 was largely advantageous, leading to the peaceful divorce of the two Sudans. Nevertheless, after independence (2011-2017), South Sudan was unable to achieve many of its socioeconomic development objectives. This has been largely due to lack of experience of liberation movements in governance and development, a common factor among many African liberation movements in power.

From antagonistic past to pragmatic engagement after the CPA, the evolution of relations was by and large mutually advantageous, leading to the peaceful referendum and subsequent independence of South Sudan on one hand and continuation as well as safety of Chinese oil interests on the other. The SPLM's parallel relations with the Communist Party of China continue to complement and consolidate the two countries' cooperation. The level of political engagement between the two has been remarkable, particularly regarding China's role in managing post-independence issues between the two Sudans, conflict resolution within South Sudan, and Beijing's backing of Juba at the UNSC. Socioeconomic development has been difficult as South Sudan failed in planning, prioritizing and creating stability needed for meaningful development. Despite being a negative factor during the war of liberation, oil eventually became a positive factor and cornerstone of the engagement between South Sudan and China.

This thesis aims to offer an in-depth analysis of a foreign policy of a liberation movement in government through South Sudan's relations with China. A unique contribution to the literature has been 'spoiler theory' of peace agreements and the importance of post-conflict state building, which will reinforce our understanding of South Sudan's foreign policy towards China.

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ACRONYMS AND ABBREVIATIONS

AAA	Addis Ababa Agreement
ABC	Abyei Boundary Commission
AfDB	African Development Bank
AFRICOM	U.S. Africa Command
ANC	African National Congress
ANF	African Nationalist Front
ARCISS	Agreement on the Resolution of Conflict in South Sudan
AU-HIP	African Union High-Implementation Panel
bpd	Barrel Per Day
CANS	Civil Administration of New Sudan
CASS	Chinese Academy for Social Sciences
CCM	Chama Cha Mapinduzi
CELAP	China Executive Leadership Academy Pudong
CNPC	China National Petroleum Corporation
CPC	Communist Party of China
CPCID	Communist Party of China International Department
CPA	Comprehensive Peace Agreement
CSR	Corporate Social Responsibilities
DFID UK	Department for International Development
DPKO	UN Department of Peacekeeping Operations
EIA (US)	Energy Information Administration
ECOS	European Coalition on Oil in Sudan
EPSA	Exploration and Production Sharing Agreement
EXIM	China Export-Import Bank
FOCAC	Forum on China-Africa Cooperation

FNLA	National Liberation Front of Angola
GoNU	Government of National Unity
GOSS	Government of Southern Sudan
GoSS	Government of Sudan
GNOP	Greater Nile Oil Pipeline
GNPOC	Greater Nile Petroleum Operating Company
HEC	High Executive Council
AUHLF	African Union High-Level Implementation Panel
ICC	International Criminal Court
IGAD	Intergovernmental Authority on Development
MP	Machakos Protocol of the CPA
MDGs	Millennium Development Goals
MI	Military Intelligence
MPLA	People's Movement for the Liberation of Angola
MoU	Memorandum of Understanding
MPM	Ministry of Petroleum and Mining
NCP	National Congress Party
NIF	National Islamic Front
NPC	National Petroleum Commission
NRM	National Resistant Movement
NRM	National Revolutionary Movement
NORINCO	China North Industries Group Corporation
Nilepet	Nile Petroleum Corporation Company
PLA	People's Liberation Army
POCs	Protection of Civilians Cites
PDOC	Petrodar Operating Company
PSP	Power Sharing Protocol of the CPA
RSS	Republic of South Sudan
SAF	Sudan Armed Forces

Sinopec	International Petroleum Exploration and Production Corporation
SOEs	Chinese State-Owned Enterprises
SPLM/A	Sudan People's Liberation Movement/Army
SPLM	Sudan People's Liberation Movement
SPLM-DC	Sudan People's Liberation Movement-Democratic Change
SPLM/A-IO	Sudan People's Liberation Movement/Army- In Opposition
SPLM-N	Sudan People's Liberation Movement-North
SSIM/A	South Sudan Independence Movement/Army
SSLM	Southern Sudan Liberation Movement
TA	Transition Agreement
UDI	Unilateral Deceleration of Independence
UNAMID	African Union-United Nations Hybrid Operation in Darfur
UNISFA	United Nation Interim Security Force in Abyei
UNITA	National Union for the Total Independence of Angola
UNMISS	United Mission in South Sudan
UNMIS	United Nations Mission in Sudan
UNSC	United Nations Security Council
US	United States
WANA	West Asia and North Africa
WB	World Bank
WNPOC	White Nile Petroleum Operating Company
WSP	Wealth Sharing Protocol of the CPA

CHAPTER ONE

Introduction

South Sudan's relations with the People's Republic of China (China) date back to the signing of the Comprehensive Peace Agreement (CPA) in 2005. The CPA ended one of the longest civil wars on the African continent (1983-2005), between the Government of Sudan (GoS) and Sudan People's Liberation Movement/Army (SPLM/A). With the failure of the Addis Ababa Agreement (AAA) that ended the First Sudanese Civil War (1955-1972), the SPLM/A started the Second Sudanese Civil War (1983-2005) mainly against the backdrop of abrogation of the AAA. The discovery of oil in the then-Southern Sudan was one of the main triggers of the war in 1983. The war intensified, and many Western oil majors abandoned their investment as the insecurity caused by the conflict increased and grave human rights violations became associated with the oil industry. It was not long until the Chinese government-owned giant, China National Petroleum Corporation (CNPC), bought most of the stakes of the departed Western oil companies. In the midst of the war, particularly in early 1990s, China became heavily involved in the conflict through its support to the Government of Sudan's war efforts against the SPLM/A. This duo, Sudan and China, were married in oil: the former needed oil revenues to finance the war against the SPLM/A, while the latter was investing in and consuming oil to fuel its booming economy.

With Chinese financial and military support, the Sudan Armed Forces (SAF) launched a huge military campaign, which nearly defeated the Sudan People Liberation Army (SPLA) on the battleground. The military campaign was intended not only to defeat the SPLM/A, but also to protect the Chinese interests in the oil industry. Moreover, the SAF launched a scorched-earth military campaign against innocent civilians around oil fields to allow for the expansion of Chinese oil explorations. Ground and air forces including helicopter gunships were employed, and many civilians lost their lives or saw their livelihood destroyed. This led to the intensification of the international human rights campaign against the atrocities committed by the government of Sudan as supported by China. As China's oil companies were less susceptible to the human rights campaign, unlike Western privately-owned firms that sold their stakes and quit the oil sector, the

scenario of China taking the lead in forging peace between the two Sudans was the most viable way to end Africa's longest civil war. The regional framework initiative, under the auspices of Intergovernmental Authority on Development (IGAD) and supported mainly by the Troika countries (the United States, the United Kingdom and Norway), led to the agreement of the deal. On January 9 2005, the CPA was signed in the Kenyan capital, Nairobi, witnessed by the international community.

The process of ensuring full implementation of peace agreements and subsequent attempts at state formation have had little examination in academia, and their significance in preventing the reversion to conflict and securing the viability of a newly-formed state has recently been acknowledged. As usual, successful implementation is largely dependent on the good will of the signatories, and does not happen peacefully in most cases. In the case of South Sudan, with about 50 years of violence struggle (rather than political struggle), peaceful secession was not certain had China not played a major role as the ally of Sudan. China was only an observer as it did not participate in the peace process nor witness the signing of the CPA. However, because its national interests were at risk if violence broke out, it succeeded in pressuring and persuading Khartoum, however softly, to allow for the peaceful referendum and the subsequent divorce of the two Sudans on 9 July 2011.

The empirical focus of this research, with a single case study and extensive first-hand information, aims at supporting the scant comparative theory of new state foreign relations. Thus, this thesis departs from international relations theory that looks at relations between equal sovereign states under normal circumstances. Indeed, this case of South Sudan's engagement with China defies the traditional international theory that is rooted into two friendly countries establishing bilateral relations. South Sudan's engagement with China was against the backdrop of the tragic and difficult past of the war of liberation, in which China stood against it in its unwavering support to Government of Sudan. With the signing of the CPA between the two Sudans, the relations between Beijing and Juba, grounded in the oil industry, went through six years of evolution during the interim period before entering into full-fledged diplomatic relations after the independence of South Sudan on 9 July 2011.

The peaceful implementation of the CPA and the prospect of much needed oil revenues underpinned South Sudan's shift from confrontation to cooperation with China after the CPA was signed. Cognizant of the devastating impact of the abrogation of the Addis Ababa Agreement, South Sudan, then-Southern Sudan under the SPLM, was determined to avoid a repeat of history. Thus it opted to leverage its oil reserves in engaging China, a major backer of Khartoum, to prevail over the latter to allow for the peaceful implementation of the CPA. Moreover, during the war Chinese oil interests were deemed legitimate military targets by the SPLM/A, but with the signing of the CPA, the movement recognized the vital role of continued flow of oil revenues needed for the re-construction of the war-ravaged region during the interim period and beyond. Finally, as part of the general trajectory of the African continent's engagement with China, South Sudanese leaders realized an important role China could play in the socioeconomic development of a young nation, particularly in the rapid development of infrastructure. The empirical evidence from the case of South Sudan's engagement with China demonstrates that a declaration of national interest does not translate into concrete results; despite the important realization of political interests in the form of peaceful implementation of the CPA, including the referendum and subsequent independence of South Sudan, the latter has failed in achieving its socioeconomic development objectives.

The key provisions of the CPA were a 'one-country-two-systems' form of governance, sharing of oil revenues and the right of self-determination for the people of Southern Sudan. The Government of National Unity (GoNU) based in Khartoum was formed with significant SPLM/A participation in both the executive and legislative branches as well as the autonomous Government of Southern Sudan (GoSS) under the SPLM/A based in Juba. The sharing of oil revenues, of which China was both the main investor and consumer, was the crux of relations between China and the Sudans. At the end of the six-year interim period (2005-2011), the people of Southern Sudan were to determine their destiny through an internationally supervised referendum. Given over half a century of relations between Sudan and its main backer, engaging the Chinese was imperative if the SPLM/A leadership was to neutralize that support. This thesis is concerned with South Sudan's engagement with China during the interim period of the CPA (2005-2011) and after independence (2011-2018) through examining the evolution of engagement leading to the current state of political and economic cooperation. This thesis is guided by the core research question: *Why and how South*

Sudan opted for cooperation instead of continued confrontation with China after a long and antagonistic/hostile past during the liberation struggle in which China supported the Government of Sudan against the SPLM/A? This thesis will not cover the following areas where more research may be needed: SPLM transformation (see De Alessi, 2012), South Sudan's relations with Sudan, and Chinese relations with Sudan.

Against the backdrop of the atrocities committed by GoS, largely with Chinese support, against the people of South Sudan during the war, the SPLM and subsequently the Government of South Sudan opted for cooperation with China. The level and magnitude of the atrocities and military campaign against the SPLM/A, under normal circumstances, would have required time to resolve the difficult past rather than the spontaneous rapprochement seen in this case. Thus, this thesis is set out to investigate the fundamental objectives that informed the SPLM and Government of South Sudan's decision to engage China, both during the interim period of the CPA and after independence in 2011 and beyond. An attempt to understand South Sudan's post-independence engagement with China lies at the core of this study. It is based on an analysis of the hostile encounter during the war of liberation of South Sudan, the evolution of the relations into positive engagement after the signing of the CPA and subsequently throughout the interim period. The analyses of these two phases shed light on the cooperation between the two countries since the independence of South Sudan.

Rationale and Hypothesis

This thesis asserts that South Sudan's engagement with China was initially necessitated by the realities of the peace negotiations and subsequent signing of the CPA in 2005. The nature of the CPA created unescapable needs, not only for the warring parties to engage, but for South Sudan to cooperate with China. Furthermore, it obligated Sudan to allow its ally (China) to cooperate with South Sudan within the confines of one-country-two-systems throughout the six-year interim period. During the war of liberation of South Sudan, China massively supported the Government of Sudan against the SPLM/A. China sold various types of military hardware used in gunning down the civil population as well as SPLM/A soldiers possessing inferior military equipment. The damage caused by the scorched-earth military campaign to clear out the civilian population for

Chinese oil exploration led to international outcry from various human rights organizations. Chinese military and economic support through oil revenues could have ended the liberation struggle of the people of South Sudan in the battlefield, as it was for the Tamil Tigers in Sri Lanka, were it not for the resilience of the SPLM/A and strong leadership of Dr. John Garang.¹ As such, China's oil interests were targets of the SPLM/A military operations intended to deny Khartoum much needed oil revenues for funding its war against the SPLM/A.

Most of the time, peace agreements are left for the parties to implement in good faith, and the parties are usually expected to accept each other's word. The role of international community (both international and regional organizations) and witnesses is largely to monitor and condemn the spoiler with no concrete enforcement mechanism instituted in the agreement, such as punitive actions against the violating party, and there is usually no supreme authority to enforce such agreements. Thus, many agreements tend to be successfully implemented either because the two parties were genuine or a supporter of either party wields enough leverage to mount sufficient pressure on the spoiling party.

However, the role of a backer of a losing/spoiler party has been largely ignored or under-studied. Additionally, the role of a group such as the SPLM in turning or building rapprochement with a friend of its enemy by leveraging certain aspects of its strength like natural resource (petroleum in this case) has not been deeply examined. Some of the important local dynamics are ignored in the implementation of peace accords, such as the role of oil in China's support for the peaceful implementation of the CPA. On the other hand, state formation based on a Eurocentric model has its weaknesses and is historically outdated to some extent in comparison to African concept. Academia has neglected the aspects of state formation in the third world and Africa in particular that emphasize the importance of building a state in terms of development, not nation-building as the Eurocentric model views it. Development of infrastructure and other state apparatus is central to state-building in contemporary Africa as it is in South Sudan.

¹ Interview, Dr. Ann Itto, Acting Secretary General of the SPLM and former Minister of Agriculture, Juba, 8 September 2015.

Usually the implementation of a peace agreement tends to partially fail, leading to a relapse into conflict. This reality, compounded with historical mistrust between the two sides of the CPA, meant that the SPLM/A was cognizant of the challenges of the implementations. Against the backdrop of ‘too many agreements dishonored’ by Khartoum, for instance the Addis Ababa Agreement (AAA), which relapsed into the Second Sudanese Civil War (1983-2005), the implementation of the CPA was paramount to the SPLM leadership. Thus, the CPA’s six-year interim period was full of uncertainties, despite the SPLM-led GoSS allocating significant quantities of oil revenues (40% of the budget) to train and equip the SPLA to serve as one of the key guarantors of the CPA.

However, given the apparent challenges, it was important for the SPLM leadership to maximize the role of the guarantors of the CPA. As China had huge oil interests in Sudan and was the only major power to back Khartoum, the SPLM leadership concluded that it was prudent to engage the former foe. As such, and despite their antagonistic past, the SPLM/South Sudan opted for cooperation with China after the signing of the CPA in 2005. The positive and important role that China could play was evident as the only country with considerable leverage to prevail over Khartoum for the peaceful implementation of the CPA. Furthermore, the SPLM leadership (and later South Sudan) realized that the positive future could outweigh the negative past. They had envisaged that China would play a major role in the economic development and reconstruction of the new but war-ravaged nation. Thus, China was expected to play a significant political role between the two Sudans given several of the CPA’s outstanding issues and post-independence issues, including the oil industry, which constitutes over 90% of South Sudan’s economy. Based on the above background, the following hypothesis will be tested:

It is argued that change of heart of the SPLM/South Sudan to cooperate with China after the CPA can be explained within the context of pragmatism necessitated by the implementation of the peace agreement and formation of a new state. South Sudan, in the case of China, has mastered its liberation tactics and gained political experience of shifting alliances as long as it advances the overall objectives of the country/movement. *In essence, the SPLM/South Sudan’s decision to engage China during the CPA and beyond, has positively impacted the implementation of the CPA and state formation/state-building process of the Republic of South Sudan.*

Contribution

This thesis will be an important contribution to the body of knowledge on Africa-China relations, South-South cooperation, Africa in international politics and foreign policy analysis. This study draws its prominence from its originality due to the lack of significant academic work on this topic. The underlying reason is that the Republic of South Sudan is the newest country on earth, which became independence on 9 July 2011. There is undoubtedly significant work done on Chinese relations with Africa, but not much on the relations of individual African countries with China, particularly South Sudan.

This thesis will also contribute further to the understanding of foreign policy analysis of liberation movements in government. Unlike many other liberation struggles, the SPLM/A/South Sudan was not determined to build its foreign policy based on historical alliances during the struggle, such as the USA for instance. Instead, the SPLM/A/South Sudan surprised many by opening up even to its former enemies or those who supported its former enemies such as China. Furthermore, a little known country such as South Sudan has triggered a fundamental shift in China's longstanding foreign policy doctrine of non-interference and respect for sovereignty. It will always be recalled that for the first time in the history of China's foreign policy, since the advent of the CPC in 1949, it had sent combat troops to a foreign country. In January 2015, Beijing resolved to send about 700 combat troops to South Sudan under the United Nations Mission in South Sudan (UNMISS) with the aim of protecting oil installations.² This was a historic shift, which the candidate believes will spark further academic and foreign policy inquiries as to why China made such an unanticipated move.

² Nicholas Bariyo, "China Deploys Troops in South Sudan to Defend Oil Fields," Workers, 2014, <http://www.wsj.com/articles/china-deploys-troops-in-south-sudan-to-defend-oil-fields-workers-1410275041>.

Contextualizing the Research

This thesis is situated within the context of South Sudan's engagement with China for the latter to persuade and exert pressure on Sudan for the peaceful implementation of the CPA. Additionally, during the CPA's interim period and subsequent independence, South Sudan sought China to play an important role in the reconstruction of the then-autonomous region and in state formation after independence.

The SPLM/South Sudan's pragmatic rapprochement with China after the signing of the CPA in 2005 has generated increasing debate in academia, particularly in the fields of conflict resolution and political economy. The latter focuses on the SPLM/South Sudan's agency in influencing the trajectory of Chinese policy via the implementation of the CPA and subsequent independence of South Sudan. Informed by the many agreements dishonored by Khartoum, South Sudanese leaders sought to avoid repeating history by relapsing into another long conflict as it was when Khartoum abrogated the AAA. Abel Alier, a signatory to AAA on behalf of Khartoum, and President of AAA-mandated High Executive Council in Juba (1972-1983), authored his famous book 'Too Many Agreements Dishonored',³ which kept the SPLM leaders searching for alternative guarantors for the peaceful implementation of the CPA.

The spoiler factor of the CPA was real and engaging China, the only major power that backed Khartoum, was arguably one of the most pragmatic decisions taken by the SPLM leadership. Despite the historical support it received from Western countries, including the United States' backing for the CPA's negotiations in particular, the SPLM turned east to China for the peaceful implementation of the agreement.⁴ The SPLM sought to leverage oil resources to both neutralize China's support to Khartoum and eventually persuade the latter to allow for the full and peaceful implementation of the CPA, particularly regarding the conduct of the referendum.⁵ The oil

³ Abel Alier, former President of High Executive Council as per Addis Ababa Agreement (AAA), authored his famous book titled 'Too Many Agreements Dishonored', 1992. He uncovered a history of many agreements reached between Southern Sudan and the North, but none was fully implemented including AAA leading to the SPLM/A war (1983-2005).

⁴ Daniel Large, South Sudan Looks East: Between the CPA and Independence, Association of Concerned Africa Scholars, Bulletin No. 86, November 2011:

⁵ Daniel Large: Between CPA and Southern Independence: China's Post-Conflict Engagement in Sudan, SAIIA, Occasional Paper No. 115, April 2012:15.

resources that almost ended the hopes and aspirations of the people of South Sudan for independence when China heavily supported Khartoum, turned into a positive factor that helped to carry South Sudan to independence via a peaceful referendum supported by China.

To the surprise of many observers, SPLM/South Sudan sought for China to play a constructive role in prevailing over Khartoum not to abrogate the CPA and not to obstruct the referendum at the end of the interim period. Cognizant of its interests at stake if the conflict was renewed, China ramped up its usually quiet diplomacy. Throughout the CPA, China maintained low-key involvement but became more engaged towards the end of the interim period as it was concerned about the possibility of renewed conflict. Beijing put a lot of its energy into bilateral exchanges between the SPLM and NCP leaders as well as shuttle diplomacy of its senior leaders to both Juba and Khartoum as they emphasized stability and adherence to CPA protocols.⁶

Moreover, analysts concentrated on the CPA's provision for continuation of Chinese oil contracts, but failed to recognize the importance of the stability in the oil industry itself and of its revenues. Daniel Large asserts that oil revenues served as a vital factor that incentivized the warring parties to reach a peace agreement, and it was critically important for the successful implementation of the CPA as enshrined in the Wealth Sharing Protocol.⁷ The role of China in the peaceful implementation of the CPA was vital to the safety of its investment in oil industry. Thus, stability was key to all parties (South Sudan, Sudan and China), and 'peace and stability' had been a recurring and continued message of China to the CPA's signatories throughout the interim period.⁸

A key element which has also been under-studied is South Sudan's state formation in the African context, which is fundamentally different from Eurocentric state formation. State-building in Africa is centered on creating state infrastructure, including its physical infrastructure, and China was envisioned by South Sudanese leaders to play a major role to that end. Generally, socioeconomic development is an important part of Africa's state formation and a prerequisite for sustainable peace and political stability. These ideas of maintaining peace and stability through

⁶ Ibid: 11.

⁷ Ibid, 8.

⁸ Ibid.

socioeconomic development correspond with China's developmental policy. Butler and Wheeler argue that the emphasis on political stability, which is the capacity of a state to maintain order in a given territory, requires national government to manage matters related to economic and social affairs.⁹

Many previous studies have been focused on Sudanese relations with China whilst ignoring the role of the SPLM/A as non-state actor and GoSS as a quasi-state, particularly after the signing of the CPA in 2005. Leben Moro asserts that China initially avoided relations with the SPLM as a non-state actor, but had to play a catch-up role after the CPA when Beijing realized that the majority of its oil investment will be under the control of SPLM-led GoSS in Juba.¹⁰ Post-independence, many scholars look at South Sudanese engagement with China as a government-to-government relationship despite being a two-pronged approach. One of the less examined aspects of the engagement is a party-to-party approach. The pioneering roles of the Sudan People's Liberation Movement (SPLM) and Communist Party of China (CPC), with similar backgrounds as liberation movements, continue to consolidate and deepen ties between their two countries.

This thesis will contribute to the literature on South Sudan-China and SPLM-CPC relations through a single case study on the evolution of South Sudanese relations with China from the CPA, GoSS (2005-2011), and state-to-state relations from 2011-2018. It will examine the status of the engagement through both its achievements and its shortcomings.

Literature Review

South Sudan's evolving relations with China, particularly in the run-up to the referendum and subsequent independence in 2011, have ignited academic enquiries in the field of post-conflict stability in terms of implementation of peace agreements and state-building in the area of socioeconomic development. The academic focus has been on the central role of the oil industry in both its negative aspect during the war of liberation and positive aspect after the signing of the

⁹ Dell Marie Butler and Thomas Wheeler, China and conflict-affected states: Between principle and pragmatism, *Saferworld*, January 2012: 4.

¹⁰ Leben Nelson Moro, China, Sudan and South Sudan Relations, *Global Review*, 2012:25-26.

CPA in 2005 as well as independence of South Sudan and beyond.¹¹ The pragmatic approach by the SPLM to steer South Sudan from 2005 to 2011 and beyond was vital as the former liberation movement, and later ruling political party, was not pre-occupied by the antagonistic past, but rather envisioned mutually advantageous cooperation with China. This literature will ultimately reinforce the background of South Sudan-China case study, with focus on the central role of the oil industry in this engagement.

Management of any possible spoiler of the peace agreement in order to avoid a relapse into war was a major concern for the SPLM leaders that signed the CPA in 2005. The concern was shared by members of international community, particularly the U.S. as a backer of the SPLM and China as a backer of the Government of Sudan (GoS). With little leverage at its disposal, the U.S. could not sufficiently pressure leaders of the regime in Khartoum, hence China was only the major power that could prevail over the GoS. The SPLM vigorously sought China to pressure Khartoum to avoid obstructing the implementation of the CPA. According to Stephen John Stedman, the greatest risk to the peace process, including the agreements, comes from ‘spoilers’ - leaders and parties who believe they stand to lose power and interest and so resort to violence to maintain the status quo.¹² Stedman further argues that where concerned members of the international community or ‘international custodians’ have forged and implemented a coherent and effective strategy for protecting peace agreement and managing the spoilers, peace has triumphed and saved hundreds of thousands of lives in the process.¹³ The possibility of relapse to war was real if leaders of Khartoum abrogated the CPA. With its’ interests standing to be significantly affected if war broke out, China took a more involved role in managing the GoS and discouraging any obstruction of the implementation of the CPA.¹⁴

¹¹ Large, *South Sudan Looks East*, 2011: 30-31; Thomas Wheeler, *Development through Peace: Could China’s Economic Co-operation with South Sudan be More Conflict-Sensitive?*, Saferworld, August 2012:12; Luke Patey, *The New Kings of Crude: China, India, and the Global Struggle for Oil in Sudan and South Sudan*. London: Hurst & Company, 2012.

¹² Stephen John Stedman, “Spoiler Problems in Peace Processes, *International Security*,” Vol. 22, No. 2 (1997), pp. 5-53. <http://www.jstor.org/stable/2539366>.

¹³ Ibid.

¹⁴ Daniel Large, *China & the Contradictions of 'Non-Interference' in Sudan*, *Review of African Political Economy*, Vol. 35, No. 115, *The 'New' Face of China African Co-operation* (Mar., 2008), pp. 93-106. <http://www.jstor.org/stable/20406479>.

China, the only major power that supported the pariah government of Sudan, was expected to prevail on the Sudanese leaders in Khartoum. Besides economic, political and military support to the regime, China was still the only member in the United Nations Security Council (UNSC) shielding President Bashir from the international arrest warrant issued by the International Criminal Court (ICC) in 2004.¹⁵ From its initial status as an observer with no real responsibilities in the implementation of the CPA, with exception of its contribution to the United Nations Mission In Sudan (UNMIS), China became the responsible power in this particular case of the Sudans. The message of stability and peace has been the guiding principle for China since the CPA and this became more evident after independence in a number of cases; when the two Sudans were at the verge of war over Abyei (2011), Panthou/Heglig (2012), and signing of the Cooperation Agreement (2013) leading to the reopening of oil production after South Sudan had shut it down due to disagreements over the payment of oil transit fees.¹⁶

The liberation of South Sudan was underpinned by the socioeconomic injustice subjected to the people of the region under the old Sudanese regime. This key factor remains one of the defining objectives and priorities of the Republic of South Sudan (RSS). As part of the general trend in Africa coupled with its track record of generous development aid, China was identified by South Sudanese leadership, particularly Dr. John Garang De Mabior, as the only partner that could jumpstart the state-building process and rapidly achieve their socioeconomic targets. Daniel Large observed widespread expectations in Juba, not only among South Sudanese government officials but also international agencies, that China would play major in the socioeconomic development of a young nation.¹⁷ In the financial sector, China is able to rapidly deploy financial assistance covering budget support and physical infrastructure in addressing severe challenges, including the transportation network and energy sector, which are a critical foundation for South Sudan's economic development.¹⁸

¹⁵ Thomas Wheeler, Africa and the International Criminal Court, 18 July 2011. <http://www.saiia.org.za/opinion-analysis/africa-and-the-international-criminal-court>; Large, Between the CPA and Southern Independence, 2012: 8-9.

¹⁶Ibid: 11.

¹⁷ Large, South Sudan Looks East, 2011.

¹⁸ Ibid: 32; Laura Barber and Dr. Xiao Yuhua, Win-Win? China's Economic Engagement with South Sudan, 2012.

During the war of liberation of South Sudan, oil certainly played a destructive role, particularly in 1990s when China fully backed the GoS against the Southern rebels (SPLM/A). Luke Patey argues that, as both sides of the Sudanese conflict were heatedly contesting control of oilfields, horrendous atrocities were committed against civil populations in the Upper Nile areas by the SAF.¹⁹ The GoS, employing its oil revenues and brutal military machinery procured from China, implemented a scorched-earth campaign in driving out civilians to enable Chinese oil explorations.²⁰ With the CPA signed in 2005, the oil industry conversely played an opposite role. China, a major investor in the oil industry, came to terms with the new realities of the CPA: the majority of its oil interests were under the control of former Southern rebels, the SPLM/A, and hostile relations between the two Sudans continued. To safeguard its oil interests, China became more involved in forging a new rapprochement with the SPLM-led GoSS (and later Government of South Sudan) as well as exerting considerable efforts in the peaceful implementation of the CPA and maintaining stability between the two Sudans.²¹ The significant involvement of China in the peaceful implementation of the CPA between the two belligerent Sudanese parties put Beijing's non-interference doctrine under strain.²² However, the health of its national interest in the Sudanese oil industry outweighed the importance of the doctrine.

Indeed, as both South Sudan and China stood to lose from non-implementation of the CPA, they forged a pragmatic policy of engagement. After the visit of President Salva Kiir, then First Vice President of Sudan, to Beijing in 2007, China took concrete steps to close the gap whilst maintaining its alliance with Khartoum. Daniel Large argues that the trip prompted a reorientation of the Chinese approach to dealing with then Southern Sudan, leading to expanded relations including the opening of its Consulate General in Juba in September 2008, headed by an Ambassador.²³ This thesis is located within the field of conflict resolution and state-building. It

¹⁹ Luke Patey, *State Rules: Oil Companies and Armed Conflict in Sudan*, *Third World Quarterly*, Vol. 28, No. 5 (2007), pp. 997-1016. <http://www.jstor.org/stable/20454976>.

²⁰ Ibid.

²¹ Large, *Between the CPA and Southern Independence*, 2012:11.

²² Large, *China & the Contradictions of 'Non-Interference' in Sudan*, March., 2008, pp. 93-106

²³ Large, *Between the CPA and Southern Independence*, April 2012:15.

will utilize spoiler theory of peace process within the wider conflict resolutions and state formation in the African context.

This thesis will contribute to the literature on South Sudanese relations with China through a single case study on the evolution of South Sudan engagement with China from 2005-2018. The study seeks to uncover the achievements and shortcomings of the engagement resulting from South Sudan, both as Government of Southern Sudan during the CPA's interim period (2005-2011) as well as the Republic of South Sudan (2011-2018), in light of the CPA implementation, political cooperation (particularly maintenance of stability between the two Sudans) and socioeconomic cooperation.

Theoretical Direction

It can be argued that South Sudanese foreign policy towards China could not be sufficiently explained by traditional International Relations (IR) theories due to the complexities involved. The SPLM turned from a liberation movement to a ruling political party, an autonomous regional government (GoSS) within united Sudan, and later led South Sudan as an independent state. This process poses challenges, to some extent, to traditional IR approaches. Thus, this thesis will take two different approaches that are able to explain the evolution of relations from South Sudan's time as an autonomous region (quasi-state) to its existence as an independent state.

The thesis will not attempt a full-scale theoretical engagement, as one case can only be suggestive. However, it will note in passing possible uses of spoiler management theory, part of wider conflict resolution theories that looks at the success or collapse (reversion to conflict) of peace agreements due to the actions of the spoiler in a given accord. Upon the signing of the CPA, the SPLM and GoSS were preoccupied in deterring Khartoum from abrogating the CPA, given that there were hardliners (hawks within the National Islamic Front) who stood to lose their positions and staunchly opposed the CPA, particularly some key provisions such as power sharing, security arrangement, wealth sharing and self-determination. It turned out that China prevailed in managing the potential spoilers of the CPA and delivered a peaceful referendum leading to the partition of old Sudan.

Second, the study will make notes towards a theory of state-building in the African context and social or societal contract. The Eurocentric view of state formation cannot adequately explain the process in South Sudan. The premise of state responsibility for the welfare of its' citizens is key in understanding African state formation. Thus, African state-building and social contract theories could well explain South Sudanese engagement with China after 2005, given their hostile past during the war of liberation of the former. Initially, the liberation struggle was waged mainly against the backdrop of socioeconomic neglect by the rulers of old Sudan. As such, the South Sudanese leadership were preoccupied with meeting expectations of public good towards the masses they liberated. Social contract theory, which was developed by Thomas Hobbes and advanced by John Locke, Jean-Jacques Rousseau, John Rawls, David Gauthier and others, is associated with modern moral and political theory and will also help us to understand the engagement.

Methodological Approach

The research which informs this thesis is based on extensive qualitative investigation conducted during fieldwork and the collection of primary data. As qualitative methods seeks to explore and understand phenomena, they are the optimal techniques for generating the insights used in this thesis.²⁴ Given the relative newness of the case study, special consideration was afforded to in-depth interviews with various participants, particularly those with inside knowledge of the engagement. This was prioritized with the view that “*In-depth interviews are optimal for collecting data on individuals' personal histories, perspectives, and experiences, particularly when sensitive topics are being explored.*”²⁵ More emphasis was accorded to interviews with those in charge of South Sudan-China policy, which make up a significant proportion of the primary research. Key fieldwork research was conducted during 2015 (September-December in South Sudan), 2016 (January-June in South Sudan), 2017 (July-September in China) and 2017 (September-October in South Sudan).

²⁴ Family Health International, “Qualitative Research Methods: A Data Collector’s Field Guide, Qualitative Research Methods Overview,” 2010a:3. <file:///C:/Users/Akok/Desktop/Introduction/qual%20methods.pdf>.

²⁵ Ibid: 2.

The total number of interviews conducted were 42 in South Sudan and 10 in China. Participants were drawn from various institutions, both in South Sudan and China. Government institutions include ministries of: Foreign affairs, Petroleum, Finance and Economic Planning, Commerce, Trade and Industries, Mining, Transport, Roads and Bridges, Environment, Defense, Education, Science and Technology, Presidency (South Sudan), EXIM Bank of China, and Chinese and South Sudanese diplomats in embassies of both countries. Interviews were also conducted with members of political parties, state-owned and private companies (both oil and none-oil companies), relevant think-tanks and within academia. Given the complexity of the case study, interviews were designed to allow room for flexibility for discussion and follow-up enquiries. Thus, an interview guide with open-ended questions was employed, which included both unstructured and semi-structured interviews.

Large number of interviewees from different backgrounds were selected, not only to validate the data collected, but to provide accurate answers to the main question of the research. Foreign policy lies within a unique profession of a state and hence makes it an elitist sphere that requires particular insights to uncover that which informs the policy options of a given country. Thus, the candidate placed most emphasis on interviewing elites with concrete knowledge of the engagement between the two countries. In South Sudan, particular attention was afforded to top officials such as Presidential Advisors, diplomats, military generals and leaders of the SPLM as the ruling party in South Sudan. Given the secretive and restrictive nature of China's political system, including foreign policy making, interviewing and analyzing Chinese academics, think-tanks, and members of the private sector has helped in understanding China's foreign policy positions.²⁶

Besides interviews, participants' observations from attending official meetings between the two countries were employed to triangulate the evidence collected. This particular additional method was adopted due to its importance in observing the meetings of practitioners and decision-makers, as Michael Quinn Patton and Michael Cochran assert that *"to understand fully the complexities of*

²⁶ Mette Halskov Hansen, "In the Footsteps of the Communist Party: Dilemmas and Strategies," in: *Doing Fieldwork in China*, ed. Maria Heimer and Stig Thøgersen (Copenhagen: NIAS Press, Nordic Institute of Asian Studies, 2006), 81; Emily T. Yeh, "An Open Lhasa Welcomes You: Disciplining the Researcher in Tibet," in: *Doing Fieldwork in China*, ed. Maria Heimer and Stig Thøgersen (Copenhagen: NIAS Press, Nordic Institute of Asian Studies, 2006), 97.

*many situations, direct participation in, and observation of, the phenomenon of interest may be the best research method.”*²⁷

In addition to primary sources, extensive secondary sources are analyzed to deepen the understanding of the study. Many important insights were sourced from government officials’ documents (publications, diplomatic cables, letters, developmental grant papers, commercial contracts and agreements, Memoranda of Understanding, speeches and statements). Books, journal articles, think-tank policy reports, media articles from South Sudan’s media websites (www.sudantribune.com, www.gurtong.org) and public statements from both governments’ official websites, such as www.goss.gov, www.splmtoday and Xinhua News Agency were also utilized. Significant numbers of these documents, particularly government officials’ documents, were analyzed to offer insights that have informed the candidate’s interview questions and discussion with participants.

The literature that underpinned the historical background of China’s role in the Second Sudanese Civil War against the SPLM (Chapter Two) and Evolution of the cooperation between the two countries has been under-examined with the exception of NGOs reports, Thomas Wheeler (2011) and Daniel Large (2010, 2012, 2013).

English remains the official language of South Sudan, and all interviews were conducted in English with few instances of interjection of Arabic dialect, which the candidate understood. All official documents collected were in English. In China, Stig Thøgersen argues that “*it is possible to do research in China without speaking Chinese.*”²⁸ Consequently, all interviews were conducted in English as those concerned with China-South Sudan policy (public or private sectors) spoke English and no translation was necessary.

²⁷ Nouria Briki and Judith Green, “A Guide to Using Qualitative Research Methodology,” February 2007:20. <file:///C:/Users/Akok/Desktop/Introduction/qualitative-research-methodology.pdf>.

²⁸ Stig Thøgersen, “Beyond Official Chinese: Language Code and Strategies,” in: Doing Fieldwork in China, ed. Maria Heimer and Stig Thøgersen (Copenhagen: NIAS Press, Nordic Institute of Asian Studies, 2006), 110.

Structure of the Thesis

This thesis is structured into 8 chapters, including introduction and conclusion. In the introduction chapter, the rationale and hypothesis, contribution to the body of academic knowledge, contextual framework, literature review, theoretical framework and methodological approach of the research have been presented. Excluding the conclusion, the case study is developed through six core chapters.

The first two chapters (chapters 2 and 3) set up the historical background of the thesis. Chapter 2 explores the Second Sudanese Civil War and the role China played by heavily supporting the Government of Sudan to nearly defeat the SPLM/A, and committing war crimes against the civilian population around the oil fields where Chinese oil companies were extracting oil. The chapter further examines how the parties to the Sudanese conflict signed the Comprehensive Peace Agreement (CPA) in 2005. The CPA effectively ended all protracted Sudanese Civil Wars (1955-1972 and 1983-2005) and created a state of one-country-two-systems through which South Sudan and China started their formal engagement in 2005 under an SPLM-led quasi-state Government of South Sudan (GoSS).

The evolution of the engagement between South Sudan and China is analyzed in chapter 3, beginning 2005 through to 2011, when South Sudan became an independent state. The chapter looks at the key provisions of the CPA which guided the development of cooperation as opposed to the hostility of the past. The one-country-two-systems form of governance provided an important window for safe engagement, particularly for China in the light of its observance of sovereignty, on the national level with the Government of National Unity (GoNU) in Khartoum and with the GoSS in Juba. Another significant provision was for the sharing of the revenues derived from Chinese oil companies extracting and buying crude oil between the two Sudans. Finally and most importantly was the provision of self-determination for the people of South Sudan through an internationally-supervised referendum, which led to the split of the former Sudan, and the pivotal role of China in the peaceful divorce of the largest country in Africa.

Chapter 4 examines the role of the two ruling parties, the SPLM and CPC, in deepening the engagement between the two countries. The two countries are under single-party rule with significant influence for both governments. Both parties pioneered this engagement which remains as part of the two-pronged approach of the cooperation, along with government-to-government relations. The SPLM and CPC continue to exchange experiences in the construction of a political party capable of ruling a country, governance, and socioeconomic development.

The other approach has been political and diplomatic cooperation analyzed in chapter 5, focusing on the transition of South Sudan from quasi-state to a sovereign nation engaging with another sovereign nation, China. Cooperation has focused on South Sudan's post-independence challenges, particularly between the two Sudans and their civil war, and the role of China maintaining stability in the young nation. Another important aspect of the cooperation is international, where China has been shielding South Sudan against UN Security Council's sanctions, and the vital role of China's peacekeeping forces in the country within the context of United Nations Mission In South Sudan (UNMISS).

After its independence, socioeconomic development remains as a centerpiece of South Sudan's cooperation with China, which is tackled in chapter 6. This chapter looks at the developmental cooperation, assessing whether South Sudan managed to achieve its core objectives that mainly informed the decision to engage China from the onset. Emerging out of the war of liberation against the backdrop of socioeconomic neglect by the old Sudan, South Sudan prioritized the achievement of this objective covering areas of financial and physical infrastructure, human resources, agricultural security and health sector development.

Finally, the study will examine the central role oil has played, and continues to play, in cementing the engagement, despite oil being the central reason for the difficult past between the two countries. Thus, chapter 7 discusses the background of oil discovery through which Chinese oil companies engaged in the 1990s. The role of oil revenues during the CPA's interim period, the status of Chinese oil contracts after the independence of South Sudan, the challenges facing the oil industry including the conundrum of oil infrastructure between the two Sudans, and corporate social responsibilities are all analyzed.

CHAPTER TWO

The Role of China During the Civil War between the Government of Sudan and Sudan People's Liberation Movement/Army 1983-2005

*"China, as an active, willing supporter of Khartoum, was a wartime enemy."*²⁹

On 18 August 1955, three months before the declaration of independence of Sudan, a Southern military garrison in the town of Torit mutinied against the central government in Khartoum, marking the outbreak of the First Sudanese Civil War. First Lieutenant Renaldo Loleya³⁰ led the mutiny against the authorities (Anglo-Egyptian and Sudanese) in Khartoum, protesting the arrangement made by Anglo-Egyptian Condominium Rule (1898-1955) to unite the South with the North.³¹ Throughout Anglo-Egyptian Rule, Southern Sudan was administered separately through Southern Policy³² under Closed District Ordinance.³³ However, due to concerted pressures from Egypt and Arab-Muslim Sudanese activists, the English administration decided to unite both sides of Sudan, against the wishes and without the consent of Southerners.³⁴ This decision continued to haunt the Sudanese state. The Southern objection was informed by historical grievances of slavery and forced Islamization by Arab-Muslim Northerners.³⁵

²⁹ Daniel Large, South Sudan Looks East: Between the CPA and Independence. [Online] *Association of Concerned African Scholars*. Bulletin No. 81, 2011:4. <http://concernedafricascholars.org/wp-content/uploads/2011/11/6-Large-pdf-2.pdf>.

³⁰ Renaldo Loleya was an officer in the Sudanese army, Southern Corps stationed in Torit, Eastern Equatoria as Headquarters. It was in Torit that Renaldo led the mutiny against the Northern Sudanese senior officers, igniting the first Sudanese Civil War on 18 August 1955. By then Sudan was under self-rule, paving the way for the full independence on 1 January 1956.

³¹ The British Empire, Sudan: Brief History, 22 October 2017, www.britishempire.co.uk/maproom/sudan.htm.

³² The Closed District Ordinance, which was the basis of the Southern Policy was designed to exclude Arabs from the North from trade, administration, settlement and so on to enable the British Administration to effectively fight and prevent slavery by the Arabs in the South, and to carry out some development as there was clear asymmetry between the two parts of the country resulting from Turco-Egyptian Muslim rule over Sudan 1821-1898.

³³ David Nailo N. Mayo, *The British Southern Policy in Sudan: An Inquiry into Closed District Ordinances (1914-1946)*, *Northeast African Studies*, 1994:166-176.

³⁴ *Ibid*: 178.

³⁵ Douglas Johnson, Recruitment and Entrapment in Private Slave Armies: the Structure of the Zarā'ib in the Southern Sudan, In Elizabeth Savage, ed., *The Human Commodity: Perspectives on the Trans-Saharan Slave Trade*, 1992: 162-173.

In 1972, the Government of Sudan and the South Sudan Liberation Movement (SSLM), with its military wing known as the Anya-Nya I (Southern rebels that fought the war against the north 1955-1972), signed the Addis Ababa Accord, ending 17 years of bloody conflict.³⁶ The Accord brought a brief period of relative peace (1972-1983), but soon the country reverted into another long conflict due to violations of the accord by the central government in Khartoum.³⁷ On 16 May 1983, a Sudan Armed Forces (SAF) garrison (mostly composed of former soldiers of the Anya Nya I who were inducted into Sudan Armed Forces as per the Addis Ababa Accord) mutinied in Bor, Jonglei state, and formed the Sudan People's Liberation Movement/Army (SPLM/A).³⁸ Alongside many other factors, the civil war was triggered by the discovery of oil in Southern Sudan. China later became heavily involved, both in the oil exploitation and the war over it.

The objective of this chapter is to contextualize the negative role that China played in the Second Sudanese Civil War as the backdrop against which South Sudan opted for cooperation with China as opposed to continued confrontation. It reveals how China's investment in oil, coupled with its economic and military support for the government of Sudan, resulted in heavy casualties for the SPLA and civilian population around the oilfields.³⁹ In the 1990s, China acquired a 40% stake of Sudan's oil, which later underpinned the Chinese role in the civil war.⁴⁰ Through its involvement in the oil sector, China stepped up its economic, political and military support to the Government of Sudan in its war against the SPLM/A.⁴¹ With this support, Sudan was able to protect and secure oilfields, which were also a vital interest for China. In the process of protecting the oil fields, serious human rights abuses were committed by Sudan Armed Forces (SAF) and allied militias fighting in Southern Sudan.⁴² Thus, this chapter establishes the complexities which informed South Sudanese engagement with China and the later transformation from negative encounter to positive engagement. The background through which the SPLM/A/South Sudan decided to cooperate with

³⁶ Interview, Achuil Malith Bangol, Former Secretary for Syndicated Organizations, SPLM, Juba, 8 December 2015.

³⁷ David Shinn, "Addis Ababa Agreement: Was It Destined to Fail and Are There Lessons for the Current Sudan Peace Process?" *Annales d'Ethiopie*, Vol. 20 (1), pp. 239-259 (2004), <https://www.cmi.no/file/1867-Addis-Ababa-agreement.pdf>

³⁸ Manifesto of Sudan People's Liberation Movement/Army (SPLM/A), 31 July 1983:12-13.

³⁹ Interview, Deng Deng Hoc, Minister of Environment, Government of South Sudan, Juba, 10 November 2015.

⁴⁰ Interview, Deng Hoc, 2015.

⁴¹ Interview, Dr. John Gai Yoh, then Minister of Higher Education, Science and Technology; Currently Presidential Advisor on Higher Education, Science and Technology, Juba, 25 March 2016.

⁴² Interview, Bangol, Juba, 2015.

China is vital in understanding the question of why South Sudan opted for engagement with China despite its destructive role against the SPLM/A during the war of liberation.

The chapter will explore the genesis of Sudan-China relations and how their ties became a strategic alliance in the 1990s. The chapter will then move on to explore the discovery of oil by foreign companies other than the Chinese and how this ignited Second Sudanese Civil War (1983-2005). At this juncture, I will examine the background of China's involvement in the oil industry and finally the negative and damaging role which China played during the civil war against the SPLM/A and people of Southern Sudan. Thus, this chapter will provide an inside account of how and why the SPLM and South Sudan decided to overlook this troubled history and take a pragmatic decision to cooperate with China. Consequently, this background sheds light on part of the main question of this study of *why the SPLM and Government of South Sudan established relations with China straight after the signing of CPA, despite their difficult past*.

2.1. Sudan and China Diplomatic Relations

Genesis of the Relations between Sudan and China

Sudan's relations with China began barely three years after Sudanese independence in 1956. After Turco-Egyptian conquest (1821-1885) and Anglo-Egyptian Condominium Rule (1898-1956), Sudan quickly started looking east. On 4 January 1959, Sudan and China established formal diplomatic relations. In fact, Sudan was the first Sub-Saharan African country to establish relations with China as it was among the few independent countries on the continent. Sudan followed the trend of many third world countries in looking to the east, particularly those that had recently gained independence in Africa. The general tendency was to establish ties with socialist and communist countries in the east, including the former Soviet Union, as a larger part of the Non-Aligned Movement.⁴³ China, with its known policy of isolation of Taiwan, sought to establish

⁴³ Interview, Nhial Deng Nhial, Senior Presidential Advisor; Former Minister of Foreign Affairs, Former Minister of Defense and Veteran Affairs, Former Minister of Regional Cooperation, Government of Southern Sudan (GOSS) before independence, SPLM/A Chief Negotiator of the CPA and former Chief of Foreign Relations of the SPLM/A during the struggle, Juba, 6 April 2016.

relations with many African countries, which would help carry Beijing toward membership of the United Nations Security Council in 1971.⁴⁴

However, indirect contact goes back to a link that connected a renounced former British General, Charles Gordon, known as Chinese Gordon, due to his role in the British conquest of China in 1860s.⁴⁵ He was an influential officer during the Opium Wars and personally oversaw the burning of the Chinese Emperor's Summer Palace.⁴⁶ Gordon was transferred to Sudan to evacuate Egyptian soldiers and civilians after big losses to the Mahdiyya Movement⁴⁷ in a number of battlefields.⁴⁸ After sending out most of the evacuees and delays to reinforcement, Khartoum was attacked and General Charles Gordon was beheaded by the soldiers of al-Mahdiyya forces at the steps of the now Republican Palace in Khartoum in 1885.⁴⁹ Many Chinese that visit Khartoum tend to visit the Palace, where the tale of Charles Gordon ended on the banks of the Nile.⁵⁰ General Gordon played an important role in suppressing the Taiping Rebellion, which the Communist Party of China have recently considered to be a rebellion against British Imperialism in China.⁵¹ Thus Gordon provided historical links between Sudan and China in their suffering under the same colonial power of Great Britain. Underpinned by shared history, their ties were eventually consolidated by economic interests.

Economic Cooperation

After 1959, relations continued to grow and China's companies undertook construction of a number of infrastructure projects in Sudan. To guide the implementation of those projects, both countries signed several cooperation agreements. Foremost among them were the agreement on

⁴⁴ Dan Large and Shih-Shin Shien, *China Rising in Africa: Whither Taiwan?* 2008: 6.

⁴⁵ William Baker, "Major General Charles "Chinese" Gordon: Saintly Soldier and Devoted Diplomat," 28 November 2008, <https://www.harding.edu/jeharris/hist461/gordonwillbaker.pdf>

⁴⁶ Gwen Thompkins, "China and Sudan: A Marriage Sealed in Oil, History," *NPR*, 2008:1. www.npr.org/templates/story/story.php?storyId=92304646

⁴⁷ Mahdiyya Movement was founded in 1881 by Mohammed Ahmed bin Abd Allah, a Sudanese religious leader and a self-claimed Mahdi, the messianic redeemer of the Islamic faith. He successfully led military campaign against Turco-Egyptian Rule, mainly due to its oppressive policies.

⁴⁸ The British Empire "Sudan: Brief History."

⁴⁹ Gwen Thompkins, "China and Sudan, 2008:1.

⁵⁰ Song Shengxia, "China's ties with Sudan offer promising new model," *Global Times*, 8 October 2017, <http://www.globaltimes.cn/content/1069063.shtml>

⁵¹ Joseph Hammond, "Sudan: China's Original Foothold in Africa," *The Diplomat*, 14 June 2017: 1, www.thediplomat.com/2017/06/sudan-chinas-original-foothold-in-africa/.

Economic and Technical Cooperation in 1962 and second, the Cultural, Scientific and Technical Protocol in 1970.⁵² These agreements laid solid foundations which both countries continue to build upon. The landmark People's Friendship Cooperation Hall for international conferences, looking down on the Nile in Khartoum, was financed and built as a gift to Sudan by China in 1976.⁵³ The hall and its grounds cover an area almost a mile wide, and it was refurbished by China in 2003. In 2014 it hosted the third China-Africa People's Forum.⁵⁴ From the 1980s, Chinese construction companies began constructing Sudan's light industries; roads, bridges, electricity, ports, water treatment plants, etc., utilizing long-term interest free loans.⁵⁵ In the 1990s, oil cemented the relations between the two countries as China ventured into Sudan's oil sector; as Gwen Thompkins rightly stated, '*the marriage was anointed in oil*'.⁵⁶

Since then, China has been Sudan's biggest trading partner. It imports oil from Sudan whilst on the other hand Sudan imports low cost Chinese products.⁵⁷ In 2015, the volume of trade between the two countries stood at \$5.1 billion.⁵⁸ With the beginning of oil exportation in 1999, China has carried out number of developmental projects in Sudan using its development finance but has largely excluded Southern Sudan, possibly at the directive of the regime in Khartoum.⁵⁹ Despite South Sudan inheriting over 75% of the original Sudan's oil, China has continued to dominate the remaining oilfields in the latter, both in production and buying crude.⁶⁰ With crude oil as collateral, China was able to construct a new railway line from the Sudanese capital, Khartoum, to the coastal town of Port Sudan at a cost of \$1.5 billion.⁶¹ Other major infrastructure projects implemented through Chinese financing and construction included the Merowe hydropower dam of 1,250 MW

⁵² Philip Manyok, "Oil and Darfur's Blood: China's Thirst for Sudan's Oil," *Journal of Political Sciences and Public Affairs*, Vol 4 (1), (2016), <https://www.omicsonline.org/open-access/oil-and-darfurs-blood-chinas-thirst-for-sudans-oil-2332-0761-1000189.php?aid=69390>.

⁵³ Joseph Hammond, "Sudan: China's Original Foothold in Africa," 2017: 1.

⁵⁴ Ibid: 2.

⁵⁵ Liu Hui, "Sino-Sudan Relations: Mutually Beneficial or Neo-Colonialism," *African Journal of Political Sciences and International Relations*, Vol. 9 (10), pp. 372-378 (2015), <http://academicjournals.org/journal/AJPSIR/article-full-text-pdf/3BCA30055247>.

⁵⁶ Gwen Thompkins, *China and Sudan: A Marriage Sealed in Oil*, History, 2008:1.

⁵⁷ Interview, Kok Bol Bulabek, Director General, Directorate of Investment Promotion and Investors Services, South Sudan Investment Authority, Juba, 19 November 2015.

⁵⁸ *Global Edge*, "Sudan Trade Statistics," 2015: 1-2, <https://globaledge.msu.edu/countires/sudan/tradestats>.

⁵⁹ Liu Hui, Sino-Sudan Relations: 372-378.

⁶⁰ *Sudan Tribune*, "China Controls 75% of Oil Investment in Sudan," 3 August 2016:1, www.sudantribune.com/spip.php?article59816.

⁶¹ Toby Collins, "Sudan-Chad Railway Funds Secured," 31 July 2011, <http://www.sudantribune.com/spip.php?article39696>.

at a cost of \$519 million, a coal-fired power plant of 500MW in Port Sudan and a 320MW gas fired power plant in Rabak at a total cost of \$512 million.⁶² Recently China has expanded its investment sphere in Sudan and has ventured into the mining sector. With the loss of the majority of oil revenues to South Sudan, Sudan has attracted a number of mining companies, and 20 Chinese mining firms are aggressively operating in the sector. In 2012, Sudan earned \$2 billion from gold exports alone.⁶³

Political Cooperation

The relations between the two countries go back more than fifty years ago (1959-2017). A few months before Sudan's independence, the Bandung Conference was convened in Indonesia, bringing together leaders from newly decolonized African countries and their Asian counterparts, where China played a dominant role.⁶⁴ In the conference, China advocated for what later formed the basis of its foreign policy, which since then has resonated with most African countries, including Sudan. The message of "Five Principles of Peaceful Coexistence" (mutual respect for each other's territorial integrity and sovereignty, mutual non-aggression, mutual non-interference in each other's internal affairs, equal and mutual benefit, and peaceful coexistence) advocated by then Chinese Premier and Foreign Minister, Zhou Enlai,⁶⁵ must have sat well with Sudan. With all its internal crises, both in the South (1955-1972 and 1983-2005) and Darfur in 2000s, Sudan was keen to be overlooked by foreign entities, and China turned out to be an indispensable ally in shielding it from international criticism.

The different regimes that ruled Sudan subscribed, as did many other African countries, to China's non-interference policy. This policy has long given Sudanese leaders free reign to handle internal crises (Southern Sudan and Darfur) with an iron fist. While Sudan was already battling the

⁶² Liu Hui, Sino-Sudan Relations: 372-378.

⁶³ *Sudan vision daily*, "Sudan and China Keen on Sound Mining Cooperation," 22 October 2017: 2, www.sudanvisiondaily.com/index.php/news.posts/business/3602-sudan-and-china-keen-on-sound-mining-cooperation.

⁶⁴ Chua Chin Leng, "China Africa Relations-60 Years after Bandung," 7 Dec 2015:1, : <http://www.telegraph.co.uk/sponsored/china-watch/politics/12033193/bandung-asian-african-conference-60-anniversary.html>.

⁶⁵ Wilson Center, "Main Speech by Premier Zhou Enlai, Head of the Delegation of the People's Republic of China, Distributed at the Plenary Session of the Asian-African Conference," April 19, 1955, *History and Public Policy Program Digital Archive*, Translation from China and the Asian-African Conference (Documents) (Peking: Foreign Languages Press, 1955), 9-20, <http://digitalarchive.wilsoncenter.org/document/121623>.

secessionist movement in the South in 1955, China was aggressively campaigning against the breakaway Island of Taiwan. Politically, both countries saw mutual benefits in their relations as they shared anti-secessionists sentiments. At this time, China needed Sudan's support in its quest against Taiwan and the latter delivered when African countries helped China to replace Taiwan at the UN with General Assembly Resolution 2758 on October 25 1971.⁶⁶ Since then, China has reciprocated by maintaining its stance with many African countries at the UN, particularly Sudan during the infamous Darfur crisis.

The most important political cooperation has centered on Sudan's political and military campaign in both Southern Sudan (before independence) and Darfur. During the Second Sudanese Civil War, it was evident that China played a significant role in backing the regime in Khartoum. China was the main source of Sudanese military imports as it carried out its scorched earth campaign in South Sudan in 1990s and Darfur from 2003.⁶⁷ These military arsenals from China were extensively used in pushing the SPLA from the oilfields and clearing civilian populations, leading to mass death and destruction of their livelihoods.⁶⁸ With oil revenues flowing in, the Government of Sudan managed to acquire more advanced weapons, exponentially increasing the intensity of the war across the country,⁶⁹ from Southern Sudan, Southern Kordofan, and Blue Nile, and more recently in Darfur in early 2003. During the height of the war in Darfur, when Sudan was accused of genocide and crimes against humanity, China proved to be a reliable ally to Sudan in the international arena; at the United Nations Security Council, China shielded Sudan from international condemnation and sanctions.⁷⁰ China's strong backing of Sudan was likely influenced by its huge investment in oil industry.

⁶⁶ UN General Assembly, Resolutions Adopted by the General Assembly during Its Twenty-Six Session, October 1971.

⁶⁷ Interview, Senior SPLA General, Juba, 22 June 2016.

⁶⁸ European Coalition on Oil in Sudan (ECOS), Oil Development in Northern Upper Nile, May 2006: 19.

⁶⁹ Philip Manyok, *Oil and Darfur's Blood*, 2016:1.

⁷⁰ UN Security Council, Security Council Refers Situation in Darfur, Sudan, to Persecutor of International Criminal Court, 31 March 2005.

2.2. Sudan's Oil Discovery and Civil War in Southern Sudan, 1970s-1990s

Quest for Natural Resources

Three months after independence, Sudan ventured into oil exploration. In 1959, the Government of Sudan granted a concession to an Italian firm, AGIP, to explore the Red Sea region in northeastern part of the country which failed to yield results.⁷¹ By then, Sudan was already plunged into its first civil war since independence on 18 August 1955. Sudan perhaps anticipated that the worst was coming and resolved to quickly look for alternative sources of revenues and oil in order to fight a successful war in the south. After the failure of AGIP, other Western firms ventured in to search for hydrocarbon in what was geographically the largest country in Africa. Western oil majors such French Total, Texas Eastern, Oceanic Oil Company, Union Texas and Chevron flocked to Sudan.⁷² All attempts failed to yield results and most of these firms relinquished their concessions in haste, but Chevron and a few others including Total remained.

In the 1970s, the American giant entered the field of exploring hydrocarbon in Sudan. Chevron, with its vast technological advances and financial muscle, was bound to succeed where a little-known Italian firm had failed. During the 1970s Sudan enjoyed huge political and economic support from the United States as the former was considered to be one of the frontline states in the containment policy (The United States policy during the cold war intended to prevent the spread of Communism) in the North and Horn of Africa regions. To the east was a newly established Marxist state in Ethiopia under Mengistu Haile Mariam, and to the northwest was a socialist Libya headed by Muammar Gaddafi.⁷³ By then, the former President of Sudan, Jaafer Nimeiri, had broken from the Sudanese Communist Party upon a failed coup attempt against his rule in 1971,⁷⁴ making him an acceptable leader in the region for the American policy. Chevron had the full support of the United States Government to invest in exploration of Sudanese oil. Indeed, the US Ambassador to the UN, George H. W. Bush (who would become the 43rd US President from 1989-

⁷¹ Understanding Sudan, *Fact Sheet Two: A History of Oil in the Sudan*, 2009:1.

⁷² Luke Patey, *State Rules: Oil Companies and Armed Conflict in Sudan*, *Third World Quarterly*, Vol. 28, No. 5, pp. 997-1016 (2007):3.

⁷³ Interview, Bangol, SPLM, Juba, 8 December 2015

⁷⁴ Mahmoud A. Suleiman, "Sudan and Military Coups," *Sudan Tribune*, 23 July 2016, http://www.sudantribune.com/spip.php?iframe&page=imprimable&id_article=59707

1993), recommended Chevron to Sudanese President Nimeiri. Bush revealed the NASA geological data indicating the possible presence of huge hydrocarbon deposits in the Southern part of Sudan to Nimeiri.⁷⁵ By this time Israel was at war with several Arab countries, known as the Yom Kippur War in 1973, which was largely supported by the US and many Western countries. Soon oil-producing Arab countries, led by the Saudi King Faisal, imposed an oil embargo on Western countries,⁷⁶ which coincided with Chevron's exploration contract with Sudan in 1974.

Upon signing a new concession with the Government of Sudan in 1974, Chevron embarked on oil exploration immediately. The original concession covered 516,000 km², but the concession was changed to a Production Sharing Agreement (PSA) in 1975 with a reduction of the initial area to 228,900 km².⁷⁷ According to the PSA, Chevron had a 75% stake and Royal Dutch Shell acquired 25% in 1983, but it soon relinquished its shares to Chevron.⁷⁸ Exactly 20 years after the first exploration by AGIP, Chevron found its first oil discovery on the Darfur-Kordofan boundary.⁷⁹

The first oil discovery in Southern Sudan was in Block 1 in the Muglad Basin.⁸⁰ These discoveries were a source of encouragement for both Chevron and the Government of Sudan. Chevron extended its explorations further south and in 1982 it discovered two important oilfields in Heglig/Panthou and Unity.⁸¹ The last two discoveries formed what is now Blocks 1, 2 and 4 in the Western Upper Nile. According to Norman Giedt, the discovery of "Unity and Heglig fields have the greatest commercial potential". He added that Unity was the larger and contains "approximately 150 million bpd of recoverable oil of an estimated 600 million bbl original oil in place"⁸². Soon Chevron moved its explorations to the Eastern Upper Nile on the east bank of the Nile and again hit another huge reservoir at Adar Yale in the Maluth Basin.⁸³ As Sudan was

⁷⁵ Luke Patey, *The New Kings of Crude: China, India, and the Global Struggle for Oil in Sudan and South Sudan*, 2012: 24.

⁷⁶ A. F. Alhajji, "The oil weapon: past, present, and future," *Oil and Gas Journal*, 5 February 2005:1, <http://www.ogj.com/articles/print/volume-103/issue-17/general-interest/the-oil-weapon-past-present-and-future.html>.

⁷⁷ Norman R. Giedt, *Unity Fields-Sudan Muglad Rift Basin, Upper Nile Province*, 1990:1.

⁷⁸ Ibid.

⁷⁹ Understanding Sudan, 2009:1. Fact Sheet: A History of Oil in the Sudan.

⁸⁰ Ibid.

⁸¹ Norman R. Giedt, *Unity Field-Sudan Muglad Rift Basin*, 1990:1.

⁸² Ibid.

⁸³ Patey, *New Kings of Crude*, 2012: 29-30.

celebrating the positive news of Chevron's continued oil discoveries, the Southern Sudanese were preparing to spoil it. The Second Sudanese Civil War, which was mainly triggered by the oil discovery in Western Upper Nile region, was already getting underway. In 1984 the SPLA units, from the Tumsah (Crocodile) and Tiger Battalions, attacked the Chevron camp in Rubkona, north of Bentiu.⁸⁴

Oil Discovery and Sudan Second Civil War 1983-1989

*"Give me something to drink and let's celebrate the start of the Revolution."*⁸⁵

When Chevron discovered commercial reserves in Southern Sudan, the Government in Khartoum immediately took measures aimed at wresting control of the oil industry away from the Southern Sudan regional government.⁸⁶ Former President Jaafer Nimeiri attempted to annex the Western Upper Nile Province to the North and renamed it Unity Province in 1980.⁸⁷ The attempt was vigorously opposed by the High Executive Council in Juba and the idea was shelved.⁸⁸ Furthermore, Nimeiri sought to build all oil infrastructure in the North, instead of the South where the oil was found.⁸⁹ This trend was seen by Southerners as another northern attempt to marginalize them and deny them meaningful benefits from natural resources located within their region. The move raised tensions between the regional government in Juba and the central government in Khartoum. Tension was also high among Southern citizens due to other violations of the Accord, and there were demonstrations in various towns in the south.⁹⁰ These concerns from the Southern Sudanese did not deter the government in Khartoum from advancing policies opposed by the South.

⁸⁴ Interview, Senior SPLA General, Juba, 2016.

⁸⁵ Major Kerubino Kuanyin Bol made the quoted statement when he launched the war of liberation of South Sudan on 16 May 1983, Bor, Jonglei. The statement was quoted in Arop Madut Arop, *The Founding of the People's Revolution: SPLM/SPLA (1983-2005)*, The New Sudan Vision, 2009: 1.

<http://www.newsudanvision.com/sudan/1694-the-founding-of-the-peoples-revolution-splmspla-1983-2005>.

⁸⁶ As per Addis Ababa Accord of 1972, the Southern region became an autonomous and was led by the High Executive Council.

⁸⁷ David Dorward, *Oil Fuels the Conflict between Sudan and South Sudan-and It Keeps Getting Hotter*, 16 May 2012:1.

⁸⁸ Manifesto of the SPLM, 31 July 1983:8-9.

⁸⁹ Interview, Dr. Lual Deng, currently he is Executive Director, Ebony Centre for Strategic Studies; Former Minister of Petroleum and Energy of Sudan (He was a Minister representing the SPLM in the Government of National Unity (GoNU) in Khartoum during the CPA), Juba, 9 October 2015.

⁹⁰ Interview, Dr. John Gai Yoh, Presidential Advisor, 2016.

In 1980, Nimeiri decreed to divide the Southern Region into three regions contrary to the Addis Accord, with the aim of weakening the strength of Southern Sudanese. Furthermore, Nimeiri continued with other provocations: he decreed the application of Sharia law in Sudan over Christians and African Traditional Religions believers in Southern Sudan; authorized the construction of Jonglei canal to drain the water from the local wetland (Sudd) with serious social implications for the local population; planned construction of oil facilities and infrastructure in the north instead in the south; and finally arranged the transfer of the Anya-Nya forces⁹¹ to the north.⁹² All protests by the Regional Government fell on deaf ears. Nimeiri, when asked about his continued violations of the Addis Accord, figuratively responded that the Accord was not the Quran nor the Bible and therefore could be altered.⁹³ Initially, the Addis Ababa Accord was not fully supported by many high ranking officers of the Anya-Nya, but they reluctantly agreed to it due to the insistence of the top leadership of both the SSLM and the Any-Nya.⁹⁴ Due to Nimeiri's continued violations, some of the former Anya-Nya officers throughout 1970s deserted to the bush in Bahr El-Ghazal and Upper Nile and formed the Anya-Nya II. The situation was conducive to another stronger liberation movement than the SSLM/Any-Nya I, and these politicians and military officers exploited the tension to stage another liberation movement in 1983.

On 16 May 1983, Battalion 104 in Bor, and subsequently Battalion 105 in Ayod, mutinied to mark the beginning of the Second Sudanese Civil War.⁹⁵ The moves were initially planned to take place in June that year rather than May. However, due to abrupt relocation orders from President Nimeiri

⁹¹ Based on the Addis Ababa Accord of 1972, certain number of Anya-Nya forces were integrated into the Sudan Armed Forces (SAF), however, Nimeiri decided to move these forces to the north and mix them with the SAF battalions comprised of northern Sudanese. This move was rejected by the Battalion 104 in Bor, sparking the Second Sudanese Civil War on 16 May 1983, led by Major Kerubino Kuanyin Bol, who became a Deputy Chairman of the SPLM and Chief of Staff of the SPLA.

⁹² Interview, Bangol, 2015.

⁹³ Interview, Senior SPLA General, 2016.

⁹⁴ On 24 January 1972, Dr. John Garang De Mabior, then Captain in the Anya-Nya National Armed Forces based in the General Headquarters, wrote a famous objection letter against the proceeding of the peace process that led to the signing of the Addis Ababa Accord in 1972. The letter was addressed to the Commander in Chief of the Anya-Nya National Armed Forces and Leader of the Southern Sudan Liberation Movement (both were under General Joseph Lagu who was also the head of the delegation to Addis) and Members of the Anya-Nya SSLM Negotiation Committee. He objected to the terms of the proposed accord just like many other politicians and officers of the Anya-Nya SSPLM.

⁹⁵ Mawan Muortat, "The Making of the Sudanese Second Civil War," *Sudan Tribune*, 22 May 2012: 1, <http://www.sudantribune.com/The-making-of-the-Sudanese-second.42670>.

to move integrated Anya-Nya soldiers across Southern Sudan to the North, including Battalion 104 and 105, the rebellion in Bor was triggered.⁹⁶ The rebels, organized under the banner of the Sudan People's Liberation Movement/Army (SPLM/A) and under the leadership of Dr. John Garang de Mabior.⁹⁷ The newly formed movement quickly identified oilfields as one of their main military targets in order to deny the regime in Khartoum the potentially massive oil revenues that could tilt the balance of power in the battlefields.⁹⁸ In February 1984, *"the SPLA soldiers attacked Chevron camp in Rubkona, north of Bentiu, killing three Chevron staff and wounding others."*⁹⁹ This attack changed the thinking of Chevron's top management immediately. After several fruitless meetings with Sudanese leadership on the safety of Chevron staff, Chevron decided to suspend its operations until its staff's security could be guaranteed.¹⁰⁰ With the attack, the SPLM/A temporarily achieved their objectives of denying oil revenue to the government in Khartoum.

Control of the oilfields was vital for both government in Khartoum and the SPLM/A. After the departure of Nimeiri in October 1985 due to a popular uprising, the elected government was formed under the former Prime Minister Sadiq al-Mahdi.¹⁰¹ Al-Mahdi's¹⁰² government pursued a policy of scorched earth campaigns in areas in the vicinity of oilfields in the Western Upper Nile and Northern Bhar el-Ghazal. The government decided to arm and train the Arab Baggara and Misyria tribes as counterinsurgency to clear out the Dinka and Nuer civilian populations around the oilfields.¹⁰³ In 1988, the SPLM/A forces in the Western Upper Nile under then Zonal Commander, Dr. Riek Machar, captured the Mayom area near the oilfields. The government in Khartoum responded by dispatching Lt. Gen. Omar Hassan El Bashir¹⁰⁴ with reinforcements and eventually recapturing the town.¹⁰⁵

⁹⁶ Ibid.

⁹⁷ The SPLM/A was under the leadership of Dr. John Garang De Mabior as Chairman of the SPLM and Commander-In-Chief of the SPLA.

⁹⁸ Laura M. James, Fields of Control: Oil and (In) security in Sudan and South Sudan. Small Arms Survey, 2015:11.

⁹⁹ Interview, SPLA General, 2016.

¹⁰⁰ Patey: The New Kings of Crude, 2012:44.

¹⁰¹ BBC, General Charles Gordon (1833-1885), 2014, <http://www.news.bbc.co.uk/1/hi/world/analysis/84927.stm>.

¹⁰² Sadiq Al-Mahdi is a great grandson of Mohammed Ahmed bin Abd Allah, known as Mahdi, who led the rebellion that killed General Charles Gordon in Khartoum on 26 January 1885.

¹⁰³ Human Rights Watch, Sudan, Oil, and Human Rights: The Chevron Period 1972-92, 2003: 6.

¹⁰⁴ Lt. General Omer El Bashir in 1988 was dispatched to Western Upper Nile to keep the SPLM/A forces away from oilfields. While there, Bashir was wounded in the leg. A few months later, Omer El Bashir headed the coup that toppled a democratically elected government under Sadiq El Mahdi on 30 June 1989, and eventually became the President of Sudan for the next 28 years.

¹⁰⁵ Human Rights Watch, Sudan, Oil, and Human Rights: The Chevron Period 1972-92, 2003: 6.

As the SPLM/A forces reached their highest morale and unity of purpose, they were overrunning many SAF garrisons across Southern Sudan, Nuba Mountains and Southern Blue Nile.¹⁰⁶ Foremost among them was the capturing of the border town of Kurmuk, not far from the Rosares Dam that provides power to the Sudanese capital, Khartoum. The fall of Kurmuk to the SPLA forces sent shockwaves through the government in Khartoum and generated fear among its population. This atmosphere was exploited by the National Islamic Front (NIF) which staged a coup d'état through its members in the SAF, commanded by now-Brigadier Omer Hassan Ahmed El Bashir on 30 June 1989.¹⁰⁷ The NIF regime understood the importance of oil revenues in order to halt, if not defeat the advancement of the SPLA, and it staged the coup on the grounds of weak government that had failed to finance and arm the SAF. The government in Khartoum declared Jihad (Islamic Holy War) against the SPLM/A. Many young men and women heeded the call and flocked to training centers, and a policy of forced conscription was imposed upon those who refused to volunteer.¹⁰⁸ Eight years after the attack on the Chevron camp, the hope of resuming oil exploration and production finally returned for the Government of Sudan after the split of the SPLM/A in 1991.

The Split of the SPLM/A and Resumption of Oil Exploration by Sudan

After the collapse of the Communist regime in Ethiopia under President Mengistu Haile Mariam,¹⁰⁹ the SPLM was left frail and started to crack. Whilst under the tight control of Dr. Garang, coupled with its strict communist and military-based movement, the SPLM/A lost its main backer and dissent began to surface. In August 1991, two of the SPLM High Command, Dr. Riek Machar and Dr. Lam Akol, declared their defection from the movement.¹¹⁰ The split and loss of its main source of military support were major blows to the SPLM/A which shook the movement to its core.¹¹¹ Prior to the split, the SPLM/A was in control of much of Southern Sudan, particularly

¹⁰⁶ Interview, SPLA General, 2016.

¹⁰⁷ Interview, Bangol, 2015.

¹⁰⁸ Interview, SPLA Officer, Military Intelligence (MI), SPLA, Juba, 2015.

¹⁰⁹ Mengistu Haile Maraim was a former President of Ethiopia under the communist rule from 1974-1991. He strongly supported the foundation of the SPLM/A and the later adopted socialist/communist ideology for the movement until after the split when the SPLM/A switched to the West for support, particularly the United States.

¹¹⁰ Peter Adwok Nyaba, *The Politics of Liberation: An Insider View*, Kampala: Fountain Publishers, 1997.

¹¹¹ Interview, Dr. Lual Deng, Executive Director, Ebony Centre for Strategic Studies, former Minister of Petroleum in Sudan and Deputy Minister of Finance in Sudan as part of the SPLM 28% quota in the Government of National Unity (GoNU) as per the CPA's interim period, which based in Khartoum before independence of South Sudan. 9 October 2015.

the Greater Upper Nile region. By then the SPLM/A leadership, headed by Dr. Garang himself, amassed SPLA forces around Juba (the major town and capital of the Regional Government) with the intention to capture it from SAF. According to those with inside information, the aim to capture Juba was possibly to declare a Unilateral Declaration of Independence (UDI) or use it to shore up the SPLM's negotiating position.¹¹² The split forced the abortion of the plan and a chunk of the SPLA forces were sent to rescue the civilian populations who were being massacred by the breakaway forces, who were targeting the home area of Dr. Garang in Jonglei.¹¹³ Soon the SAF, in collaboration with the breakaway group, managed to chase the SPLA forces far from the oilfield, paving the way for the resumption of oil exploration and production in Southern Sudan.

The leaders of the split cited "*lack of democracy and direction in the SPLM/A*" as the main reason for the break from the movement.¹¹⁴ Soon they formed a new movement with main objective of fighting for the independence of South Sudan as opposed to the liberation of the whole Sudan as advocated by the SPLM/A. The South Sudan Independence Movement/Army (SSIM/A), the newly formed movement by the breakaway group, signed the Frankfurt Agreement with the Government of Sudan to cease hostilities against each other.¹¹⁵ According to many analysts, the NIF regime in Khartoum initially engineered the split.¹¹⁶ In joint military operations with SSIM/A forces, the SAF was able to recaptured most of the Greater Upper Nile region, including the oilfields in both Muglad and the Adar-Yale/Melut basins.¹¹⁷

Weakened by the split, the mainstream SPLM/A, known as the Torit faction,¹¹⁸ was struggling to maintain some of its strongholds. With the help of the breakaway faction, then known as Naser faction,¹¹⁹ the SAF was able to push out the SPLM/A forces from around the oilfields in the

¹¹² Interview, Senior SPLA General, 2016.

¹¹³ Small Arms Survey, *The SPLM-In-Opposition*, 2 May 2014:1.

¹¹⁴ Interview, Dr. Lam Akol Ajawin, Chairman of the Sudan People's Liberation Movement-Democratic Change (SPLM-DC); Former Minister of Foreign Affairs of Sudan during the CPA as part of the SPLM quota in the Government of National Unity (GoNU), Juba, 26 January 2016.

¹¹⁵ Dr. Riek Machar Teny-Dhurgon, "South Sudan: A History of Political Domination-A Case of Self-determination," *University of Pennsylvania, African Studies Center*, 19 November 1995:1, http://www.africa.upenn.edu/Hornet/sd_machar.html

¹¹⁶ Interview, Dr. Deng, 2015.

¹¹⁷ Interview, Senior SPLA General, 2016.

¹¹⁸ The Torit Faction represented the mainstream SPLM/A after the split in 1991, while the Nasir Faction represented the breakaway group that had allied with Government of Sudan against the mainstream SPLM/A.

¹¹⁹ Ibid

Western Upper Nile. These major military victories were encouraging enough to restart the oil activities that were suspended by Chevron in 1984 (details of oil production will be discussed further in chapter 7). Chevron was still adamant about the priorities of security around the oilfields and the safety of its personnel; however, the NIF government was more determined than before to restart the oil activities.¹²⁰ As the government pressured Chevron to either restart or leave,¹²¹ the American giant was left with little choice but to give up its stake in the Sudanese oil it had helped bring to light after nearly 20 years of failed exploration by other oil firms.

2.3. Sudan's Oil and China Involvement in 1990s

Scramble for Oil

In 1992, Chevron succumbed to pressure from the government of Sudan and decided to sell its concession.¹²² With few major oil firms interested in conflict oil, Chevron, after investing nearly a billion dollars, had to sell its shares to a little-known Sudanese firm called ConCorp International for just \$25 million.¹²³ ConCorp was owned by a Sudanese businessman, Mohamed Abdullah Jar el-Nabi, who was a senior member of the National Islamic Front (NIF) and lacked the necessary experience or financial muscle to buy such a concession, but the government of Sudan had a plan in hand. The announcement by President Bashir of the sale of Chevron shares to ConCorp was indicative of the government plan.¹²⁴ In order to attract serious investors, the NIF charted a different approach, perhaps learning a lesson from the failure of the security arrangement which Nimeiri had promised Chevron Managers in 1980s. In 1992-93, the NIF government pursued the creation of a *cordon sanitaire*, which is '*a place devoid of civilian life*' in areas around oilfields in the Western Upper Nile by implementing a scorched-earth military campaign to clear out civilian populations, paving the way for potential investors.¹²⁵ Lacking the capacity to match up to Chevron, ConCorp also sold shares to several Western and Middle Eastern companies.

¹²⁰ Interview, Awow Daniel Chuang, Director General for Petroleum Export and Petroleum Authority, Ministry of Petroleum, Juba, 12 May 2016.

¹²¹ Interview, Ibid.

¹²² Human Rights Watch, Sudan, Oil, and Human Rights, 2003: 46.

¹²³ Patey, *The New Kings of Crude*, 2012:77.

¹²⁴ European Coalition on Oil in Sudan, South Sudan Oil Almanac: An Open Oil Reference Guide, 2007: 14

¹²⁵ Ibid.

At this point the government of Sudan divided up the original Chevron concession into several Blocks. In the Malut Basin, Blocks 3 and 7 (in the Eastern Upper Nile) were bought by the Gulf Petroleum Corporation-Sudan (GPC), while Blocks 1, 2 and 4 in the Muglad Basin were sold to a Canadian firm, Arakis Energy Corporation, together with its Canadian partner, State Petroleum.¹²⁶ Faced with financial constraints, Arakis sold 75% of its shares in 1996. 40% were sold to China National Petroleum Corporation (CNPC), 30% to Petronas, a subsidiary of Malaysian's National Petroleum Company, and 5% to Sudan National Petroleum Corporation (Sudapet).¹²⁷ The Canadian companies undertook some investment and work, including new discoveries, but continued to face challenges and eventually failed to raise enough funds to keep up the operation.¹²⁸ This could be explained by the US economic sanctions on the Islamic regime in Khartoum due to its support for terrorism, as the sanctions mainly targeted oil sector.¹²⁹ The sanctions barred US companies from investing in Sudan, making it nearly impossible for Arakis to raise funds for its share in the Greater Nile Petroleum Operating Company (GNPOC). On 17 August 1998, a Canadian oil major, Talisman Energy Inc., bought Arakis' shares for \$200 million,¹³⁰ far higher than the \$25 million ConCorp paid to Chevron in 1992.

Talisman, along with relatively small Western firms such as the Swedish firm Lundin, provided a boost to the industry with their technical and financial capabilities. Soon Western firms were forced out by the international campaign against violations of human rights in Sudan, particularly around the oilfields in the Upper Nile. Following intense and sustained campaigns by the human rights activists, particularly divestment from major stock markets such as the New York Stock

¹²⁶ European Coalition on Oil in Sudan, Sudan's Oil Industry: Facts and Analysis, April 2008:19.

¹²⁷ Ater Y. Riak, "Challenges of Oil and Gas Industry in South Sudan," *Gurtong*, 13 September 2017: 1, <https://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/20890/Challenges-Of-Oil-and-Gas-Industry-In-South-Sudan.aspx>.

¹²⁸ Ibid.

¹²⁹ Carol Morello, "U.S. Lifts Sanctions on Sudan, Ending Two Decades of Embargo," *The Washington Post*, 6 October 2017:1, https://www.washingtonpost.com/world/national-security/us-lifts-sanctions-on-sudan-ending-two-decades-of-embargo/2017/10/06/aac1bd22-86d5-434e-9a21-1e0d57a72cb0_story.html?utm_term=.b3eef507a2d4; James Cust and Torfinn Harding, "Oil in South Sudan: Implications from International Experience," *International Growth Centre*, October 2013:12, <https://www.theigc.org/wp-content/uploads/2014/09/Cust-Harding-2013-Working-Paper.pdf>.

¹³⁰ Luke A. Patey, *A Complex Reality: The Strategic Behavior of Multinational Oil Corporations and the New Wars in Sudan*, Copenhagen: *Danish Institute for International Studies*, 2006: 16, https://www.files.ethz.ch/isn/19131/Complex_Reality_sudan.pdf

Exchange, the scales tilted against Talisman.¹³¹ At last the Canadian firm had to leave its lucrative business in a troubled nation and Talisman sold its 25% share in GNPOC consortium in 2003, for \$766 million, to an Indian state-owned firm, Oil and Natural Gas Corporation (ONGC).¹³² Shortly after Talisman sold its share, another Western firm, Lundin of Sweden, followed suit under the same pressure from human right activists and in 2003 sold its shares of 40% in Block 5A to Petronas at \$142.4 million.¹³³ The departure of last two Western firms marked the dominance of the Asian state-owned firms that are less susceptible to the pressure of the human right activists, particularly China's CNPC.

China and New Oil Contracts

By 1999, China National Petroleum Corporation (CNPC), bought a majority of shares in Sudanese oil.¹³⁴ As a state-owned firm, the CNPC was not susceptible to western human rights campaigners. Besides the open-door policy of Deng Xiaoping as part of the Chinese reforms in 1978, the Chinese oil giant, CNPC, was part of the larger trend of 'going-out' policy. As such, the Chinese government was encouraging Chinese State-Owned Enterprises (SOEs) to invest and acquire assets overseas, backed by the country's abundant foreign exchange reserves.¹³⁵ Furthermore, China's adventure into a troubled Sudan was not only underpinned by the acquisition of crude oil, but aimed to establishing a foothold in Africa. In oil sector investment, Chinese investment in Sudan was the first of its kind, making it a showcase for future investment in the sector overseas, particularly in the African continent. With its long experience from Daqing oilfields in the northeast China, CNPC was able to provide the best oilmen and managed to achieve a great deal in developing the Sudanese oil industry.¹³⁶ Filling the vacuum left by Western oil majors in a challenging environment, the CNPC's achievement consolidated strategic relations between Sudan

¹³¹ Stephen J. Kobrin, Oil and Politics: Talisman Energy and Sudan, *International Law and Politics*, 2012:426, <https://faculty.wharton.upenn.edu/wp-content/uploads/2012/05/nyujilp.pdf>

¹³² Terry Macalister, Pressed Talisman Quits Sudan, *The Guardian*, 1 November 2002:1, <https://www.theguardian.com/business/2002/nov/01/oilandpetrol.news>

¹³³ Patey, "States Rules: Oil Companies and Armed Conflict in Sudan," 2007:1.

¹³⁴ Production Sharing Agreement Between The Government of the Republic of Sudan and China National Petroleum Corporation and Petronas Carigali Overseas SDN BHD and State Petroleum Corporation and Sudapet Ltd, Khartoum, 1 March 1997: 94.

¹³⁵ China Hands, "China Going Out 2.0: Dawn of a New Era for Chinese Investment Abroad", *Huffington Post*, 11 June 2015:1, https://www.huffingtonpost.com/china-hands/china-going-out-20-dawn-o_b_7046790.html.

¹³⁶ Patey, *The New Kings of Crude*, 2012: 94.

and China. As such China was ready to support the Government of Sudan in its quest to control oilfields at all cost and without regard for human rights or any other social impact of oil activities.

The stakeholders, Government of Sudan, CNPC, Petronas, State Petroleum and Sudapet, signed a contract on 1 March 1997, known as Exploration and Production Sharing Agreement (EPSA) that covered three Blocks in the Western Upper Nile that produce a light type of crude oil called Nile blend.¹³⁷ Block (1a) in Unity oilfield had an area of 2731 square miles; Block (2a) in Heglig was 3331.52 square miles, and finally Block (4) in Kaikang covered 12581.55 square miles.¹³⁸ With successful operations in the Western Upper Nile, the CNPC had already established credibility to expand its investment to the east of the Nile. In the Maluth Basin of Adare-Yale were Blocks 3E, 3D and 7E.¹³⁹ These Blocks produce Dar Blend, the highly acidic type of crude which sells at a lower price compared to the Nile blend in Blocks 1, 2 and 4 of the Muglad basin in the Western Upper Nile. On 11 November 2000, after the failure of local firm Maluth Petroleum Company to meet its contractual duties, CNPC bought its shares and signed a modified EPSA with Gulf Petroleum, AL-Thani Corporation and Sudapet on Blocks 3 and 7 (contracts including Transitional contracts signed by the independence of South Sudan will be dealt with in chapter 7).¹⁴⁰

With a majority of shares in Sudanese oil Blocks, CNPC and the Government of Sudan were all set to develop oil infrastructure. Initially planned to deny the Southern Sudanese the benefit of oil infrastructure where oil was discovered, they were developed in the far north of Sudan instead. It is puzzling not to build at least some infrastructure in the oil-producing region, and as such, some analysts argue that “at first glance the geography of the oil infrastructure in Sudan presents a significant political dilemma.”¹⁴¹ This was not a policy of the NIF government, but goes back to the first government after the independence of Sudan and beyond, particularly Nimeiri, whose

¹³⁷ Exploration and Production Sharing Agreement Between the Government of the Republic of the Sudan and China National Petroleum Corporation and Petronas Carigali Overseas SDN BHD and State Petroleum Corporation and Sudapet LTD, Khartoum, 1 March 1997.

¹³⁸ Exploration and Production Sharing Agreement, 1997:95-96.

¹³⁹ Exploration and Production Sharing Agreement Between the Government of the Republic of the Sudan and Gulf petroleum Co. (Sudan) LTD and CNPC International (Nile) LTD and Al Thani Corporation and Sudapet Company LTD, Khartoum, 11 November 2000.

¹⁴⁰ Exploration and Production Sharing Agreement, 11 November 2000:3.

¹⁴¹ Luke Patey, Crude Days Ahead? Oil and the Resource Curse in Sudan, *African Affairs*, 12 August 2010: 635, Vol. 109 (437), p. 617-636,

<http://www.jstor.org/stable/pdf/40928366.pdf?refreqid=excelsior:4b7362eb91704f76c673018e2abe3242>

regime oversaw the actual discovery of oil by Chevron. This trend was further implemented by the NIF regime in 1990s. As Sudan was determined to develop oil infrastructure in the north, the CNPC, a major shareholder in Sudanese oil, followed the directives of the government without regard for the rights of the residents of the oil-producing communities.¹⁴² All refineries and processing centers were built in the north, which is not normal in the case of many countries. After the completion of the newly built 1500km pipeline from Unity oilfield to the Red Sea coast, Sudan began exporting oil in 1999.¹⁴³ This deliberate marginalization could further inform why the South Sudanese went to war and eventually voted overwhelmingly to secede from Sudan. This approach served as one of the negative roles played by China in the Second Sudanese Civil War against the people of Southern Sudan and the SPLM/A.

2.4. The Role of China in Atrocities Committed in Southern Sudan, 1990s-2005

“Paradoxically, Western abandonment allowed state-owned corporations from China, Malaysia and India, largely invulnerable to human rights pressures, to form a stranglehold on Sudan’s oil industry.”¹⁴⁴

Oil Revenues and War

As oil started to flow northward to Port Sudan, Khartoum was able to increase its revenues dramatically. Nearly 40 years after Italian firm AGIP started the first oil exploration in the country, Sudan finally became an oil-producing state with full infrastructure: pipelines, refineries, processing centers and marine terminals. It was a paradigm shift for Sudan’s economic, political and military development. Within a span of 5 years, the oil boom shot Sudanese GDP up from \$10,682 billion to \$26,525 billion by 2005, which demonstrates the benefits of oil industry in the country.¹⁴⁵ While amassing greater revenues, the government was pressing Chinese oil companies to accelerate production, leading to the environmental degradation caused by the rudimental

¹⁴² Interview, Chuang, 2016.

¹⁴³ Crude Oil Pipeline Agreement Between The Government of the Republic of Sudan and China National Petroleum Corporation and Petronas Carigali Overseas SDN BHD and State Petroleum Corporation and Sudapet Ltd, 1 March 1997.

¹⁴⁴ Luke Patey, State Rules: Oil Companies and Armed Conflict in Sudan. [Journal] Third World Quarterly, 28, (5), 997-1016, 2007: 998.

¹⁴⁵ Fred Economic Data, Gross Domestic Product for Sudan, 7 July 2017:1

Chinese oil equipment used in the extraction.¹⁴⁶ On the other hand, China's oil companies were in a mode of mass production, boosting their morale by achieving what Western majors failed. This marked the turning point at which the two countries began to deepen their cooperation, politically, economically and militarily.

The flow of oil revenues came at a time Sudan was spending \$1.5 million per day on the war, mainly in Southern Sudan and other areas where SPLA was active.¹⁴⁷ By then much of the economy was dependent on agriculture, with the main exports coming from cotton, livestock, Gum Arabic and sugar.¹⁴⁸ With Chinese investment in its oil industry, Sudan was able to increase its military spending and consequently the intensity of the war. With enough oil revenues, the government stepped up its scorched-earth campaign to pave way for the Chinese oil majors to exploit oil resources in Southern Sudan. This campaign had caused huge suffering to the civilian populations around the oilfields, particularly in the Unity state.¹⁴⁹ The NIF regime continued the policy designed by former Prime Minister Sadiq el-Mahdi, before his overthrow by the NIF, of arming the Arab tribes along the border with the south as counterinsurgents, mainly targeting the civilian population. According to a 2003 Human Rights Watch report:

*To prevent further rebel threats to oil development, state and Umma party authorities started arming Baggara cattle-owning nomads, the western and northern Kordofan and Darfur neighbors of the Nuer and Dinka, with automatic weapons. These authorities were non-nomadic Baggara in many cases. The Baggara served as a proxy, a cheap and deniable counterinsurgency tool for the government. They serve the same purpose today. The Baggara were able to loot Southern cattle with impunity and push the Nuer and Dinka off their land. Most Nuer and Dinka were still armed only with spears.*¹⁵⁰

The government in Khartoum continued this policy of fighting the rebellion, whether in Southern Sudan, Southern Kordofan or Blue Nile. The regime targets civilian populations in the rebel

¹⁴⁶ Interview, Humoon Chol Deng, Director, Department of Health, Safety and Environment, Ministry of Petroleum, Juba, 2017; Laura James, Fields of Control: Oil and Insecurity in Sudan and South Sudan, 2015:28.

¹⁴⁷ BBC, "Sudan: A Political and Military History," *BBC News*, 21 February 1999:1, <http://www.news.bbc.co.uk/1/hi/world/analysis/84927.stm>

¹⁴⁸ Cleophas Lado, Political Economy of the Oil Industry in the Sudan Problem or Resource in Development, *Erdkunde*, June 2002, Vol.56 (2), pp. 157-169: 159, www.jstor.org/stable/pdf/25647450.pdf?refregid=excelsoir%A4ef6116d0f45dcde8272a1ce0930ae97.

¹⁴⁹ Interview, Bangol, 2015.

¹⁵⁰ Human Rights Watch, Sudan, Oil, and Human Rights, 2003.

controlled areas, accusing them of supporting the rebels that are obstructing the oil operation. China's economic support was not confined to oil revenues but included arms sales to the SAF to sustain and expand its policy of clearing civilians and SPLA away from oilfields.

China's Military Support to Sudan and Intensification of the War

*"For decades, China has provided Sudan with billions of dollars in financial, diplomatic and military support in exchange for the African country's vast oil reserves."*¹⁵¹

The arms trade between China and Sudan was not a new business. During Nimeiri's regime (1969-1985), China sold various weapons to Sudan¹⁵², and this trend increased during the Second Sudanese Civil War. When Yei, a town southwest of Juba, was captured in 1997, the SPLA found several Chinese-made weapons including tanks and other powerful armaments.¹⁵³ For these obvious reasons, the SPLM/A continued to consider oil installations as legitimate military targets, intending to deny the government in Khartoum its oil revenues. The government spent oil revenues on weapons to gun down the civilian population and inflict casualties against the SPLA.¹⁵⁴ Since 1999, oil revenues tilted the military balance of power on the battlefields across Southern Sudan, Nuba Mountains and Blue Nile. The SPLA was subjected to defeat after defeat, particularly in the Southern part of the country where the movement was confined to the borders of DRC, Uganda and Kenya.¹⁵⁵ Without its charismatic leader, Dr. Garang, the SPLM/A was heading towards the fate of the Tamil Tigers of Sri Lanka, when they were defeated on the battleground and lost the civil war. Flint and Border argue that the victories of the SAF against the SPLA were largely due to sophisticated military hardware provided by the Chinese:

Less than two years after Sudan began to pump oil, earning more than \$1m a day in new revenues, the government has acquired, and is using, surface-to-surface missiles in its war against the Southern-led rebels of the Sudan People's Liberation Army.~~Soon after oil

¹⁵¹ Morgan Winsor, "China-Sudan Financial, Military Relations at Risk Amid Beijing's Economic Woes, International Business Times, 26 August 2015: 1. www.ibtimes.com/china-sudan-financial-military-relations-risk-amid-beijings-economic-woes-2068261.

¹⁵² Human Rights Watch, China's Involvement in Sudan: Arms and Oil, 2003: 1.

¹⁵³ Sudan, Oil and Human Rights: The Chevron Period 1974-92, 2003.

¹⁵⁴ Ibid.

¹⁵⁵ Interview, SPLA Officer, (MI), 2015.

began flowing in August 1999, President Omar Bashir said Sudan would use its oil revenue to manufacture weapons including missiles.-----Their acquisition has enormous implications for the war in the south as the government attempts to conquer more and more oil-rich areas for exploration by foreign oil companies.¹⁵⁶

The massive Chinese military and financial support to the government of Sudan from the 1990s to the present day has guaranteed the survival of the NIF regime. With meager resources, Sudan could not have built its current military might without China; as Morgan Winsor rightly states, “*Sudan lacks the necessary resources and infrastructure to build its own sophisticated artillery*”. Thus, the Khartoum regime has long relied on China for the majority of its military needs, including countless rocket launchers, tanks, aircraft and missiles.¹⁵⁷ Winsor adds that “*after decades of Chinese weapon transfer, Sudanese forces will be well-armed in battles for years to come*” as the regime continues to battle rebellions across the country, particularly in Darfur, Nuba Mountains and the Southern Blue Nile. With their military advantage secure, the SAF did not confine its operations to the SPLA, but committed various crimes against civilian populations, particularly around oilfields.

Human Rights Abuses at China’s Watch

“The warring parties adopted a ‘winning oil-losing people’ equation.”¹⁵⁸

In the process of protecting the oilfields, serious human rights abuses were committed by the Sudan Armed Forces (SAF) and allied militias fighting in Southern Sudan. The army and militias were engaged in the scorched-earth military campaign intended to clear the civilian population out in order to pave way for the Chinese oil companies to explore and extract oil.¹⁵⁹ The campaign to clear out civilian populations from their houses and farms without basic compensation triggered

¹⁵⁶ Julie Flint and Julian Borger, “Sudan Uses Missiles against Rebels,” *The Guardian*, 14 August 2001: 1, <https://www.theguardian.com/world/2001/aug/14/julianborger>

¹⁵⁷ Morgan Winsor, “China-Sudan Financial, Military Relations at Risk amid Beijing’s Economic Woes,” *International Business Times*, 26 August 2015: 2, www.ibtimes.com/china-sudan-financial-military-relations-risk-amid-beijings-economic-woes-2068261.

¹⁵⁸ Cleophas Lado, Political Economy of the Oil Industry in the Sudan Problem or Resource in Development, *Erdkunde*, 56 (2) 157-169, 2002: 159. www.jstor.org/stable/pdf/25647450.pdf?refregid=excelsoir%A4ef6116d0f45dcde8272a1ce0930ae97.

¹⁵⁹ Interview, Paul Adong, Vice President of the Dar Petroleum Operating Company Ltd (DPOC) and former Head of the Nilepet, Juba, 16 July 2016.

global condemnation within human rights circles.¹⁶⁰ The population, escaping the Chinese military machines used by the SAF, flocked into the swamp (one of the biggest wetlands in the world) causing much disease and death.¹⁶¹ Mindful of how Western oil majors left the industry against the backdrop of human rights abuses, China clung to its “*principle of non-interference in Sudan’s internal affairs, paid little attention to southern Sudan’s poor human rights, and has not exerted any diplomatic pressure on Khartoum.*”¹⁶² All this occurred on China’s watch as they decided to turn a blind eye to the suffering of civil population. Instead of oil bringing joy and development to the communities where it is extracted, it only brought disaster as people were expelled and killed.

The destructive role of oil in Sudan did not begin with Chinese involvement. Some observers argue that many tend to blame China’s oil companies for supporting the government of Sudan in committing atrocities against the Southern Sudanese population whilst forgetting the role played by Western oil firms prior to the entry of Chinese oil companies.¹⁶³ The first abuses occurred during the early years of oil exploration, particularly after the departure of the American giant, Chevron. Since then, the firms that followed such as Canadian oil majors (Arakis, State Petroleum, and Talisman) and European companies (Swedish Lundin) invested heavily while Sudan was engaged in destroying local communities around oilfields.¹⁶⁴ Talisman put its technical and financial experience into the Sudanese oil industry in the 1990s, leading to significant improvement “*which benefited the war-stressed and cash-poor Sudanese government.*”¹⁶⁵ This clearly shows the role of Talisman and other Western companies in generating oil revenues for the government coffers. As Talisman continues to deny accusations of complacency over human right abuses, a Canadian government-sponsored human rights delegation concluded in 2000 that “*Sudanese government helicopter gunships and Antonov bombers have taken off from the company airstrip at its headquarters in Block 2 at Heglig with their payloads of death and displacement*”¹⁶⁶ for the innocent civilians around oilfields.

¹⁶⁰ Human Rights Watch, China’s Involvement in Sudan: Arms and Oil, 2003: 13.

¹⁶¹ Ibid.

¹⁶² Liu Hui, Sino-Sudan Relation, 2015: 376.

¹⁶³ Jason Switzer, Oil and Violent in Sudan, Ottawa: African Center for Technology Studies, 2 April 2002:12.

¹⁶⁴ Ibid: 13.

¹⁶⁵ Jemera Rone, Sudan: Oil and War, *Review of African Political Economy*, Vol. 30 (97), pp: 504-510, September 2003:504-505, <https://www.jstor.org/stable/pdf/4006994.pdf>

¹⁶⁶ Human Security in Sudan: The Report of a Canadian Assessment Mission, January 2000: 16.

However, other analysts counter-argue that, unlike Chinese companies, Western firms heeded the warnings of the human rights campaigns and exited.¹⁶⁷ Moreover, the Western oil companies are privately-owned, unlike many Chinese firms, and yet they gave up their concession for the sake of human rights in Sudan. More importantly, Western firms were primarily exploring rather than producing, and they did not export enough to fuel the war through increased revenues. Indeed, China was involved in all aspects of the oil industry. China's oil firms continued the exploration, increased production and consequently government revenues used to procure arms (mainly from China) used in the atrocities.¹⁶⁸ China offered military support in the form of military hardware, such as helicopter gunships used to drive the local population away from the oilfields, and politically defended Sudan in the international arena over its human rights abuses.¹⁶⁹ The newly acquired weapons from China were used by government forces repeatedly to launch aerial bombardments of the innocent civilians in Southern Sudan.¹⁷⁰ As China insisted on maintaining its long-time policy of non-interference, others argued that it was time for Beijing to at least moderate this policy to protect its long term interests as Lui Hui put it:

*When Khartoum's atrocities were exposed, China's principle of non-interference in Sudan's internal affairs had made CNPC rush into danger. This kind of principle has got the recognition of Khartoum, but lost the support of the locals. It is not only the Sudan People's Liberation Army that was full of hostility towards CNPC, but also the locals around the oilfields. In the long run, this means greater instability and threats. Therefore, when China cooperates with a country like Sudan, it is necessary for China to be concerned for the latter's human rights, and exert appropriate pressure on Sudan to solve domestic humanitarian crisis, which can create a better environment for development.*¹⁷¹

¹⁶⁷ Interview, Lual Deng, 2015.

¹⁶⁸ Interview, Senior SPLA General, Juba, 2016,

¹⁶⁹ Hilary Anderson, "China is Fueling War in Darfur," *BBC*, 13 July 2008: 1, <http://news.bbc.co.uk/1/hi/world/africa/7503428.stm>.

¹⁷⁰ BBC, "Sudan: A Political and Military History," 21 February 1999:1, <http://www.news.bbc.co.uk/1/hi/world/analysis/84927.stm>; Julie Flint and Julian Borger, Sudan Uses Missiles against rebels, *The Guardian*, 14 August 2001:2, <https://www.theguardian.com/world/2001/aug/14/julianborger>.

¹⁷¹ Liu Hui, Sino-Sudan Relations: Mutually Beneficial or Neo-Colonialism, October 2015: 376.

Chapter Conclusion

Sudan-China relations prior to oil discovery appeared to have been largely positive, but the role turned damaging with the discovery of oil. Grounded on the historical ties of the non-aligned spirit, relations developed into economic and political cooperation. The involvement of China in the Sudanese oil industry played a destructive role in South Sudan before its independence. Prior to the involvement of China in the oil industry, Western firms were the pioneers and atrocities began during this period, but the firms yielded to sustained campaigns by human rights activists and exited the country. After the departure of the Western oil firms, China and other Asian oil majors bought up their stakes in Sudanese oil. China's state-owned oil companies never reckoned with the destructive impact of their investment in the oil industry for the people of South Sudan. China's role intensified the war and atrocities against the civilian population around oilfields, particularly in the Western Upper Nile. This role did not end with the oil revenues used by the Government of Sudan to procure armaments from China, as China supplied lethal military machinery including the helicopter gunships used to drive the populations away from oilfields as well as inflicting heavy casualties upon the SPLA.

China's investment in oil was key to the survival of Sudanese regime and its military campaign in the then-Southern Sudan. The oil sector provided much needed revenues for the regime in Khartoum to pursue its scorched-earth campaign. To protect its oil interests, China supplied advanced military hardware to the SAF, which it employed in destroying sources of livelihood and killing civilian populations around oilfields, particularly in the Greater Upper Nile area. Furthermore, the SAF inflicted heavy casualties within the SPLA, particularly in the 1990s, when it re-captured most of the previously liberated areas from the Southern army. Thus, China's indirect role in atrocities committed by Sudan encouraged the SPLA to target oil installations during the war of liberation, which led to a state of enmity between the two.

South Sudan's current engagement with China is against the backdrop of this tragic past. This is the state of affairs which triggered the key question of the thesis: *Why did South Sudan decide to engage China despite the tragic past of China's support Government of Sudan against the SPLM/A during the war of liberation?* The subsequent chapters of this thesis set out to determine and explore the reasons behind South Sudan's decision to opt for cooperation with China instead of

continued confrontation. The beginning of the turnaround and shift from the tragic past to engagement will be examined in the next chapter, which looks at the evolution of relations between the two countries.

CHAPTER THREE

Evolution of South Sudanese Relations with China 2005-2011

“If you must deal with enemies, look at the Allies that surround your Enemies.”¹⁷²

The relationship between South Sudan and China dates back to the signing of the Comprehensive Peace Agreement (CPA) in 2005. Barely three months after the signing of the CPA, in March 2005, the SPLM/A leadership dispatched a high level delegation to the Chinese capital, Beijing, to meet the Chinese leadership.¹⁷³ The SPLM/A leadership perhaps understood that looking to the future was the best option, rather than fixating on the bitterness of the difficult past and continuing the path of confrontation. Apparently, the SPLM/A leadership understood that self-interest dictates the parameters of international relations. The leadership further recognized that China’s support to Sudan against the SPLM/A was based on interest and not purely pursued against the aspirations of the SPLM/A and people of South Sudan.

This chapter is to investigate the reasons that informed the decision of the SPLM/South Sudan to opt for cooperation with China. Furthermore, it will examine how both countries walked a fine line in addressing the opportunities and challenges posed by the CPA for all parties involved. In particular, both South Sudan and China were faced with the realities of the CPA, particularly the Wealth Sharing Protocol and the one-country-two-system nature of the agreement.¹⁷⁴ On the other hand, the SPLM was to exclusively form the Government of Southern Sudan (GoSS) in Juba, near which the majority of oilfields are located, during the six-year interim period. As such, China and the GoSS/SPLM were put to the test throughout the interim period. China was determined to protect its interests with both Sudans, whilst Southern Sudan was intent on avoiding collision with

¹⁷² Larry Stybel and Maryanne Peabody, “How to Manage Your Enemies,” 9 March 2013, <https://www.psychologytoday.com/blog/flatform-success/201303/how-manage-your-enemies?amp>

¹⁷³ The SPLM/A leadership was led by the current President of South Sudan, Salva Kiir Mayardit, to meet the Chinese leaders in Beijing in 2005.

¹⁷⁴ Power Sharing Protocol, Naivasha, Kenya, 26 May 2004: 20.; According the CPA, the SPLM/A and Government of Sudan were to participate in the Government of National Unity (GoNU) in Khartoum, while the SPLM/A formed the Government of Southern Sudan (GOSS) based in Juba. Furthermore, the Wealth Sharing Protocol split oil revenues at a ratio of 50%:50% between the GoNU and GOSS, and China was to remain the major investor in the oil industry.

Khartoum over its closer relations with China in order to avoid spoiling the implementation of the CPA, particularly with the referendum looming. Moreover, it is important to explore how China courted Southern Sudan throughout the CPA given their strained history during the war, in which China exclusively supported the government of Sudan, forcing the SPLM and Government of Southern Sudan to respond to China's approach. This chapter will critically examine the final stage of the CPA, the referendum, and the role played by China.

In this chapter, I will begin by examining how the evolution of the engagement began informally in the period shortly after the signing of the CPA in 2005, and was formalized after the establishment of the Government of Southern Sudan (GoSS) in July 2005. It will then look at engagement between the GoSS and China during the interim period. Furthermore, the chapter will analyze this engagement at the level of the Government of National Unity (GoNU) as the two sides further consolidated their relationship at the expense of the National Congress Party (NCP) that dominated policy towards China prior to the CPA. Finally, the chapter will explore the role that China played in the run-up to and execution of the referendum, which resulted in the split of the old Sudan and the birth of South Sudan.

3.1. Government of Southern Sudan and China

Informal Contacts Prior to the Interim Period of the CPA

The informal contacts between South Sudan and China date back to the negotiation and signing of the Comprehensive Peace Agreement (CPA). Behind the scenes of the negotiations, Chinese diplomats and the SPLM leadership were already discussing the future of China's oil interests.¹⁷⁵ According to the CPA, there was a six-month pre-interim arrangement to allow both parties to the agreement to prepare, particularly the SPLM/A.¹⁷⁶ On one hand, an arrangement was required for the amendment of the Sudanese constitution to incorporate the provisions of the CPA, and on the other, the SPLM/A needed to draft an interim constitution through which the Government of

¹⁷⁵ Interview, Michael Makuei Lueth, Minister of Information, Broadcasting, Telecommunication and Postal Service, Juba, 4 February 2016.

¹⁷⁶ The Machakos Protocol, CPA, 2002:3.

Southern Sudan was to be formed.¹⁷⁷ However, after the signing of the Wealth Sharing Protocol (WSP), the SPLM/A leadership became more open to dealing with China after resolving the debate over whether to respect Chinese oil contracts signed during the war or discontinue them. At the negotiation of the WSP, Sudan demanded that both parties abide by and respect the oil contracts signed prior to the agreement.¹⁷⁸ This proposal was objected by the SPLM/A negotiating team, citing the Chinese contractors' association with the atrocities committed in Southern Sudan during the war.¹⁷⁹ Furthermore, the SPLM team argued that oil contracts signed during the war must be flawed as the Government of Sudan was desperate for oil revenues to fund the war.¹⁸⁰ However, the SPLM committee formed to look into Sudan's proposal eventually recommended the continuation of Chinese oil contracts.¹⁸¹

With the signing of the Wealth Sharing agreement¹⁸² and other protocols, the stage was set for both SPLM/A and China to chart a realist approach. Based on the Machakos Protocol (MP) signed in 2002, the system of governance in Sudan was to be that of one-country-two-systems during the six-year interim period (2005-2011).¹⁸³ The SPLM/A was set to form an autonomous Government of Southern Sudan (GoSS) with Juba as its capital, and with functions to conduct international relations, including agreements on economic matters. Clearly, it was high time for the SPLM/A leadership to think differently in adapting to the new era of transition from liberation movement to government, as this new reality would require new approaches. On the other hand, China realized that the majority of oilfields, which were clearly central to its interests in Sudan, were located within Southern Sudan, contradicting what they had been told about the existence of oilfields within the borders of Northern Sudan.¹⁸⁴ Thus, new approaches were warranted from

¹⁷⁷ Ibid.

¹⁷⁸ Wealth Sharing Protocol, CPA, Naivasha, Kenya, 7 January 2004:45. This particular protocol was centered on oil revenues sharing between the Government of Sudan and Government of Southern Sudan at 50:50 throughout the interim period.

¹⁷⁹ Interview, Michael Lueth, Juba, 4 February 2016.

¹⁸⁰ Interview, Dr. John Gai Yoh, then Minister of Education, Science and Technology, Government of South Sudan, currently Presidential Advisor on Education, Science and Technology, Juba, 25 March 2016.

¹⁸¹ Interview, John Yoh, Juba, 2016.

¹⁸² Wealth Sharing Protocol, 2004:54.

¹⁸³ The Machakos Protocol, 20 July 2002:3. This Protocol set the one-country-two-systems arrangement and guaranteed self-determination to the people of Southern Sudan in an internationally supervised referendum at the end of six-year interim period (2005-2011), through which South Sudan gained its independence from Sudan on 9 July 2011.

¹⁸⁴ Interview, Antipas Nyok, Secretary for Political Mobilization, SPLM, Juba, 24 May 2016.

Chinese leadership to safeguard its interests, especially given the difficult past between the two sides. In the end, mutual interests required South Sudan and China to adopt a pragmatic decision to engage instead of continuing along a path of confrontation.

With the transition from liberation movement to government underway, the SPLM/A leadership had to act as statesmen rather than rebels or revolutionaries. As structures of government were established, the SPLM leaders understood that much would be expected of them given the consequences of the long civil war. Hence, immediate oil revenues would be an ideal position to start from. Attracting new investors, if Chinese oil contracts were canceled, would be a daunting task as the credibility of the SPLM would surely be damaged.¹⁸⁵ Besides, attracting new investors into a country that is emerging from a long conflict would not be possible, at least in the short run. Also in the minds of the SPLM leadership was the role that China would play in the development of war-ravaged Southern Sudan.¹⁸⁶ These real-world issues were hard realities for a liberation movement that usually pursued its foreign policy on the basis of friend versus foe. From this standpoint, during the CPA negotiations, the SPLM/A set out to respond to the Chinese request to begin engagement, with both sides keeping discussions in a low profile.

In an unexpected move, the SPLM leadership dispatched a high level delegation to Beijing to turn over a new leaf of positive engagement. In March 2005, barely three months after the signing of the CPA in the Kenyan capital, Nairobi, a delegation led by the then-Deputy Chairman of the SPLM and Chief of Staff of the SPLA, and currently the President of the Republic of South Sudan, Salva Kiir Mayardit, landed in Beijing with a number of key messages for the Chinese.¹⁸⁷ The visit was at the invitation of China, which initially invited Dr. Garang, who instead delegated his Deputy to convey the movement's message of beginning a new chapter of mutual cooperation.¹⁸⁸ Prime among his key messages was the role which China should play in the implementation of the CPA and issues of socioeconomic cooperation.¹⁸⁹ The role of China in the socioeconomic development

¹⁸⁵ Interview, Michael Lueth, Juba, 4 February 2016.

¹⁸⁶ Interview, Dr. Lual Achuek Deng, Executive Director, Ebony Center for Strategic Studies, South Sudan; former Minister of Petroleum and Mining; Deputy Minister of Finance and Economic Planning, both were in Sudan before independence of South Sudan, Juba, 9 October 2015.

¹⁸⁷ Interview, Arop Monyajeth Arop, former Presidential Aide, Juba, 15 September 2017.

¹⁸⁸ Interview, Arop, Juba, 2017.

¹⁸⁹ Nhial Deng Nhial was a Chief Negotiator of the SPLM during the CPA and a member of the SPLM delegation that visited Beijing in 2005, led by the current President of South Sudan, Salva Kiir. He was a senior member of the

of Southern Sudan was welcome as Nhial Deng Nhial,¹⁹⁰ senior member of delegation that visited Beijing in 2005, declared that “*We discussed with the Chinese their role in bolstering the peaceful coexistence between Sudan and Southern Sudan and we also discussed with them economic development assistance as well as investment by China in Southern Sudan.*”¹⁹¹ The visit marked the first departure from past antagonistic relations during the war. This is the puzzle which this thesis will analyze in subsequent chapters, with the question of: ‘*Has this paradigm shift served the interest of South Sudan, and if not then what went wrong?*’

Genesis of Formal Relations

The formation of the Government of Southern Sudan (GoSS), based in Juba as the regional capital, marked the beginning of the formal engagement between the two countries. On 9 July 2005, Dr. Garang was sworn at the Presidential Palace in Khartoum, doubling as the first Vice President of Sudan and President of the Government of Southern Sudan respectively. This was in addition to his role as a founding Chairman and Commander-In-Chief of the SPLM/A. Dr. Garang,¹⁹² a PhD holder in agricultural economics, was well-placed to represent his people. With his wealth of experience in the First Sudanese Civil War (1955-1972 and a second war led by him from 1983-2005), and his high level of education, Dr. Garang had a vision for the socioeconomic development of South Sudan in which he thought China would play a major role.¹⁹³ Soon after his inauguration in 2005, Dr. Garang unveiled his immediate plan of ‘*Moving Town to People*’, a project aimed at the eradication of poverty in line with South Sudan’s Millennium Development Goals (MDGs), with phase one budgeted for \$250 million and to be implemented in his first 180 days in office.¹⁹⁴

National Liberation Council (NLC), which was one of the highest political organs of the SPLM/A during the war. After 2005, Nhial was a high ranking member of the SPLM Political Bureau (currently the highest political organ of the SPLM as a ruling party in South Sudan), Chief Negotiator of the Government of South Sudan with the rebels of Sudan People’s Liberation Movement-In-Opposition, and currently a Senior Advisor to the President on political and diplomatic affairs.

¹⁹⁰ Interview, Nhial Deng Nhial, Senior Presidential Advisor on Political and Diplomatic Affairs, Juba, 5 February 2016.

¹⁹¹ Interview, Nhial Nhial, Juba, 5 February 2016.

¹⁹² Dr. John Garang De Mabior was American-educated with Bachelor in Economics from Grinnell College, Iowa in 1969, where he was offered a scholarship to the University of California, Berkeley. He turned it down to joined the First Sudanese Civil War. After the war Dr John Garang returned to the U.S. for further study and he obtained his Masters and PhD in agriculture economics from Iowa State University in 1982.

¹⁹³ Interview, Lual A. Deng, Juba, 9 October 2015.

¹⁹⁴ Lual A. Deng, *The Power of Creative Reasoning: The Ideas and Vision of John Garang* (Bloomington, Indiana, iUniverse, 2013) 52.

Just 21 days after he was sworn into government, Dr. John Garang was tragically killed in a mysterious plane crash at New Site, South Sudan on 30 July 2005, as he was returning from his meeting in Uganda with President Yoweri Kaguta Museveni. The untimely death of Dr. Garang continues to haunt both the SPLM leadership and South Sudan, leaving them with a difficult choice between charting a new vision for South Sudan or following Dr. Garang's footsteps in implementing his vision, particularly in the area of the socioeconomic development of a young nation.

Upon the death of Dr. Garang, the SPLM leadership convened at the New Site, one of the SPLM/A's historical bases where Dr. Garang used to live, and nominated his Deputy, Salva Kiir Mayardit, as his successor.¹⁹⁵ Kiir was eventually sworn in and formed the Government of Southern Sudan in Juba, and the SPLM nominees for the Government of National Unity (GoNU) were submitted to the President Omer Al-Bashir. All these events took place as many stakeholders, including members of international community, watched on with uncertainty. It was assuring for many concerned with Sudanese affairs that the SPLM was able to get its act together, particularly China, which was keen to see stability in a country that was emerging out of a long war. The SPLM/A was able to swiftly transform into the GoSS, and separate the SPLM as a political party from the SPLA as an army of Southern Sudan. According to the CPA, the GoSS was to establish international engagement separate from the GoNU, as the Power Sharing Protocol stated that:

*without prejudice to the National Regulation, and in the case of Southern states, the regulation of Southern Sudan Government, the initiation, negotiation and conclusion of International and Regional Agreements on culture, sports, trade, investment, credit, loans, grants and technical assistance with foreign governments and foreign non-governmental organizations.*¹⁹⁶

It was through this element of international engagement that the GoSS continued its pre-liberation foreign policy with the world, including China. Soon after the formation of GoSS, the Ministry of

¹⁹⁵ Interview, Achuil Malith Bangol, 8 December 2015.

¹⁹⁶ Power Sharing Protocol, CPA, Naivasha, Kenya, 26 May 2004:43.

Regional Cooperation (a de facto Ministry of Foreign Affairs) was established and opened around 15 Liaison Offices across the globe, which tended to act as mini-embassies.¹⁹⁷

With liaison offices abroad from Australia to the United States, China was not included. Given the sensitivity of relations between the trio (Southern Sudan, China and Sudan), “*opening a liaison office in China could have gone down badly with Khartoum*”.¹⁹⁸ For Sudan, such a move would have pulled the carpet from beneath it, given that previous relations with China were under the singular control of Khartoum. On the other hand, China, with several interests in north Sudan including oil, would also have preferred to avoid infuriating Khartoum.¹⁹⁹ Thus, China opted to deal with the GoSS within the framework of one-country-two-systems. Southern Sudan and China had another opportunity to engage; in the Government of National Unity in Khartoum where the SPLM had a 28% share in both executive and legislative branches.²⁰⁰

GoSS and Backdoor Diplomacy with China: Adapting to New Realities

It was essential that both sides, the Government of Southern Sudan and China, were quick to adapt to the new reality created by the CPA. China’s biggest overseas oil investment was at stake and so a rational approach was required in dealing with the two Sudans. This new reality perhaps posed one of the most challenging balancing acts for China in its burgeoning engagement with the African continent.²⁰¹ Maintaining an old ally in Sudan whilst simultaneously cultivating a new relationship with the SPLM leaders who had been at war with Khartoum would put the longstanding Chinese foreign policy doctrine of non-interference to the test. China’s huge investment in developing the Sudanese oil industry pushed it to take bold decisions throughout the interim period. Dan Large argues that:

The CPA has enabled the Chinese government to explore and enhance relations with the new Government of Southern Sudan (GOSS) created by the CPA. It has also compelled this

¹⁹⁷ Interview, Nhial, Juba, 2016.

¹⁹⁸ Interview, Nhial, Juba, 2016.

¹⁹⁹ Interview, Nhial, 2016.

²⁰⁰ Power Sharing Protocol, 2004:20.

²⁰¹ Daniel Large, China & the Contradictions of ‘Non-interference’ in Sudan, *Review of African Political Economy*. Vol. 3 (115), pp. 93-106, (10 October 2008) 102.

*for reasons of self-interest anchored in the geography of China's oil concessions in Southern Sudan. The creation of the GOSS under the SPLM in Juba, the new capital of Southern Sudan, presented new challenges for Beijing, which had not dealt directly with the SPLM before. The SPLM's post-war China policy was essentially one of engagement predicated upon turning former enemies into friends. It was in principal open to dealing with Beijing as one of a number of potential investors. China's relations with the GOSS developed as a combination of a mutual willingness to engage, interest in the potential of Chinese assistance for Southern Sudan and the apparent growing recognition by Beijing that it would need to respond to the new political reality in Juba. In particular, Beijing needed to look forward to the possibility of Southern secession that, while emphasizing unity, the CPA allows for via a referendum in 2011.*²⁰²

The case of the Sudans, perhaps in the long run, will serve as a practical lesson to build upon in the event of reviewing the non-interference policy and soft or hard interventions. Hard or coercive intervention, the approach taken by many Western countries in Africa, may not accurately describe China's role in the Sudans. China's role throughout the CPA as South Sudan moved toward independence speaks volume of how much it has utilized a policy of 'soft intervention' in a manner benefitting all parties involved.

The CPA, by-and-large, made it easier for the Chinese to follow a soft intervention policy, particularly through the *one-country-two-systems* approach. Upon the formation of GoSS, China declared that it "*has started formal friendly exchanges with South Sudan and the bilateral cooperation in various fields has increased progressively.*"²⁰³ During the visit of Special Envoy and Assistant Foreign Minister Zhai Jun to Juba, and in the presence of the Speaker of the Southern Sudan Assembly, James Wani Igga, China's Consulate General was opened on 1 September 2008 to cater for Chinese interests in the Southern part of Sudan.²⁰⁴ Special Envoy Jun donated \$100,000 to the GoSS, intended for the reconstruction of Southern Sudan.²⁰⁵ On the surface, China was

²⁰² Dan Large, China & the Contradictions of 'Non-interference' in Sudan, 2008: 102.

²⁰³ Embassy of the People's Republic of China in South Sudan, Sino-South Sudan Political exchanges, 2011.

²⁰⁴ Interview, Monday Semaya, Commercial and Trade Section of the Embassy of South Sudan to China, Beijing, 1 September 2017.

²⁰⁵ Letter to Dr. Luka Tombekana Monoja, Minister of Cabinet Affairs, GOSS from Zhai Jun, Special Envoy of the Government of the People's Republic of China and Assistant Minister of Foreign Affairs, 1 September 2008.

dealing with the South within the context of one country, but behind the scenes it was in fact dealing with a quasi-state that was widely expected to be heading towards full independence state via a referendum in 2011 (a key provision of the CPA). While Chinese officials continue to shy away in admitting the difficulty in maintaining the doctrine of non-interference, discourse and debate has already begun within Chinese academia on the need to gradually soften this policy.²⁰⁶ Despite the recurring rhetoric of Chinese officials, China's actions, particularly in the Sudans, speak volumes about its decision to begin backing away from the doctrine. The doctrine has proved to be challenging to maintain in the face of China's evolving political and economic interests as it 'goes global' as a rising power. Thus, it could be argued that the pragmatic approach taken by the GoSS/SPLM and China was one of classic '*realpolitik*'.

Many observers in the African continent, given the difficult past between South Sudan and China, were amazed to see the former almost spontaneously engaging with the latter.²⁰⁷ In similar cases, formerly antagonistic entities had not forgone their past and embraced the future so quickly. For instance, during the Angolan civil war, China was locked into embarrassing alliances with various liberation movements. However, most of the time it supported the National Union for the Total Independence of Angola (UNITA) and the National Liberation Front of Angola (FNLA) against the Soviet-backed People's Movement for the Liberation of Angola (MPLA). After the MPLA came to power in Angola, it was long time before the two countries fully established relations as Campos and Vines explain:

*China's foreign policy of aid to the three rival groups turned out to be a major flop, when in November 1975 the Soviet-backed MPLA came to power and declared Angola independent. The Chinese initially refused to recognize Angola's independence, and formal diplomatic relations between Beijing and Luanda were only established in 1983. The first trade agreement was signed in 1984, and a Joint Economic and Trade Commission was created in 1988, but its first meeting was held as late as December 1999, with a second meeting in May 2001.*²⁰⁸

²⁰⁶ Interview, Dr. Zhang Tong, Senior Researcher in one of the leading think-tank in China, Beijing, September 2017.

²⁰⁷ Interview, Bangol, Juba, 2015.

²⁰⁸ Indira Campos and Alex Vines, Angola and China: A Pragmatic Partnership, 4 June 2008: 2. https://csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/media/csis/pubs/080603_campos_angolachina.pdf

The case of South Sudan and China is more complex, and has several dimensions that were not found in the case of Angola with China. The difficult past of South Sudan with China had no ideological dimension, whereas China was opposing the Soviet-backed MPLA in Angola. One of the notable differences was Chinese support for the Sudanese military to commit crimes against humanity in South Sudan for its own economic interest. However, after the signing of the CPA, the core national interests of South Sudan and China at stake outweighed the terrible past, warranting a pragmatic approach and a paradigm shift in the stances of both China and the SPLM. Besides their engagement at the level of GoSS, the Government of National Unity (GoNU) was another avenue for both sides to further and consolidate cooperation.

3.2. Government of National Unity and China

Taming the NCP, Dealing with China

“China’s move could help deal a final blow to any lingering hopes by Arab leaders in the north to hold the country together by force.”²⁰⁹

The formation of the Government of National Unity (GoNU) marked the end of Khartoum’s absolute control over the relationship with China. In the GoNU the SPLM had a 28% share, making it the second primary partner after the National Congress Party (NCP) with 55%. The remaining share went to other political parties.²¹⁰ As their interests converged, both GoSS/SPLM and China continued their backdoor diplomacy through the GoNU, where the SPLM held senior positions including First Vice President and Foreign Minister. Although it did not sit well with China’s long standing foreign policy objective of respect for sovereignty, it was an unavoidable reality imposed by the terms of the CPA; with particular regard to the petroleum sector, the SPLM held the position of Deputy Minister of Petroleum and a sizable number of members of an important *National Petroleum Commission* in charge of oil industry in the country.²¹¹

²⁰⁹ Alan Boswell, China Shifts Stance in Sudan, Advancing Prospects for Partition, *McClatchy Newspapers*, 2010. <http://www.mcclatchydc.com/news/nation-world/world/article24605671.html>.

²¹⁰ Power Sharing Protocol, 2004:20.

²¹¹ Wealth Sharing Protocol, 2004:52.

Many analysts argue that China's policy of non-interference was no longer feasible in light of the peace agreement that had given the GoSS control of about 75% of the oil that the Chinese had invested a huge amount of money in developing. According to Dan Large:

Relations that developed between China and the SPLM-led Government of Southern Sudan after 2005 thus represent a political departure of note in the history of its relations with Sudan. This development is an underlying reflection of the constraints of adhering to a strict policy of respecting formal state sovereignty as well as the political complexity involved in maintaining economic interests in Sudan. [-----] The formal, legal incorporation of the SPLM into the central Government of National Unity rendered it politically and legally possible on paper for Beijing – like other foreign governments from Africa and beyond – to engage the SPLM and Juba directly. By conferring political legitimacy upon the SPLM as members of the central state and as the former-rebels turned ruling party of the Government of Southern Sudan, the CPA therefore enabled but also required Beijing to embark on a process of incremental political outreach with Juba.[-----] Even if China's relations with the SPLM were legally sanctioned within the terms of the CPA, political outreach with Southern Sudan presented particular challenges for Beijing due to its previous wartime political, economic and military support for the central government in Khartoum. China had not dealt with the SPLM before in any formal capacity; its support for the NIF/NCP meant that it was widely seen as the principal backer of the SPLA/M's former enemy. What Beijing presented as non-interference in Sudan's internal affairs was interpreted by the SPLM in quite different terms: as interference through support for its enemy. Nevertheless, the conjunction of time-honored pragmatism, mutual need and the prospect of mutual benefit meant that both the Chinese government and the Government of Southern Sudan were open to business after 2005.²¹²

As the only viable leverage the GoSS had, it was essential to maximize it by eventually neutralizing the monopoly the National Congress Party wielded over China. In the oil lay both the interest of China and strength or bargaining power of GoSS, and hence engaging separately from Khartoum was mutually beneficial and indispensable.

²¹² Dan Large, China's Sudan Engagement: Changing Northern and Southern Political Trajectories in Peace and War, *The China Quarterly*. Vol, 199, pp. 610-626: 621-622.

The CPA placed China in the entirely unprecedented political position of dealing with two formerly united parties that had just emerged from a long and brutal war. Despite China's own experience of one-country, two-or-three-system rule in the case of Hong Kong, Macao, and mainland China, the case of the Sudans was starkly different. The three entities do not share the same antagonistic and experiences of two civil wars as the Sudans. Beijing was in the middle of a dilemma, between keeping an old friend in the north and cultivating a new relationship in the south against the backdrop of their troubled past.²¹³ As the end of the interim period loomed, with the highly anticipated referendum expected to split Sudan, China was edging closer to Juba than to Khartoum. Southern Sudan was devastated by the long war, and coupled with the uncertainty of the upcoming referendum at the end of the six-year interim period, it desperately needed China's influence. The SPLM leaders were aware of a significant role for China in the reconstruction of the war-ravaged region and possibly a new country in the event that the Southern Sudanese voted for secession in the planned referendum.²¹⁴ Moreover, no other major power, globally or regionally, wielded leverage over the Sudanese government comparable to China, which could pressure Khartoum to respect the process of the plebiscite at the end of the interim period.²¹⁵ On the other hand, part of China's oil interest in the two Sudans lay along the troubled boundaries which required Beijing to avoid conflict over the implementation of the CPA.²¹⁶ Thus, both sides, China and Southern Sudan, had to respond to these delicate challenges pragmatically.

Walking the Fine Line of 'One-Country-Two-Systems'

*"China's relationship with both Sudans was like a case of a husband with two wives"*²¹⁷

The visit of the Chinese President Hu Jintao to Sudan in 2007 was an important step in consolidating the growing engagement between the two sides (Southern Sudan and China). During the visit, President Hu and the First Vice President of Sudan, the then-President of GoSS Salva

²¹³ Interview, Lingfei Wang, Postdoctoral Research Fellow, School of Public Policy and Management, Tsinghua University, Beijing, 1 September 2017.

²¹⁴ Interview, Bangol, Juba, 2015.

²¹⁵ Interview, Lueth, Juba, 2016.

²¹⁶ Dan Large, China's Sudan Engagement: 2009: 622-623

²¹⁷ Sudarsan Raghavan, South Sudan's President Visits China during Crisis, *The Washington Post*, 2012. https://www.washingtonpost.com/world/africa/south-sudans-president-visits-china-during-crisis/2012/04/24/gIQAowXKfT_story.html?utm_term=.535fd74cec44.

Kiir, met and discussed the deepening of bilateral ties and possibilities for further pragmatic cooperation between China and GoSS.²¹⁸ At the meeting, President Hu invited Kiir to visit Beijing later that year to discuss the role that China could play in the development of Southern Sudan.²¹⁹ This meeting marked the defining moment between China and South Sudan, as both sides walked the fine line of ‘one-country-two-systems’. For his part, President Kiir was unequivocal in his message to the Chinese President as to what he wanted for Southern Sudan. He stated to his counterpart that “*the South Sudanese government is making efforts to eradicate poverty and it hopes to carry out cooperation with China in the areas of investment, infrastructure construction, telecommunications and human resources development.*”²²⁰ He further added that the post-war reconstruction was underway in Southern Sudan and that the participation of China would be welcome.

This message was in line with the SPLM vision of poverty eradication through its program of “*Moving Town to People*”.²²¹ Aware of high expectations among Southern Sudanese citizens, the SPLM leadership planned to accelerate the socioeconomic development of the region. According to Dr. John Garang, this vision could be achieved with the considerable wealth from oil revenues and an essential role for China.²²² Addressing a rally after the signing of the CPA, Dr. Garang explained his plan for Southern Sudan during the interim period:

*By the end of the six-year Interim Period I want Southern Sudan to be earning a least two billion dollars from oil revenues, two billion dollars from tourism, at least six billion dollars from agriculture and other enterprises, so that we have annual revenues of at least ten billion dollars. All this requires peace and stability all over Southern Sudan. Over the six years I want Southern Sudan transformed into the heaven on earth in Africa.”*²²³

Dr. Garang had envisaged the role of China in infrastructure development of the country. With a track record in quick delivery of infrastructural projects, Garang thought China would be able to

²¹⁸ Interview, Nhial, Juba, 2016.

²¹⁹ Interview, Nhial, Juba, 2016.

²²⁰ Mission of the People’s Republic of China to the European Union, Hu Jintao Meets with Sudanese First Vice President Kiir and Second Vice President Taha, 4 February 2007: 1.

²²¹ “Moving Town to People” Project of the SPLM.

²²² Interview, Dr John Oryem, Deputy Secretary for Research and Training, SPLM, Juba, 28 September 2018.

²²³ Dr John Garang addressing a rally on expectations from the peace agreement (CPA), 30 June 2005.

rapidly construct key infrastructure, such as roads, railways, airports, hospitals, schools, etc.²²⁴ The conviction of Garang, as a leader of the SPLM, demonstrates how China was indispensable to the socioeconomic development of South Sudan, and in-depth analysis of which will appear in chapter 5). This view continues, perhaps, to guide the SPLM leadership despite Garang's untimely demise in 2005. Thus, when Kiir travelled to China on a state visit in 2007, he carried the same message of what was expected from China in South Sudan's quest for socioeconomic development.

Backdoor diplomacy was now in full swing after the first meeting between Hu and Kiir in Khartoum. In 2007, Kiir visited Beijing with key messages for the Chinese leadership. Emerging from conflict, the provision of social services topped the list, followed by infrastructure development.²²⁵ More importantly, Kiir wanted Beijing to play a positive role in the implementation of the CPA. The Southern Sudanese delegation made it categorically clear to the Chinese leadership that smooth implementation would guarantee stability in the country, and the peaceful process leading to the referendum at the end of the interim in 2011 was particularly vital.²²⁶ From the outset after signing of the CPA, Dr. Garang, the signatory to the agreement, stated clearly that *"the implementation of the CPA will be more difficult than its negotiation."*²²⁷ He added that the SPLM *"will make the cost of not implementing the CPA higher than the cost of implementing it."* Garang was clearly pointing to different factors that could be costly to government in Khartoum, particularly the possible outbreak of conflict in the event that Khartoum obstructed the implementation or abrogated the CPA.

The SPLA was an important factor as GoSS, throughout the interim period, continued to build its army.²²⁸ However, winning over Beijing was critical in order to pressure Khartoum for peaceful implementation. The SPLM was aware of how much leverage China held over Khartoum, as the latter was isolated and considered a pariah state in the eye of the international community.²²⁹ On other hand, China was well aware that the violations of the Addis Ababa Accord of 1972 were among the key reasons for the outbreak of the Second Sudanese Civil War in 1983 and

²²⁴ Interview, Dr. Deng, Juba, 2015.

²²⁵ Interview, Monday Semaya, Beijing, 2017.

²²⁶ Interview, Dr. Inn Itto, Acting Secretary General of the SPLM, Juba, 8 September 2015.

²²⁷ Speech of Dr. John Garang, addressing masses during a tour of liberated areas explaining the CPA, 2004.

²²⁸ Interview, Senior SPLA General, Juba, 22 June, 2016.

²²⁹ Interview, Antipas Nyok, 24 May 2016.

consequently led to the departure of Chevron in 1984. The clarity of the message kept the Chinese leadership on the top of the issues and was a positive factor throughout the implementation of the CPA.

South Sudan Rises to Prominence

“If the Sudanese leader can no longer count on the Chinese to back him in clinging to the south, his options become far more limited.”²³⁰

The signing of the WSP in 2004, and the subsequent signing of the CPA, marked the beginning of China’s move to court the leadership of the SPLM. The invitation extended to President Kiir of the GoSS by Chinese President Hu Jintao demonstrated the substantive and prominent rise of South Sudan in China’s foreign policy agenda. Despite the Chinese leadership carefully navigating the blurred lines of one-country-two-systems, South Sudan was able to have its voice heard through the visit of Kiir to Beijing in 2007. Upon his arrival on Tuesday, 13 July 2007, President Kiir was received by the Chinese Vice President Zeng Qinghong and accorded a state visit ceremony with guard of honor inspection.²³¹ Kiir reiterated his previous message to Hu in Khartoum, requesting Chinese involvement in the reconstruction of Southern Sudan. The response from China was quick and substantive, opening the gates for Chinese contribution to the reconstruction of Southern Sudan.

In the same year of Kiir’s visit to Beijing, China started its contribution in the health sector by helping to combat one of the most lethal diseases in Africa, malaria. South Sudan lies within a tropical zone with vast wetland or ‘Sudd’,²³² which makes it susceptible to malaria. On 4 November 2007, China offered a grant worth \$394,348 for anti-malaria medicines.²³³ Two years

²³⁰ Alan Boswell, China Shifts Stance in Sudan, Advancing Prospects for Partition, *McClatchy Newspapers*, 2010. <http://www.mcclatchydc.com/news/nation-world/world/article24605671.html>

²³¹ Du Xiaodan, “China Willing to Help Resolve Darfur Issue as Sudan’s VP Visits Beijing,” CCTV International, 19 July, 2007: 1, <http://www.cctv.com/english/20070719/101701.shtml>.

²³² The plan to drain this Wetland/Sudd in 1980s, on which many people’s livelihood depends, through the Jonglei canal into the Nile and up to north Sudan and Egypt, was one of the reasons for the Second Sudanese Civil War 1983-2005.

²³³ Letter to Kuol Athian Mawien, Minister of Finance and Economic Planning, GoSS from Li Chengwen, Ambassador of the People’s Republic of China to Sudan, 4 November 2007; Letter to George Justin Achor,

later, China again offered a grant totaling \$394,348 USD for anti-malaria medicine procurement.²³⁴ The grant was conditioned on the use of medicines produced in China; nonetheless, this was an essential beginning from China that was considered by many in the SPLM leadership to have been hostage to Khartoum's policies.²³⁵ On 3 December 2007 the GoSS and the Government of China signed their first Economic and Technical Cooperation agreement, worth \$2,628,985 USD.²³⁶ The signing marked the beginning of official cooperation agreements that bypassed Khartoum and through which China could play a direct role in the socioeconomic development of Southern Sudan. At the signing ceremony, several developmental projects were agreed upon, notably the construction of prefabricated houses to address an acute shortage of housing for government officials (at the time, one room of a tent in Juba would cost \$100 USD per night), at the cost of \$1,051,594 USD.²³⁷ With little qualified human resource in the public sector, China offered \$262,898 USD to be utilized in the area of human resource and capacity-building in Southern Sudan.²³⁸

Determined to improve health services, the Ministry of Health began to roll out programs funded via the Technical and Economic Cooperation agreement signed between the GoSS and China in 2007. At the request of the GoSS, China provided medical equipment at a cost of \$657,246 USD, through the China Development bank, to address the poor health services in Southern Sudan.²³⁹ In terms of clean drinking water and sanitation, South Sudan ranked amongst the lowest in the world; for instance, it remains the location of 98% of the world's remaining Guinea worm cases, and 30% of the population do not have access to clean water according to the South Sudan Medical

Undersecretary, Ministry of Regional Cooperation, GoSS from Zhang Qingyang, Consul General, Consulate General of the People's Republic of China in Juba, 21 December 2009.

²³⁴ Letter to Dr. Joseph Monytuiel Wiejang, Minister of Health, GoSS from Zhang Qingyang, Consul General of the People's Republic of China in Juba, Sudan, 8 September 2009.

²³⁵ Interview, Dr. Itto, SPLM, 2015.

²³⁶ Agreement on Economic and Technical Cooperation between Government of South Sudan and China, 3 December 2007:1.

²³⁷ Letter to Dr. Luka Boing Deng, Minister of Presidential Affairs, GoSS from Li Chnegwen, Ambassador of the People's Republic of China to Sudan, 3 December 2007: 1. 8 million Y for house, 2M Y house

²³⁸ Letter to Dr. Luka Boing Deng, Minister of Presidential Affairs, GoSS from Li Chengwen, Ambassador of the People's Republic of China, 3 December 2007: 1.

²³⁹ Letter to Li Chengwen, Ambassador of the People's Republic of China to Sudan from Dr. Luka Boing Deng, Minister of Presidential Affairs, GoSS, 3 December 2007: 1-2.

Journal.²⁴⁰ To address part of this acute health problem, China agreed to undertake a project to dig water wells in Juba at a cost of \$657,246 USD.²⁴¹

South Sudan's social indicators remain amongst the lowest in the world. This is largely due to the prolonged violent conflicts (1955-1972 and 1983-2005) that have plagued the region since Sudan's independence. With no fully functioning hospital in a region of 8 million inhabitants (according to the 2008 Sudan general census), China built Rumbek Hospital,²⁴² the only modern health facility in South Sudan with a total area of 3,400m². The project was comprised of out-patient and in-patient buildings, a laboratory department, staff housing and affiliated housing facilities, and medical equipment.²⁴³ It was built at a cost of \$2,628,985 USD out of the \$10,515,938 USD total funds of the Technical and Economic Cooperation Agreement between Sudan and China.²⁴⁴ This marked the first Southern project funded by China through the Government of Sudan in Khartoum since the signing of the CPA, as most of the developmental funding had been used in the north. The move has been considered as a final push by Khartoum to make unity attractive, as per the CPA,²⁴⁵ to the people of Southern Sudan before the referendum in 2011.²⁴⁶ Apparently, the move was too little too late as Southern Sudanese would confirm their choice to secede via the referendum on 9 January 2011.

²⁴⁰ Interview, Dr. Thuou Loi; Victor Vuni Joseph, Water, sanitation and hygiene in South Sudan: what needs to be done to bridge the gap?, May 2014: 40.

²⁴¹ Letter to Dr. Luka Boing Deng, Minister of Presidential Affairs, GoSS from Li Chengwen, Ambassador of the People's Republic of China to Sudan, 3 December 2007: 1.

²⁴² Rumbek was the capital of the SPLM/A prior to the formation of the Government of Southern Sudan in 2005. It was also the first and only high school during Anglo-Egyptian Rule in Sudan 1898-1956, where Dr. Garang and many other Southern Sudanese leaders were educated, including the leader of the Southern Sudan Liberation Movement (SSLM)/Any-Nya, General Joseph Lagu.

²⁴³ Letter to Dr. Luka Tombekana Monoja, Minister of Health, GoSS from Zhang Qingyang, Consul General, The Consulate General of the People's Republic of China in Juba, 22 June 2010: 1-2

²⁴⁴ Agreement on Technical and Economic Cooperation between Government of the People's Republic of China and Government of Sudan, 17 November 2009: 1.

²⁴⁵ The Machakos Protocol provides for both parties to the agreement, the SPLM/A and Government of Sudan, to make unity attractive to the people of Southern Sudan during the six-year interim period at the end of which they will vote in a referendum choosing between unity and separation.

²⁴⁶ Interview, Dr. Thuou Loi Chengoth, Director General for Medical Services, Ministry of Health, Juba, 12 April 2016.

3. 3. The Divorce of Sudan

*“I and those who joined me in the bush and fought for more than twenty years, we have brought to you the CPA on a golden plate. Our mission is accomplished. It is now your turn, especially those who did not have a chance to experience bush life. When the time comes to vote at the referendum, it is your golden choice to determine your fate. Would you like to vote to be second class citizens in your own country? It is absolutely our choice”.*²⁴⁷

Run-up to the Referendum

*“If Khartoum tries to maintain Sudan’s territorial integrity by force, the consequences will be disastrous for millions of people and for China’s oil interests.”*²⁴⁸

At the time of the referendum, the unity of Sudan was in the balance and many in Sudan were concerned by how much was at stake. The *Machakos Protocol* stipulated the system of governance in Sudan during the six-year interim period to be ended with the internationally supervised referendum.²⁴⁹ The right of the people of Southern Sudan to self-determination was one of the key clauses.²⁵⁰ As Dr. Garang, in one of his many speeches, predicted that the implementation of the CPA would be more challenging than its negotiation,²⁵¹ the referendum was indeed one of the most difficult parts of the CPA to implement. For those with interests in Sudan, such as China and the US, a peaceful referendum was vital to avert any slide into what could have been more bitter, violent and devastating war than those that had come before. Tom Rafferty summarized the situation during the run up to the referendum:

As South Sudan’s referendum on independence draws nearer, the international community is preparing for the possible division of Sudan into two independent states. With signs of growing tensions and several issues still to be resolved by negotiations— notably agreements on the demarcation of a north/south border and the distribution of oil revenue— there is a risk of a return to the decades-long civil war fought between the ruling National Congress Party (NCP) and the southern-based Sudan People’s Liberation

²⁴⁷ Dr. John Garang speaking to South Sudanese in Rumbek on 16 May 2005 during the annual commemoration of the SPLM/A founding. He was talking about the signing of the CPA on 9 January that year and the choice to be made by the South Sudanese in the forthcoming referendum which, unfortunately, he did not live to participate in.

²⁴⁸ African Confidential, Beijing’s Balancing Act, African Confidential. Vol. 4 (AAC) No. 2, 2010: 2.
<https://www.africa-confidential.com/article/id/10496/Beijing%E2%80%99s-balancing-act>

²⁴⁹ The Machakos Protocol, 2002:2.

²⁵⁰ Ibid: 8.

²⁵¹ Speech by Dr. John Garang on the 23rd Anniversary of the founding of the SPLM/A in Rumbek, 16 May 2005.

Movement (SPLM) that was ended by the 2005 Comprehensive Peace Agreement (CPA). Secretary of State Hillary Clinton has called Sudan a “ticking time bomb” and launched a fresh diplomatic drive aimed at applying pressure on both sides to avoid conflict.²⁵²

At this juncture, many major players in Sudan’s internal affairs, such as the Troika of Norway, United Kingdom and the United States, were worried about the prospect of the two sides of the CPA reverting to conflict. The US in particular were more concerned by a possible reversion to violent conflict given the concerted efforts it had made that led to the signing of the CPA. Former US Secretary of State Hilary Clinton indicated in her memoir, *Hard Choices*, that:

A Comprehensive Peace Agreement was finally signed in 2005, and in it included a promise that the South could eventually hold a referendum on independence. But in 2010, talks broke down, and preparations for the referendum stalled. The peace agreement appeared close to collapse, and a return to open conflict seemed likely. With lots of encouragement from the United States, the African Union, and other members of the international community, the two sides pulled back from the brink.²⁵³

By then, the South Sudanese were more determined than ever to carry on with the vote regardless.²⁵⁴ Thus, the Troika countries took the lead in mobilizing the international community to back a timely vote and pressure Khartoum not to obstruct the process:

The UK called a meeting of the UN Security Council on 16 November 2010, to address concerns over violence relating to the forthcoming referendum on South Sudanese independence on 9 January 2011. The meeting aimed to demonstrate to the North Sudanese government that the international community is paying close attention to the country and will not permit the situation to regress into violence. This was just the latest visible sign of concern over the situation in Sudan, coming shortly after the visit of a high level UN panel to the country between 10-15 October to closely examine the situation, and a statement from US Secretary of State Hilary Clinton condemning the Northern government. Clinton

²⁵² Tom Rafferty, *China’s Doctrine of Non-interference Challenged by Sudan’s Referendum*, 17 December 2010: 10.

²⁵³ Hilary Rodham Clinton, *Hard Choices*, New York, 2014: 283.

²⁵⁴ Interview, Sabit Alley, London, 2017.

*stated that there was only one possible outcome of the referendum, South Sudan's secession, and that any attempts by the North to interfere would be unacceptable.*²⁵⁵

The South Sudanese were mindful of Dr. Garang's advice on the guarantors of the Agreement. Dr. Garang made abundantly clear that no-one would guarantee the implementation of the CPA other than the people of South Sudan and the SPLA, as other guarantors would be complementary.²⁵⁶ The CPA had been witnessed by the international community, including regional and international bodies such as the AU and UN,²⁵⁷ yet Dr. Garang cautioned voters over the referendum of Western Sahara under the auspices of the UN since 1980 which never arrived.²⁵⁸ Thus, he concluded that even the world body could not guarantee the CPA implementation. China, still undecided on its position, adopted a wait-and-see attitude. Thus the stage was set for violence to erupt if the referendum were interrupted by the government in Khartoum. Given its difficult past relations with the SPLM/A, China was not ready to make another blunder this time around and opted to be neutral, ready to act quietly at the appropriate time.

However, the GoSS leadership expected China to play a significant role in prevailing on Khartoum to allow for a peaceful referendum and subsequent peaceful divorce of Sudan. One of the major reasons that informed the SPLM decision to continue Chinese oil contracts was *"the expected role of China in the implementation of the CPA and particularly the referendum."*²⁵⁹ During her visit to China in 2010, Dr. Ann Itto, then Deputy Secretary General of the SPLM, categorically told the Chinese leadership that, *"if you want to continue your investment in the oil industry, support the referendum and recognize the outcome."*²⁶⁰ For China and the GoSS/SPLM, the peaceful partition of Sudan would be advantageous as the former would continue its investment in the oil industry of the new state, while the latter would have achieved statehood.

²⁵⁵ Jamie Ingram, South Sudan's Referendum on Independence, 26 November 2010:1.

²⁵⁶ Dr. Garang addressing masses in Southern Blue Nile on the challenges ahead for the implementation of the CPA, Kurmuk, 2004.

²⁵⁷ The signing of the CPA was witnessed by 14 Heads of States (Kenyan President, Mwai Kibaki and Ugandan President, Yoweri Kaguta Museveni on behalf of IGAD); Representative of Governments (Egypt, Italy, Royal Kingdom of the Netherlands, Royal Norwegian Government, United Kingdom and Northern Ireland, and United States) and Regional and International Organizations (African Union, European Union, IGAD Partners Forum, League of Arab States and the United Nations).

²⁵⁸ Dr. Garang address on challenges of the CPA's implementation, 2004.

²⁵⁹ Interview, Dr. Deng, 2015.

²⁶⁰ Interview, Dr Ann Itto, 2015.

It was unavoidable that China would play some role in the referendum process in the light of its huge interests at stake. The outbreak of war would mean the loss of over 15 years of investment amounting to billions of U.S. dollars, particularly in the multitude of accumulated assets. For China to strictly adhere to its non-interference policy in the case of Sudan's referendum would be challenging and, in the eyes of many observers, put Chinese doctrine to test:

China is the key external power in Sudan as a result of the substantial assets that one key state-owned enterprise—China National Petroleum Company (CNPC)—has developed in the country. Yet despite its apparently compelling interest in ensuring stability in Sudan, China has so far adopted a policy of “wait and see” with regards to the referendum. At the root of this hesitancy is a lack of consensus in Beijing about how to balance growing overseas economic interests and international “responsibilities” with China’s traditional foreign policy doctrine of “non-interference” in another state’s internal affairs. Any renewal of north-south violence in Sudan will likely put that principle under further strain.²⁶¹

The possibility of violence was imminent as Khartoum remained something of a wild card and would surely ignite violence if it chose to obstruct the referendum process. As the international community mounted pressure on Sudanese leaders in Khartoum, China was also under immense pressure to use its leverage over the Government of Sudan.²⁶² As the major trading and developmental partner of Sudan, China wielded considerable influence to both persuade and pressure Khartoum to allow a free and peaceful referendum. Furthermore, China remained as the only major power protecting Sudan at the UN Security Council, particularly the indicted President Omar al-Bashir. Thus, China had more leverage in prevailing over Sudan than any other major power. Furthermore, as a rising power, China's willingness to steer Sudan towards a vote in a peaceful referendum was viewed by the international community as a test to its credibility. Many were nervous as the referendum loomed, including China, especially with billions of dollars investment in oil industry at risk.

²⁶¹ Tom Rafferty, China's Doctrine of Non-interference Challenged by Sudan's Referendum, *China Brief*. Vol. 10 (25), 17 December 2010: 10, https://jamestown.org/wp-content/uploads/2010/12/cb_010_fdf103.pdf?x87069

²⁶² Interview, Nhial, 2016.

The Vote and the Future of Chinese Oil Investment

“In exchange for the support for the referendum process, SPLM is promising to honor the previous oil contracts signed with Khartoum and to protect China’s oil assets.”²⁶³

The Chinese oil majors succeeded in extraordinary circumstances by developing the Sudanese oil industry. The CNPC and its subsidiaries had invested more than \$10 billion over the course of 15 years of involvement in Sudanese oil.²⁶⁴ Thus, the future of this huge investment was at real risk in the case of renewed violence between the north and south of Sudan. The GoSS leadership had expectations of China and wanted Beijing to prevail on Khartoum to allow for a free and fairly conducted referendum. As the referendum’s deadline loomed, China was increasingly coming to terms with the realities of the CPA and the vote in particular (see Figure 3.1. below).

During her visit to China in August 2010, Dr. Ann Itto, whilst doubled as Minister of Agriculture of GOSS and Deputy Secretary General of the SPLM, told Chinese leaders that their investments were tied to the role China would play in the upcoming referendum, emphasizing that *“if they want to protect their assets, the only way is to develop a very strong relationship with the government of Southern Sudan, respect the outcome of the referendum, and then we will be doing business.”²⁶⁵* The blunt message kept Chinese leaders on their toes. Soon afterwards, China dispatched a high level delegation to Juba to meet with the leadership and discuss the future of Chinese oil interests. During the visit of the CPC leaders to Juba in October 2010, the SPLM Secretary General, Pagan Amum, confirmed that the largest investor in Southern Sudan was China and that it had invested billions of dollars in oil development. He added that the Chinese would continue to invest in Southern Sudan as *“we have given assurances to the Chinese leadership delegation to protect the Chinese investments in southern Sudan, and are desirous to see more investment in the future.”²⁶⁶*

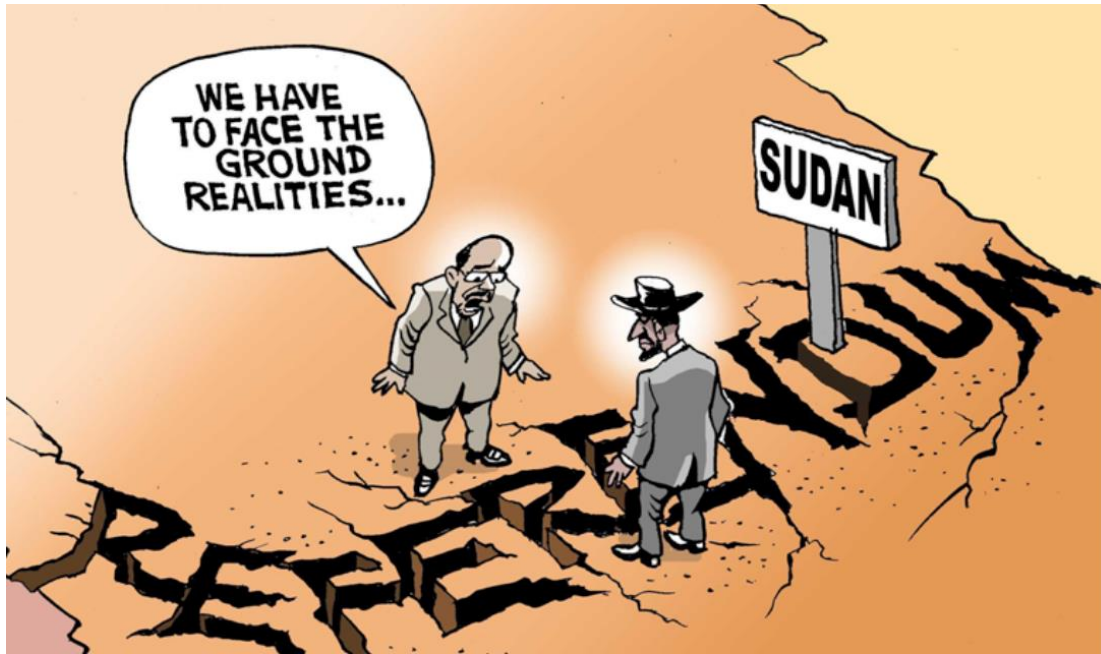
²⁶³ Alan Boswell, China Shifts Stance in Sudan, Advancing Prospects for Partition, *McClatchy Newspapers*, 2010. <http://www.mcclatchydc.com/news/nation-world/world/article24605671.html>

²⁶⁴ Interview, Paul Adong, Vice President of the DPOC and former CEO of the Nilepet Ltd, Juba, 16 July 2016.

²⁶⁵ Interview, Dr. Itto, SPLM, Juba, 2015; Sudan Tribune, “SPLM gives assurances on Chinese oil investments in South Sudan,” 2010, <http://www.sudantribune.com/SPLM-gives-assurances-on-Chinese.36612>.

²⁶⁶ Sudan Tribune, SPLM gives assurances on Chinese oil investments in South Sudan, 2010:1.

Figure 3.1. Cartoon depicting the map of the Referendum.



Source. Political Cartons.

China, cognizant of the safety of its interests as expected, set out to play a positive role in engaging both parties of the CPA. As both sides of the Sudanese divide were engaged in “*an arms race since the inception of the CPA*”,²⁶⁷ China was left with limited time to avoid the worst outcome and constructive engagement with the Sudanese parties was the only rational option to pursue, especially in light of the fact that South Sudanese leadership had resolved for the vote to take place regardless, which increased the pressure on China to act quickly (see figure 3.2., below). With numerous visits to both sides of the Sudans, Chinese leaders were busy during the run-up to the vote. China had played a positive role in the agreement between the UN and the Government of Sudan to establish and deploy the UN-AU Hybrid forces in Darfur, and now was the time to replicate the same role.²⁶⁸ China prevailed on the Sudanese leaders to agree on the Hybrid forces in Darfur, and preventing an outbreak of violence between Sudan and Southern Sudan emanating from the referendum was the best possible approach for China to protect its interest in the Sudans.

²⁶⁷ Interview, Senior SPLA General, 2016.

²⁶⁸ Interview, He Wenping, Research Project Director, Institute of West-Asian and African Studies, Chinese Academy of Social Sciences, Beijing, 6 September 2017.

Figure 3.2. SPLM flyers supporting a vote for separation.



Source. Sudan People's Liberation Movement, 2010.

In July 2010, with the referendum less than six months away, China dispatched a Special Envoy for Africa, Liu Guijing, to both Khartoum and Juba to relay the message of the Chinese leadership. After meeting with the Sudanese Foreign Minister, Ali Karti, Liu stated that *“his government would be delighted to see Sudan remain united following the 2011 referendum in the south, but Beijing will nonetheless respect choices made by Southerners.”*²⁶⁹ He further added that, *“at the same time, whatever happens, whatever the result of the referendum will be, we hope and we believe that peace and tranquility will prevail”*. These were the recurrent messages from China of the importance of a peaceful referendum, which concurred with the views of other members of the international community. China was also clear that the conduct of a peaceful referendum would guarantee continued Chinese investment in both Sudans, as in fact it did after the partition.

China did not limit its role to pushing for a peaceful referendum, but it was involved in the process. With quiet diplomacy Chinese officials were engaged with both parties throughout the months

²⁶⁹ Sudan Tribune, China Favours Sudan's Unity but will Respect Referendum Outcome, 6 July 2010, <http://www.sudantribune.com/China-favors-Sudan-s-unity-but,35591>.

leading to the referendum, particularly the Government of Sudan. The main emphasis of China was on a peaceful process irrespective of the outcome, to ensure a peaceful Sudan that would continue on the path of its development.²⁷⁰

As the referendum faced several challenges, which Sudan tried to exploit in arguing that the process needed to be delayed, the South Sudanese were adamant to proceed.²⁷¹ Amongst the major challenges were the border demarcation to determine the eligible voters, enacting and passing of the referendum law, and funding the process.²⁷² Despite these challenges, there was no appetite among the South Sudanese, citizens and leadership alike, to postpone or delay the vote (see figure 3.3. below). Therefore, the South Sudanese took the stance that, *“now that the prize is within reach, any perceived attempt by the North to snatch it away will be viewed as a declaration of war”*,²⁷³ which many actors, particularly China, were trying to avoid.

Figure 3.3. Symbol of the referendum vote.



Source: Southern Sudan Referendum Commission, Juba, 2011.

In order to support the process and mitigate some of the challenges, China was one of the members of the international community to offer funding and paid \$500,000 USD to the Southern Sudan Referendum Commission.²⁷⁴ During the vote, China sent an observation team to Sudan to provide its own assessment of the process. Shortly after the announcement of the result by the Southern

²⁷⁰ Interview, He Wenping, Beijing, September 2017.

²⁷¹ Interview, Biel Jock, former Head of Technical Department, South Sudan Referendum Commission, Juba, 2015.

²⁷² Interview, Biel Jock, Juba, 2015.

²⁷³ Richard Downie, Sudan's 2011 Referendum: The Main Challenges, 8 December 2010:1.

²⁷⁴ Interview, Biel Jock, Juba, 2015; Geoff Dyer, The Contest of the Century: The New Era of Competition with China, 4 February 2014.

Sudan Referendum Commission, China was quick to respond. In the words of the Chinese Foreign Ministry spokesman, Hong Lei: “*China respects the results of south Sudan referendum.*”²⁷⁵

Independence

The announcement of the referendum result, and the acceptance by Sudan, was a relief to China as well as other members of the international community. In light of concerted pressures, particularly from China, Sudan was left with no other choice but to allow the vote and accept the outcome. In the case of the people of South Sudan, the referendum was only to formalize their independence as they had considered themselves independent since 2005 and had been waiting patiently for the referendum.²⁷⁶ Thus, it could be argued that China was a positive force in this particular case, unlike its resistance to the international community’s attempts to resolve the war in Darfur in early 2003.

This swift move by China in confronting its strategic ally, Sudan, to peacefully allow the referendum for the partition of Sudan was unprecedented. It was informed by no reason other than its vital national interests in the Sudanese oil industry, which it had spent billions to develop during the course of 15 years.²⁷⁷ This has led many analysts to question the validity of China’s long standing foreign policy of non-interference.²⁷⁸ However, interference comes in different forms, both coercive and soft. China had, in the case of the Sudan referendum, considerably interfered in the most vital internal affairs of the country, namely its territorial integrity. Perhaps without China’s role in persuading and pressuring north Sudanese leaders not to obstruct the referendum process, South Sudan would have gained their independence in by different means and not according to the exact timeline specified in the CPA. As one of the leading member of the SPLM argued:

²⁷⁵ Deng Shasha, China respects south Sudan referendum results: FM spokesman, Xinhua, 8 February 2011, http://www.gov.cn/misc/2011-02/08/content_1799912.htm

²⁷⁶ Interview, Bangol, Juba, 2015.

²⁷⁷ Interview, Dr. Deng, 2015.

²⁷⁸ Interview, Ambassador Mohamed Al-Hassen, Director General, Directorate of Bilateral Relations, Ministry of Foreign Affairs, South Sudan, Juba, September 2015.

*The SPLM/South Sudan leaders have carefully and skillfully used their agency in turning China to their side in a matter of a few years. The political gain by the SPLM, despite no moral equivalency, outweighed the negative role China played during the war of liberation. Without China's pressure on the Islamic regime in Khartoum that is Jihadist in nature, it could have cost South Sudan possibly millions more lives and a longer period to achieve independence.*²⁷⁹

From this point, the GoSS/SPLM had achieved one of the key objectives that informed their pragmatic decision to engage instead of confronting China. The SPLM was cognizant of the considerable leverage that China held over Sudan given its unwavering support to the latter during the war of liberation, as well as on the issue of Darfur. According to the SPLM leaders during the CPA negotiation, for the sake of the implementation of the agreement, China's huge support to Sudan needed to be neutralized.²⁸⁰ Employing the leverage it had over China, which was “*its huge interests in South Sudan oil, the SPLM decided to engage the former such that its support to Khartoum is divided or neutralized.*”²⁸¹ In the case of Darfur, for instance, China had no vital interests such as it had in Southern Sudan. With about 75% of Sudanese oil wells located in South Sudan, such huge investment could not easily be overlooked or abandoned by Beijing. In fact, the strong Chinese support for Sudan was informed by its interests in the oil industry. However, since the majority of oilfields were now located in the South, there was no logical factor to prevent China from supporting the cause of the people of South Sudan for a free and independent state.

According to the Machakos Protocol, both parties were allowed six months to prepare for the partition and subsequent declaration of independence in the event of the Southern Sudanese voting for separation.²⁸² On 9 July 2011, exactly six months after the referendum on 9 January 2011, South Sudan declared independence to become the youngest nation on earth after Timor-Leste (see figure 3.4., below). In a ceremony attended by many world leaders from over 100 countries, China was present and prominent.²⁸³ At the celebration, President Hu was represented by his Special Envoy, Jiang Weixin, who was also a Minister of Housing and Urban-Rural Construction, and who

²⁷⁹ Interview, Bangol, 2015.

²⁸⁰ Interview, Dr John Yoh, Juba, 2016.

²⁸¹ Interview, Michael Makuei, Juba, 2016.

²⁸² The Implementation Modalities of Machakos and Power Sharing Protocols, Naivasha, Kenya, January 2004:142.

²⁸³ Interview, Bangol, 2015.

delivered a speech.²⁸⁴ In his speech he tried to address the post-independence issues that could drive the two Sudans back to conflict, stating that “*we believe that both sides can resolve their problems through negotiations and consultations---We sincerely hope that both Sudan and South Sudan can forever be good neighbors, good partners and good brothers.*”²⁸⁵ China understood the challenges that were lying ahead that could prove catastrophic if left unaddressed. After the long and bloody conflict spanning 50 years which had eventually split the largest country in the African continent, Beijing found itself, again, in the middle of the two belligerent neighbors.

Figure 3.4. Banner of referendum mobilization.



Source: Southern Sudan Youth Mobilization Committee, Juba, 2011.

As the independence ceremony was going on, the new nation of South Sudan was receiving congratulatory messages from leaders around the world and beginning to establish diplomatic relations. On the same day, Deng Alor Kuol, South Sudanese Minister of Foreign Affairs, and Jiang Weixin, the Chinese Envoy, signed the establishment of diplomatic relations.²⁸⁶ President Hu was among the first world leaders, despite not being present at the ceremony, to congratulate President Kiir; in a phone conversation he stated that “*Although China and Republic of South*

²⁸⁴ Interview, Monday Semaya, Beijing, 2017

²⁸⁵ Ben Blanchard, Eyeing Oil, China's Hu Promises Strong Ties with South Sudan, *Reuters*, 10 July 2011:2, <http://www.reuters.com/article/us-china-southsudan/eyeing-oil-chinas-hu-promises-strong-ties-with-south-sudan-idUSTRE7690RC20110710>.

²⁸⁶ Letter establishing diplomatic relations between China and South Sudan signed by both sides.

Sudan are separated by thousands of miles, the two peoples have a deep traditional friendship and common wish to enhance friendly exchanges.” Hu added that “China’s establishment of diplomatic ties with South Sudan has opened a new chapter in relations between the two countries.”²⁸⁷ The new chapter, that broke from the difficult past and carefully navigated the complexities of one-country-two-systems during the interim period towards more equal, free, and mutual relations, was now open between the Republic of South Sudan and the People’s Republic of China.

Chapter Conclusion

The evolution of South Sudan’s engagement with China spanned three phases. The signing of the CPA and subsequent formation of the Government of Southern Sudan (GoSS) marked the genesis of the ties between the two countries. The six-month pre-interim period was the start of informal contacts, followed by the formal links through the GoSS in Juba, where both sides employed backdoor diplomacy that bypassed Khartoum. Furthermore, the two sides had another means of contact through the Government of National Unity (GoNU). With a 28% share in both executive and legislature, including the position of the First Vice President (who was also the President of the GoSS), South Sudan used its role in the GoNU to tame the monopoly of the NCP over the relations with China.

As South Sudanese leaders and China navigated the difficulties of one-country-two-systems, South Sudan rose to the prominence in Chinese foreign policy agenda throughout the six-month interim period. At the end of the interim period came the final stage of the CPA, which was the Southern Sudanese referendum. As the referendum approached, China’s interests would be at risk in the event that war broke out between GoSS and the Government of Sudan due to possible obstruction from Khartoum. Moreover, through the channels between the GoSS/SPLM and China, Beijing was assured by Juba that the continuation of oil contracts would be guaranteed as long as China prevailed over Khartoum not to obstruct, delay or postpone the referendum. In fact, China played a crucial role in engaging Khartoum to allow the peaceful vote in a referendum that split Sudan into North and South.

²⁸⁷ Ben Blanchard, *Eyeing Oil, China’s Hu Promises Strong Ties with South Sudan*, 2011:1-2.

The key reasons that informed the pragmatic, bold and carefully calculated decision of the SPLM/GoSS to engage China were well considered. Both sides skillfully and successfully navigated the difficulties posed by one-country-two-systems as they built and deepened new relations throughout the interim period. It can also be argued that, politically, the SPLM/GoSS had successfully employed oil as leverage over China. Through its vital interest in Sudan's oil industry, China was inclined to persuade Khartoum to avoid what many observers believed would be a catastrophic war had the Government of Sudan obstructed the referendum. The political engagement was not confined to just government-to-government relations, but was realized through a two-pronged approach that also involved party-to-party communication. As a matter of fact the two ruling parties, the SPLM and CPC, pioneered the engagement between the two countries, as will be evidenced in the next chapter.

CHAPTER FOUR

Grand Cooperation of the two Ruling Parties: The Sudan People's Liberation Movement and the Communist Party of China

“The SPLM’s approach towards China after the CPA was predicated upon “turning enemies into friends.”²⁸⁸

The links between Sudan People's Liberation Movement (SPLM) and Communist Party of China (CPC) date back to the signing of the Comprehensive Peace Agreement (CPA) in 2005. The two parties had quickly anticipated the possibility of mutual interests between their respective countries. Soon after the signing of the CPA, both the SPLM and CPC moved to step up their cooperation. In March 2005, the SPLM leadership sent a high level delegation²⁸⁹ to China to meet with the Chinese leadership. It was a move that was unimaginable just a few years before the CPA. At the time of the war of liberation of South Sudan, China was considered by the SPLM/A as a negative influence and sometimes an enemy in its struggle against the Sudanese regime. During the war the Sudan People's Liberation Army (SPLA), the military wing of the SPLM, identified Chinese oil interests in Sudan as legitimate military targets. Against the backdrop of their antagonistic past, both parties had pioneered the engagement between South Sudan and China during the CPA negotiations in Kenya.

The change of heart of the SPLM leaders made it easier for both sides (South Sudan and China) to continue building rapprochement, which was unthinkable prior to the CPA in 2005. They began working through their respective governments to enhance the relationship and deepen cooperation. Throughout the CPA's interim period up to the independence of South Sudan, ties were strengthened, leaders from both ruling parties conducted several official visits and agreements of mutual benefit have been signed. The two parties quickly developed good working relations as both shared many similar characteristics: liberation struggle, and the transitions from liberation movement into a political party, liberation movement into government, and liberation movement into an army. On other hand, both parties shared ideological background despite that the fact that

²⁸⁸ Daniel Large, South Sudan Looks East: Between the CPA and Independence, 11 November 2011: 55.

<file:///D:/Large%20and%20Luke/Large-pdf-2.pdf>

²⁸⁹ The SPLM delegation was led by the current President of South Sudan, Salva Kiir Mayardit, in his capacity as Deputy Chairman of the SPLM/A.

the SPLM had shifted somewhat from the Eastern Bloc to the West after the collapse of the Soviet Union and the Communist Ethiopia of Mengistu Haile Mariam in 1990s. As such, the SPLM was well placed to learn from sharing of experiences with the CPC given the extensive expertise of the latter in many relevant aspects of transition, particularly in party transformation, governance and socioeconomic development.

This chapter will examine how the two parties pioneered the current level of cooperation between the two countries soon after the signing of the CPA in 2005. The chapter is also to investigate how the two parties are engaging in a number of areas of mutual interest, particularly in strengthening and complementing the existing relationship between their two countries. It is also important to explore how the two parties have and can continue to learn from each other's experiences in transforming a liberation movement into a political and ruling party, given their similar background as revolutionary movements. Furthermore, it's vital to examine how the SPLM, in particular, is benefiting from CPC's wealth of experience in the areas of governance and socioeconomic development of a war-ravaged country as the CPC did in 1949.

To understand the development of the relations between the two ruling parties, the SPLM and the CPC, it is imperative to first of all explore the evolution of the SPLM from a liberation movement to a political party after the CPA. The genesis of the cooperation between the two parties and its significance for the engagement between South Sudan and China will then be examined. The chapter will further investigate the CPC's exchange of experiences and support for the SPLM in the vital areas of the SPLM's transformation into a viable political and ruling party, governing a country emerging out of violent conflict, and the socioeconomic development of South Sudan. The analyses of these factors will provide an enhanced understanding of the important role of both parties in the engagement between the two countries. Thus, the following chapter on political cooperation will crystalize the complementary role of the ruling parties in strengthening and consolidating engagement between South Sudan and China.

4.1. Evolution of Sudan People's Liberation Movement/Army (SPLM/A)

Reasons Leading to the Birth of the SPLM/A

The abrogation of the Addis Ababa Agreement (AAA) signed on February 12 1972 was the main driver of the Second Sudanese Civil War. The agreement was between the Government of Sudan and the Southern Sudan Liberation Movement (SSLM) and its military wing, the Anya-Nya I.²⁹⁰ From the outset of the implementation process, President Jaafar Mohamed Nimeiri, alongside his northern elites, “*began the systematic violation of the Accord.*”²⁹¹ Initially, the agreement was not widely supported by many members of the SSLM and its military wing, the Anya-Nya I. Among the top critics of the Sudanese approach was then-Captain John Garang De Mabior,²⁹² who would become a leader of the SPLM/A ten years later. One of the key reasons for their objection was the integration of the Anya-Nya forces. The Anya-Nya was considered to be a vital guarantor of the agreement due to lack of trust in the Northern leaders’ willingness to honor the agreements. This mistrust was informed historically by “*many agreements dishonored*” by the North dating back as far as Turco-Egyptian Rule, Mahdia Rule, Anglo-Egyptian Rule and the subsequent independence of Sudan.²⁹³ The fears of the sceptics of the AAA were validated by Nimeiri’s actions in violating the agreement, which turned out to have catastrophic impact and eventually resulted in the breakup of the Sudan in 2011.

The violations of the Addis Ababa Accord were explicit and unambiguous. President Nimeiri disregarded the High Executive Council, the body that was governing the autonomous region of Southern Sudan as per the AAA, in his quest for total revocation of the agreement.²⁹⁴ In 1983 Nimeiri decreed the dissolution of the High Executive Council and the Southern Parliament.²⁹⁵ To weaken the South, Nimeiri decided to divide the Southern region into three weaker regions.²⁹⁶

²⁹⁰ Addis Ababa Accord, 27 February 1972.

²⁹¹ Manifesto of the Sudan People's Liberation Movement (SPLM), 31 July 1983:8.

²⁹² Letter from Captain Garang to the leader of the SSLM/Anya-Nya General Joseph Lagu and his negotiating team in Addis Ababa.

²⁹³ Sudan had gone through two colonizations by Turco-Egyptian and Anglo-Egyptian rulers; in between came Mahdia Revolution against the Turks, which led to the colonization of Southern Sudan through slavery and forced Islamization.

²⁹⁴ Interview, Paul Mayom Akec, former Minister of Irrigation and Water Resources, Juba, 2015.

²⁹⁵ Interview, Antipas Nyok, Secretary of Political Mobilization, SPLM, Juba, 24 May 2016.

²⁹⁶ Interview, Achuil Malith Bangol, former Secretary of Syndicated Organizations, SPLM, Juba, 2015.

Sharia law was applied across Sudan, including to Christians and believers of Traditional African Religions in the South.²⁹⁷ Construction began on the Jonglei canal to drain the water from the wetlands into the Nile, which would deprive the population that depend on it for their livelihood.²⁹⁸ Moreover, *“the plan to resettle two and a half million Egyptian peasants along the canal”*²⁹⁹ was unacceptable to the South. Upon the discovery of oil, Nimeiri decided that all oil infrastructure was to be built in the north: *“the oil refinery in Kosti instead of Bentiu, where oil was discovered in Southern Sudan---It was later decided to abandon the Kosti refinery, and pipe the crude to Port Sudan for export.”*³⁰⁰ Furthermore, Nimeiri attempted to redraw the boundary between the South and North to annex the *“oil areas, the rich agricultural lands of the Renk and the nickel and uranium discoveries in the South as part of the North.”*³⁰¹ Finally, President Nimeiri completed the final provocation of the South Sudanese when he ordered the transfer of the remaining few battalions of the Anya-Nya I forces to the North and their integration into the Sudanese army.³⁰² That was the trigger point of the next 22 years of the Second Sudanese Civil War (1983-2005).

On 16 May 1983, battalions 104 (in Bor and Pibor) and 105 (in Ayod and Pochalla) of the Sudanese Armed Forces³⁰³ mutinied against the Government of Sudan’s orders to relocate to the north, marking the beginning of the Second Sudanese Civil War.³⁰⁴ This move was later summed up in the SPLM Manifesto, explaining the Anya-Nya officers’ initial plan against Nimeiri’s continued violations of the AAA:

The above attempts by the repressive minority clique regime in Khartoum to dismantle the Addis Ababa Agreement on the military side were used by prominent absorbed Anyanya I officers as a basis to organize two contingency plans within the Sudanese Army. The first plan was to attack and capture Juba, Capital of the Southern Region. This plan was to be

²⁹⁷ Interview, Bangol, Juba, 2015.

²⁹⁸ Interview, Bangol, 2015.

²⁹⁹ Manifesto of the SPLM/A: 1983: 8.

³⁰⁰ Ibid: 9.

³⁰¹ Ibid.

³⁰² Ibid: 11.

³⁰³ The two battalions were part of the absorbed Anya-Nya forces as part of Addis Ababa Accord of 1972. They mutinied against the relocation to the North as they were part of the few remaining battalions which the former Anya-Nya officers planned to use in staging a new rebellion in June 1983. Due to the planned attack by the Sudan government forces, they pre-empted that move and attacked the towns before leaving for the bush.

³⁰⁴ Manifesto of the Sudan People’s Liberation Movement/Army, 31 July 1983:11.

*executed by Battalion 105 with re-enforcement from Torit and Kapeota, and from Anyin-Nya II who were to assemble near Ayod and Pachalla. A socialist government was to be established in Juba and measures taken to assist in transforming the situation in Khartoum. The second plan, in the event that Khartoum attacked first displacing and dislodging Battalion 105 and 104 from their bases, was to regroup and reorganize to wage a protracted armed struggle for the total liberation of the Sudan. It is the second plan that has become necessary. Khartoum attacked Bor and Pibor Garrisons on 16/5/1983, and later the Ayod Garrison attacked Khartoum forces that were sent to arrest the commander.*³⁰⁵

The rebellious forces moved to the Ethiopian region of Gambella to regroup, and organized to launch a liberation struggle spanning 22 years (1983-2005). In July 1983, the group was organized into the Sudan People's Liberation Movement (SPLM) as a political wing and Sudan People's Liberation Army (SPLA) as a military wing under the leadership of Dr. Garang. During the early years of struggle, the movement was more a military organization than political. Since then, the SPLM/A continued to grapple with its attempts to organize as a political movement rather than just a military one, which caused internal wrangling from its inception.

The Dark Era of the SPLM/A and Attempts to Transform

After the collapse of the former Soviet Union, and subsequently Mengistu's regime in Ethiopia, the SPLM/A came under intense pressure as it cultivated its new support base in the Western bloc. The main backing of the SPLM/A came from the former Soviet bloc, particularly Ethiopia, Cuba and Libya.³⁰⁶ At this time all odds were stacked against the SPLM/A. After tight control over of the affairs of the SPLM/A by Dr. Garang with the help of Ethiopia, where dissent was nearly absent, cracks began to surface. In August 1991, two members of the High Command, the highest authority of the SPLM/A, declared a coup against Dr. Garang from their base in Nasir town.³⁰⁷ From that coup, dubbed as the Nasir Declaration, the movement became split into what was known as SPLM/A Mainstream (Torit) under Garang and the SPLM/A Nasir Faction under Dr. Riek

³⁰⁵ Manifesto of the SPLM/A, 1983: 12.

³⁰⁶ Interview, Nhial Deng Nhial, Juba, 5 February 2016.

³⁰⁷ Interview, Dr. Lam Akol, Chairman of the SPLM-Democratic Change (SPLM-DC, former Minister of Foreign Affairs of Sudan during the CPA under the SPLM quota of GoNU; one of the SPLM/A member of the High Command who declared a failed coup in 1991 and rejoined the movement in 2004, but broke away again in 2008 to form SPLM-DC.

Machar and Dr. Lam Akol. The defecting SPLM/A Nasir group accused the SPLM mainstream of dictatorship, lack of direction and lack of democracy within the movement.³⁰⁸

Initially a movement based in socialism, the SPLM was founded on a highly centralized system of control. Moreover, the SPLM/A was founded by the former SSLM/Any-Nya members who were arguably informed by the experiences of the first movement. During the Anya-Nya I war (First Sudanese Civil War), the movement was highly fragmented into about 7 factions with separate political and military functions, which rendered them ineffective.³⁰⁹ Additionally the SPLM/A, as a military-centered organization, had banned dissenting views, which further informs the manner in which the SPLM/A was firmly controlled. The defection of the two leaders was described by many concerned observers as the beginning of a dark era of the SPLM.³¹⁰ The split was a major setback and played into the hands of the Government of Sudan in Khartoum. The breakaway faction allied with Sudanese Armed Forces against the SPLM/A, particularly in the Greater Upper where oilfields were located.³¹¹ After weakening the SPLM/A, and with the Nasir faction's support in protecting the oilfields, the National Islamic Front (NIF) backed-government in Khartoum was able to extract oil. The oil revenues were in turn used to procure arms that the Government of Sudan used to commit grave atrocities, coming close to defeating the SPLM/A in the 1990s.³¹²

To respond to these allegations, the leadership of the mainstream SPLM/A convened a famous conference known as 1st SPLM National Convention (National Convention of New Sudan).³¹³ The convention marked the beginning of the transformation of the movement into a quasi-political organization.³¹⁴ From 2-13 April 1994 in Chukudum, Eastern Equatoria, over 500 delegates from all over the liberated areas (Bahr el-Ghazal, Upper Nile, Equatoria, Southern Kordofan and Southern Blue Nile) attended the convention to deliberate on the question of governance in the

³⁰⁸ Garang Lual, *The SPLM/A Split of 1991: An Apocalypse, Not A Blessing*, 2010, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleViews/mind/519/articleid/3366/the-SPLM-Split-of-1991-an-apocalypse-not-a-blessing.aspx>.

³⁰⁹ Manifesto of the SPLM, 1983: 6.

³¹⁰ Interview, Nyok, Juba, 2016.

³¹¹ Interview, Michael Makuei Lueth, Juba, 2016.

³¹² Interview, Senior SPLA General, Juba, 2016.

³¹³ Oystein Rolandsen, *Guerrilla Government: Political Changes in the Southern Sudan During the 1990s*, 2005: 81.

³¹⁴ Benedetta De Alessi, *The War-to-Peace Transition of the SPLM/A in the SPLM during the Implementation of the Sudan's Comprehensive Peace Agreement* [Thesis]. Department of Politics and International Studies, SOAS University of London, 2012:76

SPLM/A control areas.³¹⁵ The convention, chaired by Commander Yousif Kuwa Meki,³¹⁶ resolved to establish three systems of governance in the New Sudan: legislative, executive and judicial.³¹⁷ The structure of the local government under the Civil Administration of New Sudan (CANS) was to be composed of four levels: Boma,³¹⁸ Payam, County, Region and Central.³¹⁹ The convention ended with the election of the National Liberation Council and National Executive Council as legislative and executive bodies of the SPLM/A respectively, and both were headed by Dr. Garang.³²⁰

The resolutions of the convention set the stage for the organization of the SPLM into structures. The NC served as a parliament, with the NLC as the highest political organ of the SPLM beginning in 1994.³²¹ From then until 2005, the SPLM tried to build its political wing through these two organs. In 2006, the SPLM formed interim structures to fit the new realities of peacetime. At that point, based on the CPA, the SPLM/A was to divide itself into several government structures: the Government of South Sudan (GoSS), the SPLA as the army of Southern Sudan and SPLM as the ruling political party.³²² Moreover, participating in the GoNU in Khartoum with a 28% share of power, the SPLM was faced with the real challenge of distributing its cadres across these new organs. Most of the qualified cadres were appointed into various government organs, leaving the party with a shortfall of qualified cadres to run its affairs and oversee its members in both GoNU and GoSS. It was at this juncture that a serious quest for transformation of the SPLM was triggered, particularly regarding recruitment and training of the new cadres. The lack of effective political and administrative organization in the SPLM/A continued to be a major challenge of its transformation into a viable political party administering the new state, as this thesis will reveal.

³¹⁵ Interview, Bangol, Juba, 2015.

³¹⁶ Yousif Kuwa Makhi was one of the SPLM leaders in charge of Nuba Mountain Military Zone during the war of liberation.

³¹⁷ De Alessi, 2012: 76.

³¹⁸ Boma is the lowest administrative unit in South Sudan. It was derived from small town called Boma, which was the first town that the SPLA captured from the Sudan Armed Forces in Pibor area.

³¹⁹ Resolutions of 1st SPLM National Convention, 1994.

³²⁰ Resolution of 1st SPLM National Convention, 1994.

³²¹ Oystein Rolandsen, *Guerrilla Government*: 2005.82.

³²² De Alessi, 2012: 77.

The SPLM/A's Adaptation to the CPA: From War to Peace

In the run up to the CPA, the leadership of the movement laid the foundations for the process of transforming the SPLM/A to cope with the new realities. It was important for the SPLM to prepare a political party capable of exerting influence and exercising its duties in the Government of National Unity (GoNU) as well as governing an autonomous region of Southern Sudan. After a series of meetings of the party leadership in the New Site, Kapoeta, Eastern Equatoria State, the SPLM worked out “*detailed plans for the transfer of the military, political and administrative organs of the movement into various new institutions and levels: Government of Southern Sudan (GoSS), the SPLM party, and the SPLA as the army.*”³²³ Three committees were convened to deal with transforming the Civil Administration for New Sudan (CANS) into government institutions for GoSS, organizing and building a viable and functioning SPLM political party, and turning the SPLA into a professional and conventional army capable of protecting the territorial integrity of Southern Sudan and upholding the CPA.³²⁴ The SPLM leadership, particularly Dr. Garang, argued that the single most important guarantor of the CPA was the SPLA. Garang unequivocally stated that by reorganizing, training and equipping the SPLA, the movement “*will make the cost of not implementing the CPA higher than the cost of implementing*”.³²⁵ In light of the role set for the SPLA by the SPLM with regard to the implementation of peace, it can be argued that the Sudanese parties to the CPA could have reverted to conflict if not for the important role China played in the implementation of the CPA, particularly the referendum.

From the outset of the interim period, the SPLM was faced with the daunting simultaneous challenges of transforming itself, governing and providing socioeconomic services. Furthermore, the SPLM was grappling with the implementation of the CPA, compounded with the untimely death of its founding father Dr. Garang in a helicopter crash on his way from Kampala, Uganda to New Site, South Sudan. It was a shock to the leadership and people of South Sudan, as he died only three weeks after being sworn in as the 1st Vice President of Sudan and President of the Government of Southern Sudan.³²⁶ The demise of Dr. Garang remains a huge setback for the

³²³ SPLM Economic Commission, SPLM Strategic Framework for War-to-Peace Transition, 2004: 7.

³²⁴ Naseem Badiey, The State of Post-conflict Reconstruction: Land, Urban Development and State-Building in Juba, Southern Sudan, (Woodbridge, Boydell & Brewer 2014), 77.

³²⁵ Speech of Dr. Garang during the 22nd anniversary of the founding of the SPLM/A, Rumbek, 16 May 2005.

³²⁶ Gray Phombeah, “Obituary: John Garang,” BBC, 2005. <http://news.bbc.co.uk/1/hi/world/africa/2134220.stm>

SPLM leadership in its quest to transform into a viable political party, govern to the satisfaction of the people of South Sudan and provide basic social services.³²⁷ It has also been argued that for the SPLM as “*a rebel movement for twenty-one years with overly centralized decision making structures and weak administrative capacity, the shift to government would have been difficult under ideal circumstances.*”³²⁸ With both the numerous pitfalls of transition from liberation movement to government and the demise of its leader Dr. Garang, the SPLM was destined to crisis or failure, particularly in the fields of governance and socioeconomic development of a war-ravaged nation.

To measure up to the challenges of transformation, governance and socioeconomic development, the SPLM did not only depend on its traditional Western allies such as the United States. Instead it judiciously opted to engage China through its ruling party, the Communist Party of China (CPC). Despite the bitter history during the war when China supported Sudan against the SPLM/A, the movement adeptly resolved to forgo the past and open a new chapter of cooperation based on mutual interests.³²⁹ This led some analysts to describe the strategic decision taken by the movement thus: “*the SPLM’s approach towards China after the CPA was predicated upon turning enemies into friends.*”³³⁰ Luke Patey further argues that “*this position was a far cry from the SPLM position during the Sudan’s second civil war, when Chinese oil interests were military targets for the Southern rebels.*”³³¹

This well-calculated shift in the SPLM position was equally matched by the CPC’s leadership in shifting from its traditional allies in Khartoum and instead courting Juba dynamically. The move led to some analysts describe it as “*a clear sign that both the South Sudanese and the Chinese were more pragmatic than principled.*”³³² Apparently, the SPLM decision to engage China was mostly influenced by political and economic interests with a hope to expedite the development of a war-ravaged country and benefit from the vital role the latter could play in implementing the CPA.³³³

³²⁷ Interview, Nyok, Juba, 2016.

³²⁸ Crisis Group International, Sudan’s Comprehensive Peace Agreement: The Long Road Ahead, 2006: 20.

³²⁹ Interview, Nyok, Juba, 2016.

³³⁰ Daniel Large, South Sudan Looks East: Between the CPA and Independence, November 2011:30.

³³¹ Patey, The New Kings of Crudes, 2012:223

³³² Ibid.

³³³ Interview, Nyok, Juba, 2016.

Moreover, as a ruling party in South Sudan, the SPLM sought to learn and exchange experiences with a highly experienced ruling party, the Communist Party of China, particularly in the areas of party transformation, governance, and socioeconomic development.

4.2. Genesis of the two Parties' Cooperation

Internal Debate in the SPLM and Beijing Visit

The formal links between the two parties, the SPLM and CPC, started after the signing of the CPA in 2005. The CPA provided for a six month pre-interim period to prepare both parties of the CPA for the actual interim period. During this period, the SPLM/A did not waste much time in asserting itself via their external relations, of which China was at the top of agenda. Throughout the negotiation of the CPA, and particularly the Wealth Sharing Protocol (WSP), China was present behind the scenes. Given two messages opposed to the interruption of oil contracts and assuring stability for their continued investment,³³⁴ this is what China was expecting from the SPLM leadership. Faced with necessities of peace, the SPLM leadership agreed in the WSP to respect the Chinese oil contracts signed by the Government of Sudan during the war.³³⁵ After the SPLM leadership concluded the WSP, it was pointless not to engage with China, given its massive investment in the oil industry that would provide critical revenues for the soon-to-be formed Government of Southern Sudan (GoSS).

However, before the SPLM agreed to respect Chinese oil contracts and the subsequent signing of the Wealth Sharing Protocol, an important debate was stirring within the SPLM leadership. Given the destructive role played by China in the war of liberation, many SPLM leaders were reluctant to cooperate with China, particularly over its *“investment in oil industry of which Sudan used its revenues to commit atrocities in South Sudan.”*³³⁶ As such, a committee was formed to examine the future of the oil contracts, and whether (and how) to deal with China during the interim period. The committee recommended the continuation of the oil contracts with limited reviews of social

³³⁴ Interview, Bangol, Juba, 2015.

³³⁵ Wealth Sharing Protocol, Naivasha, Kenya, 7 January 2004: 53.

³³⁶ Interview, Nyok, Juba, 2015.

and environmental impacts, which the leadership endorsed.³³⁷ The decision was informed by many objective reasons: the importance of continued flow of oil revenues needed for the reconstruction of the war-ravaged Southern Sudan through the GoSS; the credibility challenges of attracting new investors if contracts were interrupted, and the effect of insecurity of the region on such a capital intensive investment.³³⁸ More importantly, the leadership resolved that it was vital to engage China to at least neutralize or reduce China's support for Khartoum, particularly with regards to the implementation of the CPA (to be discussed further in the subsequent sections). Given the expected challenges of the implementation, China was the only major power with significant enough leverage to persuade or pressure Khartoum to allow for the full and peaceful implementation of the CPA.³³⁹ After it was negatively used against the SPLM and people of South Sudan during the war, the SPLM successfully used Beijing's huge investment in oil industry to its advantage as a critical leverage over China throughout the interim period and beyond.

Informed by the realities of the CPA, particularly the status of its oil investment, China was keen to engage with the SPLM on the highest level. Soon after the signing of the CPA on 9 January 2005, Chinese leadership extended an invitation to the leader of the SPLM/A, Dr. Garang, to visit Beijing.³⁴⁰ The SPLM leader declined and instead delegated to his deputy, the current President of South Sudan, Salva Kiir, who led a high level delegation of the SPLM/A to China and met with the Chinese leadership, including Communist Party officials.³⁴¹ In March 2005, barely three months after the signing of the CPA, the SPLM leadership was, to the surprise of many, on the ground in Beijing. The visit was ground-breaking as the SPLM intended to meet both the leaders of Communist Party of China and the government of China to identify areas of mutual interest and cooperation upon which their engagement could be predicated.³⁴² The SPLM leadership did not hide their intentions from the Chinese leadership; with the majority of Chinese oil interests located in the south, the SPLM/A made categorically clear the movement's intention to establish some kind of economic and political cooperation.³⁴³ Moreover, socioeconomic cooperation was an

³³⁷ Interview, Nhial, 2016.

³³⁸ Interview, Dr. Lual Deng, Juba, 2015; Michael Lueth, Juba, 2016.

³³⁹ Interview, Dr. John Gai Yoh, Juba, 2016.

³⁴⁰ Interview, Nhial, Juba, 2016.

³⁴¹ Interview, Nhial, 2016.

³⁴² Interview, Dr. Lam Akol, Juba, 26 January 2016.

³⁴³ Interview, Nhial, Juba, 2016.

important item of discussion as the SPLM/A planned to reconstruct the war-ravaged south.³⁴⁴ Thus, the Chinese leadership was aware of their expected role in the implementation of the peace agreement, despite its close relations with Government of Sudan and the NCP.³⁴⁵

Engagement during the CPA's Interim Period

Throughout the interim period, both parties set out to consolidate their fledgling relations, particularly in the run-up to the referendum. Racing with time to build strong relations with the ruling party in Southern Sudan, the CPC appealed to Chairman Kiir of the SPLM during his second visit to Beijing in 2007 to formally establish party-to-party links with the aim of enhancing their cooperation.³⁴⁶ The CPC was more interested in maintaining strong ties with the SPLM, which was instrumental in the smoothness of ongoing relations between China and the Government of Southern Sudan (GoSS). Equally, the SPLM leadership knew the significance of engaging the CPC directly as an important extension of the Chinese state, and were aware of the role the latter could play in Southern Sudan.³⁴⁷ Given their similarities with the CPC as a liberation movement which became the government of China, the SPLM understood that the division between party and state was blurred. Hence, building cordial relations with the CPC was essential in influencing Chinese government policies. Furthermore, learning from the experience of the relationship between the CPC and National Congress Party (NCP) of Sudan, despite clear ideological differences, replicating the relationship was an important part of the SPLM quest to neutralize the support of the former to the latter. Both ruling parties continued in pioneering the engagement between the two countries, and party-to-party cooperation has eventually proved to be an essential factor of South Sudan-China relations.

After the visit of Kiir to Beijing, the debate over engagement with China during the negotiation of the CPA was again revisited in the context of party-to-party relations. Cognizant of its historical shifts between the Eastern and Western blocs during the war, (despite its alignment with the former Soviet Union) the SPLM leadership took a careful look into the basis of cooperation. Within the top leadership of the SPLM, there were a small number of left-leaning officials (despite some of

³⁴⁴ Interview, Ann Itto, Juba, 2015.

³⁴⁵ Interview, Nhial, 2016.

³⁴⁶ MOU between the SPLM and CPC for experiences exchange for a period of four years (2011-2015).

³⁴⁷ Interview, Bangol, Juba, 2015.

them remaining with the SPLM-North after the party became split between North and South of the Sudan in 2011) who would be more open in dealing with the CPC without reservation. Nonetheless, a large majority of the top leadership, despite accommodating leftist views for tactical reasons during the liberation struggle as many third world liberation movements did, were not comfortable in dealing with the CPC.³⁴⁸ After deliberations, the SPLM resolved to build ties with the Communist Party of China, but excluded ideological association as the party confirmed democratic values to be appropriate for South Sudan.³⁴⁹ These democratic ideals were proposed to be at the heart of the SPLM's transformation with the leadership's adoption of the SPLM Strategic Framework for War-to-Peace Transition, which stated that:

*That is, transformation of the SPLMA is a sine quo non for transforming the [South] Sudan. A transformed SPLM would be able to create political space as well as an enabling environment for participatory democracy and a culture of political tolerance to differing views in the post-conflict [South] Sudan. ---Reorganization of the SPLM structures and formation of departments/bureaus with the view of making it the center as well as the driving force for democratic transformation of the [South] Sudan consistent our vision of New [South] Sudan.*³⁵⁰

One of the top priorities in cooperating with China was to exchange experiences in the areas of party transformation institutionally (as opposed to ideologically), effective governance and socioeconomic development.³⁵¹ Besides, the SPLM remains open to learning from the experiences of other liberation movements in government, particularly in the area of transforming a liberation movement into a political party. For instance, the SPLM has cooperation agreements with the African National Congress (ANC), National Resistance Movement (NRM) of Uganda, National Revolutionary Movement (NRM) of Rwanda, etc.³⁵² Additionally, political cooperation between the two ruling parties, the SPLM and CPC, was necessary to complement and strengthen the engagement of the two countries.

³⁴⁸ Interview, Bangol, Juba, 2015.

³⁴⁹ Interview, Nhial, Juba, 2016.

³⁵⁰ SPLM Strategic Framework for War-to-Peace Transition, SPLM Economic Commission, New Site, Kapoeta County, August 2004: 65.

³⁵¹ Interview, Nyok, SPLM, Juba, 2016.

³⁵² Interview, Dr. Ann Itto, 2015.

As such, the establishment of inter-party relations was based on the understanding that “*both sides believe that further consolidation and development of the friendly and cooperative relations between the two parties will bear great significance for enhancing political mutual trust, promoting pragmatic collaboration and benefiting the two peoples of China and South Sudan.*”³⁵³

The expectations of the SPLM were welcomed by the CPC, as Li Yuanchao, a member of the Political Bureau of the CPC Central Committee, emphasized his party’s willingness “*to play a positive role in developing the ties between the two countries.*”³⁵⁴ This pragmatic approach by both ruling parties is what Daniel Large summed up as, “*China’s adept diplomacy and the SPLM’s savvy incorporation of China into its own political agenda during the CPA, using China not just in its domestic struggle with the NCP but also in its international diplomacy.*”³⁵⁵

In 2011, as the referendum approached, Chinese oil companies faced deep uncertainty over the future of their huge investment in the oil sector. The SPLM, conscious of the role it expected from China in implementing the CPA, was quick to reassure China that “*its investments in the semi-autonomous region will be protected if southerners vote for independence in a January 9 referendum.*”³⁵⁶ These assurances were not altruistic; indeed, several strings were attached. Dr. Ann Ito, then deputy Secretary General of the SPLM and Minister of Agriculture, conditioned the protection of the Chinese investment interests. She stated that “*if they want us to protect their assets, the only way is to develop a very strong relationship with the government of Southern Sudan, respect the outcome of the referendum, and then we will be doing business.*”³⁵⁷ As it was evident, the most vital component of the CPA for the SPLM as well as the people of South Sudan was, in fact, the conduct and the outcome of the referendum. Conversely, China’s vital interest was the continuation and safety of its investment in the Sudanese oil industry. Thus, both sides had vested interests in supporting each other’s vital interests through working towards a peaceful and fair referendum. As many members of the international community pressured both parties of

³⁵³ MOU between the SPLM and CPC signed 2011-2015:1.

³⁵⁴ Lu, An, South Sudan President Receives Senior CPC Official, Vows Further Ties, 2012:1, http://www.gov.cn/misc/2012-01/14/content_2044125.htm

³⁵⁵ Daniel Large, The History of South Sudan’s Chinese Future, *Global Review*, 2012: 30.

³⁵⁶ Gurtong, SPLM Gives Assurances on Chinese Oil Investments in South Sudan, 2010:1.

³⁵⁷ Interview, Itto, Juba, 2015.

the CPA to ensure a peaceful referendum, particularly the Troika countries that were instrumental in the signing of the CPA, the SPLM put more hope in China's ability to prevail over Khartoum.

The SPLM expected China to prevail over the government of Sudan in Khartoum to allow for the smooth implementation of the CPA, and eventually the process and conduct of the referendum. Both the SPLM and CPC understood the significance of peaceful implementation of the CPA, which would ensure peace, stability and the subsequent continuation of Chinese investment in the oil industry. The process posted a serious dilemma for China, given its longstanding foreign policy objective of adherence to sovereignty and non-interference. China was left with no other rational option but to contend with the realities of the CPA, as Daniel Large points out:

With some 75% of Sudan's proven oil reserves in the South, and in view of the SPLM's preference for independence despite legally binding 'making unity attractive' politics to the contrary, clearly China needed to recognize and respond to a new political reality it appears not to have been fully cognizant of before.³⁵⁸

As such, China's longstanding policy will continue to be put to test in its engagement with the Sudans. Prior to independence, the two parties' engagement was limited due to the sensitivity of the CPA and its doctrine of one-country-two-systems. Nevertheless, cooperation between the two ruling parties expanded after the split of Sudan.

Cooperation on Transforming a Liberation Movement into a Political Party

Soon after independence, both parties were set to expand and consolidate their cooperation beyond political links. The SPLM, emerging from a long war of liberation, hoped to learn from CPC's experience in its quest to transform itself into a viable political party. Aware of the examples of many other military-based liberation movements, the SPLM hoped to avoid their pitfalls and transform a movement into "a political organization that is capable of managing the process of overhauling the [South] Sudanese state [...] into a democratic country of liberty, freedom and

³⁵⁸ Daniel Large, *South Sudan Looks East: Between the CPA and Independence*, 2011: 56.

prosperity.”³⁵⁹ Such examples are prevalent in Africa, where liberation movements often could not fully transform into a viable political parties.³⁶⁰ For instance, the Zimbabwe African National Union-Patriotic Front (ZANU-PF) and Ugandan National Resistance Movement (NRM) are still struggling to transform into functional if undemocratic political parties. The 2016 SPLM report on the state of party transformation reveals the daunting challenges facing the party as it states that:

*Partly due to the war also other factors, SPLM did not transform sufficiently enough from the stage of liberation movement to that of the ruling party in government [sic]. Here is need for SPLM party cadres, at all levels, to get engaged in serious debate in order for the party to transform [sic]. This must start with the reinvigoration of party cadres’ commitment to party ideals as spelt out in the basic documents of the party [sic]. The party must foster consultative and participatory decision making processes, strengthen internal democracy, and promote people’s participation in party activities. The bottom up approaches is paramount in a democratic system for provision of people’s centered solutions to common concerns [sic].*³⁶¹

The effective transformation of a liberation movement, such as the SPLM, may continue to be elusive to its leadership. Several attempts have been made to no avail. However, the party leadership still believe that continuing cooperation with other parties with similar background such as the CPC may help the SPLM to transform effectively. James Wani, Deputy Chairman of the SPLM, whilst receiving CPC officials in Juba, emphasized the SPLM quest to be a viable and capable political party and his hopes that “CPC will participate effectively in supporting the SPLM in its process of transformation and reform within the SPLM.”³⁶² Despite its socialist ideological background during the first half of the liberation struggle, the SPLM continues its shift towards being a democratic party, which may not be compatible with the CPC experience. However, the SPLM could learn a great deal from CPC experiences in other areas of the transformation of a

³⁵⁹ SPLM Strategic Framework for War-to-Peace Transition, SPLM Economic Commission, New Site, Kapeota County, August 2004: 65.

³⁶⁰ Peter Anyang Nyong’o, the Challenges of the Transition and the Implementation of the CPC: The Role of the SPLM Chapters During the Transition, *Presented at the First SPLM Chapters’ Leaders International Conference*. Juba, South Sudan, 11 July 2007:4.

³⁶¹ SPLM, Annual Report, 2016:42.

³⁶² Sudan Tribune, Communist Party of China to Train SPLM Cadres, 2014, <http://southsudantribune.org/552-china-people-congress-to-train-splm-cadres>.

liberation movement into a political party capable of running a successful state. In a meeting held in Beijing between Michael Milli Hussein, Ambassador of South Sudan to China, and Chao Weidong, Acting Director General of the International Department of the Central Committee of the CPC, Ambassador Milli appealed to the latter to support and share experiences with the SPLM, stating that:

*Now that we are an independent country, we are in the process of the political transformation of the SPLM into a political party. This requires a lot of efforts and support from parties like the CPC who share some ideologies, principles and values with the SPLM. I believe the CPC under their able leadership will help us in this transformation process.*³⁶³

On 20 October 2011, the SPLM and the CPC signed a Memorandum of Understand (MOU), which continues to govern the relations between the two parties.³⁶⁴ The MOU was informed by the satisfaction of the exchange and cooperation since the beginning of formal relations between the two parties in 2007. The MOU was based on the principles of “*independence, complete equality, mutual respect and non-interference in each other’s internal affairs.*”³⁶⁵ Moreover, the MOU identified ten areas of cooperation, among them:

- To maintain the momentum of high level exchanges, send important delegations to visit each other and timely communication with each other on situation of respective parties.
- To provide cadre training by accepting delegations and working groups for study tours, particularly on the sharing of experience on how to run a party and govern a country. China will receive 1 to 2 study groups from the SPLM annually.
- Joint efforts to build platforms for economic and trade cooperation, particularly to encourage and facilitate pragmatic cooperation between different provinces, cities and businesses of the two countries.
- To encourage and promote engagement between their affiliated youth and women’s organizations, as well as associated social entities and NGOs.

³⁶³ Diplomatic cable to the Undersecretary of the Ministry of Foreign Affairs and International Cooperation, Government of South Sudan from Michael Milli Hussein, South Sudan Ambassador to China, 26 March 2015.

³⁶⁴ MOU between the SPLM and CPC, 2011-2015.

³⁶⁵ Ibid.

- The two parties shall co-host seminars and exchange invitations to multilateral conferences and forums hosted by respective parties.
- The two parties shall exchange views and coordinate positions on issues of shared interest on international platforms.
- The two parties shall exchange literature and relevant information to promote mutual understanding.
- The two parties shall make annual plans for these exchanges and ensure their implementation.

The immediate beginnings of the MOU's implementation signified the commitment of the two parties to deepen their cooperation. From 2011-2016, the International Department of the CPC Central Committee has invited a total of 10 batches of SPLM cadres to China for experience exchanges and training.³⁶⁶ The cadres were drawn from various levels of the party for training in different fields. The SPLM Secretariat's assessment of the SPLM-CPC experience sharing in 'party development and intra-party discipline', which was attended by the 10th batch of SPLM cadres' in 2016, states that:

*The main objective was to expose SPLM cadres to CPC strategies in the management of party affairs, party policies, party regulations and discipline, and the CPC-people's interrelations. China-South Sudan friendship, economic cooperation, and experiences-sharing between the CPC and SPLM were also very much emphasized during the visit. The SPLM delegation also visited Beijing and Nanjing Provinces where they toured rural developmental villages, high-tech parks and port cities including Shanghai.*³⁶⁷

One of the challenges facing the SPLM is in utilizing the lessons of the CPCs' experiences. Each batch that attends training in China presents their assessment and recommendations to the party leadership. However, other members of the SPLM argue that there is a lack of political will from the top leadership to transform the party into an organization capable of rendering its functions effectively.³⁶⁸ For instance, a delegation headed by Anthony Joseph, Secretary of Popular and

³⁶⁶ SPLM, Annual Report, 2016:24.

³⁶⁷ Ibid.

³⁶⁸ Interview, Bangol, 2015.

Syndicated Organizations, recommended after their visit to China that specific issues be addressed by the party leadership, such as building ties with businesses, intellectuals and SPLM chapters in the diaspora. The recommendation further emphasized party discipline, keeping in touch with people at the grassroots level, and establishment of training institutions or party schools.³⁶⁹ During the war the SPLM ran a political school, beginning in Ethiopia in 1980s, to train its political commissars and officers tasked with the political mobilization of civilians. After the end of the war there was little development on the issue, until eventually in 2016 the SPLM announced what it described as “*the long expected SPLM Political School will be established provisionally in Lobonok, in Jubek State.*”³⁷⁰ It added that “*ANC and NRM training modules will be used as the basis for developing SPLM training modules for use in the political school.*”

Life as a political party was uncharted territory for military-based liberation movements such as the SPLM that were used to being led without democratic structures. However, the SPLM quest to transform itself into an effective political and ruling party, in the long run, could be a success. The current ties between the two parties are expected to be more advantageous to the SPLM than the CPC. The latter had accumulated a wealth of experience throughout its sixty-six years of rule of China³⁷¹ which could be of great benefit to the SPLM. Since the signing of the CPA, the SPLM continues to grapple with its transformation into a viable political party.³⁷² It has been challenged to efficiently govern a relatively new country from scratch and accept the huge responsibility of providing basic socioeconomic services to the people of South Sudan. During the liberation era where the SPLM/A’s main focus was on achieving military victories and mobilizing the civilian population to support the cause of liberation in various ways: intelligence gathering, provision of food to the soldiers, and in some cases help in recruiting new soldiers to the SPLA.³⁷³ Now, the priorities have shifted to address the challenges of a new era of peace and running the affairs of a state, which requires new groups of members of the party to assume the responsibilities of governance, economic development and the provision of public goods.

³⁶⁹ SPLM, Annual Report, 2016:25.

³⁷⁰ SPLM, Annual Report, 2016: 41.

³⁷¹ Chinese Communism Subject Archive (1981) Resolution on Certain Questions in the History of our Party Since the Founding of the People’s Republic of China (Accessed: 22 January 2015), <http://www.marxists.org/subject/china/documents/cpc/history/01.htm>

³⁷² Interview, Bangol, Juba, 2016.

³⁷³ Interview, Nyok, Juba, 2016.

4.3. Sharing of Experience on Political Party Construction, Governance and Socioeconomic Development

Recruiting and Training Members of the Party

“Members are the lifeline of the party.”³⁷⁴

The recruitment of new members is one of the key functions of a political party. With the euphoria of liberation in 2005, many people, young and old, men and women, flocked to the newly established offices of the SPLM to join the new party emerging from the war of liberation. In the course of a few months, the SPLM recruited millions of members,³⁷⁵ both in its northern (in Northern Sudan based in Khartoum) and southern (in Southern Sudan based in Juba) sectors. The SPLM Political Affairs Commission, based on the top leadership’s directives after the CPA, was to *“start immediately with political mobilization and the drive for membership registration and mobilization of resources for effective political organization in all parts of the country.”³⁷⁶* Prior to the CPA, the SPLM/A maintained underground cells in government-controlled areas including Khartoum, but they were rarely under direct management of the party leadership due to security constraints.³⁷⁷ However, through the diaspora the SPLM maintained a robust membership with direct links to the SPLM Headquarters. These chapters were the only democratic structures in the SPLM, having registered memberships with duties and responsibilities.

The management of the SPLM membership has been challenging, particularly after the two sectors parted at independence into SPLM-South based in South Sudan and SPLM-North based in Sudan.³⁷⁸ The membership of the SPLM in South Sudan was growing in the years after the CPA; however, it has been poorly managed. At outset of the interim period, most senior members of the party joined the government. This included the top two organs of the SPLM: the Political Bureau and the National Liberation Council, leaving the Secretariat of the party to be staffed by new members without adequate resource or experience.³⁷⁹ As recruitment was not based on the quality,

³⁷⁴ Office of the Registrar of Political Parties, Guide to Political Party Membership, 2014:1.

³⁷⁵ Interview, Dr. John Oryem, Deputy Secretary for Research and Training, SPLM, Juba, 2017.

³⁷⁶ SPLM Strategic Framework for War-to Peace Transition, 2004: 65.

³⁷⁷ Interview, Ramadan Mohamed Abdallah, former Secretary for Research and Training, SPLM, Juba, 2016.

³⁷⁸ Interview, Bangol, 2015.

³⁷⁹ Interview, Bangol, 2015.

but quantity of the membership, this has possibly denied party the talent it needs for the achievement of its objectives.³⁸⁰ As time goes, many members have either abandoned the SPLM or become inactive due to lack of party activities for their participation.

To address this challenge, the SPLM Secretariat has recommended the recruitment of new members, justifying that “*there is a need for continued enlightenment to recruit new energetic cadres into the party while retaining the old ones.*”³⁸¹ Apparently, the leadership has not taken any significant steps towards shaking up the current membership or the recruitment of new members based on merits. It appears that the party has largely neglected or abandoned its strategic framework for the transition to the new realities of peacetime. One of the important mandates of the SPLM Political Affairs Commission was the “*training and development of SPLM cadres at all levels.*”³⁸² If this is not rectified, the SPLM will die in atrophy in the long run, as the membership of a political party is always its lifeblood. Thus, recruitment, training and management of the party membership is one of essential areas in which the SPLM could learn positive lessons from the CPC.

Considering the meticulousness of the CPC’s recruitment mechanism for its members, with the quality of a member heading the list of the requirements, it is clear that the SPLM could learn from its experience. For instance, in 2014, the CPC received 22 million applications for membership of the party, but only 2 million were admitted,³⁸³ which reflects the effectiveness of the Communist Party in governing China. It is evident that members of the party who are effective due to their competency reflect this in their role in governance. This wealth of experiences and knowledge are being shared by the CPC through its offers of training in specific areas of party construction (see Table 4.1., below). In September 2013, the International Department of the CPC Central Committee offered a training opportunity for 20 top cadres of the SPLM in “*Construction of the Ruling Party*” at the China Executive Leadership Academy Pudong (CELAP) in Shanghai.³⁸⁴ The

³⁸⁰ Interview, Nyok, Juba, 2016.

³⁸¹ SPLM, Annual Report, 2016:42.

³⁸² SPLM Strategic Framework for War-to-Peace Transition, 2004:66.

³⁸³ R. W. McMorrow, Membership in the Communist Party of China: Who is Being Admitted and How? 19 December 2015:1, <https://daily.jstor.org/communist-party-of-china/>.

³⁸⁴ Diplomatic Note to the Secretariat of Sudan People’s Liberation Movement from the Embassy of the People’s Republic of China to South Sudan, 3 September 2013.

training was intended to expose SPLM leaders to the CPC's wealth of experience and hopefully for them to learn as they move to transform the SPLM party.

The success of a political party depends on the quality of its membership. Prior to the CPA, the SPLM did not put much energy or resources into the training of its cadres.³⁸⁵ The SPLM/A used to trained political officers to engage with civilian populations in the liberated areas for the purposes of recruitment, political orientation to help generate support for the movement, and provision of material support to the SPLA.³⁸⁶ Throughout the struggle, the SPLA was largely fed by the civilian population, particularly women.³⁸⁷ It was through political commissars that the civilian population was able to understand the objectives of the movement and, in turn, the masses were supportive of the SPLM/A. Thus, the focus of the SPLM should have been on nourishing the qualified cadres for the success of the party and, eventually, the government. In this regard, the CPC continues its commitment to train the SPLM cadres as per the MOU signed in 2011.

The CPC occasionally sends high level party officials to South Sudan to assess the benefits to the SPLM cadres of the ongoing training and exchanges. In 2013, the International Department of the CPC Central Committee dispatched a six-member team of experts to meet Dr. Ann Itto, Deputy Secretary General of the SPLM, and arrange several lectures for SPLM members and “*a symposium with SPLM members who have studied in China before.*”³⁸⁸

Table 4.1. SPLM cadres who attended courses at CPC's Party School of Shandong, China, 2014.

S/N	Name	SPLM Organ/Institution
1	Dr Anne Itto Leonardo	Acting Secretary General (Head of the Delegation)
2	Parmena Awerial Aluong	Member and Chairperson for Water Resources and Irrigation Committee, National Legislative Assembly (NLA)
3	Dr Madhel Malek Agei	Member of National Liberation Council, (NLC), SPLM
4	Dok Jok Dok	Member of NLC

³⁸⁵ Interview, Bangol, Juba, 2015.

³⁸⁶ Interview, Nyok, Juba, 2016.

³⁸⁷ Speech of Dr. John Garang during his tour of the Southern Sudan after the signing of six main protocols of the CPA, 2004.

³⁸⁸ Diplomatic Note to Ministry of Foreign Affairs and International Cooperation, South Sudan from the Embassy of the People's Republic of China to South Sudan, 12 August 2013.

5	Majur Babur Angalie	Member and Chairperson for Specialized Committee for Education Science and Technology, National Legislative Assembly (NLA)
6	Henry Omai Akolawin	Member of NLC
7	Grace Imme J. Datio	Member of NLC
8	Fawzia Mohammed Bandas	Member of NLC
9	Anne Grace Natre	Member of NLC
10	Phillip Thon Leek Deng	Chairperson for Specialized Committee for Foreign Affairs and International cooperation, NLA
11	John Henry Ngalamu	Member of the party
12	Pitia Solomon Nyambur	Chairman of Youth League, Central Equatoria State and Deputy Chairperson for Specialized Committee for Public Services and Labor, NLA
13	Johnson Jongkuc Kulang	Member of Parliament, NLA
14	Morris James Lukudu	Director, Office of Acting Secretary General
15	William Tombe Kalista	Director, Office of the Deputy Chairman
16	Hellen Denya Marko	Director for External Relations
17	Nicolas Arop Kuol	Director for ICT, General Secretariat
18	Mabor Ater Dhuol	SPLM State Secretariat, Lakes State (LS)
19	Luke Sadallah Deng Weno	SPLM State Secretariat, Unity State (UN)
20	Lual Monyluak Dau	SPLM State Secretariat, Jonglei State (JS)

Source. SPLM Secretariat, Juba, 2015.

Management and Participation of Party Members

The SPLM as a ruling political party continues to face the challenge of adjusting to the new realities and environment as a governing party.³⁸⁹ The management of its members and ensuring their participation has proved to be daunting, particularly for the party affiliated organizations. The role of syndicated organizations is potentially vital as a pool of future leaders and a base for the party's identification of talent. As part of the exchange of experiences, the CPC invited the SPLM Youth League to attend “*the 3rd Africa-China Youth League's Forum*” in 2015, which was held in Arusha, Tanzania, and co-hosted by the CPC and Chama Cha Mapinduzi (CCM),³⁹⁰ a ruling party of Tanzania. The forum, under the theme of “*Friendship, Cooperation and Development*”, was

³⁸⁹ Interview, Dr. Akol, Chairman of the SPLM-DC, 26 January 2016.

³⁹⁰ Diplomatic Note to Sudan People's Liberation Movement from Embassy of the People's Republic of China to South Sudan, 18 February 2015.

intended to create a platform for interaction and cooperation between the young people of Africa and China. The forum, honored by Jakaya Mrisho Kikwete, President of Tanzania and Chairperson of the CCM and dignitaries from the co-hosting parties, was intended “*to create a cadre of young women and men from Africa and China who understand their critical role in strengthening the historical cooperation between the parties.*”³⁹¹ It was designed to further “*enable a strategic positioning of the youth in enhancing these historical ties with a view to speeding up the socio-economic development of their countries.*”³⁹² Any party that does not develop its youth members is bound to fail, as Emily Rainsford argues that, “*political parties need to better integrate young members and give them the chance to influence policy.*”³⁹³

The role of youth, students and women in the SPLM was greatly diminished after the war.³⁹⁴ It was young people who fought the war, including the founders of the SPLM, who were in their thirties in 1983. Women provided morale and material support to the SPLA and fed the army throughout 22 years of war. According to both the SPLM constitution and South Sudan interim constitution, women are allocated a 25% share in all party and government structures.³⁹⁵ However, this is not being fully implemented, if at all, in some structures as SPLM leaders tend to recruit a majority of unqualified women on the basis of nepotism and patronage.³⁹⁶ The party has a reasonably active base of support amongst university students, but they are not accorded responsibilities and are sometimes seen as a threat by some members of the top leadership.³⁹⁷ With few top cadres of the SPLM who were close to Dr. Garang, arguably there is not enough experience to operate all party structures. The African Nationalist Front (ANF), inspired by and remodeled after Steve Biko’s Black Consciousness Movement of South Africa, was intended to fill the gap in the production of young leadership candidates. After the CPA, young leaders from the ANF

³⁹¹ Letter of invitation to the Participating Political Parties from Abdulrahman Kinana, Secretary General, Chama Cha Mapinduzi, 10 February 2015.

³⁹² Letter of Invitation from the Communist Party of China to the SPLM to Participating Political Parties Workshop in China, 10 February 2015.

³⁹³ Emily Rainsford, Political Parties Need to Better Integrate Young Members and Give them the Chance to Influence Policy, *Democratic Audit UK*, 11 July 2014, http://eprints.lse.ac.uk/59137/1/lse.ac.uk_storage_LIBRARY_Secondary_libfile_shared_repository_Content_Democratic%20Audit%20blog_2014_August%202014_democraticaudit.com-Political_parties_need_to_better_integrate_young_members_and_give_them_the_chance_to_influence_policy.pdf.

³⁹⁴ Interview, Bangol, Juba, 2015.

³⁹⁵ SPLM Constitution, 2008; South Sudan Interim Constitution, 2011.

³⁹⁶ Interview, Malek Anei, SPLM Deputy Secretary for External Relations, Juba, 2016.

³⁹⁷ Interview, Ramadan Abdullah, Juba, 2016.

have been neglected and denied any substantive role in the SPLM as they are viewed as a threat to the top leadership.³⁹⁸

The development of party activists into young leaders continues not to be a priority of the SPLM leadership. Supporters of a political party become committed activists and committed activists become future leaders of the party.³⁹⁹ In the case of the SPLM, since 2005, the party has been promoting leaders outside of the base of party activists. Activists are sidelined, and instead many former members of other parties are appointed, particularly former members of the National Congress Party (NCP) of Sudan.⁴⁰⁰ This approach could have been informed by the division within the party since 2004 after the famous Rumbek conference. At the conference, the SPLM leadership exercised damage control instead of resolving the cause of an impasse, after the Chairman of the SPLM, Dr. Garang, and his Deputy Salva Kiir disagreed.⁴⁰¹ The Deputy accused the Chairman of planning to replace him with the former Chief Negotiator of the CPA, Nhial Deng Nhial, which the Chairman denied.⁴⁰² After the death of the SPLM's founding father Dr. Garang, those who were perceived to be loyal to him were marginalized, while the group allied to current President Kiir, most of whom tend to be pro-Khartoum and were at loggerheads with Dr. Garang (including Dr. Riek Machar and Dr. Lam Akol as they sought revenge), works against Garang's group.⁴⁰³ This has haunted the SPLM since 2005, and finally led in 2013 to the split of the party into SPLM-In Government (IG), SPLM-In Opposition (IO) and SPLM-Leaders or Former Political Detainees (FDs). Thus, the lack of harmony within the top leadership partly explains why the SPLM is unable to fully transform.

The continued wrangling within the SPLM top leadership has negatively impacted the effectiveness of the party. The wrangling has demoralized the membership as they do not have a role in the affairs of the party or in the SPLM-led government. The party never took control of the selection or appointment of its cadres into the government apparatus; instead, a few individuals

³⁹⁸ Interview, Abdallah, SPLM, 2016.

³⁹⁹ Interview, Abdallah, 2016.

⁴⁰⁰ Interview, Bangol, 2015.

⁴⁰¹ Minutes of SPLM Rumbek Leadership Conference, 2004.

⁴⁰² Ibid.

⁴⁰³ Interview, Dr Lual A. Deng, Juba, 2015.

close to the Chairman of the party take those positions.⁴⁰⁴ The lack of members' participation in the party was observed by the SPLM Secretariat which reported that:

*Satisfaction among party cadres is generated when selection of the party representatives, leaders, and operatives is achieved through democratic processes, such as party congresses and retreats where all cadres are involved in the selection exercise. It will be necessary for the SPLM to act as ruling party by adopting collective decision and action plans generated by members of the party in the manner described and to have these translated into the programs to be executed by the government.*⁴⁰⁵

In this regard, it is imperative for the SPLM to learn lessons from similar liberation movements that turned into political parties. The CPC shares similarities with the SPLM in a number of areas where the SPLM could learn from their experiences. Both parties were liberation movements, military in nature and of a communist background despite the fact that the SPLM, after the collapse of the former Soviet Union, began to change sides to the Western bloc in the early-1990s. With the support of communist Ethiopia and Cuba, most of the SPLM/A cadres have undergone robust ideological training. Thus, ideological similarities could be an important asset in forging closer cooperation between the two ruling parties.

Political Party and Governance

From guerilla movement to a conventional government, the SPLM was bound to face the uncharted territory of running a country in peacetime. As a ruling party, it is vital that party members are deployed at the helm of various government institutions to implement the party's vision and programs. One of the main challenges is how the party takes charge of state institutions and exerts its authority across the country, in which the SPLM could learn from the CPC's significant authority over government policies and apparatus in China. Faced with weak party institutions, the SPLM has been infiltrated by other rival parties, particularly the National Congress Party (NCP), the party of Sudanese President Omar al-Bashir.⁴⁰⁶ After the death of Dr. Garang in 2005, his

⁴⁰⁴ Interview, Dr. Akol, Juba, 2016.

⁴⁰⁵ SPLM, Annual Report, 2016: 42.

⁴⁰⁶ Interview, Senior SPLM Leader, Juba, 2016.

opponents⁴⁰⁷ seized the opportunity to install themselves at the top of the SPLM as well as in the GoSS and GoNU alike. This group allied with President Salva Kiir shortly after he succeeded Garang in 2005. As such the SPLM has been faced with a challenge of cohesion within its ranks, between historical members and members from historically rivalling parties. These contradictions continue to impact the performance of the SPLM in its quest to govern South Sudan. Moreover, the discipline within the party's top echelon is lacking, unlike in the CPC which has strong party traditions of discipline in various areas, including the peaceful change of leadership.

In 2013, two years after independence, the party failed to agree on how to change leadership which resulted in the current political crisis faced by the country. Disagreeing on the basic party documents, particularly ones that govern the conduct of the national convention, the SPLM broke into factions, leading to the current civil war in South Sudan.⁴⁰⁸ The SPLM National Convention was going to elect, through the party delegates, the flag bearer of the party who would have contested the 2014 Presidential election had it taken place.⁴⁰⁹ As a result, the country descended into instability and violent conflict has continued for 4 years. This conflict has greatly affected the socioeconomic development of South Sudan and Chinese investment in the process. It can be argued that the stability of the leadership of the party is vital for the stability of a nation and subsequently the attraction of investors in the development of the country. If the SPLM could learn anything from the CPC's experience, it should be the peaceful change of leadership; China's steady and massive socioeconomic development could be attributed to its stability, emanating in turn from the stability of the CPC leadership.⁴¹⁰ According to Robert Kuhn, "the key to the Chinese miracle is the extraordinary long-time leadership of the CPC",⁴¹¹ which eventually lead to the stability of

⁴⁰⁷ John Garang's opponents within the SPLM surfaced at the infamous Rumbek Conference in 2004, held to resolve differences with his Deputy, Salva Kiir, who accused him of trying to replace him with the SPLM Chief Negotiator of the CPA, Nhial Deng Nhial. In the conference, it surfaced that there was a Salva group as well as Garang group. This rift was not fully resolved, but the tension was cooled for the sake of the CPA. However, it emerged as the basis of the SPLM's operation as 'Garang's boys' and the Salva group. Other groups that defected from the SPLM during the war and joined the government in Khartoum, led by Riek Machar and Lam Akol, decided to re-joined the SPLM in 2002 and allied themselves with Salva after the death of Garang. The third group were Southern Sudanese who were members of the National Congress party of Bashir, who eventually moved back to South Sudan after independence to become members of the SPLM and allied themselves with Salva. All these groups have been working against the so-called 'Garang's Boys'.

⁴⁰⁸ Interview, Senior SPLM Leader, Juba, 2016.

⁴⁰⁹ The Constitution of the Sudan People's Liberation Movement, 2012:16.

⁴¹⁰ Interview, He Wenping, Beijing, 6 September 2017.

⁴¹¹ Rober Kuhn, To know China, One Must Understand the Communist Party, *China Morning Post*, 26 May 2016: 2, <http://www.scmp.com/comment/insight-opinion/article/1809033/know-china-one-must-understand-communist-party>

China. Thus, stability within the SPLM remains a vital requirement for the stability of South Sudan and its eventual socioeconomic development.

The two parties continue to engage in their quest to share experiences from all levels. To expose the top leadership of the SPLM to the Chinese experience, the CPC continues to invite top cadres to its leadership schools in China. In 2013 and 2014, a group of 20 per year from the SPLM leaders, comprised of members of the Political Bureau, National Liberation Council, members of Parliament, SPLM General Secretariat, Youth League and Women's League "*attended a training at the prestigious China Executive Leadership Academy Pudong in Shanghai.*"⁴¹² The group attended a course with the theme "*learning from CPC experiences in united front work*", which, perhaps is what the SPLM needed most in the light of the current split within the party. The theme of the course could demonstrate that the CPC leadership understood that the lack of unity within the SPLM led to the crisis which has affected the interests of both countries.

Political Party and Socio-economic Development

The provision of social services is vital for economic prosperity in South Sudan. The SPLM/A waged a liberation struggle to achieve the socioeconomic development of South Sudan as enshrined in its manifesto. It aspired to establish a country that is concerned with and capable of the provision of public goods to the masses.⁴¹³ In this regard, the SPLM is well-placed to learn from the wealth of the CPC's experiences in the areas of social services and economic development. The CPC has achieved a great deal, particularly since reforming in 1978, in which it managed to build the world's second largest economy in a span of three decades. Since then China continues to achieve socioeconomic progress, annually lifting millions out of poverty in the process. Given that South Sudan has not experienced real socioeconomic development since its independence from Sudan,⁴¹⁴ learning from some of the CPC's experiences could lead to significant socioeconomic development in a short span of time. In 2014, the SPLM was invited to participate in the West Asia and North Africa (WANA) dialogue under the theme of "*Reform for Development, Cooperation for Win-win*", intended to share experiences of each other's "*governing*

⁴¹² Report of the SPLM team leader that attended the course in China, 2014; Diplomatic Note to the Secretariat of Sudan People's Liberation Movement from the Embassy of the People's Republic of China to South Sudan, Juba, 3 September 2013.

⁴¹³ Manifesto of the SPLM, 31 July 1983.

⁴¹⁴ Dr. Garang speech at CPA signing ceremony, Nairobi, Kenya, 9 January 2005.

philosophy and development lessons”.⁴¹⁵ The dialogue aimed to discuss “*development vision and explore opportunities for cooperation between China and WANA countries*.”⁴¹⁶ Forums such as this could allow the SPLM to draw some inspiration for the successful socioeconomic development of South Sudan.

Over the 12 years since the signing of the CPA and formation of the Government of Southern Sudan under the SPLM, little progress has been made in the area of social service provision and economic development. Both before and after the CPA, the SPLM formulated a number of documents articulating the vision of the party for building a country in the aftermath of violent conflict.⁴¹⁷ In a policy statement at the launch of the party’s Economic Policy, the SPLM Secretary General, Pagan Amum Okiech, stated that:

Indeed, it has been a long walk to freedom for the people of South Sudan to attain full sovereignty. However, with the achievement of the CPA on January 9, 2005, the overwhelming vote for independence on January 9, 2011, and the declaration of independence on July 9, 2011, the long liberation struggle has ended. These three historical episodes have brought an end to the first phase of the struggle for South Sudan’s future and have given it part of the vision, namely, peace. But peace is not an end in itself. It is a means to an end. It must be followed by a serious commitment to nation building and efforts to create wealth and achieve economic prosperity for the people of South Sudan. Nation building and economic prosperity, therefore, constitute the second part of the journey towards our vision for a free, peaceful and prosperous South Sudan. The SPLM vision for the coming phase is to make South Sudan a transformed, prosperous and industrialized country. Its mission is to transform the poor peasant economy into a modern, competitive and prosperous economy. In order to achieve the above vision and mission,

⁴¹⁵ Diplomatic Note to the Sudan People’s Liberation Movement from the Embassy of the People’s Republic of China to South Sudan, Juba, 4 April 2014.

⁴¹⁶ Letter of invitation to the Sudan People’s Liberation Movement from International Department, Central Committee, Communist Party of China, Beijing 3 April 2014.

⁴¹⁷ The SPLM has produced five policy documents since the SPLM/A was founded in 1983. The first was ‘Peace Through Development’ published in New Cush in the year 2000. The second was the ‘SPLM Strategic Framework for War-to-Peace Transition’, published in 2004. The third was the SPLM sectorial policy document produced in 2008. The fourth was the SPLM Policy Framework for the Government of Southern Sudan produced in 2010. The fifth was the SPLM Economic Policy document.

the following overall economic objectives will be pursued: exerting efforts for the attainment of the Millennium Goals (MDGs); ensuring rapid growth in Gross Domestic Product (GDP); eradication of poverty; equitable distribution of income; achievement of an increased rate of employment; ensuring economic and price stability; making South Sudan an attractive destination for both local and foreign investors; achieving favorable balance of payment; and ensuring environmental sustainability.[---] As you might be aware, South Sudan is blessed with abundant natural resources. It has a vast and fertile arable land, capable of supporting various crops besides the forestry, fisheries, livestock, wildlife, water, minerals and petroleum. In addition, the country's physical environment presents a climate conducive to economic growth. With respect to the other forms of resources, namely: knowledge capital, man-made capital, social capital, financial capital, cultural capital and institutional capital, South Sudan is not well endowed, but it should gain these faster as it builds on the experience of others. While South Sudan clearly needs to invest in building critical infrastructure and strengthening its financial services, it must also invest in higher forms of capital: social, human, knowledge and institutional capital. These are the forms of capital that will catalyze and sustain South Sudan's economic transformation. Rebuilding South Sudan will mean leveraging the vast amounts of natural capital it possesses to replenish the six other forms of capital that a truly diversified and competitive economy must possess. [---] The priorities of the SPLM at the moment are peace, security, law enforcement, physical infrastructure, education, health and food security.⁴¹⁸

Despite well refined policies, nothing notable has been achieved. Thus, some observers argue that the SPLM needs to go back to the drawing board and re-examine its documents if they are at all interested in achieving socioeconomic development in South Sudan.⁴¹⁹ According to a survey conducted by the SPLM Secretariat in 2012, members and supporters of the party consider the SPLM to have lost direction and vision.⁴²⁰ The long term survival of the SPLM in ruling South Sudan requires concerted efforts of its leadership in providing public goods and ensuring economic prosperity for the people. Drawing from the example of the CPC, it can be argued that:

⁴¹⁸ Sudan People's Liberation Movement Economic Policy, Juba, SPLM Secretariat, 2012.

⁴¹⁹ Interview, Bangol, Juba, 2015.

⁴²⁰ Results of the SPLM Survey on its performance, Juba, 2012.

Looking at the ruling parties around the world, very few have [been] at the helm for more than 30 consecutive years. Yet, the Communist Party of China (CPC) has governed for 68 years and continues to improve living conditions for its people, providing valuable experience for political parties worldwide on long-term governance.”⁴²¹

The survey’s conclusions show that the future of the SPLM is bleak unless it can revert back to the original vision of its guiding documents. The SPLM has identified agricultural development as a priority for the new country, which was supposed to be fueled by oil money. One of the vital documents is the *SPLM Strategic Framework for War-to-Peace Transition*, which details how the SPLM/A will transition from war to peacetime in all aspects.⁴²² Without a comprehensive strategic plan in place for socioeconomic development, including its implementation, it will remain difficult for South Sudan to achieve its economic interests in its engagement with China.⁴²³ Thus, revisiting some key SPLM documents could possibly help the party leadership to achieve meaningful socioeconomic development, as one document states that:

*The SPLM leadership is aware of the huge oil reserves in [South] Sudan and the share of GOSS (51%) from the net oil revenues accruing to the country. However, oil is a non-renewable natural resource and we cannot therefore anchor our long-term development on it. Thus, our rationale for making agriculture the engine of economic growth to achieve effective poverty eradication is premised on this reality and the fact that more than 95% of the population of [South] Sudan live in rural areas. This notwithstanding, oil revenues would contribute toward the development of agriculture by raising the purchasing power of our rural population. In short, the policy thrust of an SPLM-based GOSS will be based on using oil to literally fuel agriculture as the engine of growth.*⁴²⁴

Less than three weeks before his demise, First Vice President of Sudan and President of Government of Southern Sudan Dr. John Garang identified poverty reduction as a central aim of his first 180 days. Poverty reduction was part of an overall strategy for eradication of poverty

⁴²¹ China Daily, China Continues to Flourish Under CPC Governance, 2017, http://europe.chinadaily.com.cn/business/2017-08/14/content_30579289.htm.

⁴²² SPLM Strategic Framework for War-to-Peace Transition, New Site, Kapeota, 2004.

⁴²³ Interview, Dr Akol, Juba, 2016.

⁴²⁴ SPLM Strategic Framework, 2004: 67.

through a vision of “*Moving Towns To People*” by the SPLM. The program was budgeted at a cost of \$250,000,000 to be disbursed throughout 900 Payams⁴²⁵ in Southern Sudan, Nuba Mountain and Southern Blue Nile areas.⁴²⁶ After his death this plan was abandoned, which could be explained by the advice of the group that opposed Dr. Garang and his ideas.⁴²⁷ However, the group failed to come up with an alternative policy of their own. As such, the SPLM continues to be viewed as having lost direction and vision by its members. Many lower ranking members concurred, taking the same view of the top leadership as having abandoned the ideas that were formulated for the new era of peace and governance without creating any alternative policies.⁴²⁸ This view was confirmed by conclusions of the SPLM’s survey on its members across South Sudan that the party has lost its vision.⁴²⁹

The long-term survival of the SPLM depends on its ability to provide social services to the people of South Sudan. The Communist Party of China perhaps understood this delicate issue of its survival and took steps toward achieving socioeconomic development in China. Analysts have observed how the CPC succeeded in maintaining its long rule over China and Uruguayan President Javier Miranda argues that “*the key to the CPC’s success is that the party always takes the people as the center of development.*”⁴³⁰ He further adds that the CPC “*insists on developing for the people, by the people, and sharing achievements with the people.*” Thus, the CPC continue to share its successful experiences with SPLM, but the question is whether the South Sudanese leadership is putting this knowledge to practical use. In 2013, the CPC invited “*20 SPLM middle and high level members (under 55 years of age) who are engaged in economic and planning*”⁴³¹ for a study tour on the topic of “*planning and coordination of economic and social development.*” Many similar exchanges continue to take place, but without tangible improvement in the socioeconomic situation in South Sudan.

⁴²⁵ Payam is the fourth administrative levels of South Sudan, above Boma which is the lowest and fifth level.

⁴²⁶ Lual A. Deng, *The Power of Creative Reasoning: The Ideas and Vision of John Garang*, 2013: 57.

⁴²⁷ Interview, Dr. Deng, 2015.

⁴²⁸ Interview, Bangol, Juba, 2015.

⁴²⁹ Interview, Dr Ann Itto, SPLM, Juba, 2015.

⁴³⁰ China Daily, *China Continues to Flourish Under CPC Governance*, 14 August 2017: 1.

⁴³¹ Diplomatic Note to the SPLM Secretariat from the Embassy of the People’s Republic of China to South Sudan, Juba, 11 March 2013.

With weak institutions in a new country, the SPLM has to combat corruption to ensure the successful and meaningful provision of social services and economic development. Indeed, the lack of real social and economic progress since the end of the war can be attributed in large part to corrupt practices. The SPLM leadership should work to root out corruption within the party before doing so in the Government of South Sudan. Corruption is not specific to the SPLM and is found among many ruling parties including the CPC. However, the CPC has been on record in combating corruption right from its top leadership, an experience from which the SPLM could learn a great deal. Such a move would significantly improve the provision of badly needed social services. President Xi Jinping, in conversation with Henry Paulson on the CPC as the dominant party ruling China, stated that “*because we have one-party rule, we need to be a good party.*” He further added, “*So we have three tasks: self-improvement, self-purification, and self-regulation.*”⁴³² According to Xi, the CPC has largely, until now, enjoyed the support of the Chinese people, and a key part of its mission is to improve their lives. These are duties that the SPLM should reflect upon as it rules South Sudan. The CPC continues to combat corruption in order to improve service provision for the Chinese people and the SPLM is expected to do the same.

Chapter Conclusion

The cooperation between the two ruling parties (SPLM and CPC) dates back to the negotiation of the CPA, and intensified after the signing in 2005. One of the main triggers of the Second Sudanese Civil War was the discovery of oil, which encouraged China to increase its economic, political and military support for the Government of Sudan in its battle against the SPLM/A. The split within the SPLM/A during the war helped Sudan and Chinese oil companies to extract oil against the backdrop of huge atrocities inflicted against the civilian populations around the oilfields by the Government of Sudan with the support of China. It was the same oil that underpinned the cooperation between the South Sudan and China from the signing of the CPA. After the CPA, it was imperative for the two parties to start putting their bitter past behind them as they sought cooperation for mutual benefit. After a long debate within the SPLM on whether to continue with their confrontational stance or seek cooperation with China, the South Sudanese leadership decided

⁴³² Henry Paulson, Jr, *Dealing With China: An Insider Unmasks the New Economic Superpower*, London: Headline Publishing Group, Kindle, 2015.

to engage the latter for political and economic reasons. Thus, soon after the signing of the CPA, the SPLM leadership dispatched a high level delegation to China in March 2005 at the request of the Chinese, to open a new page of cooperation, particularly in the fields of political and socioeconomic development. This cooperation reached its height during the interim period and particularly in the run-up to the referendum. The two parties used their close ties to guarantee the peaceful conduct of the referendum, which possibly led to the avoidance of a Third Sudanese Civil war had Khartoum obstructed the referendum. After independence, the cooperation grew to include the current robust exchange of experiences to aid the SPLM's transformation, including party construction, governance and socioeconomic development.

The two parties' cooperation has helped to cement the relationship between their two respective countries, South Sudan and China. The cooperation has successfully pioneered the engagement of the two countries. It has helped greatly in closing the gap between the two countries, which were previously constrained by the realities of "one-country-two-systems", particularly during the implementation of the CPA. However, the SPLM has not benefitted significantly from the CPC's experiences in transforming a liberation movement into a political party capable of governing and achieving socioeconomic development in South Sudan. Since 2005, the party has been involved in an internal dispute that would lead South Sudan into war in 2011. This can be attributed to the shortcomings of the SPLM-led GoSS during the period of the CPA and the Government of South Sudan after independence. Until the SPLM party puts its house in order, its role in consolidating relations between South Sudan and China via the CPC could be diminished. Moreover, the SPLM leadership must put the interests of the people of South Sudan at the center of its policies; otherwise the party and by extension the country will continue to face the challenges of ensuring stability, good governance and socioeconomic development in South Sudan.

CHAPTER FIVE

Political and Diplomatic Cooperation

“After the 2005 peace agreement, pragmatism drove both Beijing and Juba to establish and solidify political, economic and party ties.”⁴³³

Political relations between South Sudan and China are a relatively recent development. Prior to the Comprehensive Peace Agreement (CPA) in 2005, both sides were at loggerheads as China backed the Government of Sudan in its war against the SPLM/A. After the signing of the CPA, China and the SPLM/A started to build their political relationship. In particular, China took the lead in earnestly rebuilding relations due to the anticipated effect of the CPA upon its interests in the oil industry.⁴³⁴ In 2008, China took the uneasy decision to open a Consulate General in the heart of the South Sudanese capital, Juba, to pursue its interests in the fast-changing Sudanese political environment. On the other hand, the SPLM-led Government of Southern Sudan (GoSS), pragmatically embraced this new chapter of cooperation. It appeared that the SPLM leaders were cognizant of the positive role China would play in the implementation of the CPA. As Dr. Garang acknowledged, the implementation of the CPA was going to be more difficult than the negotiation⁴³⁵, and hence earning China’s support or neutralizing its backing of Khartoum was vital for the peaceful implementation of the Agreement.

The aim of this chapter is to explore the political and diplomatic engagement of the two countries with a central focus on post-independence South Sudan-China relations. It will assess the political and diplomatic advantages gained by South Sudan as it consolidated its political gains during the CPA, particularly regarding the conduct of the referendum in 2011. It will also consider the political tension between South Sudan and Sudan and how China currently helps by engaging both sides and encouraging them to avoid violent conflict over the post-independence issues. The lack of border demarcation is, in light of oilfields straddling such contentious boundaries, a recipe for potential conflict and subsequent instability, which poses a real threat to the oil industry. The

⁴³³ International Crisis Group, China’s Foreign Policy Experiment in South Sudan, Asia Report No. 288, 2017:17.

⁴³⁴ Interview, Michael Makuei Lueth, Minister of Information, Broadcasting, Telecommunication and Postal Service. Makuei is also Official Spokesperson of the Government of South Sudan, Juba, 4 February 2016.

⁴³⁵ Speech of Dr. John Garang De Mabior during the signing ceremony of the CPA, Nairobi, Kenya, 9 January 2005.

chapter also examines the cooperation between South Sudan and China in both regional and international arenas, particularly at the African Union, Intergovernmental Authority on Development (IGAD) and United Nations. It further seeks to analyze the role China has been playing throughout the current civil war in South Sudan as both countries vie for stability, which is a common and vital interest for the duo.

The chapter will first consider the genesis of bilateral engagement during the CPA, particularly leading up to the referendum and subsequent declaration of independence in 2011. It will further examine the period of pragmatic political cooperation during the CPA and subsequent establishment of formal diplomatic ties which have consolidated the relationship and paved the way for the current engagement. The chapter will analyze the role of China in resolving the complexities of post-independence issues including disputes over oil transit fees, tension over the Panthou/Heglig area including other claimed or contested borders, and finally the status of Abyei between the two Sudans. This chapter will also examine the role of China in the civil war in South Sudan and how the former is engaging with their regional and other international partners in resolving the conflict under the auspices of IGAD. Finally, the chapter will examine the international cooperation of the two countries, particularly the role of Chinese peacekeepers within the United Nations Mission in South Sudan (UNMISS) and at the level of the UN Security Council.

5.1. The Genesis of Political Cooperation

Pragmatic Political Links During the CPA

With low profile meetings during the six-month long pre-interim period of the CPA (9 January-9 July 2005), South Sudan and China began their engagement. The sides had their first official encounter in Beijing in March 2005,⁴³⁶ barely two months after the signing of the CPA and four months before the formation of the Government of Southern Sudan (GoSS). Throughout the implementation of the CPA, South Sudan was autonomously governed through the GoSS,

⁴³⁶ Interview, Arop Monyajeth Arop, he was an intelligent officer in the SPLM/A delegation that visited Beijing in March 2005 and lately became Presidential Aide, Juba, 2017.

beginning on 9 July 2005.⁴³⁷ The President of the GoSS, Salva Kiir Mayardit, was equally the First Vice President of Sudan, and during the interim period President Kiir could use both of his positions to engage China with regard to the interests of South Sudan. In 2007, Kiir visited China and met with various Chinese leadership figures including President Hu Jintao. The future of the oil industry was undoubtedly top of the agenda for the two leaders.⁴³⁸ During this visit, the South Sudanese leadership did not hesitate to unequivocally convey to the Chinese leadership that China's interests in the oil industry would be guaranteed with conditions.⁴³⁹ First, China must pressure, influence or persuade Khartoum to allow for the smooth and peaceful implementation of the CPA. Second, China must support and respect the outcome of the referendum, where the South Sudanese were highly anticipated to vote for separation. Observing the realities of the CPA on the ground, unlike during the war when Beijing would consult only with the Government of Sudan, China received the message from Juba and followed through with concrete actions.

To many observers, the implementation of the CPA was going to be more daunting than the four-year long negotiations that led to the agreement. Dr. John Garang De Mabior, the signatory of the CPA, was particularly concerned about this and called for strong guarantees for its successful implementation.⁴⁴⁰ An extension to the duration of the CPA protocols indicated that the implementation was not going to be smooth. The agreement was thoroughly detailed to avoid misinterpretation by both sides, particularly the Government of Sudan (GoS), given the accumulated historical mistrust of the North by the Southern Sudanese.⁴⁴¹ Ironically, such detailed protocols did not help the situation as both sides of the agreement continued to trade accusations and counter-accusations throughout the interim period. Thus, external intervention became essential for successful implementation of the CPA. According to senior SPLM leader, the challenge of peaceful implementation was one of the reasons why the SPLM leadership took a soft stance in opting for cooperation with China.⁴⁴² Internationally isolated, China was the only major

⁴³⁷ Power Sharing Protocol, this protocol created one-country-two-system of governance in old Sudan through which South Sudan was autonomously governed by the SPLM throughout the interim period of the CPA (2005-2011), Naivasha, Kenya, 26 May 2004:32.

⁴³⁸ Interview, Arop Monyijith Arop, Juba, 2017.

⁴³⁹ Interview, Dr. Ann Itto, Deputy Secretary General of the SPLM and former Minister of Agriculture, Juba, 8 September 2015.

⁴⁴⁰ Speech of Dr. John Garang at the CPA signing ceremony, Nairobi, Kenya, 9 January 2005.

⁴⁴¹ Interview, Nhial Deng Nhial, 6 April 2016.

⁴⁴² Interview, Achuil Malith Bangol, 8 December 2015.

power that continued to support the Sudanese regime in Khartoum. As such, China, with considerable leverage, was well positioned as the external power that could most effectively prevail over Khartoum. In light of this, the SPLM decided to engage China in order to either neutralize or balance the support Khartoum continued to enjoy from Beijing during the era of war.⁴⁴³

Nevertheless, the sudden rapprochement between the SPLM/A and China in 2005 was a surprise to many who had observed the Second Sudanese Civil War. In the 1990s, the Sudanese Armed Forces (SAF), employing Chinese military support, committed widespread atrocities against civilian populations in the oil-producing areas in the Greater Upper Nile.⁴⁴⁴ Given the damaging role that China had played through its political, economic and military support for the Government of Sudan during the war of liberation, such quick bonds were largely unexpected, at least in the short run. For instance, the case of China switching its alliance between Angolan liberation movements is a living example as it took both China and MPLA led-government a significant length of time to repair their relations.⁴⁴⁵ However, the pragmatic decision of the SPLM/A to engage China despite belligerent relations in the past was not a new approach for the movement. Most of the top leaders of the SPLM/A had experience in switching alliances.

During the First Sudanese Civil War (1955-72), four out of five of the permanent members of the Military High Command of the SPLM/A were officers in the pro-Western Anya-Nya⁴⁴⁶. A majority of the Anya-Nya's military support came from the Western world, and Israel in particular. In 1983, the SPLM/A fought the pro-secessionist and pro-Western factions within its ranks and embraced socialist and communist ideology.⁴⁴⁷ The action garnered the movement much needed support from the Soviet-backed Eastern bloc, especially from Ethiopia and Cuba. After the collapse of the Communist bloc, the SPLM quickly moved to embrace the Western world, and the

⁴⁴³ Interview, Nhial, Juba, 6 April 2016.

⁴⁴⁴ European Coalition on Oil in Sudan, Oil Development in Northern Upper Nile, 25 September 2007:13. file:///C:/Users/Akok/Desktop/Research%20Docs/Emma%20docs/Oil%20Development%20in%20Northern%20Upper%20Nile_ECOS.pdf

⁴⁴⁵ Angola and China: A Pragmatic Partnership, Indira Campos and Alex Vines, London, March 2008:3. https://csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/media/csis/pubs/080306_angolachina.pdf

⁴⁴⁶ The Any-Nya I was a military wing of Southern Sudan Liberation Movement (SSLM) that waged the first Sudanese Civil War from 1955-72.

⁴⁴⁷ Manifesto of the SPLM, Ethiopia, 31 July 1983: 13.

United States in particular.⁴⁴⁸ Dr. Garang was American-educated (Bachelors in Grinnell, MA and PhD from Iowa State University), and had, in a short space of time, succeeded in winning the support of the US and the West in general, which was a major factor in the signing of the CPA and subsequent independence of South Sudan. Thus, the SPLM leaders were demonstrably pragmatic, particularly Dr. Garang, who envisioned the important role of China not only for the CPA, but for the general socioeconomic development of South Sudan.⁴⁴⁹

With a wealth of experience in alliances, the SPLM leaders had, to a large extent, succeeded politically in their engagement with China. Regarding the CPA, the SPLM leadership was engaged in persuading China to use its leverage on Khartoum to ensure peaceful implementation,⁴⁵⁰ particularly concerning the conduct of the referendum. Holding simultaneous referenda in Southern Sudan and the Abyei area was clearly a challenging task, particularly the Abyei referendum (discussed further in the section concerning the challenges of post-independence), as the area remains something of a fault line between the two Sudans.⁴⁵¹ The peaceful implementation of the CPA and subsequent conduct of the referendum in Southern Sudan could be regarded as significant achievement for both Juba and Beijing. Had the government in Khartoum abrogated the CPA, it would likely have resulted in a devastating conflict for both South Sudan and China. For China, the safety and continuation of its investment has been a major achievement; otherwise billions of dollars of Chinese investment in the oil industry would have been lost. On the other hand, had Sudan relapsed into what would have been a third civil war, South Sudan would have lost many lives in the process and taken many more years to achieve independence.

⁴⁴⁸ Interview, Nhial, Senior Political Presidential Advisor, Juba, 6 April 2016.

⁴⁴⁹ Interview, Dr Lual A. Deng, Executive Director, Ebony Centre for Strategic Studies and former Minister of Petroleum of Sudan (before independence) Juba, 9 October 2015.

⁴⁵⁰ Interview, Dr. Itto, SPLM, Juba, 8 September 2015.

⁴⁵¹ The Machakos Protocol, Machakos, Kenya, 20 July 2002:4; The Resolution of the Abyei Conflict, Naivasha, Kenya, 26 May 2004: 65-66.

Referendum and Formal Diplomatic Relations 2011

The conduct of the plebiscite was the centerpiece of the CPA for the South Sudanese. The exercise was expected by most, including China, to result in the creation of a new state.⁴⁵² However, the role of China was challenging given its longstanding foreign policy doctrine of non-interference and respect for sovereignty. As the US had run out of leverage to pressure the Government of Sudan, despite several attempts by the Obama Administration, China stepped in to fill the gap. The supporting role played by Western powers must still be recognized, particularly the Troika countries (the United States, Norway and United Kingdom), but China had the upper hand given its massive leverage over Sudan. With its first oil investment in the Sudans at stake, where its outlay had totaled about \$30 billion dollars,⁴⁵³ China was left with only one option: to act and act quickly. Throughout the implementation period of the CPA, using their respective 50% shares of oil revenues, both the Government of Southern Sudan (GoSS) and the Government of Sudan continued to rearm in anticipation of a possible outbreak of war if the CPA were to collapse.⁴⁵⁴ This military buildup happened as China watched carefully, as it understood the devastating effect on the oil industry if the war was reignited. Thus, China became instrumental in preventing the two sides of the CPA from reverting back to a conflict that could have been more destructive than previous war. Any outbreak of war would likely have had destroyed oilfields, the majority of which are located along the turbulent border between the two Sudans.

In the run-up to the referendum, China did not hide its support for the process and donated \$500,000 USD to fund the implementation of the plebiscite. The referendum saw 98.83% of Southern Sudanese vote to secede from Sudan⁴⁵⁵, and South Sudanese leaders expected China to aid them on the journey to statehood. They made it clear on a number of occasions that, to guarantee China's interests in South Sudan, China must respect the result of the referendum.⁴⁵⁶ China was among the first countries to recognize the result once it was announced in February

⁴⁵² Interview, He Winpeng, Director of African Studies in the Institute of West-Asian and African Studies (IWAAS), Chinese Academy of Social Sciences (CASS), Beijing, 6 September 2017; Interview, Michael Makuei Lueth, Juba, 4 February 2016.

⁴⁵³ Ian Whtock, How South Sudan is Challenging China's Foreign Policy, 14 March 2014. <http://natoassociation.ca/how-south-sudan-is-challenging-chinas-foreign-policy/>.

⁴⁵⁴ Interview, Senior SPLA Military General, Juba, 22 June 2016.

⁴⁵⁵ South Sudan Referendum Commission Bureau, Juba, February 2011. <http://southernsudan2011.com/>

⁴⁵⁶ Interview, Dr. Itto, Juba, 8 September 2015.

2011.⁴⁵⁷ Thus, China delivered in its role of prevailing on Sudan to allow for peaceful conduct of the referendum and subsequent independence of South Sudan. On the other hand, South Sudan delivered on its promise of not only honoring Chinese oil contracts, but also ensuring the safety of its citizens and investments. The positive impact of China on South Sudan was welcomed by the GoSS and quietly detested by the leadership of the North.⁴⁵⁸

Leveraging its good relations with the two Sudans, China prevailed in steering both parties, particularly Sudan, towards a peaceful referendum and divorce. In this particular case, it could be argued that China might, to some extent, have violated its longstanding policy of non-interference. China's involvement, unlike the Western style of coercive interference, was softer and involved less intimidation. Western interference often employed hard power (economic or military force), such as sanctions, as a means of punishment. China, however, utilized persuasion and the notion that the other party would stand to gain more than it would lose from engaging. As Sudan was both politically isolated and economically and militarily sanctioned by the UN and US,⁴⁵⁹ China was the only major power that it was able to depend on. Furthermore, the indictment of President Omar Al-Bashir by the International Criminal Court (ICC) in The Hague became an important element of leverage for China.⁴⁶⁰ China protected President Bashir at the UNSC, especially over the fallout from the Darfur crisis which led to the resolution establishing the African Union-United Nations Hybrid Operation in Darfur (UNAMID).⁴⁶¹ Without China needing to publically threaten Sudan, the latter understood the consequences of resisting and was successfully persuaded by China to allow for a peaceful referendum. This could be the most vivid example of China utilizing soft interference to persuade a sovereign state to allow the process leading to its own partition. On 9 July 2011, the date of the declaration of independence, South Sudan and China would finally establish their diplomatic relations.⁴⁶²

⁴⁵⁷ Interview, Yang Xin, Third Secretary, Political Affair Officer; Embassy of China to South Sudan, Juba, 22 February 2016.

⁴⁵⁸ Interview, Michael Makuei Lueth, 4 February 2016.

⁴⁵⁹ Interview, Dr. Lingfei Weng, Postdoctoral Research Fellow, School of Public Policy and Management, Tsinghua University, Beijing, 1 September 2017.

⁴⁶⁰ Interview, Dr. Lingfei Weng, Beijing, 2017.

⁴⁶¹ Interview, Dr. Lingfei Weng, Beijing, 2017.

⁴⁶² Agreement on the Establishment of Diplomatic Relations between China and South Sudan, Juba, 9 July 2011.

5.2. Challenges of Independence for South Sudan and Role of China

Dispute Over Oil Transit Fees Between the Two Sudans

Throughout the CPA's interim period there were disagreements and even outright mistrust between the two parties to the agreement (Government of Sudan and SPLM/A). The then-Government of Southern Sudan (GoSS) maintained its suspicion of Sudan and its operation of the oil industry (see Chapter 7 for further discussion), and the GoSS was also suspicious of the Asian oil companies that dominated the oil industry. The CNPC in particular was accused by the GoSS's Ministry of Petroleum and Mining (MPM) of collusion with Sudan to conceal oil production data.⁴⁶³ The level of suspicion was fueled by historical mistrust in China given its role in the Second Sudanese Civil War, and the disagreements continued after South Sudan's secession. In February 2012, South Sudan discovered that Sudan had been confiscating crude oil worth \$815 million and diverting it to its own refineries with the knowledge of Chinese companies.⁴⁶⁴ Sudan had taken this measure as both sides failed to agree on a scheme for oil transit fees (to be further discussed in Chapter 7) upon the independence of South Sudan in 2011.

South Sudan reacted immediately by ordering the shutdown of oil production across the country.⁴⁶⁵ The decision took many observers by surprise as it was regarded as irrational. The move resulted in serious consequences, both economically and politically, for the young nation. However, President Kiir downplayed the negative impact on the lives of the South Sudanese, stating that the people of South Sudan had become used to living in survival mode during the years of war and that they could do so again.⁴⁶⁶ After the oil shutdown, South Sudan lost its main source of revenue constituting up to 98% of its budget. The government quickly instituted austerity measures and suspended developmental projects. Prior to the production shutdown, South Sudan was producing

⁴⁶³ Interview, Eng. Awow Daniel Chuang, Director General for Petroleum Export and Petroleum Authority, Ministry of Petroleum, Juba, 12 May 2016.

⁴⁶⁴ Interview, Awow Daniel Chuang, Director General for Petroleum Export and Petroleum Authority, Ministry of Petroleum (before this position, he was in charge of the refineries construction), Juba, 12 May 2016.

⁴⁶⁵ Interview, Dr Lual A Deng, Juba, 9 September 2015.

⁴⁶⁶ James Copnall, Sudan Mobilizes Army Over Seizure of Oilfield by South Sudan, 11 April 2012:2. <https://www.guardian.com/world/2012/apr/11/sudan-south-border-war-crisis>.

350,000 barrels per day.⁴⁶⁷ During the shutdown process, South Sudanese engineers discovered a number of hidden, functional oil wells that were not revealed to South Sudan prior to independence.⁴⁶⁸ The discovery aggravated the existing mistrust in Chinese oil firms. As a result, South Sudanese authorities took punitive action by expelling Liu Yingcai, head of Chinese-Malaysian oil operating company, Petrodar, in 2012.⁴⁶⁹ The shutdown lasted nearly one and half years and deprived the young nation of billions of dollars in revenues amounting to almost their entire budget.⁴⁷⁰ Moreover, the move immensely affected the government's ability to undertake many of the functions necessary for the socioeconomic development of a new country. Gabe Joselow, in describing the shutdown decision, argues that "*Brave or reckless, South Sudan's decision to shut down its oil production to protest the north has had disastrous consequences for its citizens*".⁴⁷¹

Despite having China as a vital economic partner and the United States as a political ally, South Sudan took a unilateral decision without consulting either of them. The US was among the first critics of Juba's decision to shut down oil production, and the Obama Administration dispatched Secretary of State Hilary Clinton to Juba to persuade President Kiir to reconsider his decision and restart oil production.⁴⁷² For a state as small and young as South Sudan, it was not prudent to take such decision with such far-reaching economic and political consequences without proper consultation with allies and partners. Such peculiar actions could be understood from the perspective and attitude of a liberation movement in government, as many liberation leaders tend not to grasp the complexities of statesmanship or governance and take action which is driven by emotion, as if they are still leading a revolution struggle fueled by passion.⁴⁷³ The decision to shut down oil production and other similar actions taken by the SPLM leadership continue to haunt the

⁴⁶⁷ MPM Oil Marketing Reports Republic of South Sudan, Ministry of Petroleum and Mining, Volume 1A, Juba, 2011-2012, 2013-2014 and 2014-2015.

⁴⁶⁸ Interview, Awow Chuang, Juba, 12 May 2016.

⁴⁶⁹ Interview, Chuang, 2016.

⁴⁷⁰ Interview, Philip Ajak Boldit, Director General, Macro-economics Department, Ministry of Finance and Economic Planning, Juba, 9 November 2015.

⁴⁷¹ Gabe Joselow, S. Sudan Oil Shutdown Chokes Economy, 30 June 2012. <https://www.voanews.com/a/south-sudan-oil-shutdown-chokes-economy/1352237.html>.

⁴⁷² Colum Lynch, U.N. Peacekeepers to Protect China's Oil Interests in South Sudan, 2014. <http://foreignpolicy.com/2014/06/16/u-n-peacekeepers-to-protect-chinas-oil-interests-in-south-sudan/>.

⁴⁷³ Christopher Clapham, From Liberation Movement to Government: Past Legacies and the Challenge of Transition in Africa, Brenthurst Foundation, Johannesburg, November 2012.

well-being of the young nation, particularly in the area of social and economic development (see Chapter 6).

During the two wars of liberation (1955-1972 and 1983-2005), in which some of the current leaders of the SPLM participated, the movements did not have formal duties toward the people they were struggling to liberate. Instead, the civilian population in the liberated areas were the ones with duties towards the revolutionaries, particularly in feeding soldiers and providing intelligence to the movement.⁴⁷⁴ In his speech at the celebration in Rumbek on 16 May 2005,⁴⁷⁵ Dr. Garang reminded the SPLM leadership that after the signing of the CPA, “*it is a payback time by the SPLM to the people of South Sudan*”.⁴⁷⁶ Hence, the SPLM leaders’ decision to shut down the oil production did not take into account their duties towards the people of South Sudan in ensuring socioeconomic development through oil revenues. Instead of negotiating with Khartoum, Juba took the suicidal decision, at least economically, to shut off their only source of revenue. Since then, and throughout the current conflict beginning in 2013, there has been no significant achievement in the field of socioeconomic development.

After the oil shutdown, the African Union (AU) took the lead in convening a meeting in the Ethiopian capital, Addis Ababa, to iron out certain post-independence issues, including oil transit fees. As the talks were ongoing under the African Union High Level Implementation Panel (AUHLP) headed by former South African President Thabo Mbeki, pressures were mounting on both sides, particularly South Sudan, to compromise. Internationally, the UN Security Council was meeting to discuss sanctions on both sides should they fail to reach an agreement in Addis Ababa. China and the US, as the main economic and political partners of South Sudan, were scrambling to ensure the two sides signed a deal.⁴⁷⁷ The shutdown also affected oil companies as China’s oil giant China National Petroleum Corporation (CNPC) held a stake of roughly 40% in most oil Blocks (the oil industry will be discussed in more detail in Chapter 7).

⁴⁷⁴ Interview, Achuil Bangol, Juba, 2015.

⁴⁷⁵ It was the 21st anniversary of the founding the SPLM/A on 16 May 1983 in Bor town.

⁴⁷⁶ Speech of Dr. Garang in Rumbek during the commemoration of the 21st anniversary of the SPLM/A.

⁴⁷⁷ Interview, Yang Xin, Third Secretary, Political Affairs Officer; Embassy of China to South Sudan Juba, 22 February 2016.

Article 19 of the Transition Agreements (TAs), introduced to govern the oil industry after the secession of South Sudan, protects the latter from any liability for losses in the event of an oil shutdown.⁴⁷⁸ Thus, the continued oil shutdown had serious negative consequences for Chinese oil companies since Article 19 ruled out any future compensation. To manage the damage, China dispatched its special Envoy to Africa, Zhong Jianhua, to Sudan and South Sudan to encourage both sides to reach an agreement and avoid further escalation of the tension.⁴⁷⁹ On the other hand, the Obama Administration, aiming to avoid the looming UN sanctions against both Sudans, dispatched Secretary of State Hilary Clinton in August 2012, to deliver a message of the necessity of resuming oil production through a compromise deal with Sudan.⁴⁸⁰ The desperate situation led Clinton to remind President Kiir of South Sudan, during her brief stopover in Juba, that “*A percentage of something is better than a percentage of nothing*”.⁴⁸¹ The statement referred to the South Sudanese leadership’s justification of the oil shutdown: that instead of Khartoum stealing or confiscating part of its oil it would be preferable to stop the flow of oil all together.

Contentious Borders and Stability of the Oil Industry

Since the oil shutdown across South Sudan, Heglig/Panthou still holds significant oil reserves and remains a contested area. Heglig contains half of the remaining 25% of Sudan’s oil after South Sudan took roughly 75% with it during secession.⁴⁸² Along the border, the northern opposition forces of the SPLM-North operated against the Khartoum government with the backing of the SPLA in South Sudan, which aggravated existing tensions.⁴⁸³ As the tension rose, Sudan continued its bombardment of South Sudanese border areas in Unity state, citing the latter’s support to northern rebels from the Nuba Mountain (the rebels of the SPLM-North will be

⁴⁷⁸ Block 3 and 7 Transition Agreement between the Government of the Republic of South Sudan and CNPC International (DAR) Limited, Petronas Carigali Nile Limited, SINOPEC International Petroleum Exploration and Production Corporation, Tri Ocean Exploration and Production and Nilepet Company Limited, 13 January 2012, Juba, 27-28.

⁴⁷⁹ Interview, He Wenping, Beijing, September 2017.

⁴⁸⁰ Anne Gearan, Clinton Offers Stern Advice in South Sudan, a Country US Helped Create, *The Washington Post*, 4 August 2012, https://www.washingtonpost.com/world/africa/clinton-offers-stern-advice-in-south-sudan-a-country-us-helped-create/2012/08/03/7542520c-dd9c-11e1-8ad1-909913931f71_story.html?utm_term=.33a7475960d8.

⁴⁸¹ Hilary Clinton, *Hard Choices*, 2015: 54.

⁴⁸² Interview, Awow Chuang, Juba, 12 May 2016.

⁴⁸³ Alan Boswell, Southern Sudan Awaits Independence, Perhaps More Violence, *McClatchy Newspapers*, 18 September 2013. <http://www.mcclatchydc.com/news/nation-world/world/article24604681.html>.

discussed further in chapter 7).⁴⁸⁴ Sudan, after shelling a number of targets, began to move in ground troops to attack the SPLA positions, and the SPLA responded by dislodging Sudanese Armed Forces (SAF) from military outposts at Panthou/Heglig.⁴⁸⁵

The aggressions were described by Nhial Deng Nhial, South Sudan's Chief Negotiator on post-independence issues, as Sudanese provocations intended to provide military gains which would strengthen their position at the Addis Ababa talks under the AUHLIP.⁴⁸⁶ The SPLA continued its attacks and captured the Heglig/Panthou oilfields, sparking regional and international condemnation. As a result, South Sudan was accused of invading foreign territory, which it denied as it repeated its claim of ownership over the Panthou oilfields.⁴⁸⁷ The fight halted oil production and damaged facilities, infuriating Sudan further. Sudan quickly responded by pulling out of talks in Addis and vowed to retake Heglig as it continued its bombardment of Bentiu town, which South Sudan considered tantamount to a declaration of war.⁴⁸⁸ Bowing to regional and international pressures, President Kiir ordered the withdrawal of the SPLA from Heglig. Arriving in Heglig after the withdrawal of the SPLA and subsequent takeover of the town by the SAF, President Bashir of Sudan declared that he would teach South Sudan a final lesson by force. He added that *"we will not negotiate with the South's government, because they don't understand anything but the language of the gun and ammunition"*.⁴⁸⁹ The declaration sent a chilling message to the leaders of South Sudan who looked to China as they tried to avoid all-out war.

At this point, the South Sudanese leadership had turned to China to possibly save the desperate situation. In April 2012, President Kiir visited China to solicit the role of China in resolving the dispute with Sudan. In his meeting with President Hu, Kiir stated that his visit came at *"a very critical moment for the Republic of South Sudan because our neighbor in Khartoum has declared war on the Republic of South Sudan"*.⁴⁹⁰ To find a long term solution to oil transit dispute, Kiir

⁴⁸⁴ Interview, Senior SPLA General, Juba, 2016.

⁴⁸⁵ Interview, Senior SPLA General, 2016.

⁴⁸⁶ Interview, Nhial, Juba, 2016.

⁴⁸⁷ Interview, Michael Lueth, Juba, 2016.

⁴⁸⁸ Interview, Senior SPLA Officer, 2016.

⁴⁸⁹ James Copnall and David Smith, Sudan and South Sudan Close to War, 23 April 2012.

<https://www.theguardian.com/world/2012/apr/23/sudan-south-sudan-war-close>.

⁴⁹⁰ Mike Pflanz, On Trip to China, South Sudan's Leader Warns of War with Sudan, 24 April 2012.

<https://www.csmonitor.com/World/Africa/2012/0424/On-trip-to-China-South-Sudan-s-leader-warns-of-war-with-Sudan>.

requested that China fund and construct an alternative pipeline to Kenya.⁴⁹¹ For South Sudan, an alternative pipeline would free it from its dependence on Khartoum, which would in turn amount to economic independence.

China, with significant oil investment in both countries, did not want to be perceived as taking sides and instead chose to be neutral. President Hu informed Kiir that China would continue to support the ongoing talks in Addis as the only viable solution to the differences between the two Sudans.⁴⁹² Thus, President Kiir returned from Beijing disappointed, given the expectations he held that China would bail Juba out. Nevertheless, both sides were able to sign economic cooperation agreements excluding Kiir's top priority of financing the alternative pipeline.⁴⁹³ For China, financing the pipeline would aggravate the situation between the two Sudans as Sudan stood to benefit to the tune of billions of dollars from South Sudan's oil transit fees. Thus, Kiir returned to Juba with a promise of \$8 billion in aid for infrastructure development which never materialized.⁴⁹⁴ With no immediate support from China in sight, the South Sudanese delegation had to hope for a quick compromise at the negotiations in Addis Ababa.

While negotiations were going on in Addis Ababa, South Sudan and other concerned parties in South Sudanese affairs turned to China to save the situation. Given its oil interests in the Sudans, particularly the oilfields located along the disputed borders, China had an important role to play above any other concerned parties in the negotiations (see figure 5.1., below). Thus, in light of burgeoning Chinese interests in Africa in particular, it was no longer possible for China to avoid its responsibilities. As usual, China tended to avoid the spot light and preferred to support multilateral initiatives and the "*idea of African solutions to African problems*".⁴⁹⁵ Such an

⁴⁹¹ Interview, C Huang, Juba, 2016.

⁴⁹² Sudarsan Raghavan, "South Sudan's President Visits China During Crisis," *The Washington Post*, 24 April 2012:2. https://www.washingtonpost.com/world/africa/south-sudans-president-visits-china-during-crisis/2012/04/24/gIQAowXKfT_story.html?utm_term=.9dd12b505a43.

⁴⁹³ Mike Pflanz, "On Trip to China, South Sudan's Warns of War with Sudan," *The Christian Science Monitor*, 2012. <https://www.csmonitor.com/World/Africa/2012/0424/On-trip-to-China-South-Sudan-s-leader-warns-of-war-with-Sudan>

⁴⁹⁴ Interview, Aggrey Tisa Sabuni, Presidential Advisor on Finance and Economic Planning, Juba, September 2015.

⁴⁹⁵ Steven C. Kuo, "Not Looking to Lead: Beijing's View of the Crisis Between the Two Sudans," *Saferworld*, August 2012:3. [file:///C:/Users/Akok/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/China-South%20Sudan%20briefing%20English%20\(1\).pdf](file:///C:/Users/Akok/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/China-South%20Sudan%20briefing%20English%20(1).pdf)

approach may not necessarily safeguard Chinese interests in many cases where more enhanced involvement might be more effective. As a result, Steven Kuo argues that “*the belief that China should have no role in the politics or conflicts of Africa has had to be modified due to more extensive and deepening Chinese interests on the continent, Western pressure and rising African expectations of Beijing*”.⁴⁹⁶ He further added that “*Sudan - and since its independence in 2011, South Sudan – provide the most acute case that China is in fact inextricably part and parcel of local, bilateral and international politics*”. So, it is apparent that Chinese involvement in the case of the Sudans is indispensable, not only for its two allies, but for entrenched Chinese interests within the two countries. War between the two Sudans would surely impact all stakeholders significantly, and greater participation or soft intervention from China remains vital in guaranteeing stability, particularly along the turbulent border.

Figure 5.1. Locations of oil Blocks and operating companies.



Source. Africa Confidential.

Despite being accused by other major powers of not behaving as a responsible global power, China at least tried in the Sudanese case where it made some important strides. Dating from the CPA period in 2005 to post-independence South Sudan, China has exerted considerable and concerted efforts in engaging both sides of the CPA towards the peaceful implementation of the agreement.⁴⁹⁷

⁴⁹⁶ Ibid:3.

⁴⁹⁷ Interview, Lueth, Juba, 2016.

This approach remained evident in the Heglig crisis, despite such intervention being less overt as it took place through traditionally quiet Chinese diplomacy. Therefore, China's pragmatic role in the United Nations–African Union Mission in Darfur (UNAMID) and the conduct of the referendum in Southern Sudan were evident of its changing role as a rising global power.⁴⁹⁸ As Ian Whytock argues, “*China is very pragmatic, and its leadership knows that an enhanced mediation role in resolving conflicts will bolster China's credentials as being a responsible power*”.⁴⁹⁹ Given its good relations with both sides of the Sudanese conflict as well as its vested interest in their oil industry, China was expected to play a significant role in the AUHLIP. During the negotiations, China was active in engaging both Sudans, but as usual it largely backed the AU-led mediation in public whilst working behind the scenes to persuade both sides to reach a deal.⁵⁰⁰ Thus, the mediation culminated in the signing of the Cooperation Agreement in September 2012, ending the deadlock on oil transit fees and other post-independence issues.⁵⁰¹ After Khartoum dragged its feet over the agreement, citing Juba's support for Sudanese rebels,⁵⁰² both sides were able to implement the agreement and oil production re-started in 2013.

From the onset of the CPA and prior to the independence of South Sudan, demarcating the borderline between the two countries continually proved to be a sticking point. The two Sudans share a long and contentious border of 1203.9 miles, most of which is yet to be demarcated. For instance, shortly after the beginning of interim period in July 2005, both sides differed over the report of the Abyei Boundary Commission (ABC), which was intended to be binding.⁵⁰³ Determining the boundary of the Abyei, the commission was formed “*to define and demarcate the area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905, referred to herein as Abyei Area*”.⁵⁰⁴ The Commission was to demarcate the border, the basis of which would be determined by the people of Abyei in the simultaneous referendum with that of the Southern Sudan. It was also to evaluate the sharing of the oil revenues generated in the Abyei area.

⁴⁹⁸ Interview, Ma Qiang, Beijing, Former Chinese Ambassador to South Sudan until 2017, September 2017.

⁴⁹⁹ Ian Whytock, “How South Sudan is Challenging China's Foreign Policy,” *NAOC*, 14 March 2014.
<http://natoassociation.ca/how-south-sudan-is-challenging-chinas-foreign-policy/>.

⁵⁰⁰ Interview, Lingfei Weng, Beijing, September 2017.

⁵⁰¹ Cooperation Agreement between Republic of Sudan and Republic of South Sudan, 27 September 2012:5.

⁵⁰² Interview, Lueth, Juba, 2016.

⁵⁰³ The Resolution of the Abyei Conflict, 26 May 2004.

⁵⁰⁴ *Ibid*: 69.

After the commission announced its findings, President Bashir declared his rejection of the conclusions, claiming that the body had overstepped its mandate.⁵⁰⁵ On the SPLM/A side, Dr. Garang was categorical that the report should be final and binding upon both sides as per the CPA's protocol on "*The Resolution of Abyei Conflict*".⁵⁰⁶ After the death of Dr. Garang, the situation in the Abyei area deteriorated and remains a flashpoint between the two Sudans to this day, threatening the stability of the oil industry and subsequently the China's substantial investment in the sector. In May 2011, just months before the declaration of independence of South Sudan, the war finally erupted and Sudan took control of the Abyei area (further details on the Abyei conflict to be found in chapter 7).⁵⁰⁷ After grueling negotiations under the AU High Level Implementation Panel (AUHLIP), both sides agreed to demilitarize and hand Abyei over to the United Nation Interim Force in Abyei (UNIFSA).⁵⁰⁸

Throughout the six years of the interim period, both sides failed to fully demarcate their border making it one of the most volatile borders between any two countries, with about eight contested or claimed points along the border.⁵⁰⁹ The lack of agreement on borders led to the denial of the GoSS's right to share the oil produced in some of these areas, such as Heglig/Panthou and Abyei. Continuing disagreement on the demarcation of borders poses a real threat to the stability of the oil industry in both countries. Instability in the oil industry affects not only the two Sudans but China as well, as demonstrated by the conflict over Heglig in 2012, which led to the halting of oil production in the area. The oil industry remains the foremost of China's interests in South Sudan, and therefore it is in the interests of all parties involved to address any factors that could affect the flow of the oil. China in particular, with its leverage over both Sudans, continues to exert efforts intended to ameliorate tensions.⁵¹⁰ During the conflict over Heglig, China's role was vital in engaging the two countries to show restraint and resolve their differences amicably.⁵¹¹ This role will be necessary for a long time to come if the two Sudans continue to fail in demarcating their border (see figure 5.2., below). China's positive role for stability in South Sudan has not been

⁵⁰⁵ Interview, Lueth, Juba, 2016.

⁵⁰⁶ The Resolution of the Abyei Conflict, 26 May 2004:68.

⁵⁰⁷ Interview, Senior SPLA General, Juba, 2016.

⁵⁰⁸ Interview, Nhial, Juba, 2016.

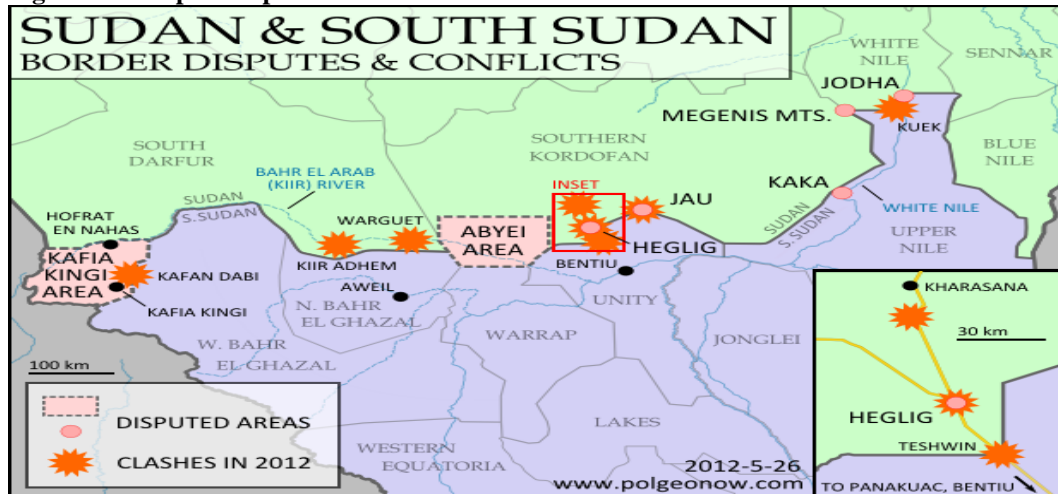
⁵⁰⁹ Interview, Lueth, Juba, 2015.

⁵¹⁰ Interview, Lingfei Weng, Beijing, September 2017.

⁵¹¹ Interview, Zhang Yi, Economic & Commercial Counsellor, Embassy of the People's Republic of China to South Sudan, Juba, 2 December 2015.

confined to repairing the latter's tumultuous relationship with Sudan; it has also been engaged in the peace process between the South Sudanese government and the rebel leaders of the SPLM-IO as it seeks to end the instability affecting Unity oilfields.

Figure 5.2. Map of Disputed Border Points between the Two Sudans.



Civil War in South Sudan – 2013-Present

“It is rather political divisions within the South and growing grievances among local communities in oil-bearing regions that acutely threaten peace and stability in Sudan/South Sudan.”⁵¹²

On 15 December 2013, South Sudan descended into a violent conflict within itself. The differences within the ruling party, the SPLM, veered into military confrontation in the capital, Juba. Salva Kiir, who doubled as both President and Chairman of the SPLM, and Dr. Riek Machar, who similarly doubled as Vice President and Deputy Chairman of the SPLM, differed over the SPLM's basic documents. These key documents were to inform the SPLM's transformation into a political party. Moreover, they were supposed to form the basis of the SPLM's national convention, which was set to be held in early 2014 to elect the party's flag bearer in the presidential elections.⁵¹³ The war took a toll on civilians, killing over 10,000 during just the early months of the conflict.⁵¹⁴ The conflict also resulted in a huge influx of refugees into neighboring countries, as well as a

⁵¹² Luke Patey, *Crude Days Ahead? Oil and the Resource Curse in Sudan*, *African Affairs*, 109 (437), p. 617-636, 2010: 635. <http://www.jstor.org/stable/pdf/40928366.pdf?refreqid=excelsior:4b7362eb91704f76c673018e2abe3242>

⁵¹³ Interview, Bangol, Juba, 2015.

⁵¹⁴ Interview, Dr. Akol, Juba, 2016.

considerable number of internally displaced persons (IDPs) relocating to the UN Protection of Civilian sites (POCs).

Alarmed by the scale of the conflict, the regional body Inter-Governmental Authority on Development (IGAD) quickly convened a meeting to broker ceasefire. China was another concerned party given its huge oil interests in the country. Thus, China continued as part of the IGAD Plus initiative to broker peace in the country to negate the threat against its oil interests and ensure the safety of its nationals in the oilfields.⁵¹⁵ The role of China in brokering the peace between the government of South Sudan and the SPLM-IO was evident as China delegated several high ranking officials to engage both parties since the eruption of conflict in 2013.⁵¹⁶ This conflict has tested the long-held Chinese doctrine of non-interference in other countries' internal affairs. In a letter responding to Dr. Barnaba Marial Benjamin, Minister of Foreign Affairs, Government of South Sudan, Chinese Foreign Minister Wang Yi outlined China's views, stating that:

*You stated in your letter that peace and social stability is the top priority for South Sudan and also where our common interests lie. I cannot agree with you more. China appreciates your government's commitment to the peace process in South Sudan and hopes that the two sides of the conflict will earnestly stop fighting and resume talks as soon as possible. A peaceful and stable environment is an important requirement for carrying out practical cooperation between our two countries. The Chinese government appreciates the efforts of government of South Sudan to ensure the safety of Chinese companies and personnel and hopes that you will continue to take effective steps to guarantee the safety of Chinese personnel and property in your country. We sincerely hope that South Sudan will soon embark on a path of peace, stability and development.*⁵¹⁷

Robust military support from Sudan to rebels of the Sudan People's Liberation Movement/Army-In Opposition (SPLM/A-IO)⁵¹⁸ led to the intensification of the war, particularly in the oil-producing areas. Thus, China convened a trilateral meeting of the three ruling parties (Communist

⁵¹⁵ IGAD Plus is composed of the Troika countries (the United States, United Kingdom and Norway) and China. It was created when the war broke out in South Sudan in 2013.

⁵¹⁶ Interview, He Wenping, Beijing, 6 September 2017.

⁵¹⁷ Letter to Dr. Barnaba Marial Benjamin, Minister of Foreign Affairs and International Cooperation, South Sudan from Wang Yi, Minister of Foreign Affairs, China, 29 May 2015.

⁵¹⁸ Interview, Senior SPLA General, Juba, 2016.

Party of China, Sudan People's Liberation Movement and National Congress Party) in Khartoum in 2015 to address the two Sudans' support for their respective rebels. Both Sudans continue to trade accusations; for example, South Sudan accused Khartoum of military support for SPLM-IO forces while Khartoum accused Juba of supporting the SPLM-North rebels.⁵¹⁹ Thus, the insecurity caused by the war led to the complete shutdown of the Unity oilfields upon the evacuation of Chinese oil workers in late December 2013.⁵²⁰ As oil revenues make up over 98 percent of South Sudan's national budget, the rebels were determined to deprive the government of this vital resource by targeting the oilfields and calling for Chinese oil companies to shut down production. Subsequently, the oil shutdown caused huge financial losses for the Chinese, Malaysian and Indian oil companies operating in Blocks 1, 2, 4 and 5A respectively.⁵²¹ Such a loss caused by a non-state actor or opposition body was not new to China. Without a pragmatic decision by the SPLM to engage China and allow for the continuation of its investment in oil industry, the latter would have lost out immensely. Furthermore, the huge loss China incurred after the departure and collapse of Muammar Gaddafi's regime in Libya served as a vivid warning against the dangers of failing to engage both parties of the conflict.⁵²² Thus, it was not surprising for China to engage both parties of the South Sudanese conflict when the war began.

Learning from its previous experiences, China was open to meeting with a non-state actor. The two cases of Libya and pre-CPA Sudan were still vivid to Chinese policy makers. They understood that the usual tactic of citing the importance of respect for sovereignty in Chinese foreign policy would not always serve China's burgeoning interests, and having learned something of the complexities of Sudanese politics, the time was ripe for China to modify their approach. In 2014, an SPLM-IO delegation visited China and met with the Chinese leadership to discuss the resolution of the conflict and safety of Chinese interests in the country.⁵²³ It could be argued that the SPLM-IO leaders, drawing from their experience of dealing with China during the CPA by leveraging the oil industry, employed the same leverage to neutralize China's support to the South Sudanese

⁵¹⁹ Interview, Lingfei Weng, Beijing, 1 September 2017.

⁵²⁰ Interview, Beny Ngor, Director of Community Development, Greater Pioneer Operating Company (GPOC), Juba, October 2015.

⁵²¹ Interview, Paul Adong, Former Managing Director of Nile Petroleum Corporation (Nilepet), Juba, 16 July 2016.

⁵²² Steven Sotloff, China's Libya Problem, 14 March 2012.

⁵²³ Interview, Dr. Dhieu Mathok Diing, doubled as Minister of Electricity and Irrigation and Secretary General of the SPLM/A-IO, Juba, 30 October 2017.

government to some extent. At the meeting, SPLM-IO delegate Dr. Dhieu Mathok Diing “*told the Chinese that as we welcome your role in the peace talks, your country should stop supplying arms to the Government of South Sudan*”.⁵²⁴ He further stated that:

*The SPLM-IO started contacting the Chinese government in early 2014 in Addis Ababa during the peace talks. The engagement was necessary because China, beside its investment in oil sector in South Sudan, was supplying Juba with guns and ammunition, which raised the concern of the movement. Because of their interest, they too started contacting the IO. All Chinese Envoys and senior government officials who visited the region met the SPLM-IO leaders in Addis Ababa. Our constructive engagement with the Chinese government resulted in our invitation by the Government of China to visit Beijing as the first non-state actor to be officially invited by the Chinese government in its history. My delegation was warmly received and met with officials in the Foreign Ministry, including the Minister, and discussed all issues comprised of oil, armaments, humanitarian aid, etc. The visit was successful and managed to neutralize the Government of China from supporting the regime.*⁵²⁵

According to diplomats in the South Sudanese embassy in Beijing, the visit of the SPLM-IO to China took place in prior consultation with the South Sudanese government.⁵²⁶ The coordination could explain that China chose to exercise a degree of respect for sovereignty. The government of South Sudan requested that the Chinese government had no high level meetings with the SPLM-IO delegation.⁵²⁷ Thus, the delegation was able to meet with Wang Min, Vice President of the Foreign Ministry, as well as being “*offered some money from the government and some state-owned companies at around \$150 million*”⁵²⁸ disguised as humanitarian assistance. It is apparent that the visit was in the interests of both South Sudan and China to help guarantee the safety of the oilfields. However, the move to invite rebels was an unusual shift given China’s orthodox foreign policy of never dealing with a non-state party or opposition body. In light of complexities of the

⁵²⁴ Interview, Dr. Dhieu Mathok Diing, Juba, 30 October 2017.

⁵²⁵ Interview, Dr. Dhieu Diing, Juba, 30 October 2017.

⁵²⁶ Interview, Ambassador Monday Semaya, Commercial and Trade Section, Embassy of South Sudan to China, Beijing, 1 September 2017.

⁵²⁷ Interview, Dr. Michael Milli Hussien, South Sudan Ambassador to China and former Minister of Health, September 2017.

⁵²⁸ Interview, Monday Semaya, Beijing, 2017.

Sudans' politics, many observers argue that the Chinese policy of non-interference became strained, and hence a possible modification or adjustment was required.⁵²⁹ Thus, the policy options pursued by China in Sudanese politics since 2005 could signal the beginning of a break from that narrow policy. Such a policy may be suitable for small states, but China would pursue a more practical foreign policy given its burgeoning interests globally and on the African continent in particular. Thus, China did not waste time and became deeply involved from the beginning in the ceasefire negotiations and subsequent settlement, which led to the signing of Agreement on the Resolution of Conflict in South Sudan (ARCISS) in August 2015.

Security Cooperation

South Sudan's military relationship with China is relatively new given the brief period of their engagement. Prior to South Sudan's independence, Chinese military ties were confined to the Government of Sudan. However, according to the CPA, the SPLM/GoSS was to fund its army, the SPLA, through alternative sources.⁵³⁰ The United States, through the US Africa Command (AFRICOM),⁵³¹ took on much of the role of training and transforming the SPLA into a conventional army.⁵³² Soon after independence, South Sudan and China began some limited military cooperation. In the field of intelligence and security communication, China has offered a number of short and long term training programs for high ranking military officers, particularly in the Military Intelligence division (MI).⁵³³ From 2013, China has been implementing the SPLA air force development program, taking young officers to China and training them in all areas of the sector.⁵³⁴ The sensitivity of military relations between the two countries, particularly with regard to Sudan, was apparent to China as it tried not to offend Khartoum by limiting cooperation in the military field. Viewed through the lens of their existing animosity, huge military support to South Sudan would be considered by Khartoum as a threat if not an act of aggression.⁵³⁵ Faced with the dilemma of its past military support to Sudan, and to prove the point that it was not merely

⁵²⁹ Interview, Lingfei Wang, Beijing, 1 September 2017.

⁵³⁰ Security Arrangements of the CPA, Naivasha, Kenya, 25 September 2003.

⁵³¹ AFRICOM is a United States Africa Command, established in 2007, but based in Stuttgart, Germany.

⁵³² AFRICOM and SPLA; Many SPLA officer were trained in many military bases across the United States from 2005-2013, but it was stopped after the breakout of the war as part of US pressure to government in Juba to reach peace with the rebels of the SPLM-IO.

⁵³³ Interview, SPLA Officer, Military Intelligence Officer, Juba, 2015.

⁵³⁴ Interview, Senior SPLA Officer, 2016.

⁵³⁵ Interview, Ambassador Michael Milli Hussein, Beijing, September 2017.

supporting the South, China has found itself again walking the fine line of its continuing balancing act between the two Sudans. Thus, Beijing adopted a low key approach in its military cooperation with South Sudan, particularly after the eruption of the current conflict.

Just as the role of Chinese oil companies was evident during the evolution of relations between the two countries, this role continues to consolidate the engagement today. Since the beginning of the current conflict in South Sudan, Chinese firms led the way by filling the gap when the government of China was uncomfortable with having direct role in supplying arms to the SPLA. There has been no significant cooperation between the SPLA and People's Liberation Army (PLA) of China in terms of armament.⁵³⁶ The Chinese government continues to be reserved in the light of Khartoum's implicit objection to deals that could undermine its military superiority over Juba.⁵³⁷ However, Chinese firms may not be constrained by such considerations, aiming to derive maximum profit in light of fierce competition with their Western counterparts in the lucrative market for arms. NORINCO, the largest Chinese arms manufacturing firm, signed an agreement with the South Sudanese government to supply its army, the SPLA, with a variety of military hardware. The sale has been summated as follows:

Since its independence in 2011, South Sudan Government forces have received large volumes of weapons and ammunition from countries including China, South Africa and Canada. The China North Industries Corporation (NORINCO), a Chinese state-owned defence manufacturing company, provided ammunition to South Sudan from 2011 to July 2014. A single transfer in 2014 was worth more than USD 30 million, all of which transited through Mombasa, Kenya. The transfer included more than 27 million rounds of small calibre ammunition, 40,000 rounds of 40 mm Type-69 HEAT rockets for RPG launchers, 20,000 rounds of 40 mm BGL2 anti-personnel grenades, 1,200 Type HJ-73D anti-tank missiles, more than 9,500 Type 56 (AK-pattern) 7.62 x 39 mm assault rifles, 2,394 add-on 40 mm under barrel grenade launchers, as well as smaller quantities of NP42 9 mm pistols, Type 80 general-purpose machine-guns, and other military equipment.⁵³⁸

⁵³⁶ Interview, Senior SPLA General, Juba, 2016.

⁵³⁷ Interview, Monday Semaya, Beijing, September 2017.

⁵³⁸ ATT Monitor, Arms Transfer to South Sudan, 2015:3. http://armstreatymonitor.org/fr/wp-content/uploads/2015/08/ATT_ENGLISH_South-Sudan-Case-Study.pdf

Given the secretive nature of both countries (China and South Sudan), compounded by the usual sensitivity of the military affairs, it has been challenging to obtain sufficient data on security relations. However, the arm sales have been confirmed by a South Sudanese official with knowledge of the deals, stating that:

There is no meaningful cooperation between the two countries. We are only having relations with Chinese companies that manufacture weapons such as NORINCO. It sold us a number of weapons including 68 tanks making South Sudan the number one country in Africa that possesses this type of tank. Following us are Egypt with 34, South Africa with 18, Kenya with 13, Sudan with 7, and Uganda with 4 tanks. NORINCO trained 133 young officers from the SPLA for a period of 16 months on how to operate those tanks.⁵³⁹

When the war between the South Sudanese government and the rebels intensified in 2014, beginning to threaten entire oilfields, China was able to reconsider its reserved position and begin the supply of arms.⁵⁴⁰ This move could be explained by the threat to its core interests in the oilfields, which would be well received by Khartoum to some extent. As it was involved in the regional mediation process to halt the conflict, China was clear to Sudan (as it supplied the rebels with arms) and South Sudan that they were not to attack oil infrastructure located along the trouble border.⁵⁴¹ While participating in the quest for a peaceful settlement of the conflict, China continued to supply arms to the SPLA forces that were struggling to protect Upper Nile oilfields,⁵⁴² particularly after the rebels succeeded in shutting down oil production in Unity field. However, after China's secretive supply of arms was discovered, placing it under heavy pressure from Western partners in the IGAD-Plus Initiative, it declared through its Ambassador in Juba, Ma Qiang, that it was halting the sale of arms to South Sudan including the suspension of the contract with NORINCO.⁵⁴³

⁵³⁹ Interview, South Sudan diplomat, Juba, 2016.

⁵⁴⁰ Interview, Senior SPLA General, Juba, 2016.

⁵⁴¹ Yanmei Xie and Casie Copeland, "To Intervene or Not? China's Foreign Policy Experiment in South Sudan Raises Questions," 2 October 2017:4. <http://www.scmp.com/comment/insight-opinion/article/2113416/intervene-or-not-chinas-foreign-policy-experiment-raises-questions-south>.

⁵⁴² Ilya Gridneff, "China Sells South Sudan Arms as Its Government Talks Peace," 9 July 2014. <https://www.bloomberg.com/news/articles/2014-07-08/norinco-sells-south-sudan-arms-as-chinese-government-talks-peace>.

⁵⁴³ Ilya Gridneff, China Halts Weapons Sales to South Sudan, September 2014.

5.3. International Cooperation

Cooperation at the level of the United Nations

The international cooperation between South Sudan and China dates back to 2005, during the implementation of the CPA. China was an observer during signing of the CPA, and not a witness as many other major powers were.⁵⁴⁴ However, China did contribute peacekeeping forces to the United Nations Mission in Sudan (UNMIS) during the six-year interim period (2005-2011). Given the level of mistrust between Sudan and then-Southern Sudan, the implementation was anticipated by many, including the signatories, to be more daunting than its negotiation. Hence, the two parties, particularly the SPLM/A, requested that the UN peacekeeping force observe and oversee the implementation of the CPA.⁵⁴⁵ On March 2005, the UNSC issued Resolution 1590, establishing UNMIS and tasking it with various roles: to support the implementation of the CPA, facilitate and coordinate the voluntary return of refugees and IDPs, provide humanitarian assistance, assist parties in clearing landmines, and contribute towards international efforts to protect and promote human rights in Sudan.⁵⁴⁶ The UNMIS was a multidimensional peace support operation staffed with 10,000 military personnel and hundreds of civilians and police officers.⁵⁴⁷ With its Headquarters in Khartoum, UNMIS personnel were deployed all over the country with a concentration in Southern Sudan, particularly Juba, where the Joint Monitoring Coordination Office was based.

Throughout the CPA, China kept a low profile regarding its role in the UNMIS. It confined its role in physical infrastructure development to its engineering corps.⁵⁴⁸ As the country emerged from war, China's engineering contingent constructed several marble roads in Juba and other major towns.⁵⁴⁹ The contingent undertook various other engineering works in the country, with a lot of appreciation shown by both the people and the GoSS.⁵⁵⁰ The role of China in peacekeeping in Africa generally negates the assertion by many analysts that China has no genuine role in the

⁵⁴⁴ Comprehensive Peace Agreement, Nairobi, 9 January 2005.

⁵⁴⁵ Interview, Nhial, Juba, 2016.

⁵⁴⁶ United Nations Mission in Sudan, UNMISS Background, 2005.
www.un.org/en/peacekeeping/mission/past/unmis/background.shtml.

⁵⁴⁷ UNMIS Background, 2005.

⁵⁴⁸ Interview, Nhial, Juba, 5 February 2016.

⁵⁴⁹ Interview, Senior SPLA General, Juba, 2016.

⁵⁵⁰ Interview, Michael Lueth, Juba, 2016.

continent apart from the exploitation of natural resources.⁵⁵¹ China appears to understand the vitality of stability in Africa, particularly in the countries holding its most vital investments such as South Sudan. The current civil war in the country, which led to the shutdown of oil production in Unity state, serves as a vivid demonstration of the negative impact of political instability. In fact, China could be an important partner for efforts to encourage stability on the African continent, which is one of the AU themes of silencing guns by 2020.⁵⁵² Thus, the role of China in Africa has been developing and evolving. China's role has been informed by realities on the ground, where South Sudan continues to epitomize the evolution of its foreign policy into a more participatory state, if not one of outright intervention. Olander and Staden argue that:

*Nowhere else in Africa do China's financial, diplomatic and geopolitical interests confront as much risk as they do in South Sudan. Beijing has invested billions of dollars in the country's oil sector, deployed about 1,000 troops to serve as U.N. peacekeepers and committed considerable diplomatic capital to help resolve the ongoing civil/ethnic war.*⁵⁵³

As civil war raged in South Sudan, the UN Security Council decided to take punitive measures against perpetrators, on both sides, who were considered responsible for atrocities committed against civilians.⁵⁵⁴ In one of the moves spearheaded by the UN Secretary General, intended for the prevention of genocide in South Sudan, the United States and other members of the Security Council sponsored a resolution to impose an arms embargo and targeted sanctions on some of the senior leaders believed to have been involved in the atrocities.⁵⁵⁵ The resolution was to ban the sale of arms to the government of South Sudan, banning travel and freezing the assets of three individuals⁵⁵⁶ deemed to be obstructing the implementation of the ARCISS or encouraging violence.

⁵⁵¹ Interview, Lengfei Weng, Beijing, 1 September 2017.

⁵⁵² Interview, Nhial, 2016.

⁵⁵³ Eric Olander and Cobus Staden, "Why China is so Invested in South Sudan's Future" 23 May 2015. https://www.huffingtonpost.com/entry/china-south-sudan-future_us_5769a47fe4b0c0252e778e38.

⁵⁵⁴ Laura Nyantung Beny, "United Nations Security Council Resolutions 2206 on Targeted Sanctions in South Sudan", Cambridge University Press, 20 January 2017. <https://doi.org/10.5305/intelegamate.54.5.0945>

⁵⁵⁵ Interview, Lueth, Juba, 2016.

⁵⁵⁶ The three individuals targeted by the sanctions were: Paul Malong, Chief of Staff of the Government's Sudan People's Liberation Army (SPLA); Michael Makuei Lueth, Minister for Information; and former First Vice-President Riek Machar, leader of the Sudan People's Liberation Movement/Army-In Opposition (SPLAM/A-IO).

However, the resolution failed to be adopted as only 7 voted in favor and 9 abstained, including China.⁵⁵⁷ Such an outcome was not welcomed by the United States and its allies, and the frustration which Samantha Power, United States Ambassador to the United Nations, uttered at the aftermath of the vote was an attestation of how the Obama Administration detested China's role in preventing sanctions on South Sudan. She stated that "*The council members who didn't support this resolution are taking a big gamble that South Sudan's leaders will not instigate a catastrophe*",⁵⁵⁸ adding that "*It is the people of South Sudan who will pay an unbearable price*". However, China, as South Sudan's economic ally, justified its abstention as follows:

*China's representative said his country was committed to restoring peace and stability in South Sudan as soon as possible. Describing the Government's announcement of an inclusive national dialogue and the approved deployment of the Regional Protection Force as positive steps, he emphasized that the international community should support them instead of taking counter-productive actions. It should also support full implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (the Peace Agreement) and the mediation efforts of the Intergovernmental Authority on Development (IGAD), he added.*⁵⁵⁹

Since the start of the war in 2013, the United Nations Security Council (UNSC) has tabled several resolutions aimed at sanctioning the government of South Sudan. The two main resolutions were informed by the atrocities committed by both sides of the conflict and the lack of implementation of the peace agreement. However, South Sudan escaped those resolutions mainly because of Chinese and Russian objections.⁵⁶⁰ Thus, China, instead of the United States as South Sudan's political ally, has been the protector and backer of the Juba regime. This important cooperation at the level of the UNSC will continue to help in mending the difficult past between South Sudan and China. The past bitterness the South Sudanese held for China can continue to be ameliorated

⁵⁵⁷ Interview, Nhial, Juba, 2016.

⁵⁵⁸ Michele Nicholas, "U.N. council fails to impose arms embargo on South Sudan," 23 December 2016. <https://www.reuters.com/article/us-southsudan-security-un/u-n-council-fails-to-impose-arms-embargo-on-south-sudan-idUSKBN14C1KY>.

⁵⁵⁹ United Nations, "Security Council Decides against Imposing Arms Embargo on South Sudan, Designating Key Figures for Targeted Sanctions," 23 December 2016. <https://www.un.org/press/en/2016/sc12653.doc.htm>.

⁵⁶⁰ Interview, Nhial, Juba, 2016.

through Beijing's action in favor of Juba, such as encouragement for peaceful conduct of the referendum in 2011 and the present political cooperation at the UN level. This role was epitomized by the robust role of Chinese peacekeeping forces in the United Nations Mission in South Sudan.

Role of China in the UN Mission in South Sudan (UNMISS)

The independence of South Sudan marked the end of the United Nations Mission in Sudan (UNMIS)⁵⁶¹ and the beginning of the new United Nations Mission in South Sudan (UNMISS) with a more substantial role for China. In May 2011, two months before the declaration of independence of South Sudan, the UN Secretary General wrote to both parties to the CPA and to the UNSC, urging them to consider a three-month extension. The request for an extension was informed by security concerns in South Sudan that were directly connected to outstanding issues (such as demarcated borders and the status of the Abyei area) between the two Sudans. However, the request was revised when Sudan objected to the extension of the UNMIS mandate. At the time of South Sudan's independence and coronation as the newest country in the world, its leaders envisaged the role which the United Nations could play in stabilizing the nascent nation.⁵⁶² On 8 July 2011, the Security Council passed Resolution 1996 establishing the new United Nations Mission in South Sudan (UNMISS), for an initial period of one year and subject for renewal.⁵⁶³ The mission was mandated to consolidate peace and security, prepare the ground for development through strengthening the capacity of the government, and forge good relations with its neighbors.⁵⁶⁴ The mandate, which anticipated the underlying challenges ahead for its new member (South Sudan), was viewed by many as a wise decision by the Council.⁵⁶⁵

When the young nation descended into violent conflict in 2013, killing thousands of civilians and displacing millions both internally and into neighboring countries as refugees, the UNMISS mandate was amended to become a civilian protection mission. Differences that started out as political disagreements within the top of the SPLM's leadership quickly took on an ethnic

⁵⁶¹ UNMIS was instituted as per the CPA, which required the deployment of peacekeeping forces to oversee the implementation of the agreement, particularly the withdrawal of the Sudan Armed Forces (SAF) from Southern Sudan and SPLA forces from Northern Sudan.

⁵⁶² Interview, Nhial, Juba, 2016.

⁵⁶³ United Nations Security Council, Security Council Resolution 1996, 8 July 2011.

⁵⁶⁴ Ibid.

⁵⁶⁵ Interview, Lengfei Weng, Beijing, 1 September 2017.

dimension. President Kiir hails from the Dinka tribe, the largest in South Sudan, while Dr. Riek Machar hails from the Nuer tribe, which is the second largest, and both were backed to a large extent by their respective communities. As soon as violence broke out, soldiers from both sides began targeting members of the other tribes on the basis of their ethnicities. With nowhere to turn from the violent soldiers, civilians rushed into the UNMISS sites seeking safety. Overwhelmed by the influx of civilians, the UNMISS mandate was quickly altered to expand its size and to order the protection of civilians, as the new resolution 2155 stated:

*Following the crisis which broke out in South Sudan in December 2013, the Security Council, by its resolution 2155 (2014) of 27 May 2014, reinforced UNMISS and reprioritized its mandate towards the protection of civilians, human rights monitoring, and support for the delivery of humanitarian assistance and for the implementation of the Cessation of Hostilities Agreement.*⁵⁶⁶

The change of the UNMISS's mandate was preceded by one of the most important compromises to occur within the UN Security Council. As the number of peacekeepers was inadequate to meet the challenges of the quickly expanding conflict, the UNSC adopted resolution 2155 on 27 May 2014 partly to increase the number of peacekeeping forces. With additional peacekeepers numbering in the thousands to be added to the already existing force and with the protection of civilians as a main objective, China demanded that the new mandate include the protection of vital economic installations (such as oil infrastructure) and oil workers including Chinese nationals.⁵⁶⁷ In other words, the protection of oil installations, which are vital to Chinese interests as well as being the main source of revenues for South Sudan, must be included in the mandate. The UN Department of Peacekeeping Operations (DPKO) objected the deal, citing that the move risked undermining the neutrality of the peacekeepers in the conflict.⁵⁶⁸

On the ground in South Sudan, the Sudan People Liberation Movement-In Opposition (SPLM-IO), vehemently opposed the part of the mandate that included the protection of oil infrastructure.

⁵⁶⁶ UNMISS protecting civilians, monitoring human rights and supporting implementation of cessation of hostilities agreement. <https://unmiss.unmissions.org/mandate>.

⁵⁶⁷ Interview, Lueth, Juba, 2016.

⁵⁶⁸ Colum Lynch, "U.N. Peacekeepers to Protect China's Oil Interests in South Sudan," *Foreign Policy*, 14 June 2014. <http://foreignpolicy.com/2014/06/16/u-n-peacekeepers-to-protect-chinas-oil-interests-in-south-sudan/>.

According to the SPLM-IO, any direct role of UN peacekeepers in war forces “*the UN to walk a thin line between neutral peacekeepers and proxy military force for the government of South Sudan*”.⁵⁶⁹ Furthermore, the opposition accused the international body of intervention in the internal conflict as the “*deal is only the latest example of regional and international powers intervening in the South Sudanese conflict on behalf of the government*”.⁵⁷⁰ The SPLM-IO considered oil installations to be legitimate military targets as they intended to deny the government in Juba the vital revenues that funded the war against its forces. Thus, the role of SPLM-IO’s forces in early 2014 led to the shutdown of Unity oilfields which continues to this date, costing South Sudan and China enormous losses in oil revenues. It is apparent that Beijing’s move at the UNSC to protect oil installation was influenced by the shutdown of the Unity oilfields and was possibly designed to protect the operational oilfields in the Upper Nile state.

However, in a closed door meeting among the key powers, China won the backing of the United States, United Kingdom, France and other states. The proponents of the inclusion of oil infrastructure protection in the UNMISS’s new mandate had a justification as their representatives argued that “*attacks on South Sudan's oil infrastructure threatened to further destabilize the world's youngest country by destroying its main economic lifeline*”.⁵⁷¹ The risk was real to many stakeholders and to South Sudan in particular, as oil revenues account for up to 98% of its budget, leaving the new country vulnerable to widespread destabilization.⁵⁷² The compromise marked one of the important policy areas where China and the US could cooperate in Africa given their intersected interests in South Sudan: China with its investment in South Sudanese oil and the US as a political ally of the regime in Juba. Furthermore, the resolution was one of the unique successes of China’s diplomacy at the UN, as indicated by Lynch:

In South Sudan, the investment is indeed paying dividends — for China. Last month, Beijing quietly secured a deal that will put the U.N.’s famed blue helmets to work protecting workers in South Sudan’s oil installations, where China has invested billions of dollars over the years and holds a major financial stake — at least 40 percent — in South Sudan’s

⁵⁶⁹ Ibid.

⁵⁷⁰ Ibid.

⁵⁷¹ Ibid.3.

⁵⁷² Interview, He Wenping, Beijing

*largest oil field. American taxpayers, who fund about 27 percent of the cost of U.N. peacekeeping missions, will effectively be helping to shoulder the financial burden of securing China's investment.*⁵⁷³

The mandate of the peacekeepers was to deter violence against civilians, with particular focus on high risk areas such as schools, hospitals, places of worship, and oil installations.⁵⁷⁴ Moreover, the new mandate required an increase in the number of peacekeepers, where China offered and deployed, for the first time in its modern foreign policy, about 700 combat troops.⁵⁷⁵ The move could be viewed as a paradigm shift in China's longstanding policy of non-interference. Many of the Chinese peacekeepers, as per China's request, were deployed to the areas where their interests lay, namely the oil-producing states of the Upper Nile in order to protect oil infrastructure (instability and oil industry will be discussed in-depth in chapter 7).⁵⁷⁶ Besides the presence of Chinese peacekeepers in the oilfields, the SPLA contingent's protection of oil installations has been executed in close coordination with the operating oil companies (the consortium led by China National Petroleum Corporation), including the provision of some services to the army.⁵⁷⁷

China has made a considerable contribution to the UNMISS since its inception, with a total of 2,512 force members, including 2,323 troops, 155 police officers and 34 military experts.⁵⁷⁸ In July 2016, two Chinese peacekeeping soldiers lost their lives and a number of others were injured in Juba whilst protecting the premises of the UNMISS Headquarters.⁵⁷⁹ The Chinese contingent was caught in the middle of a fight in July 2016 between government forces, SPLA and SPLM-IO soldiers in Juba. With its expanding interests, China is slowly adapting to the changing role of the peacekeeping mission and treating the important place of sovereignty with a degree of flexibility. As such, many analysts argue that *"for years, it has been testing, refining and growing its clout in turbulent South Sudan, an indication that its adherence to the longstanding policy of non-*

⁵⁷³ Colum Lynch, U.N. Peacekeepers to Protect China's Oil Interests in South Sudan, 2014.

⁵⁷⁴ Ibid.

⁵⁷⁵ Interview, Senior SPLA General, 2016.

⁵⁷⁶ Interview, Lueth, Juba, 2016.

⁵⁷⁷ Interview, Panom Doyech, Section Head, Accounting Department, Dar Petroleum Operating Company, Juba, 2015.

⁵⁷⁸ Interview, Yang Xin, Juba, 22 February 2016.

⁵⁷⁹ Interview, Senior SPLA Officer, Juba, 2016.

interference is becoming less doctrinaire".⁵⁸⁰ The more assertive role of Chinese peacekeeping forces in South Sudan and Africa in general continues to shape and spearhead China's changing foreign policy from one of non-interference toward a more involved approach.

Chapter Conclusion

Political and diplomatic cooperation have been the major anchors of the engagement between South Sudan and China. The pragmatic decision of the SPLM leadership to open a new chapter of engagement with China was partly informed by the political role which they had anticipated that China could play in the CPA's implementation and beyond. This role has manifested itself in China's central importance throughout the CPA, the peaceful conduct of the referendum and beyond independence. Independence through secession comes with many unique challenges which are unlike those of independence attained through decolonization and the withdrawal of a foreign power. As such, South Sudan has faced and will continue to face post-independence challenges with Khartoum, where China can continue to play a vital role given its positive relations with the two Sudans. The dispute over the interconnected oil industry remains as one of the major challenges; the lack of border demarcation has already caused tension in Panthou/Heglig in 2012, and the Abyei conflict posed another major challenge. The dispute over these two areas serve as starting points for a potential conflict between the two Sudans, which could seriously impact the stability of the oil industries in the respective countries. China's role in the signing of ARCISS, which was intended to bring an end to the current conflict in South Sudan, was vital despite the agreement failing to bring total stability. However, China is continuing its role in the IGAD Plus initiative to help create stability in South Sudan. Military cooperation has been a positive step for South Sudan as it struggles to transform its guerilla army into a conventional army capable of protecting South Sudan's territorial integrity. On the international level, China has been a constructive partner for South Sudan, particularly at the UNSC. China has successfully shielded South Sudan from several attempts by the UNSC to impose sanctions relating to the ongoing conflict in the country.

⁵⁸⁰ Yanmei Xie and Casie Copeland, "To Intervene or Not? China's Foreign Policy Experiment in South Sudan Raises Questions," 2 October 2017:2.

The pragmatic decision by the SPLM/A to engage Beijing and the adaptive foreign policy approach taken by China has paid off handsomely for both sides. South Sudan has benefited, and will continue to do so, from China's massive leverage over Sudan, particularly in ensuring the peaceful conduct of the referendum in 2011 and other post-independence issues. The role China has been playing in preventing conflict between the two Sudans is evident in light of some contentious post-independence issues, such as oil transit fees and border disputes over Panthou/Heglig and Abyei in particular. Chinese involvement in the Sudans has served as an important learning curve for the Asian giant with regards to its policy doctrine of non-interference. Furthermore, China's role in negotiating peace in the South Sudanese conflict is another important experience that it can build on for its increasingly important role in conflict resolution, particularly within Africa. Stability is a crucial prerequisite for South Sudan's socioeconomic development, and it is equally vital for China's economic investment in the young nation. Thus, the ongoing political cooperation towards reaching a peaceful settlement to the conflict will serve the interests of both two countries. Their joint interests that are vested in the Sudanese oil industry will be examined in the next chapter.

CHAPTER SIX

Cooperation on Development

“The next period will be a payback time by the SPLM to the [South] Sudanese people who fought and sacrificed for the last 21 years. The major problems and programs that will require extensive attention by the SPLM-based GOSS[.....] and Abyei during the Interim Period and beyond, fall in the areas of physical infrastructure, good governance, financial infrastructure and viable markets, development and provision of social services and basic necessities: health, education, water, food security, [and] employment opportunities.”⁵⁸¹

The war of liberation was partly waged against the socioeconomic marginalization of the South by Arab-Muslims elites from northern Sudan. When the CPA was signed in 2005, it was apparently expected of the SPLM-led GoSS, as well as the future government of independent South Sudan, to correct the historical marginalization of the people of Southern Sudan by achieving socioeconomic development. In 2004, the SPLM leadership developed a “*Strategic Framework for War-to-Peace Transition*”, mainly encompassing the socioeconomic development of South Sudan during peacetime. Both during the CPA’s interim period (2005-2011) and at the time of independence in 2011, South Sudan’s social development indicators were among the lowest in the world. The SPLM-led government set out to tackle the challenges of social and economic development by leveraging oil reserves as a major source of financial power to help in achieving these objectives.

This was one of the key reasons behind the SPLM leadership’s decision to opt for cooperation with China after the CPA. It was envisioned by Dr. Garang that China would play an important role in the socioeconomic development of a new nation, particularly in the development of physical infrastructural in sectors such as transportation, communication and power generation.⁵⁸² Through financial cooperation grounded in the oil industry, both countries intended to accelerate the achievement of this objective as a crucial facet of state formation and nation-building in Africa.

⁵⁸¹ Speech of Dr. Garang at the signing ceremony of the CPA, Nairobi, 9 January 2005.

⁵⁸² Interview, Dr. Lual Deng, Former Minister of Petroleum in Sudan, currently heading Ebony for Strategic Studies, a local think-tank in Juba, South Sudan, 2015.

However, this chapter will reveal that South Sudan has achieved little with regard to the objectives and goals that informed the move towards cooperation with China in 2005.

This chapter will investigate development cooperation between South Sudan and China, which is a pillar of the SPLM's vision of building a socioeconomically prosperous country. Moreover, it is essential to examine the lessons that South Sudan could learn from China's path to development. The new country is in dire need of rapid socioeconomic development in various fields, incorporating some of the most vital programs South Sudan wishes to realize, and the regime in Juba hopes that China can play an important role in helping to achieve them. Social services in particular are an essential element of the dividends of peace for the masses who have waited through decades of conflict for such provisions. Increased socioeconomic development leads to increased stability, which is a prerequisite for economic development, trade, and investment. This chapter will demonstrate the good will of China in playing a tangible role in the socioeconomic development of South Sudan and how the latter has largely squandered the opportunities afford to it.

Thus, the chapter will examine five main areas leading to the achievement of the goals highlighted in this part of the thesis. First, it looks at financial and investment cooperation, covering the status of trade and investment. Second, the chapter explores cooperation on physical infrastructure development, including the transportation network (roads, railways, airports, river ways, etc.), power generation and communication systems. Third, the study analyzes the gap in human resources development (education and capacity-building of the civil service) and the role of China in this area. Fourth, the chapter explores the area of agricultural development and food security (agriculture, livestock, fisheries and forestry) and the challenges facing this sector. Finally, it further examines cooperation on the development of the health sector (including health facilities, health personnel, medical supplies and equipment).

6.1. Financial Cooperation and Development of Physical Infrastructure

*“The major question is not whether but how China can best contribute after Southern independence and the extent to which the Republic of South Sudan can best manage Chinese partnership to its own, sustainable and more broad-based lasting advantages.”*⁵⁸³

Financial cooperation

The financial cooperation between South Sudan and China is relatively minimal. Given the short span of the relationship, not much has been achieved thus far. The period prior to independence was dominated by the implementation of the CPA for both South Sudan and China. The concentration on peaceful implementation, particularly regarding the conduct of the referendum, consumed much of the interim period. Moreover, China was unable to provide major development aid as such projects were dealt with under the Government of Sudan, which always prioritized the north of the country.⁵⁸⁴ To many officials and members of the civil society, South Sudan was denied the benefits of Chinese development cooperation and instead the *“benefits of economic cooperation with China, including infrastructure development and jobs, overwhelmingly favored the North.”*⁵⁸⁵ Thus, some analyst argue that *“a substantial boost in Chinese economic engagement in South Sudan may go some way to redressing these feelings”* many South Sudanese continue to harbor.⁵⁸⁶ After independence, both countries, South Sudan and China, endeavored to undertake a major program of financial cooperation focusing generally on infrastructure development (to be discussed in-depth in subsequent sections).

The quest of South Sudan to achieve infrastructural development was met with Chinese willingness to finance and implement the plan. In April 2012, the Ministry of Finance and Economic Planning and Export-Import Bank of China signed an agreement on *“Integrated Financing Cooperation”* centered on infrastructure construction. The agreement set the basis for future financing as it was initially requested by South Sudan for the implementation of *“a series*

⁵⁸³ Daniel Large, South Sudan Looks East: Between the CPA and Independence, Association of Concerned African Scholars, Bulletin No. 81, 2011: 4. <http://concernedafricascholars.org/wp-content/uploads/2011/11/6-Large-pdf-2.pdf>

⁵⁸⁴ Interview, Michael Milli Hussien, South Sudan Ambassador to China, Beijing, September 2017.

⁵⁸⁵ Thomas Wheeler, “Development through Peace: Could China’s Economic Cooperation with South Sudan be More Conflict Sensitive?” Global Review, 2012:2. [//www.saferworld.org.uk/downloads/pubdocs/Thomas-Wheeler.pdf](http://www.saferworld.org.uk/downloads/pubdocs/Thomas-Wheeler.pdf).

⁵⁸⁶ Ibid: 4.

of projects, including but not limited to the infrastructure area.”⁵⁸⁷ The repayment was based on a program of oil for infrastructural development as the agreement notes:

*The cooperation between the two parties shall take the form of the Integrated Financing Cooperation mode with oil trade. The Lender is willing to grant the Borrower a loan facility to help the Borrower construct the projects in the Borrower's land. In return for this and in order to guarantee the safe repayment of the loan, the Borrower shall provide mortgage over its oil trade revenue in favor of the Lender as well as the kinds of guarantees that are acceptable to the Lender for the loan facility [.....] All amounts borrowed under the Loan Agreement shall be applied by the Borrower for the sole purpose of financing the projects to be carried out by Chinese companies.*⁵⁸⁸

Nevertheless, these efforts and initiatives faced a multitude of challenges, which will be discussed in the subsequent sections. Any substantial future progress in the area of financing infrastructural development depends on the return of stability to South Sudan.

Emerging out of violent conflict in 2005, South Sudan prioritized infrastructure as an engine to accelerate the socioeconomic development of the new nation. It is apparent that South Sudan's financial cooperation with China is expected to utilize oil revenues as collateral. However, the oil industry has been plagued by many challenges since independence. Without quick resolutions to these challenges, the level of financial cooperation will remain minimal. The unilateral oil shutdown undertaken by the Government of South Sudan in 2012 was a major blow that stalled Chinese financial cooperation with the young nation.⁵⁸⁹ Soon after the shutdown, South Sudan and Sudan were on the brink of all-out war when the SPLA attacked and captured the oil town of Heglig/Panthou.⁵⁹⁰ Panthou, with facilities for processing the oil produced in Blocks 1, 2, 4 and 5A, remains a contested area between the two countries, alongside 7 other contested and claimed areas along the border.⁵⁹¹ The disputed areas continue to pose a threat to the successful operation

⁵⁸⁷ Framework Agreement on Integrated Financing Cooperation between Republic of South Sudan as Borrower and The Export-Import Bank of China as Lender, 24 April 2012.

⁵⁸⁸ Framework Agreement on Integrated Financing Cooperation, 2012.

⁵⁸⁹ Interview, Chuang, DG for Petroleum Export, Ministry of Petroleum, Juba, 2016.

⁵⁹⁰ Interview, Senior SPLA General, Juba, 2016.

⁵⁹¹ Interview, Paul Adong, Vice President of Dar Petroleum Operating Company and former CEO of Nilepet, Juba, 2016.

of the oil industry in both countries, as almost all oilfields are located along the volatile boundary between the two Sudans. Besides the challenges mentioned above, oilfields from Blocks 1, 2, 4 and 5A were shut down during the start of the current war in South Sudan. The stability of the oil industry is vital for any meaningful financial cooperation and infrastructural development.

Trade and Investment

The level of trade and investment has been relatively low. From 2011 numerous Chinese firms, both public and private, signed a number of MOUs and commercial agreements on the construction of major infrastructure projects in South Sudan. By 2013 there were over 150 registered Chinese companies in South Sudan, aiming to invest in areas such as construction, roads, telecommunication, health, hospitality, grocery stores, and more.⁵⁹² As much of South Sudan remains under reconstruction, many of the goods imported from China are building materials, along with other finished goods such as clothes, electronics, mechanical equipment and other goods. In the medical field there are around 10 Chinese private clinics spread throughout Juba and other cities.⁵⁹³ They often tend to provide critical services given their expertise, facilities and equipment. However, due to instability, many of these firms have taken a wait-and-see approach, hoping for the return of stability in the short run. On the other hand, China, as the main trading partner to South Sudan, mainly imports a majority of crude oil (totaling 5% of Chinese oil consumption before shutdown of oil production in Blocks 1, 2, 4 and 5A in 2013) making it the major source of foreign direct investment in the young nation. The total volume of trade between the two countries was high in 2012, before it dropped following the outbreak of the civil war in South Sudan in 2013.⁵⁹⁴ According to the Chinese Ambassador to South Sudan, He Xiangdong, the level of trade has rebounded to \$12 billion in 2017, possibly due to the subsiding conflict in the country.

Besides investment in the oil industry, Chinese firms were ready to venture into the underdeveloped mining sector, but the eruption of the conflict in 2013 made this challenging. South Sudan is believed to be endowed with many different types of minerals, such as gold,

⁵⁹² Interview, Stephen Doctor, Director General, International Trade Department, Ministry of Commerce, Trade and Industry, Juba, 2015.

⁵⁹³ Interview, Zhang Yi, Economic and Commercial Counselor, Chinese Embassy in Juba, 2 December 2015.

⁵⁹⁴ South Sudan National Statistics Bureau, 2016.

diamond, uranium, and so forth, which remain undiscovered. According to EquatorGold, one of the licensed foreign firms in South Sudan, the new country has promised potential investment in mining as it argues that “*South Sudan is one of the world's most promising frontier exploration destinations, with unexplored potential for gold, diamonds and other mineral deposits over 300,000km²*”.⁵⁹⁵ Since the ratification of the South Sudan Mining Laws in 2012, several local and international companies, including Chinese firms, have acquired licenses. In 2015, one of the Chinese mining firms was granted a concession to explore and mine gold in the Lobonok area,⁵⁹⁶ home village of a South Sudanese Vice President, James Wani Igga. After starting its work, the company suspended its operations and withdrew during the eruption of violence inside the Presidential Palace in Juba in July 2016 between the forces of former Vice President Dr. Riek Machar and Government forces. Despite the myriad challenges facing the mining sector, some Chinese companies have been mining illegally in a number of areas. According to the Director General of Mineral Development in the Ministry of Mining, there were Chinese firms, in collaboration with local chiefs through bribery, starting to mine illegally in a village west of Juba, Omduraba, along Yei road, and in Lobonok, on Nimule road.⁵⁹⁷ However, most of them left during the crises of 2013 and 2016, leaving behind all of their equipment.

South Sudan lacks the geological data of its own to encourage more investors in the sector. Based on previous geological surveys and prospecting, it is believed that the young nation “*has considerable deposits of various mineral ferrous and non-ferrous deposits, such as gold, iron, uranium, cooper, limestone, marble, granite, chromium, zinc, tungsten, mica and magnetite; as well as gemstone, petroleum and other chemicals.*”⁵⁹⁸ South Sudanese geologist John Ariki explained that “*aside from a couple of projects from the 1970s, we have no new geological findings*”,⁵⁹⁹ meaning that investment is required to map the country’s mineral wealth. At the time of independence from Sudan, “*every bit of information on South Sudan was kept in North Sudan and outside the country*”,⁶⁰⁰ such as in the United Kingdom where Sudans’ archive was housed.

⁵⁹⁵ Gold in South Sudan, EquatorGold, 2015.

⁵⁹⁶ Interview, Dr. Cosmas Pittia Kujjo, Director General, Mineral Development, Ministry of Mining, Juba, 5 October 2017.

⁵⁹⁷ Interview, Dr Kujjo, Juba, 2017.

⁵⁹⁸ Republic of South Sudan Investor Guide, 2011:11.

⁵⁹⁹ Mapping South Sudan, Deutsche Welle (DW), 18 December 2012, <http://www.dw.com/en/mapping-south-sudan/a-16458286>.

⁶⁰⁰ Ibid.

In September 2013, a few months before the eruption of the current conflict in December that year, China pledged a \$43 million grant for the mining development of South Sudan, particularly for geological surveys to map out country's minerals.⁶⁰¹ This plan and other initiatives in mining development in the country were cut short by the conflict of 2013. Despite persistent security challenges, China continued to offer trainings in geological survey for South Sudanese in China.⁶⁰² Thus, the damaging effect of the conflict on development cooperation is evident and will be so throughout the subsequent sections of this chapter.

Transportation Networks

*"The SPLM shall exert all efforts to build physical infrastructure: roads, rail and river transport and communication."*⁶⁰³

Meaningful socioeconomic development of a nation can be realized in large part through physical infrastructure development. South Sudan, a land nearly equivalent to the size of France, lacks many critical components of infrastructure, such as transportation networks. This could be considered as one of the critical issues hindering the general state of development in the country. For instance, the provision of social services is interlinked with physical infrastructure, particularly road networks. According the United Nations Office for Projects Services (UNOPS), *"Roads are vital when building a stable and viable state, to improve access to markets in order to boost food production and economic growth, to allow state structures to quickly respond to internal conflict, to expand police and judicial services and to increase access hospitals and schools."*⁶⁰⁴ The construction of road networks remains challenging for the new country as it did not have a single paved road before independence. During the signing ceremony of the CPA in 2005, Dr. Garang stated that *"There has never been any tarmac road in [South] Sudan since creation, an area the size of Kenya, Uganda, Rwanda and Burundi put together."*⁶⁰⁵ Thus, it could be argued that the

⁶⁰¹ Andrew Green, "China Pledges \$43 Million Grant for South Sudan Mining," 9 September 2013.

<https://www.voanews.com/a/china-grant-south-sudan-mining-resources/1746496.html>.

⁶⁰² Interview, Dr. Cosmas Kujjo, Juba, October 2017.

⁶⁰³ Speech of Dr John Garang to the Equatoria Conference, Des Moines, Iowa, USA, 2004.

⁶⁰⁴ UNOPS, "Improving Transport Infrastructure in South Sudan," 2011, <https://www.unops.org/SiteCollectionDocuments/Factsheets/English/AFO/03112011transport.pdf>.

⁶⁰⁵ Speech of Dr. Garang at the signing ceremony of the CPA on 9 January 2005 in the Kenyan capital, Nairobi, 2005.

urgency of building physical infrastructure, particularly road networks, was one of the key reason that informed the SPLM leadership's decision to engage China (see figure 6.1., below).

Figure 6.1. Road Condition in South Sudan



The SPLM leadership did not only aim at building infrastructure, but sought to accelerate construction generally. They specifically identified China as possessing the ability and capacity to meet their quest for the rapid realization of physical infrastructure projects in South Sudan.⁶⁰⁶ Dr. Garang articulated the vision of the SPLM for the construction of road infrastructure on many occasions, stating that *“to develop regional transport linkages between [South] Sudan with neighboring countries [---] at a second level, state road network implemented by each state and at the third level feeder roads implemented by Local Government [sic].”*⁶⁰⁷ During the Oslo Donors Conference in 2005, meant to financially support the implementation of the CPA, Garang again emphasized the vital role of roads when he said that his first, second and third priorities were roads.⁶⁰⁸ With such a clear vision, it can be argued that the SPLM-led GoSS during the CPA, and subsequently the Government of South Sudan, squandered important opportunities as oil prices rose above \$100 per barrel, coupled with a lack of planning and prioritization. Moreover, perhaps

⁶⁰⁶ Interview, Dr. Lual Deng, Juba, 2015.

⁶⁰⁷ Speech of Dr. Garang at the signing of the CPA, 2005.

⁶⁰⁸ Interview, Dr. Lual Deng, Juba, 2005.

the early demise of Garang could partly explain how and why the SPLM leadership lost direction and further plunged the young nation into violent conflict, stalling any efforts in the area of socioeconomic development.

In 2011, the United States Agency for International Development (USAID) funded construction of the first ever tarmac highway at a cost of \$225 million USD.⁶⁰⁹ The Juba-Nimule road, running 192km to the Ugandan border, links the new country with the wider east African region as well as linking it to the Kenyan port of Mombasa. The absence of paved roads indicates that other networks are virtually non-existent, particularly river transport, railroads, and airports. South Sudan has several priority roads under development, with some linking the new country to its neighboring countries, particularly the road linking it to Kenya and the port of Mombasa. The regional road,⁶¹⁰ part of the East Africa Northern Corridor that links South Sudan to Kenya, is being co-financed by the World Bank, African Development Bank (AfDB) and EXIM Bank of China, and will serve as the model for three banks working together in Africa.⁶¹¹ This Juba-Nadapal road, when constructed, will become the second paved highway in South Sudan. The importance of this road project, as part of the East African transport development network, led to the collaboration of these three major financial institutions and others, as Warutere states that:

*The corridor is part of the East African Community trade and transport development network, and an important part of the Horn of Africa Initiative. An effort by WBG, United Nations, Islamic Development bank, African Development Bank, African Union Commission and the European Union, to promote collaborative political, diplomatic and development solutions among countries to the issues of fragility, vulnerability and insecurity.*⁶¹²

In 2015, as part of the East Africa Transport, Trade and Development Facilitation Project, the governments of South Sudan and Kenya and other stakeholders inaugurated the construction of

⁶⁰⁹ Interview, Jeremiah Turic Bairiak, Director General for Roads and Bridges, Ministry of Transport, Roads and Bridges, Juba, 28 January 2016.

⁶¹⁰ The road starts from Kenyan town of Eldoret to Kitale, Lokichokio and the South Sudan border and then from Nadapal to Kapeota, Torit and Juba.

⁶¹¹ Interview, Kuong Danhier Gatluak, Minister of Transport, Roads and Bridges, Juba, 28 January 2016.

⁶¹² Peter Warutere, "Opening Kenya's Trade and Development Frontiers," 8 October 2015.

<http://www.worldbank.org/en/news/feature/2015/10/08/opening-kenyas-trade-and-development-frontiers>.

roads linking both countries.⁶¹³ On the Kenyan side, from Eldoret to Nakodok will run a 309km road to be constructed as part of the project. From the South Sudan side, construction will start from Nadapal to Juba covering 400km. Divided into three sections,⁶¹⁴ the first section from Nadapal to Kapeota “*will be funded by an \$80 million credit from the WBG, as well as financing from other development partners, including the African Development Bank and China.*”⁶¹⁵ The AfDB agreed to fund the Kapeota to Lobira section, while EXIM Bank of China will finance the third section linking Lobira to Juba. On this section, South Sudan has been negotiating with China’s EXIM Bank for the last few years and eventually, in September 2017, both sides signed the contract and Shandong Hi-Speed will undertake the construction.⁶¹⁶ If it starts, the project will mark the first road to be funded and constructed by the Chinese in South Sudan.

Prior to the signing of the contract to build the Lobira-Juba section, there were many other agreements for Chinese companies to build a number of road networks. For instance, South Sudan and Chinese firm Shandong Hi-Speed signed a contract for the construction of a road from “*Juba-Terekeka-Rumbek with intention to reach the oilfields in Jau, Unity state and then to Wau and Raja.*”⁶¹⁷ According to the Minister of Transport, Road and Bridges, Kuong Danhier, the road was meant to be the first dual carriage highway in the country, with flyovers and bridges to allow free movement of animals.⁶¹⁸ Despite the ground-breaking ceremony occurring on 13 December 2014, attended by President Kiir, the project never began due to a lack of funding. As usual, Chinese financial institutions availed funds against crude oil as collateral; however, due to the ongoing war, which led to a significant reduction in oil production coupled with plummeting oil prices, the lenders are unable to release funds. Any major infrastructure projects which South Sudan aspires to undertake now appear to be impossible in light of the current political crisis in the country.

As part of the East African Northern Corridor, South Sudan is to connect to the Standard Gauge Railway (SGR) through Uganda. The Ministry of Roads and Transport have signed an MOU with

⁶¹³ Lilian Murugi, “Construction of Kenya, South Sudan Fiber Optic Cable Commences,” 9 September 2015.

⁶¹⁴ The first section will be funded by the World Bank at \$80 million, and the second section by the African Development Bank, while the third section will be funded by EXIM Bank of China.

⁶¹⁵ Peter Warutere, “Opening Kenya’s Trade and Development Frontiers,” 8 October 2015.

⁶¹⁶ Interview, Monday Semaya, Beijing, 01 September 2017.

⁶¹⁷ Interview, Kuong Gatluak, Minister of Transport, Roads and Bridges, Juba, 2016.

⁶¹⁸ Interview, Kuong Danhier Juba, 2016.

China Harbour Engineering Company (CHEC) to construct the section within South Sudan with possible funding from the EXIM Bank of China. The CHEC did a feasibility study and shortened the distance from Nimule to Juba from 192km to 165km, cutting through valleys and tunneling through mountains.⁶¹⁹ Part of Uganda's SGR is being constructed by the CHEC and it would have been feasible for the same company to continue on the South Sudanese side of the project. It is apparent that the bottleneck to infrastructural development in South Sudan remains the source of funding, as EXIM Bank and other Chinese financial institutions are unable to release funds. Chinese banks, like any other financial institutions, require certain minimum conditions including the ability of the borrower to repay the loan. Crude oil, the only viable repayment mechanism, has been hit by low prices in the international markets coupled with low production after the Unity oilfields were shut down in 2013 due to the outbreak of conflict.

Since independence, South Sudan has signed numerous Memoranda of Understanding (MOUs) and agreements with various Chinese companies covering many areas of physical infrastructure development (see Table 6.2., below). However, most were not implemented due to lack of funding from Chinese financial institutions. As an official at the Ministry of Transport, Roads and Bridges points out, "*we have signed a lot of MOUs with the Chinese companies to construct roads, but nothing has currently materialized due to lack of funding.*"⁶²⁰ He further optimistically emphasized that "*however, the Chinese are going to be involved in many of these projects in the long run as funding is available.*" With Chinese firms being mostly funded by Chinese financial institutions, the chances of funding from any other source appears to be slim given the high level of risk involved in investing in South Sudan. Thus, stability will remain as the only viable incentive for financial institutions to provide loans, including Chinese organizations such as EXIM Bank and China Development Bank.

At present, one major infrastructure project that is being implemented is the Juba International Airport project, which includes the refurbishment and expansion of the runway. Having started in 2013, the project is being implemented by the China Harbor Engineering Company Ltd (CHEC), with several areas of work being undertaken. The main area is the extension of the current 24km

⁶¹⁹ Interview, Kuong Danhier, Juba, 2016.

⁶²⁰ Interview, Gabriel Makur Amour, Undersecretary, Ministry of Transport, Roads and Bridges, 28 January 2016.

runway by 700m to bring it to a total of 31km, ensuring that it is capable of receiving larger planes.⁶²¹ Other areas of improvement include the rehabilitation of the old runway, taxi links, sensors, a drainage system, runway lights, construction of a control tower, the provision of navigation systems and equipment, and the construction of a car park outside the airport.⁶²² Most of the work has been completed, with the exception of the tower, communication and navigation systems and the second phase of the car park.

Table 6.2. Selection of MOUs and agreements signed between South Sudan and Chinese firms.*

S/N	Agreement/MOU	Date Signed	Project/worth	Contracting Firm
1	MOU	7/2013	Juba-Bor 400 KV Transmission Line and Substation Project	China Gezhouba Company Ltd (CGGC)
2	MOU	2/2013	Tharjath 300-500 MW Thermal Power Plant using crude oil in Unity state	China Railway No. 3 Engineering Group Co., Ltd.
3	MOU	4/2013	Paloch 120 MW Power Plant Project	China CAMC Engineering Co., Ltd (CAMCE)
4	MOU	3/2013	Renk-Malakal 220 KV Transmission Line Project	China CAMC Engineering Co., LTD (CAMCE)
5	MOU	1/2012	Design & Construction of Railways for Aweil-Juba-Nimule	China Railway 18 th (Group, Co., Ltd (CAMCE)
6	Commercial Agreement	2012	Juba International Airport Project	China Harbour Engineering Company Ltd., (CHEC)
7	MOU	6/2012	Power Transmission & Substation Project from Malakal to Renk through Paloch	China Machinery Engineering Corporation (CMEC)
8	MOU	2012	Juba Nile Bridge Project	
9	Commercial Agreement	3/2012	Port Construction and Channel Navigation Dredging for the River Nile (Bor, Shambe, and Malakal-dredging Juba-Shambe section at the cost of \$600,000,000	CHEC
10	MOU	2/2012	Design and Construction of Juba-Nimule Railway System	China Road and Bridge Corporation
11	MOU	1/2012	Design and Construction of Airport of Kuajouk	China Railway 18 th Bureau (Group), Co.LTD/Greenwich International Group, Inc
12	MOU	3/2012	Financing, Designing and Construction of Airports: Finishing of Juba International Airport, Building of Wau	NOBLES Group

⁶²¹ Interview, David Martin, Undersecretary, Ministry of Transport, Roads and Bridges (in charge of Transport and Bridges section), Juba, 9 February 2016.

⁶²² Interview, Kur Kuol Ajieu, General Manager of Juba International Airport, Juba, 9 November 2015.

			International Airport, Rehabilitation of Rumbek Airport and Tharjath/Bentieu Airport	
13	MOU	11/2011	Port Construction and Channel Navigation Dredging for the River Nile (Bor, Shambe, and Malakal-dredging Juba-Shambe section)	CHEC

Source. Compiled by author.

*Implemented is the rehabilitation of Juba international airport.

Under a preferential buyer credit loan offered by the EXIM Bank of China, the total cost of the project is \$150 million over two phases.⁶²³ The loan allows for a 20-year grace period, but a condition for EXIM Bank to fund the project is that the government of South Sudan must pay a share of 5%, some of which will be paid from revenues derived from airport fees.⁶²⁴ However, paying the 5% share has been challenging; the Minister of Transport, Roads and Bridges stated that *“this is the area we have gone through difficulties with the Ministry of Finance and need the intervention of the President to release funds.”*⁶²⁵ He added that *“this project is considered by the Chinese as a test, that if South Sudan can manage it well then other projects will be funded by them.”* This concern has been echoed by the management of the CHEC, stating that:

*We have several contracts and MOUs with government, but there are challenges of funding those projects. EXIM Bank of China has its own criteria that are to be met before approving any funding of a project. It is not enough that the project is viable, but it looks also at whether the country is able to repay or if the country has guarantees to repay the loan in the future. Therefore, the government of South Sudan needs to offer guarantees in order to obtain funding from the lending financial institutions, such as EXIM Bank. If the government of South Sudan could not pay its commission of the loan, then how will it pay the loan for the project? That is why this project is a test for the government for the future loans.*⁶²⁶

⁶²³ Preferential Buyer Credit Loan Agreement on Juba International Airport Project in South Sudan Between the Government of South Sudan, Represented by the Ministry of Finance and Economic Planning as Borrower, and The Export-Import Bank of China as Lender, 11 April 2013; Commercial Agreement for the Project of Juba International Airport between Ministry of Transport, Republic of South Sudan and China Harbour Engineering Company Ltd., (CHEC), 10 February 2012.

⁶²⁴ Interview, David Martin, Juba, 9 February 2016.

⁶²⁵ Interview, Kuong Gatluak, Minister of Transport, Roads and Bridges, Juba, 2016.

⁶²⁶ Interview, Song Yi, Deputy Manager of Business Department, Juba Int'l Airport Project, Juba, 27 January 2016.

Power Generation

South Sudan is endowed with numerous sources of power of which few have been exploited. Several plans for power generation and transmission from neighboring countries are in place without yet being implemented. This was previously due to a lack of financing before the war, but could now be attributed to both insecurity and financial constraints. From 2011, the Ministry of Electricity and Dams (MED), in conjunction with the Ministry of Finance and Economic Planning, signed a number of MOUs and agreements with several Chinese firms covering many aspects of electricity generation.⁶²⁷ The sector was given priority by the government as a necessity for the overall development of the new country, as detailed in the following MOU:

*The Government of the Republic of South Sudan has proposed an “Infrastructural Action Plan” detailing an Investment Plan in Power Sector on Short, Medium and Long Terms basis (2012-20125) to upgrade the national electrification rate from 1% to 25%, and intends to take the following project as the most urgent and top priority to be implemented.*⁶²⁸

In 2012, the Ministry of Finance, on behalf of the MED, signed a commercial contract with China Gezhouba Group Company Limited (CGGC) for the construction of the “*Tharjath 300-500 MW Thermal Power Plant using Crude Oil in the Unity State.*”⁶²⁹ The project was set for completion within a period of 3 to 4 years from its signing. The agreement marked the first project in the sector, but as with other similar projects it never materialized. The failure of these projects (see Table 6.2. above) and many others in different sectors of physical infrastructure is often blamed on the Chinese firms lacking both seriousness and funding.⁶³⁰ In terms of funding, South Sudanese officials expect Chinese companies to either have their own private funds or quickly secure funding from China’s financial and investment banks, particularly EXIM Bank. At times, they

⁶²⁷ Interview, Lawrence Loku Moyu, Undersecretary of Ministry of Electricity, Dams, and Irrigation & Water Resources, Juba, 16 February 2017.

⁶²⁸ MOU Between Ministry of Electricity and Dams, Republic of South Sudan and China Gezhouba Group Company Limited (CGGC), July 2013.

⁶²⁹ MOU Between Ministry of Electricity and Dams, Republic of South Sudan and China Railway No.3 Engineering Group Co., Ltd, 11 February 2013.

⁶³⁰ Interview, Jeremiah Turic Bairiak, Ministry of Transport, Juba, 28 January 2016.

negatively compared Chinese firms with Western companies regarding the capabilities of the latter to fund their own projects, as one official declared that “*the Chinese companies cannot stand on their own to invest as the Western companies do.*”⁶³¹ These views could be attributed to a lack of both knowledge and experience in infrastructural financing, but more importantly a lack of understanding of how to deal with China in the field of financing. Both private and public Chinese enterprises are mainly financed by the Government of China, unlike Western firms, but in all cases these projects must meet certain requirements before the funding is released.

Thus, the failure of many of these projects could not be entirely attributed to Chinese actions or attitudes. It could be argued that South Sudan bears significant responsibility for the fact that no major infrastructural projects have been implemented. In the area of power generation in particular, all MOUs have expired and all agreements are yet to be implemented. Prior to the current conflict, South Sudan’s lack of understanding of how to deal with China and lack of capabilities in financial negotiation were the major factors that contributed to the failure to implement infrastructural projects. For instance, in 2013 alone, South Sudan signed agreements for infrastructural projects worth \$8 billion, which EXIM Bank would not fund. Instead, the bank agreed in principle to offer only \$2 billion, citing that “*the country could not absorb such a huge amount as \$8 billion.*”⁶³² This argument is emphasized by Daniel Large:

*Chinese assistance offers a potentially significant means to finance and deliver rapid infrastructural benefits, advance practical steps to overcome severe infrastructural challenges, and establish the transport and energy foundations on which South Sudan’s economic development might be based. The major question is not whether but how China can best contribute after Southern independence and the extent to which the Republic of South Sudan can best manage Chinese partnership to its own, sustainable and more broad-based lasting advantages.*⁶³³

South Sudan’s inclination to construct mega-power plants has been received with caution by Chinese officials. On a number of occasions they have advised the South Sudanese to seek smaller

⁶³¹ Interview, Gabriel Makur Amour, Ministry of Transport, Juba, 28 January 2016.

⁶³² Interview, Lawrence Loku Moyu, Juba, 16 February 2016.

⁶³³ Daniel Large, *South Sudan Looks East: Between the CPA and Independence* November 2011:58.

projects which would have a quicker impact on the masses. For instance, micro-hydropower dams for each town would be ideal as South Sudan lacks the heavy industries that require a lot of power.⁶³⁴ Such realistic advice has been brushed aside and officials continue to seek huge projects that they expect to be finance by China without consideration of their repayment capability. The lack of focus, informed plans or priorities could substantiate the result of the SPLM survey in 2012: that its leadership, which is governing South Sudan, has lost its direction and vision. In the fields of social services and power generation in particular, the *SPLM Strategic Framework for War to Peace Transition* envisioned that “*rural small town planning and rural electrification will therefore be prioritized, so that these small rural towns become focal points for rural development and therefore a model for rapid lifting of the living conditions of rural people.*”⁶³⁵ The Chinese proposal of micro-projects, including power generation, correspond with the vision of the SPLM. In several speeches during the CPA, Dr. Garang advocated for the SPLM-led government to pursue micro- rather than mega- projects at the beginning of South Sudan’s development, but this advice has been largely ignored after his demise. Garang emphasized the importance of the SPLM adopting and developing new ways of delivery of social services, stating that:

*We must find new ways to rapidly and efficiently deliver these services, for example, constructing windmills all over [South Sudan] to provide clean drinking water and building micro-dams for generating small scale hydro-electric power for rural towns as well as the use of solar, wind and biomass energy sources.*⁶³⁶

From 2011 to 2012, South Sudan had already signed a number of MOUs and Agreements on infrastructural projects amounting to roughly \$20 billion. By then, through the Forum on China-Africa Cooperation (FOCAC), China was offering \$20 billion to the entire continent for three years. Since the beginning of the FOCAC, China has at least doubled its aid to Africa every three years, from \$5 billion in 2005 to \$60 billion in 2015.⁶³⁷ At the FOCAC summit held in Johannesburg, South Africa in December 2015, President Xi Jinping tripled China’s aid to Africa

⁶³⁴ Interview, Lawrence Moyu, Juba, 16 February 2016.

⁶³⁵ Speech of Dr. Garang at the signing ceremony of the CPA, Nairobi, 2005.

⁶³⁶ Ibid.

⁶³⁷ Interview, Philip Bol, Director General, Macro-Economic Department, Juba, 2015.

to \$60 billion instead of \$40 billion (as it had been every three years of the doubling policy), earmarked mainly for infrastructural development.⁶³⁸

Thus, from 2011-2012, South Sudan requested an amount equivalent to what was being offered to Africa within a single year, which raised the eyebrows of the Chinese officials. In 2012, Beijing dispatched a high level delegation to Juba, headed by current Premier Li Keqiang, then-Vice Premier, to share the Chinese concern at the request. Li advised the SPLM and GoSS leadership to seek micro- instead of mega-projects that might produce quicker results and provide part of the peace dividends which the masses had waited for through 21 years of struggle. Chinese officials told the South Sudanese that their nation was not capable of repaying such a huge amount and instead offered \$2 billion annually for micro-projects.⁶³⁹ The Chinese delegation, drawing on their shared post-liberation experience with the SPLM, told the South Sudanese side that their people could not wait for mega-projects. Instead, they suggested, offer them things that they could afford to wait for, such as micro-dams and other projects that could be finished within 6 months to 1 year.⁶⁴⁰

Despite the apparently weak capability of the government of South Sudan to chart a clear vision, plan and prioritize its needs, the officials continue to accuse Chinese firms of a lack of commitment. A high ranking South Sudanese official was advised by some African developmental economists to look east to China, but stated his disapproval of Chinese:

I told the Chinese companies that all the projects we have given you proved that you are not serious and the EXIM Bank is a bottleneck as it does not release money quickly. I told them South Sudan is like a young girl in the market, so with our resources, we cannot wait for you. So the Chinese are crooks. The EXIM Bank does not release money and I told them if you want us to take you serious, you must tell us the source of funding first before dragging us through long process of contracts, which you will not implement due to lack of funding. If it is the EXIM Bank that will provide funding, then I cannot waste my time

⁶³⁸ Interview, Dr. Kimo Aban, World Bank Group, South Sudan Office, Juba, 14 December 2015.

⁶³⁹ Interview, Dr. Ann Itto, Deputy Secretary General of the SPLM, Juba, 2015.

⁶⁴⁰ Interview, Dr. Itto, Juba, 2015.

*because it does not release money. It will take EXIM Bank 2 years before they even think of releasing money. This theory of looking to the east does not apply.*⁶⁴¹

It is apparent that South Sudan has wasted a window of opportunity by playing a blame game. Since 2005, oil prices have been high enough to finance multiple projects using crude oil as collateral, but none were carried out. Moreover, the eruption of the conflict in December 2013 led to a drop in oil production due to insecurity in the oilfields. This major setback of war could also be blamed on the South Sudanese leadership failing to manage the political differences that would become violent conflict.⁶⁴² Without significant oil production, low oil prices and instability, how would a Chinese (or any other) company finance or implement any project? As South Sudan struggled in dealing with China, the war that started in 2013 was a defining blow for the prospect of infrastructural development. In 2013, China Heavy Machinery signed a commercial agreement with funding from the EXIM Bank to construct a power transmitter from the Ethiopian region of Gambella to South Sudan through Malakal, but the company “*disappeared when the war started in 2013.*”⁶⁴³ The conflict has created much instability that has deterred Chinese investors; otherwise some progress might have been made.

Communication Network

The telecommunications gap in South Sudan is enormous. After independence, the country inherited one of the most under-developed telecommunication systems in the world. The gap in the sector provides huge investment opportunities for Chinese companies specializing in telecommunication infrastructure development, and filling it would provide a vital service to South Sudan. The first communications system in Southern Sudan during the CPA was through the jointly Ugandan-South Sudanese owned Gintel and used the Ugandan country code, providing limited services at a high cost.⁶⁴⁴ At times, most telecommunication was undertaken using Dubai-

⁶⁴¹ Interview, Lawrence Loku Moyu, Undersecretary of Ministry of Electricity, Dams, and Irrigation & Water Resources, Juba, 2016.

⁶⁴² On 15 December 2013, a fight erupted within the Presidential Guards and in days it engulfed many parts of the country, particularly in the areas where the oilfields are located. This has led to the shutdown of three Blocks 1, 2, 4 and 5A in Unity state and subsequently resulted in a significant drop in oil production.

⁶⁴³ Interview, Lawrence Moyu, Juba, 2016.

⁶⁴⁴ Interview, Elijah Biar Kuol, Director General, Admin and Finance, Ministry of Telecommunication and Postal Services, Juba, 16 November 2015.

based Thuraya satellite phones. A few years down the line, some foreign mobile companies established their branches in Juba, such as Viva-cell, MTN and Zein. These three companies have covered less than 21% of the country, with concentration in urban centers, which signifies the scale of investment needed in rural and remote areas. The gap in the telecommunication system in the country is captured in the following statement:

*At only around 21% penetration, one of the lowest in Africa, South Sudan's mobile market potentially has many years of strong growth ahead of it, though this is premised on a resolution to the political crisis and a recovery of the country's economy. The virtually untapped internet and broadband market will kick off once the country gains access to international fiber optic cables and a national backbone network is put in place. Sophisticated infrastructure solutions are needed to reach the 80% of the population that live outside of the main urban centers. With a negligible rate of bank account ownership, mobile payment and banking solutions are set to dominate the country's financial services sector as well.*⁶⁴⁵

The communication technology infrastructure remains a priority for the new country. The government aspires to boost the effectiveness of both the public and private sectors through e-government strategy.⁶⁴⁶ The strategy would close the gap of communication among the levels of government in the country where there are few roads, some of which are not accessible during the rainy season. Thus, for the government of South Sudan, “*the expansion of the ICT sector is essential for the promotion and modernization of public and private activities and to better integrate the economy.*”⁶⁴⁷ Huawei, a Chinese private enterprise, has been in South Sudan since 2005 and has been involved in several communications projects in the country. In 2012, the Chinese giant set up a video conference to facilitate secure communication between the President, Ministers and Governors of ten states of South Sudan.⁶⁴⁸ The program started with one video conference between Juba and the Governor of Western Bahr el-Ghazal as a pilot project, but was never fully implemented due to a lack of funding from the government of South Sudan.⁶⁴⁹ Despite

⁶⁴⁵ BuddeComm, South Sudan - Telecoms, Mobile and Broadband - Statistics and Analyses, 2017. <https://www.budde.com.au/Research/South-Sudan-Telecoms-Mobile-and-Broadband-Statistics-and-Analyses>.

⁶⁴⁶ Interview, Elijah Kuol, Juba, 2015.

⁶⁴⁷ Fortune of Africa, ICT and Telecommunication Sector of South Sudan, 2012.

⁶⁴⁸ Interview, Tony (Qin), Deputy President of Huawei, South Sudan, Juba, 6 May 2016.

⁶⁴⁹ Interview, Elijah Biar Kuol, Juba, 16 November 2015.

the lack of significant investment in the country, Huawei was already engaged in corporate social responsibilities. The company has established what it called “*Golden Seeds for telecommunication specifically to train South Sudanese*”⁶⁵⁰, employing 158 people, donating 30 computers and a library to schools in Central Equatoria state, and organizing the first South Sudan ICT Forum event in Juba.⁶⁵¹ At the time of independence, Huawei set up South Sudan’s international calling code of +211.⁶⁵²

However, in 2015, Huawei became embroiled in a controversy involving the Ministry of Information and Broadcasting. As usual, two Chinese firms, privately-owned Huawei and government-owned ZTE, were locked in competition to secure a contract for South Sudan’s digital TV migration from the old analogue system. During the process, Huawei was accused and threatened with legal action by the Minister of Information, Michael Lueth, for tainting his name in what he claimed were documents forged by Huawei. The differences emerged after Huawei lost the digital migration contract to ZTE, citing irregularities in the bidding process.⁶⁵³ The initial contract was to be issued through a commercial loan, but China decided to change it to a concessional loan, which “*may end up as a grant.*”⁶⁵⁴ The level of controversy was such that, without initial good relations between the two countries, Huawei would have been expelled from South Sudan.⁶⁵⁵ Thus, Huawei is viewed by many government officials involved in the communication sector as a dubious firm like other Chinese companies that “*tend to come behind closed doors.*”⁶⁵⁶

⁶⁵⁰ Interview, Tony (Qin), Juba, 6 May 2016.

⁶⁵¹ Interview, Tony (Qin), 2016.

⁶⁵² Interview, Tony (Qin), 2016.

⁶⁵³ Interview, Michael Lueth, Juba, 4 February 2016.

⁶⁵⁴ Interview, Lueth, 2016.

⁶⁵⁵ According to the Minister Michael Makuei, after Huawei claimed irregularities in the digital TV migration contract, the company met with the Minister of Justice and Speaker of the South Sudan National Parliament, Hon. James Wani Igga (now Vice President), citing the inflation of the contract which should not be worth \$100 million. In turn, the Speaker wrote, without consulting the concerned government authorities, to EXIM Bank of China asking it to suspend the payment of the loan to ZTE, claiming irregularities in the contract. Huawei continued with its campaign against the government officials involved in the contract and ZTE, when meeting the Chairman of the Information Committee in the National Parliament, Wani Kondo, accused government officials of corrupting the contract processes. Huawei went as far as forging documents addressed to the President of the Republic in the name of the Anti-Corruption Commission, which was denied by Judge John Gatwich, Chairman of the Commission. Finally, Huawei contacted the Minister for National Security, General Mabuto Mamur, who wrote to Deng Athorbei, Minister of Finance and Economic Planning and doubling as Chairman of China Desk to suspend the ZTE contract, and the Minister did so.

⁶⁵⁶ Interview, Elijah Kuol, Juba, 16 November 2015.

Despite the huge controversy in which it was involved, Huawei remains one of the most popular Chinese communication firms in South Sudan. As well as some small contracts, Huawei was awarded two significant contracts in South Sudan after independence. The first contract was for a communication system for South Sudan's national security service. The program is intended to *"build a system where information goes through private networks to avoid being taped by outside elements and established government communication in general as part of the e-government plan."*⁶⁵⁷ The second project was a contract signed with Ministry of Telecommunication and Postal Services for the construction of a fiber-optic cable passing through Kenya and Uganda.⁶⁵⁸ The construction was to take place in two phases, with the first phase covering the southern part of the country at a cost of \$50 million and to be completed within 350 days, while phase two would cost the same amount or more.⁶⁵⁹ This vital project, like all other projects, continues to face challenges of funding.

In March 2015, President Kiir attended the ground-breaking ceremony of Juba-Rumbek road project, but the project failed to start. According to the government of South Sudan, the project could not start because China suspended funding for various projects, including the fiber-optic project, due to the war that erupted in 2013.⁶⁶⁰ For Huawei, the blame is squarely on the South Sudanese government as it does not *"prioritize its needs and plan."*⁶⁶¹ Moreover, Huawei argues that *"misplaced priorities are the main problems facing South Sudan,"*⁶⁶² an assessment shared by many South Sudanese officials. The Chinese giant cites the challenge facing the government in prioritizing between fiber-optic at the total cost of \$100 million, for instance, and digital TV migration at the cost of \$100m.⁶⁶³ This is one of the problems facing Chinese financial institutions in dealing with government of South Sudan where every project is a priority; it is logical that fiber-optic is more urgent and vital economically than digital migration, but the government failed to prioritize one project, possibly because vested interests are involved in such projects. Thus, *"EXIM*

⁶⁵⁷ Interview, Tony (Qin), Juba, 6 May 2016.

⁶⁵⁸ Elijah Biar stated that the contract was a back door deal between Huawei and Office of the President, but the Ministry of Telecommunication only was invited to sign it. By then China Desk, that is responsible for Chinese-funded projects, was moved to the office of the President and some staff of the Desk were jailed, possibly due to some malpractice.

⁶⁵⁹ Interview, Elijah Kuol, Juba; Interview, Tony

⁶⁶⁰ Interview, Michael Lueth, Juba, 2016.

⁶⁶¹ Interview, Tony (Qin), 2016.

⁶⁶² Interview, Tony (Qin), 2016.

⁶⁶³ Interview, Tony (Qin), 2016.

*Bank is confused over how to go about funding both investments and developmental projects in South Sudan due to a lack of clear priorities by the government.”*⁶⁶⁴

Besides the lack of proper planning and inability to prioritize vital developmental projects, the challenges posed by the insecurity resulting from the current conflict remains a major impediment to any substantial socioeconomic development in South Sudan. As the conflict subsides, it is evident that China is slowly beginning to refinance some key projects that were dormant at the height of the war. The ongoing construction of several wards at Juba Teaching hospital (see details in Health Development section) marks an important shift from China’s initial policy of non-commitment to investment projects since the outbreak of conflict. More importantly, the signing of the \$248 million loan agreement in 2018 to fund the construction of an Air Traffic Management (ATM) system was a significant breakthrough as many projects were suspended since 2014.⁶⁶⁵ With funding from the EXIM Bank of China, China Harbor Engineering Company Ltd (CHEC) will undertake the construction as it rehabilitates Juba International Airport.⁶⁶⁶ Upon completion of this project, South Sudan would be able to take charge of its airspace from Sudan as well as being able to generate revenue from air traffic fees. If this trend continues and the warring parties of South Sudan reach a sustainable peace deal, the nation will stand to benefit significantly from its engagement with China in the near future. Thus, the element of insecurity is one of the biggest challenges to socioeconomic development in South Sudan. Ambassador Ma Qiang, former Chinese Ambassador to South Sudan, emphasized the issue of insecurity, stating that *“Until this issue is addressed, it will not be easy for South Sudan to get funding from China and it is up to the leaders of South Sudan to work hard to bring peace in the country.”*⁶⁶⁷

⁶⁶⁴ Interview, Tony (Qin), 2016.

⁶⁶⁵ Xinhua, South Sudan, China Ink \$248m Pact on Airspace Project, The State Council, The People’s Republic of China, 26 January 2018.

http://english.gov.cn/news/international_exchanges/2018/01/26/content_281476026093050.htm.

⁶⁶⁶ Ibid.

⁶⁶⁷ Interview, Ma Qiang, former Chinese Ambassador to South Sudan, Beijing, 4 September 2017.

6.2. Human Resource Development

*"People are the real wealth of a nation."*⁶⁶⁸

Capacity-Building and Training

The development of human resources in South Sudan remains one of the keys to the overall development of the young country. Ravaged by the two decades of civil war, South Sudan is in urgent need of developed human resources to enable it harvest its abundance of natural resources and manage other important sectors. Prior to the beginning of the Second Sudanese Civil War (1983-2005), Southern Sudan was deficient in virtually all aspects of development including its human resources. The war destroyed its meager human resources as most able workers joined the liberation war, where many were killed over two decades and others came back either too old to work or having forgotten their knowledge of their fields.⁶⁶⁹ However, cooperation in the area of human resources is one of the more successful aspects of the developmental relationship between South Sudan and China. After independence in particular, China has offered huge opportunities for training South Sudanese across China,⁶⁷⁰ in the form of both short courses and long-term study.

According to the CPA, the SPLM/A was to transform itself into the various sectors of the new government.⁶⁷¹ The movement was to maintain part of the SPLA as its army whilst also creating other organized forces including the civil service, judiciary and legislature. Thus, the insufficient human resources available were spread across all sectors, forcing the SPLM-led government to recruit a lot of unqualified civil servants and leading to the poor delivery of services to a downtrodden population emerging out of the long civil war. The Medium-Term Capacity Development Plan, part of the South Sudan Development Plan (SSDP), indicates the urgent need for the capacity building, stating that:

In 2005, the Comprehensive Peace Agreement (CPA) granted semi-autonomous status to a government with few formal institutional structures, a human resource base impacted by

⁶⁶⁸ South Sudan Development Plan, Medium-Term Capacity Development Strategy, 31 May 2011.

⁶⁶⁹ South Sudan National Human Development Report, 2015:39.

⁶⁷⁰ Interview, Monday Semaya, Beijing, 1 September 2017.

⁶⁷¹ SPLM Strategic Framework for War to Peace Transition, 2004.12.

*generations of war, and weak capabilities to provide public security and services to its people. Over the CPA Interim Period, the GoSS has undertaken one of the fastest developments of public sector institutions in the history of modern statehood. Many key physical and organizational structures of government are now in place at the national and state levels and a growing number of educated South Sudanese are establishing a functioning public sector. However, institutional conditions are fragile, individual capabilities are heterogeneous, delivery capacities remain extremely weak, and there is acute need for a professional and accountable public service to create confidence in Government.*⁶⁷²

This has mounted serious pressure on the SPLM leadership to meet skyrocketing expectations. Expectations were high not only for the SPLM-led government itself, but also for the role China would play in aiding the development of South Sudan.⁶⁷³ Given its huge investment in the oil sector, it had been hoped that China would double its efforts in supporting the government to realize the dream of socioeconomic development, for which a competent human resource base is required. Both the South Sudanese government and the wider population expect China to play a significant role in the new country as it did in Sudan before independence.⁶⁷⁴ Nevertheless, China was on top of the matter soon after South Sudan voted for separation in the referendum as it availed numerous opportunities for capacity-building. In fact, China has been involved in capacity-building, though at a limited scale, throughout the interim period. In a diplomatic note from Chinese Consulate General in Juba dated 9 March 2010 and addressed to the South Sudanese Ministry of Regional Cooperation, delegates from South Sudan were invited to attend seminars and training courses in China.⁶⁷⁵

In the first invitation for an independent South Sudan to participate in training courses in China, it was stated that “*Being an important program aiming at provision of technical and managerial training courses to the developing countries under the ‘China-Africa Cooperation Forum’, such seminars and training courses have played an important role in managerial and technical*

⁶⁷² South Sudan Development Plan, Medium-Term Capacity Development Strategy, 31 May 2011.

⁶⁷³ Interview, Chinese diplomat, 2016.

⁶⁷⁴ Interview, Seizer Oliha, Chairman of Petroleum Commission, Juba, 8 August 2017.

⁶⁷⁵ Diplomatic note to the Ministry of Foreign Affairs and International Cooperation of South Sudan from the Embassy of the People’s Republic of China in Juba, 2010.

transfer".⁶⁷⁶ As a result, a total of 90 positions were offered to South Sudan for participation in various training courses in China in 2011.⁶⁷⁷ The training opportunities were utilized by the Ministry of Human Resource Development of South Sudan which sent 50 officials from 14 different ministries, the South Sudan HIV/AIDS Commission, South Sudan Radio and Television, and South Sudan Electricity Corporation.⁶⁷⁸ Three months after the declaration of independence of South Sudan, China offered a number of capacity-building programs ranging from training courses to workshops. On 30 October 2011, China agreed to hold 9 training courses in various fields: diplomacy, maintenance of tractors and agricultural equipment, prevention and treatment of tropical diseases, midwifery, school teaching, and more.⁶⁷⁹ This training, at a cost of \$2,240,000, marked the beginning of a massive program of capacity-building that continues to this day.⁶⁸⁰ In 2014, alone, China trained over one thousand South Sudanese at a rate of two to three batches per a month, making South Sudan the largest beneficiary of the program amongst the developing nations that participate.⁶⁸¹

Development in the Education Sector

The current level of educational cooperation between the two countries is low but steadily increasing. As a result of the two long Sudanese Civil Wars spanning around 50 years, many generations have been lost to illiteracy in South Sudan. As of 2018, South Sudan's literacy rate stands at 27%, far lower than average for the African continent.⁶⁸² After the signing of the CPA, some progress was made despite high dropout rates. The level of primary school enrolment grew from 20% in 2005 to 88% in 2009,⁶⁸³ but then dropped significantly to 63.5% in 2011, according to the report by the Education Management Information System (EMIS) of the South Sudan

⁶⁷⁶ Diplomatic Note to the Ministry of Foreign Affairs and International Cooperation of South Sudan from the Embassy of the People's Republic of China in Juba, 9 March 2011.

⁶⁷⁷ Diplomatic Note to the Ministry of Regional Cooperation, GoSS from Consulate General of the People's Republic of China in Juba, 9 March 2011.

⁶⁷⁸ Letter from Ministry of Labor and Human Resource to 14 National Ministries to nominate 50 staff for training in China, Juba, 2012.

⁶⁷⁹ Letter to Charles Manyang Awol, Undersecretary, Ministry of Foreign Affairs and International Cooperation from Li Zhiguo, Ambassador, Embassy of the People's Republic of China to South Sudan, 30 October 2011.

⁶⁸⁰ Ibid.

⁶⁸¹ Interview, Monday Semaya, Beijing, 1 September 2017.

⁶⁸² National Bureau of Statistics, South Sudan Statistical Year Book, 2012.

⁶⁸³ African Human Development Series, Education in the Republic of South Sudan: Status and Challenges for a New System, World Bank, Washington, DC.

Ministry of Education.⁶⁸⁴ Despite relatively high levels of enrolment, the education sector faces a number of challenges, such as a lack of text books and teachers with inadequate qualifications. According to Ministry of Education officials, most teachers, at least initially, are poorly educated, and by 2013 only 3% of them had post-secondary school education.⁶⁸⁵ In the same year, the share of education in the national budget was at 7%, rendering education hugely underfunded despite the low levels of literacy in the country. Since 2005, China has contributed by constructing a number of schools and teacher training centers, and by offering scholarships for South Sudanese to study in China.

At the request of the government of South Sudan, China agreed to construct two schools in the suburbs of Juba. Yapa Boma primary school, with 8 classrooms, and China Friendship School, with 16 classrooms, were funded and built by China at a cost of \$8 million.⁶⁸⁶ Both can accommodate around 3000 students in total. During the handover ceremony, the Minister of Education for Central Equatoria State complimented the role of China in the sector, stating that “China had played a major role in supporting South Sudan in the infrastructure and education sectors as there are several China-funded schools throughout the state.”⁶⁸⁷ In 2014, China built Jubek Model secondary school, including 16 classrooms, running water and solar power.⁶⁸⁸ This move could explain China’s commitment to support South Sudan’s educational infrastructure by not only funding but taking full responsibility for projects, including the design of the project, supply of necessary construction equipment, tools and materials as well as dispatching engineering technicians to South Sudan to install and test equipment.⁶⁸⁹

The Technical Cooperation Project of Education (TCPE) that guides the two countries in the sector continues to produce important strides. As part of the “*Comprehensive Education Development Plan (CEDP) for the Republic of South Sudan*” and at the request of the Ministry of Education of

⁶⁸⁴ National Bureau of Statistics, South Sudan Statistical Year Book, 2012: 46.

⁶⁸⁵ Interview, John Yoh, Juba, 2016.

⁶⁸⁶ Daniel Majok, China-built Schools Helps S. Sudanese Students Dream Big, Xinhua, 2016.
http://news.xinhuanet.com/english/2016-08/22/c_135622170.htm

⁶⁸⁷ Ibid.

⁶⁸⁸ Interview, Dr. John Yoh, Juba, 2016.

⁶⁸⁹ Letter to Jiang Yaoping, Vice Minister, Ministry of Commerce, People’s Republic of China from Charles Manyang Awol, Undersecretary, Ministry of Foreign Affairs and International Cooperation, Republic of South Sudan, 22 November 2011.

South Sudan, China agreed to address the most urgent needs and priorities in the first phase of the CEDP project.⁶⁹⁰ In this regard, the South Sudanese side requested urgent support in a number of areas which were agreed by the Chinese side:

1. Consultancy on curriculum development, development of curriculum-supported materials and ICT in education.
2. Preparation, design and printing of textbooks for national languages, syllabi, teachers' education materials, etc.
3. Training of teachers and technicians.⁶⁹¹

The project is already under way in terms of its implementation as the first batch of 60 South Sudanese teachers underwent training during the first half of 2017 in China. The second batch of 140 teachers were set to follow within the same year. This progress is considered to be the beginning of South Sudan's modernization of its education system as supported by the China.⁶⁹² In July 2017, Hunan Publishing House, a subsidiary of China South Publishing and Media Group, delivered the first batch of textbooks to Juba, which was estimated to benefit around 100,000 pupils.⁶⁹³ The South Sudan education and technical assistance project is considered to be the China's first comprehensive program of foreign educational assistance.⁶⁹⁴

After the outbreak of conflict in 2013, many Western countries converted their developmental support to humanitarian relief. This turn of events has created a gap that China is expected to step in and fill to support the struggling government of South Sudan. As emphasized by Zhang Yi, Economic and Commercial Counselor in Chinese embassy in Juba, "*education is one of the top priorities of the bilateral cooperation*"⁶⁹⁵ between the two countries. In a letter accepting the

⁶⁹⁰ Ibid.

⁶⁹¹ Diplomatic Note to the Embassy of the People's Republic of China from Ministry of Foreign Affairs and International Cooperation, 25 June 2014.

⁶⁹² Pang Yuehui, Hunan Assist South Sudan in Basic Education Development, [Online] 23 March 2017.

⁶⁹³ Ibid

⁶⁹⁴ Ibid.

⁶⁹⁵ Letter to Abdon Terkuc, Undersecretary, Ministry of Foreign Affairs and International Cooperation from Zhang Yi, Economic and Commercial Counselor, Embassy of the People's Republic of China to South Sudan, 17 October 2014.

request of the South Sudanese Ministry of Education regarding the support of China in implementing the TCPE, the Chinese Ambassador in Juba stated that:

The Chinese side shall complete ‘Research Report on Education Development of South Sudan’, ‘Guide on Developing Modern Education for South Sudan’ and ‘Guide on Developing ICT Education for South Sudan’ in English and submit 3,000 copies each to the South Sudanese side; in accordance with the content and scope agreed by the two sides and in collaboration with the South Sudanese side, edit and print the textbooks and teachers’ guide books based on the ‘New Curriculum’ and transport the books to Juba; train key education administration personnel, key teachers, IT technicians and curriculum development experts of South Sudan, as well as help establishing an ICT teacher training center. The cost incurred to the Chinese side for the tasks mentioned above, totaling up to \$6,400,000 shall be paid out of the grant stipulated in the Agreement on Economic Cooperation between the Government of China and the Government of South Sudan, signed on January 23, 2014.⁶⁹⁶

The skills gap in technical education is one of the worst in the country. Cooperation in the sector would provide a much needed boost to the supply of skilled workers in South Sudan. Technical and Vocational Education and Training (TVET) is vital in addressing both the literacy gap amongst the older population and prevalent unemployment, and could particularly help in demobilizing expanding organized forces and armed civilians. The last group often poses a threat to the stability in the country due to the lack of reliable jobs or total absence of employment. Based on the structure of the education system in South Sudan, “*TVET offers a variety of programs and certificates at post-primary level, usually targeting older youth*”,⁶⁹⁷ but lack of funding remains a challenge. The current level of educational cooperation indicates that this sector needs urgent attention by both the national policy makers in South Sudan and China towards the provision of technical and financial support. According to South Sudan’s Ministry of Education, “*In 2015, EMIS recorded 26 centers and seven secondary technical schools with a total of 4,722 students*

⁶⁹⁶ Letter to Abdon Terkoc, Undersecretary, Ministry of Foreign Affairs and International Cooperation from Ma Qiang, Ambassador, Embassy of the People’s Republic of China, 3 February 2016.

⁶⁹⁷ South Sudan Education Sector Analysis, 2016: Planning for Resilience, Ministry of General Education and Instructions, UNESCO, 2017.

(3,050 in TVET centers and 1,672 in secondary technical schools).”⁶⁹⁸ The report added that the “TVET supply does not currently meet the qualitative requirements of the labor market, and also does not meet the quantitative needs of the substantial youth population.”

6.3. Agricultural Development and Food Security

*“The SPLM vision and slogan shall be to use the oil revenues to fuel agriculture.”*⁶⁹⁹

Agriculture and Livestock Development

Cooperation between the two countries in the agricultural sector is still in its beginnings. Since the CPA, both sides have identified agriculture as a potential sector for expanding cooperation on economic development, but the evidence shows little in the way of results. Chinese investment in the sector has been in small scale farms located along the banks of the Rive Nile and close to major urban centers.⁷⁰⁰ Several Chinese agricultural firms registered their interest in the sector; for instance, an autonomous region of Ningxia Province signed an MOU on agricultural cooperation and rice planting in 2012 with the Ministry of Agriculture.⁷⁰¹ These attempts were largely cut short by the 2013 conflict, as with many other Chinese business and government projects. The development of its agricultural potential remains a priority for the government of South Sudan as agriculture, forestry and fisheries accounted for about 36% of GDP in 2010.⁷⁰² The livelihood of a majority of the population depends on agriculture and livestock, thus making it the backbone of the South Sudan’s economy.

⁶⁹⁸ National Bureau Statistic, South Sudan Statistical Yearbook, 2012:23.

⁶⁹⁹ Speech of Dr Garang at the signing ceremony of the CPA, 2005.

⁷⁰⁰ Interview, Lily Albino Akol, Deputy Minister of Agriculture, Forestry, and Cooperatives, Juba, 1 December 2015.

⁷⁰¹ Zhou Hang, China and South Sudan: Economic Engagement Continues Amid Conflict, 2014.

<http://africanargument.org/2014/09/12/china-and-south-sudan-economic-engagement-continues-amid-conflict-by-zhou-hang/>

⁷⁰² Africa Development Bank, Development of Agriculture in South Sudan, 2012a: 130.

<https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/South%20Sudan%20Infrastructure%20Action%20Plan%20-%2020A%20Program%20for%20Sustained%20Strong%20Economic%20Growth%20-%20Chapter%206%20-%20Development%20of%20Agriculture%20in%20South%20Sudan.pdf>

According to the Ministry of Agriculture, “*China has a limited role with regards to agriculture in the country.*”⁷⁰³ Nevertheless, China has offered support in certain areas, such as the provision of “*agricultural machinery as a response to the government request for support in this area*” in the form of 100 tractors and water pumps for irrigation.⁷⁰⁴ As part of the government’s attempt to address food shortages in South Sudan, China’s EXIM Bank offered a loan worth \$97 million for the building of siloes.⁷⁰⁵ With little Chinese support in the areas livestock vaccination and provision of seeds, investment in the sector lags behind other areas of cooperation between the two countries.⁷⁰⁶ The development of this sector will address two key challenges facing South Sudan. Firstly, the issue of huge unemployment, particularly among the young who comprise 84.2% of the population,⁷⁰⁷ which is sometimes blamed for fueling insecurity in South Sudan. Secondly, the risk posed by economic dependence on oil revenues could be addressed by diversifying South Sudan’s economy through agricultural transformation.

South Sudan, like other third world and Sub-Saharan African countries, has been hard hit by food insecurity. One of the top priorities of any nation is to feed itself, but this has proved challenging for the South Sudanese leadership since the signing of the CPA in 2005 (see figure 6.2. below). Agricultural output, which is mainly at subsistence level and is based on the use of traditional farming tools, does not currently sustain the whole country. A majority of the population in rural areas consume cereals that account for 48% of total basic food consumption, livestock (30%), fish (4%) and non-cereal crops (18%).⁷⁰⁸ As a result of the ongoing conflict, millions of South Sudanese are not only languishing in poverty, but in acute shortage of food which reaches in some places to the verge of famine. As many Western donors diverted their developmental assistance to humanitarian needs, China followed suit in the area of food security.

⁷⁰³ Interview, Lily Akol, Deputy Minister of Agriculture, Juba, 2015.

⁷⁰⁴ Interview, Lily Akol, 2015.

⁷⁰⁵ Interview, Lily Akol, 2015.

⁷⁰⁶ Interview, Peter Mahal Dhieu Akat, DG, Rural Water Supply and Sanitation, Ministry of Electricity, Dam, Irrigation & Water Resources, Juba, 24 November 2015.

⁷⁰⁷ National Bureau of Statistics, South Sudan Statistical Yearbook, 2012:45.

⁷⁰⁸ Africa Development Bank, Development of Agriculture in South Sudan, 2012a: 102.

Figure 6.2. First Agricultural Trade Fair.



Source: Ministry of Agriculture, November 2011.

In 2015, China donated \$5 million through the World Food Program (WFP) to specifically provide much needed food to the war-affected states. In acknowledging China's contribution, Joyce Luma, WFP Country Director, stated that *"China's generosity comes at a crucial moment when we must support people who are on the brink of a hunger calamity in remote parts of the conflict-affected states."*⁷⁰⁹ She further added that, *"we are working around the clock with our partners to save lives, and this support from China helps address a critical need."* Since the conflict erupted in December 2013, China has continued, almost monthly, to contribute humanitarian relief to people affected by both war and food shortages. In June 2017, China donated 2,400 tons of sorghum as *"food assistance to famine-stricken South Sudan"*, which was estimated to assist around 160,000 people, including 30,000 children in Eastern Equatoria state.⁷¹⁰ At the handover ceremony to the WFP, He Xiangdong, Chinese Ambassador to South Sudan pointed out that *"the deterioration of the humanitarian situation due to conflict and instability in South Sudan is alarming and China, as a true friend, stands ready to support the country through both bilateral and multilateral channels."*⁷¹¹ He confirmed China's readiness to contribute another 8,000 tons of rice in next few

⁷⁰⁹ World Food Program, China Contributes US\$5 Million to WFP for People Affected by Conflict in South Sudan, 23 November 2015.

⁷¹⁰ Gale Julius, China Contributes 2, 000 Tons of Food Aid to S. Sudan, Xinhua, June, 2017.

http://news.xinhuanet.com/english/2017-06/04/c_136339121.htm

⁷¹¹ Hauxia, China Contributes 2,400 Tons of Food Aid to S. Sudan, Xinhua, 2017.

http://news.xinhuanet.com/english/201706/08/c_136349808.htm

months declaring that “*This is a gift from the Chinese people to our brothers and sisters in South Sudan. We feel the pain of the South Sudan people*”.

According to the *SPLM Strategic Framework for War Transition to Peace*, food security lies at the center of poverty eradication program through ‘moving town to people’ in the rural areas.⁷¹² So far, not much has been achieved in this regard and the country’s leadership continues to struggle to address the current acute food shortage. With prudent planning and sufficient funding, South Sudan could overcome this hurdle given its abundant agricultural potential. In addition to its vast amount of arable land, South Sudan is one of the leading countries in Africa in terms of livestock with 11,730,000.⁷¹³ The goodwill from the international community will not continue indefinitely as it calls for the necessary agricultural transformation to address the threat of food security in the country. In pledging at the “*High Level Event on the Humanitarian Crisis in South Sudan*”, Brazil offered to donate food through the WFP, “*a quantity of 4,500 metric tons of rice and 4,800 metric tons of beans*”,⁷¹⁴ but it requested that another country should cover the cost of the transportation and distribution. At the request of government of South Sudan, China agreed to cover the cost involved in a modality which the WFP terms a “twinning operation”.⁷¹⁵

Fishery and Forestry

Forestry and fisheries comprise another vital source of livelihood in South Sudan. Development in these areas is critical, particularly for the communities whose lives depend on fishing. With the longest river in the world dissecting the country into east and west banks, including the biggest swamp in the world, South Sudan offers lucrative opportunities for investment and sustainable livelihoods for communities along the River Nile. The country also has one of the richest untapped forestlands on the continent. Despite the short span of the relations between the two countries, China has already played some role in the sector in conjunction with other partners. According to the Deputy Minister of Agriculture of South Sudan, “*China is working with FOA to support fishery*

⁷¹² SPLM Strategic Framework for War to Peace Transition, 2004: 15.

⁷¹³ National Bureau of Statistics, South Sudan Statistical Year 2012: 88.

⁷¹⁴ Diplomatic Note to the Embassy of South Sudan in Rome from Permanent Representative of Brazil to FAO, IFAD and WFP, 9 July 2015.

⁷¹⁵ Letter to Wang Yi, Minister of Foreign Affairs, People’s Republic of China from Barnaba Marial Benjamin, Minister of Foreign Affairs, Republic of South Sudan, 3 November 2015.

communities to maximize their production and profit.”⁷¹⁶ This support, if not for the current insecurity, could have expanded to cover a large number of people who are in urgent need of food as well as sources of income.

Agriculture remains one of the most important sectors in which South Sudan and China could expand their cooperation. However, as many observers seem to agree, the current war has stalled the progress of both sides despite their intentions. Since independence, more companies have registered their interest in agriculture than any other investment opportunities in South Sudan besides oil. In a joint field visit between South Sudan and China during the CPA which was intended to verify the exact location of oilfields along the border between the north and south of Sudan, Aggrey Tisa, Presidential Advisor of then-GoSS, observed during the flight that the Chinese showed more interest in land from the aerial view alone, stating that:

*As soon we left Juba airport, one of the Chinese delegates lost his interest in oil and expressed his immediate interest in the land as he contemplated the quantity of rice that could be produced or grown in this empty land [...] During the visit, we went to observe the swamp where fish were left to eat itself or die [rot]. The Chinese were asking why this abundance of fish was not being exported or transported to other areas within the country. So I told them that there are no means of transport, whether roads or river pathways to ship these fish overseas or domestically.*⁷¹⁷

6.4. Health Sector Development

*“South Sudan’s health system remains poor and underdeveloped following decades of civil war and conflicts.”*⁷¹⁸

Health Facilities

The history of China’s contribution to health services in South Sudan dates back to 1971, when a Chinese medical team was stationed in Juba. The team carried out a number of medical procedures until the program was interrupted by the Second Sudanese Civil War in 1983.⁷¹⁹ At the time of

⁷¹⁶ Interview, Lily Akol, Juba, 2015.

⁷¹⁷ Interview, Aggrey Tisa Sabuni, Presidential Advisor on Economic Affairs and former Minister of Finance, Juba, 15 September 2015.

⁷¹⁸ Gale Julius, China Donates Anti-Malaria medicine to South Sudan, Xinhua, 18 April 2017.
http://news.xinhuanet.com/english/2017-06/04/c_136339121.htm

⁷¹⁹ Interview, Ma Qiang, Former Chinese Ambassador to South Sudan, Beijing, 4 September 2017.

independence, cooperation in the health sector increased as South Sudan struggled to address the challenges facing its health services. South Sudan has one of the worst rates of infant and maternal mortality in the world due to a lack of adequate health services. Two factors contributing to such high numbers are a lack of adequate investment in the health sector by the government of Sudan before independence and the long wars of liberation that have destroyed what little health infrastructure previously existed.⁷²⁰

The marginalization of South Sudan in social service delivery was one of the main causes of the Second Sudanese Civil War. However, the irony is that after the signing of the CPA, the SPLM led-government failed to provide adequate services to the people of South Sudan.⁷²¹ There are many priorities for a country emerging out of war, but South Sudan allocates a meager percentage of its annual budget for health development, the effect of which is compounded by the existing lack of adequate health infrastructure. Dr. Riek Gai of the Ministry of Health, commenting on the Chinese contribution to the health sector, stated that “*even with the Chinese injection of funds, South Sudan has a lot of work to do to improve healthcare service delivery to its people.*”⁷²² To deliver adequate health services, the focus should be geared towards the development of health facilities and the provision of sufficiently qualified medical staff, medical supplies and equipment. Thus, South Sudan has a huge responsibility in ensuring that these objectives for the health services are achieved. Both countries could further deepen their cooperation in this area to create a lasting impact.

With only a few colonial-era hospitals based in major cities, South Sudan lags behind in health facilities compared to the wider region. The GoSS renovated some major hospitals during the CPA, but they are unable to meet the current need given the growth of the population since they were built. For instance, Juba Teaching Hospital, built in 1920 by the British as a military barracks and later transformed into a military hospital for its soldiers,⁷²³ is not suitable for the needs of the modern era. Michael Milli, a former Minister of Health, noted that “*Everybody knows that Juba*

⁷²⁰ Interview, Dr. Ann Itto, Juba, 2015.

⁷²¹ Interview, Dr. Lam Akol, Juba, 2016.

⁷²² Waakhe Simon Wudu, China Pledges \$33 Million to Improve South Sudan Health Care, VOA, 6 January 2017. <https://www.voanews.com/a/south-sudan-china-health-funding-women-children/2587598.html>

⁷²³ Ibid.

*teaching hospital now is not able to cope with the number of patients that go to the hospital on daily basis.”*⁷²⁴ Throughout the CPA and up to independence, South Sudan managed to build “a few functional health facilities, but in poor condition and unequally distributed”.⁷²⁵ Despite ongoing cooperation in the sector between South Sudan and China, there has been little progress in the area of health facilities compared to other fields of the health service.

The main medical facility that was financed and built by China is Kiir Mayardit Women’s Hospital in Rumbek. The facility is comprised of out-patient and in-patient buildings, laboratory departments, staff housing and medical equipment.⁷²⁶ The facility serves as “*one of the best medical hospitals in the country that is both modern and well-equipped.*”⁷²⁷ Besides China’s direct role in health facilities, there are Chinese privately-owned clinics spread across South Sudan, particularly in the capital city, Juba. These clinics are often criticized for not being properly licensed and sometimes they are registered through connections. This could be explained by bureaucracy and the various levels of decision-making between the national and state ministries of health. This overlap could possibly be resolved through the creation of the South Sudan Medical Council, which has been tasked with the regulation medical services.⁷²⁸

The low level of cooperation over health facilities could be attributed to the current conflict that has raged for the last four years in South Sudan. The war has caused instability that has affected not only investment in the sector, but also oil, the major source of revenue for the country. Since the start of the war, many projects have been put on hold for safety reasons, particularly the projects with foreign funding. Furthermore, the difficulty in financing health and other social development projects has been intensified by a drop in oil production from about 250 to 160 bpd, compounded further by lower global oil prices. Before the war broke out in 2013, some of the key projects China pledged to undertake were the construction of Juba Friendship Hospital and the modernization and expansion of Juba Teaching Hospital.⁷²⁹ The current instability across much of South Sudan could

⁷²⁴ Miraya FM Radio, Company to build Hospital of 600 beds in Juba, 22 January 2013.

⁷²⁵ <https://reliefweb.int/report/south-sudan-republic/company-build-hospital-600-beds-juba>

⁷²⁶ Health Policy, Government of South Sudan 2007-2011:11.

⁷²⁷ Letter to Dr. Luke Tombekana Monoja, Minister of Health, GOSS from Zhang Qingyang, Consul General, The Consulate General of the People’s Republic of China in Juba, 22 June 2010.

⁷²⁸ Interview, Thuou Loi Chengoth, Director General for Medical Services, Ministry of Health, Juba, 12 April 2016.

⁷²⁹ Interview, Thuou Chengoth, Juba, 2016.

be attributed to the low level of cooperation in the area of socioeconomic development. At the signing ceremony of the MOU detailing Chinese funding for the Sudanese health sector, Zhang Yi, Chinese Economic and Commercial Counselor at the Chinese embassy to South Sudan, stated clearly that the future of South Sudan was “*at stake if the fighting continues and called on the government to step up efforts to restore peace.*”⁷³⁰ He added that development and peace are like twins, and hence “*if there is no peace, you can hardly start development, but if there is no development, peace cannot be sustained.*” With the signing of Agreement on the Resolution of the Conflict in South Sudan (ARCISS) in 2015 and the easing of the war, both countries are slowly beginning to re-engage once again.

On 30 September 2017, both sides held a ground-breaking ceremony for the China-aided modernization and expansion of Juba Teaching hospital. The project includes out-patient facilities, an emergency block, an obstetrics and gynecology department, and dormitories for Chinese medical staff.⁷³¹ Juba Teaching Hospital, the biggest facility in the country, currently has a maternity ward with a capacity of just 27 patients, but after the ongoing expansion the ward will be able to admit up to 100 patients.⁷³² With such a dire situation, as in other social services such as education, South Sudan has placed a lot of hope in Chinese support, but the reality of instability will continue to hamper the impact of the good will from China. While attending the ground-breaking ceremony, President Kiir stated that “*after the completion of the project, patients in South Sudan do not need to go overseas for treatment and I would also come to the new teaching hospital in person.*”⁷³³ At the same event, the desperate situation was emphasized by the country’s Ministry of Health, Dr. Riek Gai, regarding the Chinese pledge of \$33 million for the health sector, as he stated that “*China’s pledge to help South Sudan gives South Sudanese a reason to be hopeful in these times of trouble.*”⁷³⁴ He added that “*This is going to raise hope for our people that not everything is worse in South Sudan, but there is also some shining aspect of life in South Sudan.*” He Xiagdong, Chinese Ambassador to South Sudan, declared that “*The project is another*

⁷³⁰ Waakhe Wudu, China Pledges \$33 Million to Improve South Sudan Health Care, 2017.

⁷³¹ Letter to Abdon Terkuc, Undersecretary, Ministry of Foreign Affairs and International Cooperation, South Sudan from Ma Qiang, Ambassador, Embassy of People’s Republic of China to South Sudan, 15 November 2014.

⁷³² Waakhe Wudu, China Pledges \$33 Million to Improve South Sudan Health Care, 2017.

⁷³³ Chinese Embassy to South Sudan, H.E. President Salva Kiir Mayardit Attends Ground-breaking Ceremony of Modernization and Expansion Project of Juba Teaching Hospital, 30 September 2017.

⁷³⁴ Waakhe Wudu, 2017.

*cornerstone of China-South Sudan friendship”, adding that “two years from now on, we are going to see a modern health facility and a new landmark in Juba”.*⁷³⁵

Health Personnel, Human Resources

South Sudan has one of the lowest numbers of medical personnel of any country. The low literacy rate of 27% is an indicative of the severe shortage of human resources in the health sector. Without the significant role of international health services such as Médecins Sans Frontières (Doctors Without Borders/MSF), the situation would be even grimmer. Based on an assessment by the World Health Organization (WHO), an estimated 2.5 medical staff (composed of doctors, nurses and midwives) per 1,000 people are needed to provide adequate health services in South Sudan.⁷³⁶ According to the country’s Health Strategic Plan (2011-2015), South Sudan has 1 physician per 65,574 and 1 midwife per 39,088 people respectively. This severe shortage of trained health professionals is an indicator that the country is in dire need of improved health infrastructure.⁷³⁷ The current causes and challenges posed by the lack of adequate health services is summed up by the World Bank’s country report: “the *lack of a federal HRH retention policy; high staff turnover in all government-managed health facilities; lack of financial resources for training output; and poor HRH management, low and irregularly paid wages, and a lack of supervision at all levels.*”⁷³⁸

Cooperation with China in the area of human resources for health has been a success. There is no other country that has provided as much support to South Sudan in this area given the massive ongoing training of medical staff in China. The capacity-building project is taking place not only in China, but also inside South Sudan, where Chinese health experts regularly visit to share experience with their South Sudanese counterparts. In February 2017, 15 Chinese health experts, led by Wang Yuming, Associate Counsel of Health and Family Planning Commission of Anhui Province, signed a cooperation agreement worth \$33 million for the health sector with South

⁷³⁵ Chinese Embassy to South Sudan, H.E. President Salva Kiir Mayardit Attends Ground-breaking Ceremony of Modernization and Expansion Project of Juba Teaching Hospital, 30 September 2017.

⁷³⁶ World Bank. World Health Organization's Global Health Workforce Statistics, 2016.
<http://data.worldbank.org/indicator/SH.MED.PHYS.ZS>.

⁷³⁷ World Health Organization, Global Health Workforce Alliance, South Sudan, 2017.
<http://www.who.int/workforcealliance/countries/ssd/en/>.

⁷³⁸ Ibid.

Sudanese government officials in Juba.⁷³⁹ The agreement was intended to boost cooperation in the health sector in the areas of knowledge sharing, capacity-building, and collaboration between hospitals. The agreement will allow Chinese specialists to “*set up experimental operations and management units in the East African nation.*”⁷⁴⁰ This type of hands-on cooperation is welcomed by the South Sudanese Minister of Health, Dr. Riek Gai, who confirmed that “*Anytime from now, we can receive a team of Chinese medical specialists to come and offer medical services and give mentorship to our doctors.*”⁷⁴¹ He added that “*our friendship with China is really moving upward*”. Thus, it could be argued that as of 2017, it has become apparent that China is edging back into its development cooperation with South Sudan that had abated after the outbreak of the conflict in 2013.

The development of South Sudan’s medical staff has been one of the major focuses of cooperation in the health sector, and the Director General for Medical Services in the Ministry of Health stated that we “*have done good work with China.*”⁷⁴² In the area of human resources development, China has offered both training and experience exchanges to South Sudan, including sending Chinese medical staff to work in South Sudan. The cooperation agreement governing the sending of Chinese medical staff states that:

*At the request of the South Sudanese side, the Chinese side agrees to send the second Medical Team of 12 members to work in South Sudan. Out of whom, there will be 10 medical professionals with abundant clinical experience and English communication skills, one Chinese-English interpreter and one cook. The Chinese Medical Team will work in Juba Teaching Hospital for one year from the date of arrival in South Sudan [---] The duty of the Chinese Medical Team shall be carrying out medical work and exchanging experiences with the South Sudanese colleagues through close cooperation, training local medical staff and providing short-term itinerant medical services to other locations as negotiated and agreed upon by the two sides.*⁷⁴³

⁷³⁹ Interview, Thuou Chengoth, Juba, 2016.

⁷⁴⁰ Huaxia, China, South Sudan Strengthen Cooperation in Health Sector, 11 February 2017.

⁷⁴¹ Interview, Chengoth, Juba, 2016.

⁷⁴² Interview, Chengoth, Juba, 2016.

⁷⁴³ Memorandum of Understanding between The Government of the People’s Republic of China and The Government of the Republic of South Sudan Concerning Sending A Chinese Medical Team to Work in South Sudan, 21 October 2013.

Furthermore, South Sudan has been sending medical staff for training in China, both for short training courses and specialization over longer periods. For instance, from March to July 2011, China has trained a considerable number of health professionals, covering the fields of healthcare for women and children, rural health care, AIDS prevention and control, hospital management and treatment of malaria.⁷⁴⁴ Since then, the number of training opportunities in China has increased at an unprecedented scale. However, the impact of this training remains to be seen given the shortage of medical facilities, medical supplies and equipment.

Medical Supplies and Equipment

The provision of health services without adequate laboratory equipment, medical supplies or drugs and equipment has a limiting effect on the sector. The cooperation in the field of medical supplies and medical equipment dates back before independence, to the CPA's interim period. China had donated several varieties of medical supplies to the then-Government of Southern Sudan.⁷⁴⁵ After independence, cooperation in the area increased as China continued to *"provide medical supplies, particularly anti-malaria drugs, yearly and distributed them countrywide."*⁷⁴⁶ The high rate of malaria infection in South Sudan is alarming, particularly during the rainy season, and it is the disease that most affects the population. According to the 2017 malaria infection assessment by the World Health Organization (WHO), *"South Sudan recorded a steady increase in new malaria cases over past five years as infections among people over five years increased from 700,000 in 2012 to 1.1 million in 2016, and another 600,000 children under 5 years also were infected."*⁷⁴⁷ The assessment further shows that *"at least 391,000 new malaria infections and 19 deaths have been recorded since the start of 2017 across South Sudan."* In a letter regarding the Chinese contribution addressed to the Ministry of Foreign Affairs of South Sudan by the Chinese Ambassador in Juba, he stated that:

⁷⁴⁴ Letter to Ministry of Health, GOSS from Ministry of Health, Central Equatoria State, 12 May 2011; Letter to Directors of Juba, Malakal and Wau Teaching Hospitals from Ministry of Health, GOSS, 26 May 2011.

⁷⁴⁵ Ibid.

⁷⁴⁶ Interview, Chengoth, Juba, 2016.

⁷⁴⁷ Julius Gale, China Donates Anti-malaria Medicine to South Sudan, 4 June 2017.

*At the request of the Government of the Republic of South Sudan, the Chinese Government agrees to provide South Sudan with a batch of anti-malaria drugs and will be responsible for the shipment by air to Juba. The cost incurred to the Chinese side totaling Three million RMB Yuan [\$480,000] shall be paid out of the grant stipulated in the Agreement on Economic and Technical Cooperation between the two Governments of China and South Sudan signed on November 22, 2011.*⁷⁴⁸

With the intensity of the conflict beginning to decrease, coupled with the numerous initiatives underway to bring the war to an end, the cooperation between China and South Sudan is regaining momentum. The launch of the expansion of Juba Teaching Hospital is indicative of a renewal of the long-awaited socioeconomic cooperation, not only in the health sector but in other sectors. The renewed phase of cooperation, including the current level of practical cooperation between the two countries in health services, is evident of regained momentum after the outbreak of the conflict in 2013.⁷⁴⁹ In February 2017, at a ceremony for the handover of medical equipment by the Chinese, Minister of Health, Dr. Riek Gai, declared that the “*Relationship between the two peoples of South Sudan and China is excellent.*”⁷⁵⁰ He further stated “*The provision of this world-class diagnostic equipment is going to reduce foreign travel for medical attention.*”

On 8 March 2017 (International Women’s Day), at the request of South Sudan First Lady, the Chinese embassy in Juba donated a batch of 27 categories of medicines and six units of medical equipment to Al-Sabbah Children’s Hospital in Juba.⁷⁵¹ The quantity of medicine was enough to benefit at least 400,000 people,⁷⁵² which is deemed to be a significant contribution in a country that is running out of cash to procure medical supplies. In August 2017, China donated \$1.8 million to the Ministry of Health, covering “*anti-malaria drugs worth \$800, 000 plus a fully stocked Ambulance to the Juba Teaching Hospital*”, and also intended to address the outbreak of cholera

⁷⁴⁸ Letter to Charles Manyang Awol, Undersecretary, Ministry of Foreign Affairs and International Cooperation from Ma Qiang, Chinese Ambassador to South Sudan, 24 September 2013.

⁷⁴⁹ Li Yan, China Donates Medical Supplies to South Sudan Hospital, Xinhua, 27 January 2017.
<http://www.ecns.cn/2017/01-2/243513.shtml>

⁷⁵⁰ Huaxia, China, South Sudan Strengthen Cooperation in Health Sector, 11 February 2017.

⁷⁵¹ Xia Yuanyuan, China Donates Medicine to South Sudan’s Children Hospital, 9 March 2017.
http://www.chinafrica.cn/The_Latest_Headlines/201703/t20170309_800090220.html

⁷⁵² Julius Gale, China Donates Anti-Malaria Medicine to South Sudan, 4 June 2017.

at that time⁷⁵³ The effect of war is evident in the lack of provision of critical social services across the country and the only remaining hope of support comes from China and the humanitarian organizations that run most of the primary healthcare centers.⁷⁵⁴

Chapter Conclusion

The cooperation in socioeconomic development stands as one of the most vital elements of the engagement between the two countries. The war of liberation was fought to build an economically prosperous South Sudan, and economic development is one of the key pillars of state-building in a new country. On the other hand, the socioeconomic development of South Sudan provides huge investment opportunities for China. Financial cooperation between the two has been centered on infrastructural development, although much remains to be done. China remains a major investor and trading partner for South Sudan, particularly within the oil industry. South Sudan offers many investment opportunities for China as the former emerges from conflict in need of huge reconstruction. Construction of physical infrastructure stands as the single biggest opportunity for investment, both for Chinese companies and financial institutions. As a new country endowed with substantial natural resources, South Sudan also needs robust development of its human resources in order to harvest its natural resources and staff a competent civil service to ensure the delivery of vital services to the population. Both countries have made considerable strides as China is undertaking massive training programs for South Sudan, offering numerous scholarships, and building schools. Agricultural development still lags behind, but there are possibilities for this to be a major area of cooperation when stability returns. The health sector is one area of success as China has made several commitments that will make huge difference in the sector.

Success in achieving considerable socioeconomic development would cement the two countries' engagement. There are some projects which have made strides, while others have faced challenges. Prime among the challenges is the insecurity stemming from the current conflict in South Sudan. As a result of the war, the major sources of South Sudan's revenue have been affected. In the Unity oilfields, four Blocks out of seven have been shut down, reducing the production from 250 bpd to

⁷⁵³ Gurtong, China Donates 1.8 Million USD to Fight Cholera, Malaria in South Sudan, 1 August 2017. <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/20757/Default.aspx>.

⁷⁵⁴ Interview, Chengoth, Juba, 2016.

160. It is through oil revenues that infrastructure development, for instance, are funded as collateral in exchange for Chinese finance. Furthermore, the security the of investors and safety of their investment are vital for any successful infrastructural development in the country. Without the return of stability, there will be no significant achievement in the area of socioeconomic development in the near future.

CHAPTER SEVEN

The Centrality of Oil in the Cooperation

The petroleum industry lies at the epicenter of the relationship between South Sudan and China. China's involvement in the oil industry began in the 1990s during the height of the civil war. After the signing of the CPA in 2005, the oil industry remained central to the relations of the then-Government of Southern Sudan (GoSS) with China and continued to do so after South Sudan's subsequent independence. Prior to the CPA, oil played destructive role between the two countries. The SPLM/A regarded the oil industry and its infrastructure as legitimate military targets in the context of the use of oil revenues to fund the Government of Sudan's (GoS) war against the SPLM/A in southern Sudan. Furthermore, grave human rights abuses were committed by members of the Sudanese Armed Forces (SAF) and allied militias against civilians in the oil-producing areas under the pretext of securing the oilfields for Chinese oil companies. In this regard, the CPA's Wealth Sharing Protocol was pivotal for both sides. China realized that the majority of oil wells were located in the soon-to-be autonomous Southern Sudan; hence, its interests also lay there, and a paradigm-changing approach was required. The SPLM/A, on the other hand, came to terms with the complexities of the oil contracts and the possibility that they would be canceled or re-negotiated. The movement also wanted to leverage oil to gain Chinese support or neutralize its support to the GoS during the CPA's interim period. More importantly, the SPLM/GoSS were convinced of the vital role of oil revenues in rebuilding a war-ravaged southern Sudan and beyond. After realizing the positive role oil would play during peacetime, as opposed to its destructive role during the war, the SPLM/A leadership allowed for the continuation of Chinese oil contracts signed by GoS.

This chapter explores the central place and role of the oil industry in the relationship between South Sudan and China. It was mainly through oil that rapprochement started soon after the signing of the CPA, particularly via the Wealth Sharing Protocol where the key element was the continuation of the oil contracts signed by the GoS during the war and consequently the sharing of revenues. The chapter shows that oil, having been a destructive element during the war of

liberation, became a source of positivity that has actually helped to improve the relationship between the two countries since 2005. With oil revenues coming in, South Sudan was able to achieve some of its objectives for state-building in the nascent country. The chapter will reveal the unintended role of oil in maintaining relatively peaceful coexistence between South Sudan and Sudan. The majority of oil fields are located along the troubled border of the two Sudans whilst oil infrastructure and facilities are located within Sudan, and the pipelines transporting oil run through Sudan to the world market via the Red Sea coast of Port Sudan. These difficulties between the two Sudans induced the vital role of China, with its considerable leverage over both countries, in the maintenance of stability and consequently the uninterrupted production and flow of oil.

The chapter will firstly examine the historical background of the oil industry and how China became a dominant player during the height of the civil war. With the signing of the CPA, the management of the oil industry, including revenues, was shared by the two sides of the agreement as they adapted to new realities. The chapter also addresses the complexities of the oil contracts that were signed by Sudan during the war and reviewed after the independence of South Sudan. Furthermore, the chapter reveals an unusual operation of the oil industry: Sudan owns all aspects of its infrastructure, including facilities such as processing centers, refineries and pipelines, while South Sudan owns the majority of the oilfields. Finally, the chapter will examine the factors threatening the stability of the oil industry and what can be done to avert instability, even temporarily, for the mutual benefit of all stakeholders.

7.1. The Emergence of the Oil Industry

The first pioneers: from AGIP to Chevron, 1959-1984

The search for oil began soon after Sudan's independence in 1959. An Italian firm, AGIP, was among the first companies to venture into oil exploration. AGIP was granted an offshore concession along the Red Sea coast town of Port Sudan⁷⁵⁵. After the wildcat drilling of several wells without success, other major oil companies joined in the exploration adventure, but they also failed to find oil. Companies such as Oceanic Oil Company, Total, Texas Eastern, Union Texas

⁷⁵⁵ European Coalition on Oil in Sudan, 2010. 'Sudan's Oil Industry in the Eve of the Referendum. Utrecht: 30.

and Chevron decided to follow suit despite the negative outcome of AGIP's survey and drilling.⁷⁵⁶ When their search failed to discover oil reserves, most companies relinquished their concessions with the exception of the American and French giants: Chevron and Total.

On his visit to Sudan in 1972, and as US Ambassador to the United Nations, George H. W. Bush informed the Sudanese President, Jaafer Mohamed Nimeiri about satellite imagery obtained by the United States' National Aeronautics and Space Administration (NASA). When NASA launched its Landsat satellite in 1972, it produced images of earth's surface which indicated of the presence of a large hydrocarbon deposit in East Africa area. The satellite imagery suggested that oil exploration activities should be focused in Southern Sudan, and Bush advised Nimeiri that American companies, including Chevron, should carry out the exploration.⁷⁵⁷ The images were used by the Chevron geologist, John B. Miller, to help the company search for oil in Southern Sudan, particularly tracking the possible presence of a large sedimentary basin where oil could be found in abundance.⁷⁵⁸ In 1974, Chevron was offered a concession area of over 500,000km² for oil exploration in Sudan, and signed an exploration agreement on 23 November 1974.⁷⁵⁹ Chevron did not disappoint the Sudanese government as previous companies such as AGIP did, and proved the existence of commercial hydrocarbon in Sudan.

Given its wealth of technical expertise, Chevron drilled a number of new-field wildcat wells and finally made the first "discovery well", marking the existing of oil in Sudan. The discovery was made along the Muglad Basin in Southern Kordofan, which stretched deep into the then-Western Upper Nile region (now Unity state).⁷⁶⁰ In April 1980, Chevron made its first commercial oil find north of Bentiu, as part of Block 1 in Western Upper Nile Province.⁷⁶¹ The discovery of considerable oil reserves in the Muglad Basin was a major source of encouragement for both the Government of Sudan and Chevron to continue exploring deep into Southern Sudan for more oil reserves. In 1981, Chevron made another important discovery in the heart of the Dinka/Jieng land

⁷⁵⁶ Fact sheet 2 - A History of Oil in the Sudan" Understanding Sudan Retrieved 29 May 2012.

⁷⁵⁷ Luke Patey, *The New Kings of Crude: China, India and Global Struggle for Oil in Sudan and South Sudan*, (London: Hurst & Company, 2014), 25.

⁷⁵⁸ Ibid: 13-14

⁷⁵⁹ Ibid

⁷⁶⁰ European Coalition on Oil in Sudan, 2010:30

⁷⁶¹ Patey, *New Kings of Crude*, 2014: 16

east of the White Nile in Adar Yale, Maluth Basin, where several oil wells showed a potential flow rate of about 1500 bpd.⁷⁶² In 1982, Chevron discovered more significant oil reserves in the Heglig/Panthou area (Block 2), part of the Muglad Basin. According to Luke Patey “*by the early 1980s Chevron had drilled a total of almost 830,000 feet in eighty-six wells with an estimated 545 million barrels of recoverable oil waiting to be squeezed from the earth.*”⁷⁶³ The last discovery was a pivotal point for the government of Sudan under President Jaafer Nimeiri and his quest to place the natural resources in Southern Sudan under the firm control of the central government in Khartoum.

In 1981, the government in Khartoum granted another major concession of 118,000km² to the Franco-Belgian company Total.⁷⁶⁴ Khartoum was busy offering concessions to international oil companies (IOCs) without consultation with the Southern Sudanese. As the country was emerging out of 17 years of civil war, any unilateral decision could be fatal and destructive to the relative peace brought by the Addis Ababa Accord of 1972. According to Abel Alier,⁷⁶⁵ in his famous book “Too Many Agreements Dishonored”, the Southern Sudanese had been watching their land and resources being sliced apart by the northern Sudanese-dominated government in Khartoum without the people’s consent.⁷⁶⁶ The Government of Sudan appeared not to be concerned with the feelings or views of Southern Sudanese. President Nimeiri continued to take decisions without prior consultations with Southern leaders, and the negative effects on the stability of Sudan and its oil industry are still being felt today.

Besides his provocative policies on oil, Nimeiri declared Sudan to be an Islamic state in 1982 and applied Sharia law to the entire country including Southern Sudan, which was dominated by Christianity and African Religions. Nimeiri also approved the digging of the Jonglei canal to drain the biggest wetland in the world, the Sudd, into the Nile for the benefit of northern Sudan and Egypt, ignoring the social impact upon the communities whose livelihood depended on the

⁷⁶² Ibid:

⁷⁶³ Cited in Luke Patey, *The New Kings of Crude*, 2014:18.

⁷⁶⁴ Patey, 2014: 30.

⁷⁶⁵ Abel Alier, a lawyer by profession, was the Head of the High Executive Council formed to govern the Southern Region autonomously from the central government in Khartoum, which was a result of the Addis Ababa Accord ending the First Sudanese Civil War (1955-1972).

⁷⁶⁶ Abel Alier, *Southern Sudan: Too Many Agreements Dishonored*, Ithaca Press, 1999: 56.

Sudd.⁷⁶⁷ Unilateral decisions like these, including those regarding the oil industry, were recipes for the future conflict that would impact the industry for a long time. President Jaafer Nimeiri did not waste time putting in place aggressive policies leading to the firm control of oil industry by the GoS. He soon issued a series of presidential decrees attempting to seize the oil-rich region of Unity Province, including Heglig/Panthou, for the North as part of Southern Kordofan.⁷⁶⁸ This decision was shelved due to fierce opposition by the High Executive Council, a regional body that was governing the autonomous Southern Sudan after the Addis Ababa Agreement. All plans for managing the oil industry were made by the government in Khartoum without participation or consultation with regional bodies in Juba. From downstream to upstream, Nimeiri made sure that legally and commercially all oil interests were under the control of the North.⁷⁶⁹ Prime among them were oil infrastructure and pipelines that were to be built towards the Red Sea coastal town of Port Sudan instead of Mombasa on the Kenyan coast, which was more economically feasible.⁷⁷⁰ Furthermore, refineries were all to be built in the North, denying employment opportunities to the local population of the southern oilfields. It further denied the use of the by-products of the refineries, such as asphalt, for improving the under-developed road infrastructure in Southern Sudan, which had never had proper roads, let alone tarmac ones.⁷⁷¹ Coupled with other Southern grievances against the North, the move of Nimeiri to build oil infrastructure in the North was one of the major nails in the coffin for the united Sudan.

The Arab/Islamic-dominated government in Khartoum was now perceived by the Southern Sudanese, given historical mistrust and neglect, as a threat to their national interests. The Southern leaders had no real response to Nimeiri's decisions on a number of issues affecting the South (oil development and infrastructure, digging of the Jonglei canal, Sharia law, etc.) other than a threat of military force. Thus, many Southern Sudanese opted for military confrontation against these miscalculated policies, which, in fact, triggered the Second Sudanese Civil War. On 16 May 1983, in Bor town, the predominantly Southern army garrison resisted relocation to the north, rebelling

⁷⁶⁷ Erwin Lamberts, "The Effects of Jonglei Canal Operation Scenarios on the Sudd Swamps in Southern Sudan." Twente University, 2009:44. http://essay.utwente.nl/59163/1/scriptie_E_Lamberts.pdf

⁷⁶⁸ Interview, Dr. Lual Deng, Juba, September 2015.

⁷⁶⁹ Interview, Paul Adong, Managing Director, Nilepet, Juba, 2016.

⁷⁷⁰ Interview, Awow Chuang, Director General for Petroleum Export, Juba, 2016.

⁷⁷¹ Speech of Dr. Garang, Chairman of the SPLM, at the signing ceremony of the CPA on 9 January 2005 in Nairobi.

against the regime in Khartoum to mark the birth of the Sudan People's Liberation Movement/Army (SPLM/A).⁷⁷² As the war raged on, oil exploration and development came to a halt immediately, plunging the future of the oil industry into unforeseeable uncertainty.

The Civil War and Oil Exploration Expanded 1984-1996

The Second Sudanese Civil War broke out mainly against the backdrop of oil discovery in the South and the Khartoum government's attempts to sideline the people of Southern Sudan. As the war intensified in the mid-1980s, it was not surprising that the SPLM/A declared the oilfields to be legitimate military targets. In February 1984, less than a year after the inception of the rebellion, the SPLA forces attacked Chevron camps in Rubkona at the Unity oilfields north of Bentiu town on Bhar El-Ghazal River (one of the White Nile tributaries).⁷⁷³ This attack, which lasted for three minutes, was a turning point for Chevron management after three expatriates were killed (George McFee, British; Jackson Wythaka, Kenyan; and Rudy Miguilino, Filipino) with seven others injured.⁷⁷⁴ The news of the SPLA attack reached George Mathew Keller, Chairman of the Standard Oil Company, the parent company of Chevron, in San Francisco, California. Keller rushed to Khartoum to meet with Sudanese Government officials to discuss the safety and security of Chevron operations in the oilfields.⁷⁷⁵ The SPLA attack was an indicator of an insecure environment against the backdrop of Sudanese Government assurances of secure oilfields. It took no time for the Chevron leaders, after failed meetings with Sudanese leaders, to take the decision to withdraw all of its personnel immediately, suspending all its operations in 1984.⁷⁷⁶ As the government of Nimeiri and successive governments under former Prime Minister Sadiq Al- Mahdi and later Omar al-Basher all failed to meet Chevron's requirements of securing the oilfields, coupled with pressure from the Sudanese government, Chevron decided to sell its shares and leave Sudan in 1992, marking the end of the American giant's investment in the country.

⁷⁷² Manifesto of the SPLM, Ethiopia, 31 July 1983.

⁷⁷³ European Coalition on Oil in Sudan, Sudan's Oil Industry in the Eve of the Referendum, ECOS, Utrecht, 2010: 30; Douglas Yates, *The Scramble for African Oil: Oppression, Corruption and War for Control of African Natural Resources*, Pluto Press: London, 2012: 45.

⁷⁷⁴ Ibid: 30.

⁷⁷⁵ Patey, Luke, *The New Kings of Crude*, 2014: 2.

⁷⁷⁶ Interview, Dr. Lual Deng, Executive Director, Ebony Center for Strategic Studies and Former Minister of Petroleum of Sudan, Juba, 9 October 2015.

Consequently, the civil war not only affected Chevron, but engulfed the whole regime in Khartoum. President Nimeiri was one of the most important allies to the United States in Africa for its famous containment policy against the spread of Communism. As a result, the Government of Sudan enjoyed massive economic aid throughout 1970s and early '80s.⁷⁷⁷ During the reign of Nimeiri, Communist Ethiopia was a target of the United States' containment policy, spearheaded by the Government of Sudan. However, despite the large quantity of aid granted by the United States to Sudan, Nimeiri's support was increasingly diminished at home due to economic hardship caused by the war in the South.⁷⁷⁸ As hopes of salvation from supposed oil revenues vanished with the departure of Chevron, a situation compounded by the high cost of the war, economic hardship affected the Sudanese masses enormously. After 16 years of Nimeiri's dictatorial regime, the people of Sudan could not tolerate it any longer as they took to the street in April 1985 in a popular uprising that brought Nimeiri's reign to an end.⁷⁷⁹ As the war intensified in the South, it also spread to the Northern part of the country, as the SPLA began to fight in Southern Kordofan and Southern Blue Nile respectively. When the SPLA captured the border town of Kurmuk and threatened to shut down the country's largest hydropower facility in Roseires, it was clear that the days of the elected government in Khartoum were numbered.

On 30 June 1989, the National Islamic Front (NIF), overthrew the elected Government of then-Prime Minister, Sadiq Al-Mahdi.⁷⁸⁰ The NIF, under the leadership of President Omar Hassan Ahmed Al-Bashir, continued to consolidate power after the army managed to push the SPLA away from the oilfields to the Kenyan and Ugandan borders. During the same period, the regime was alleged to have succeeded in orchestrating the split within the leadership and ranks of the SPLM/A in 1991.⁷⁸¹ In coordination with the breakaway faction of the SPLM/A under Dr. Riek Machar, and with massive military hardware supplied by Arab and Islamic countries such as Iraq and Iran, the NIF regime was able to recapture many towns in Southern Sudan, including most of the oil-

⁷⁷⁷ Interview, Dr. Kimo Aban, World Bank Group, South Sudan Office, Juba, 14 December 2015.

⁷⁷⁸ Interview, Dr. Aban, Juba, 14 December 2015.

⁷⁷⁹ Veronica Nmoma, "The Shift in United States-Sudan Relations: A Troubled Relationship and the Need for Mutual Cooperation," *The Journal of Conflict Studies*, University of North Carolina, 2006:51.
<file:///C:/Users/Akok/Desktop/Shift%20in%20US-Sudan%20Policy.pdf>.

⁷⁸⁰ Interview, Dr. Deng, Juba, 9 October 2015.

⁷⁸¹ "Global Security, South Sudan-Tribal Warfare 1991, 1992."
<http://www.globalsecurity.org/military/world/war/south-sudan-1991.htm>.

producing areas.⁷⁸² After the regime succeeded in securing and protecting the oilfields, it served as a signal to many skeptics that the future of the oil industry in the country was now viable despite some remaining risks.

The departure of Chevron and the demise of Nimeiri's regime did not deter other adventurers and risk takers from venturing into the shaky and an uncertain environment of the Sudanese oil industry. After the departure of Chevron, it was not long until the Government of Sudan under the NIF took a major step and divided the big Blocks into smaller ones. In 1992 the Government divided the Adar Yale into Blocks 3 and 7 and granted concessions to the Gulf Petroleum Corporation–Sudan (GPC).⁷⁸³ Four years later, the GPC reopened several of Chevron's wells and built a road from the Adar Yale oilfields to transport crude by land to the White Nile River town of Maluth, and then by river to Khartoum. Soon after President Bashir inaugurated Adar Yale, it was producing at 5000 bpd marking the first Sudanese export of oil. In 1998, the Adar Yale oilfields were producing 10,000 bpd, indicating a steady increase in production.⁷⁸⁴ It was a small but significant step towards greatly increased production. These positive outcomes marked an important moment for the oil industry in the country and served as encouragement for other investors to join in.

However, the military campaign by the Government of Sudan did not run smoothly. The Government adopted scorched-earth tactics to drive away civilian populations in the oil-producing areas to pave way for further oil explorations.⁷⁸⁵ This triggered both local and international outcry from major human rights organizations. The civilian population paid a huge price in terms of lives lost during military operations and the loss of crops and agricultural lands. The Sudanese Armed Forces (SAF) deliberately used helicopter gunships to violently drive the population into the biggest swamp in the world and forests with no food or medicine, leading to the death of a large number of innocent civilians.⁷⁸⁶ Thus, it ignited a worldwide campaign against oil companies operating in those areas as well as against the Government of Sudan. The outcry resulted in many

⁷⁸² Interview, Senior SPLA General, Juba, 2016.

⁷⁸³ Interview, Chuang, Director General for Petroleum Export, Juba, 12 May 2016.

⁷⁸⁴ Patey, *The New Kings of Crude*, 2012: 106.

⁷⁸⁵ Interview, Senior SPLA General, Juba, 2016.

⁷⁸⁶ European Coalition on Oil in Sudan, *Sudan's Oil Industry: Facts and Analysis*, April 2008: 31.

human rights organizations calling for sanctions against these companies, accusing them of engaging in blood oil.⁷⁸⁷ The organizations went as far as to advocate for divestment action against all stakeholders involved.⁷⁸⁸ However, these pressures did not halt Sudan's quest for new investors.

The Departure of European Oil Firms and the Advent of Asian Oil Majors

In 1992, two Canadian oil companies, Arakis Energy Corporation and State Petroleum, partnered to acquire Chevron concessions in Blocks 1, 2 and 4.⁷⁸⁹ After successfully making several new discoveries, both companies failed to raise sufficient capital to fund their operations. The insecurity involved in the industry could explain why financiers could not commit funds for such lucrative investments. Left with no real option, in 1996 Arakis sold their 75% stake to the Chinese oil giant, China National Petroleum Corporation (CNPC) and Malaysian state-owned company, Petronas Carigali.⁷⁹⁰ As a state-owned corporation, CNPC had the necessary backing to venture into such a risky environment. With the support of the Government of China and sufficient capital in place, the CNPC made its historical mark in deciding to invest overseas for the first time despite rudimentary expertise. Together with Petronas Carilgali, another Asian oil major, and Sudan's Sudapet Company, the CNPC established a joint venture and formed a consortium, the Greater Nile Petroleum Operating Company (GNPOC).

Prior to the advent of the CNPC and Petronas, other small and middle-sized North American and European companies ventured into oil investment. Talisman, a Canadian company based in Calgary, Alberta, Lundin, a Swedish company, and OMV,⁷⁹¹ an Austrian company, each bought shares and took over Chevron's operations.⁷⁹² The involvement of Talisman and Lundin was not without serious consequences as the international community staged a human rights campaign against these Western companies, labeling them as investors in blood oil.⁷⁹³ The campaign was

⁷⁸⁷ Interview, Dr. Deng, Juba, 2015.

⁷⁸⁸ European Coalition on Oil in Sudan, Sudan's Oil Industry, 2008: 30.

⁷⁸⁹ Patey, New Kings of the Crude, 2012: 59.

⁷⁹⁰ Patey, 2012: 62.

⁷⁹¹ OMV (formerly abbreviation for "Österreichische Mineralölverwaltung" or ÖMV (*English: Austrian Mineral Oil Administration*)), headquartered in Vienna, Austria.

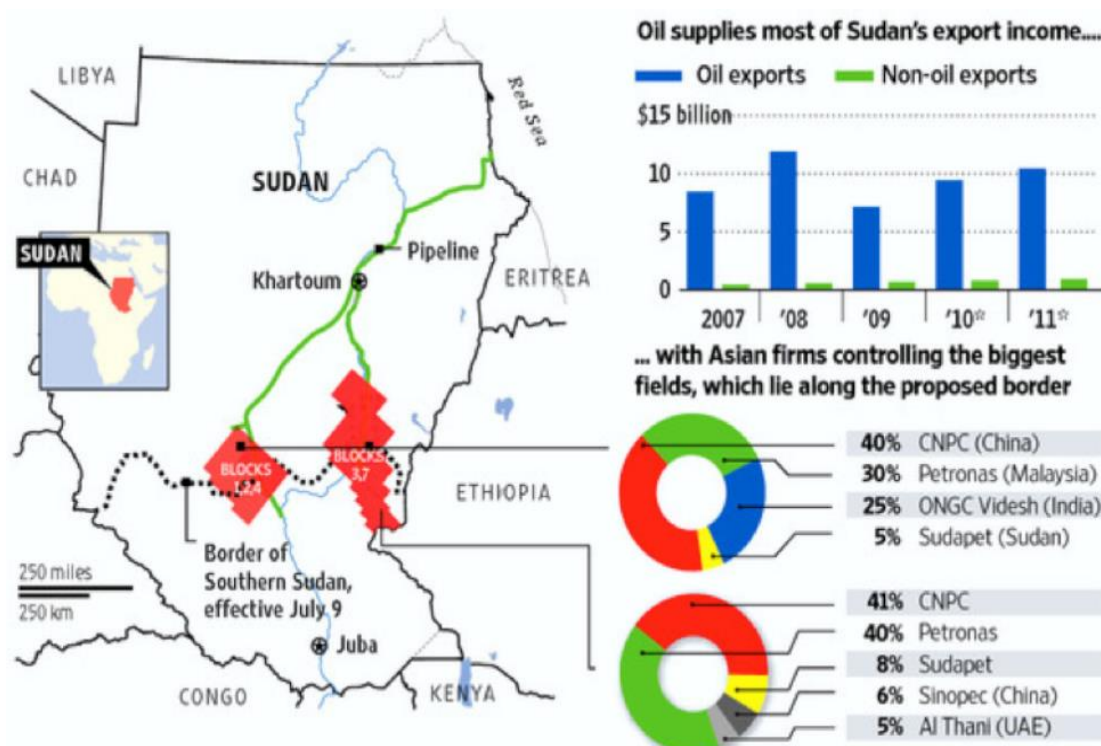
⁷⁹² Interview, Chuang, Juba, 2016.

⁷⁹³ Human Rights Watch, Sudan, Oil and Human Rights, 2003:70.

<file:///C:/Users/Akok/Desktop/Emma%20docs/HRW%20Lundin%20Talisman.pdf>

sparked by war crimes that were committed in the oil-producing areas by the Government of Sudan in the name of defending oilfields, but which in fact defended the oil companies operating in the fields. The campaign was sustained and finally Talisman, Lundin and OMV decided to sell their stakes to Sudan. In turn, Sudan sold those stakes to Chinese (CNPC, 40%), Malaysian (Petronas, 30%) and Indian companies (Oil and Natural Gas Corporation Videsh [ONGC Videsh], 25%).⁷⁹⁴ Unlike the Seven Sisters, the Three Asian Sisters, CNPC, Petronas and ONGC, or as Luke Patey called them ‘The New Kings of Crude’, took charge of the Sudanese oil industry from that point (See Figure 7.1. below).

Figure 7.1. Oil industry under united Sudan.



With the departure of Western oil firms and advent of Chinese and other Asian oil giants, Sudan's oil industry was expanding.⁷⁹⁵ Thar Jath oilfield of Block 5A (formerly owned by Lundin Petroleum and OMV) was operated by the White Nile Petroleum Operating Company (WNPOC)

⁷⁹⁴ Crude Oil Pipeline Agreement Between the Government of the Republic of Sudan and China National Petroleum Corporation and Petronas Carigali Overseas SDN BHD and State Petroleum Corporation and Sudapet, 1 March 1997: 7.

⁷⁹⁵ Interview, Dr. Deng, Juba, 2015.

through a joint venture of Petronas, ONGC and Sudapet with a production rate of 25,000 bpd of Nile blend crude oil.⁷⁹⁶ The Block could produce 60,000 bpd, but production was capped by Sudan, which used it in its refinery located in Jebel Awalia, south of Khartoum. Sudan capped production in order to protect the safety of its refinery as this type of crude could destroy the refinery in the long-run if used excessively.⁷⁹⁷ Furthermore, the type of oil produced in Block 5A is poor and it must be mixed with Nile blend crude to avoid discounting the price.⁷⁹⁸ Block B in Jonglei state was allocated to the French giant Total from 1982, but due to the outbreak of the civil war in 1983, exploration could not take place. Block 5B was allocated to the consortium of ASCOM Group of Moldova, Petronas of Malaysia and Nilpet, but after digging several wildcat wells, no oil was found and the Block was eventually abandoned.⁷⁹⁹

South Sudanese Oil and Sudanese Oil Infrastructure

The involvement of the Chinese oil giant, CNPC, was pivotal to the oil industry in Sudan. Since the 1980s, more discoveries had been made and production was steadily increasing. In 2003, CNPC publically announced the discovery of the world class oilfields in Blocks 3 and 7 east of the White Nile as part of Adar Yale Basin.⁸⁰⁰ With assurances of a considerable amount of profitable oil reserves and greater security in the oilfields, largely thanks to a coalition of the Government of Sudan and a breakaway SPLM/A faction led by Dr. Riek Machar, it was imperative to take another step in terms of oil infrastructure, from trucks and riverboats to pipelines and refineries. Thus, the development of the vital oil infrastructure had now become essential. However, the strategy and location of oil infrastructure followed former President Jaafar Nimeiri's policy trajectory of building refineries and processing centers in the north of Sudan and building a pipeline to the Red Sea port of Port Sudan.

With commercial reserves established, in 1997 China and its Asian partners immediately began construction of the 1540km pipeline from the Unity and Heglig oilfields (which produced the

⁷⁹⁶ Interview, Awow Chuang, Juba, 2016.

⁷⁹⁷ Interview, Chuang, Juba, 2016.

⁷⁹⁸ South Sudan Almanac, 2007:70.

⁷⁹⁹ Interview, Pual Adong, Juba, 2016.

⁸⁰⁰ South Sudan Almanac, 2007: 30.

majority of Nile Blend crude oil in Sudan) to the marine terminal on the Red Sea coastal town of Port Sudan.⁸⁰¹ The processing facility was built in the contested area of Heglig/Panthou between South Sudan and Sudan, and the pipeline was operated by the joint venture under the Greater Nile Petroleum Operating Company (GNPOC).⁸⁰² The second pipeline of 1380km was constructed in 2005 and operated by Petrodar. It was built to transport crude from the Maluth Basin (Palogue) oilfields in northern Upper Nile at a rate of 500,000 bpd.⁸⁰³ A second processing facility was also constructed in Jebelean at the border between South Sudan and Sudan with a capacity of 300,000 bpd.⁸⁰⁴ The pipelines, processing facilities and export terminals at the port are owned by the Government of Sudan, and after independence South Sudan became entirely dependent on the willingness of the former to allow access to the facilities.

In August 1999, Sudan transported the first batch of 1,500 barrels of crude oil through the newly built pipeline to Port Sudan, marking the era of increased production and revenue. The construction of the pipeline did not pass without controversy. The environmental impact and abuse of the human rights of the civilian population along the route was a source of concern. From the inception of oil production in Sudan, and particularly of the involvement of Chinese and other Asian companies, the environment was not given sufficient attention and was not protected by any clear regulations from the Government of Sudan.⁸⁰⁵ The whole process was informed by the maximization of production, and consequently profits, at all costs. This plan was encouraged by the Government of Sudan so that it could amass oil revenues quickly in order to finance its war against the SPLM/A.⁸⁰⁶ Issues around human rights were very much neglected and the Sudanese army was committed to clear out any moving objects along the route of the pipeline.⁸⁰⁷ Moreover, concerns from human rights organizations were largely brushed aside, as the focus on the acceleration of oil production

⁸⁰¹ Crude Oil Pipeline Agreement Between the Government of the Republic of Sudan and China National Petroleum Corporation and Petronas Carigali Overseas SDN BHD and State Petroleum Corporation and Sudapet, 1 March 1997: 6-7.

⁸⁰² Interview, Awow Chuang, Juba, 2016.

⁸⁰³ Oil & Gas Journal, Sudan's oil production, refining capacity climb, 28 May 2007.

<https://www.ogj.com/articles/print/volume-105/issue-20/exploration-development/sudanrsquo-s-oil-production-refining-capacity-climb.html>.

⁸⁰⁴ ECOS, South Sudan Oil Almanac. Ibid, p. 62

⁸⁰⁵ Interview, Humoon Chol Deng, Director for Health, Safety and Environment, Ministry of Petroleum, Juba, 4 October 2017.

⁸⁰⁶ Interview, Paul Adong, Vice President, Dar petroleum Operating Company and former Managing Director of Nilepet, Juba, July 2016.

⁸⁰⁷ Interview, Humoon Deng, 4 October 2016.

created a massive impact on the environment, particularly by producing chemically contaminated waste water.

After independence, the Government of South Sudan planned to construct several oil infrastructure projects to end its reliance on Sudan. It was apparent that without an alternative pipeline, South Sudan would not gain true independence, particularly from an economic point of view. With the unhappy divorce, coupled with contentious post-independence issues, it was prudent for South Sudan to construct its own infrastructure to take charge of its vital economic resource, the oil. However, China opposed the idea of building an alternative pipeline and rejected several requests for assistance from the South Sudanese leadership.⁸⁰⁸ Amongst other factors, the dwindling oil reserves could explain why Chinese and other oil firms such as Total are not interested in investing in alternative pipeline (see diagram 7.2. below). Given the persistent insecurity, China and its Asian partners are not willing to invest in oil exploration, limiting the possibilities for further discoveries and hence possible further investment in oil infrastructure such as pipelines and refineries.⁸⁰⁹ In 2011, the Government of South Sudan commissioned the Japanese firm Toyota Tsusho to conduct a feasibility study on building a pipeline to the Kenyan port of Lamu. The length of the route is estimated at over 100,000km with a capacity of 5000,000 bpd.⁸¹⁰ The feasibility study was completed in 2012, but the implementation of the project faced a number of challenges, such as a lack of funding and the outbreak of war in December 2013. Potential routes to both Lamu and Djibouti pass through war zones, posing a security challenge for any construction that would take place if the project had secured funding.

The implementation of infrastructural projects remains a top priority for the Government of South Sudan, but not for the Chinese oil companies. According to Southern Sudanese diplomatic circles, China is keeping South Sudan hostage to the promise it made to Sudan. Both China and Sudan agreed to pay the cost of the newly built refinery in Jaili, north of Khartoum, via the pipeline's fees from South Sudan.⁸¹¹ With dwindling reserves, insecurity and absence of investment for more exploration, finding a firm to invest in an alternative pipeline, particularly

⁸⁰⁸ Interview, Awow Chuang, Juba, 12 May 2016.

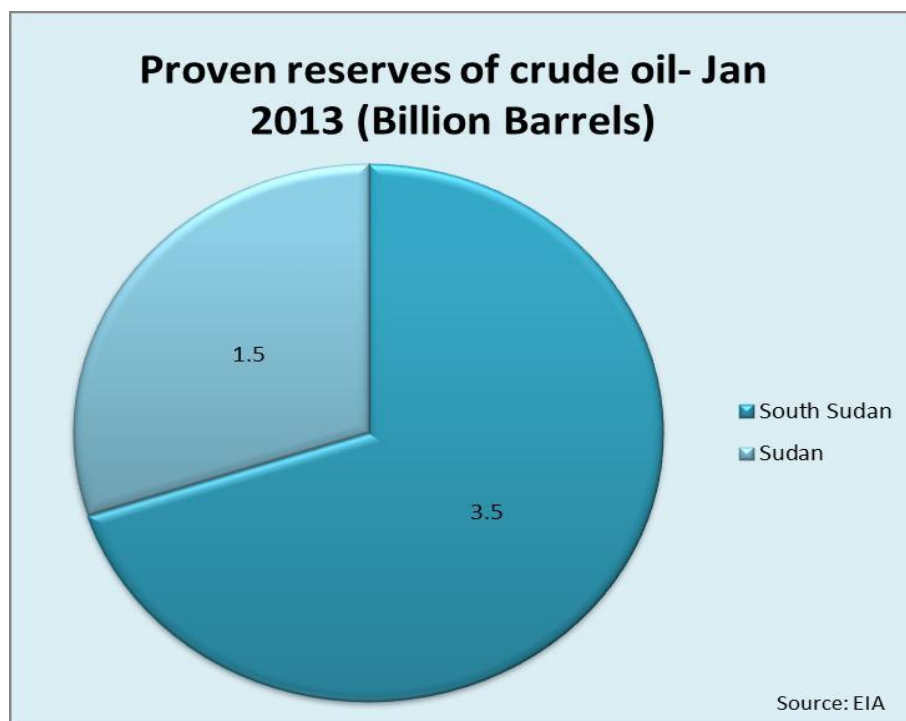
⁸⁰⁹ Interview, Paul Adong, Vice President of Dar Operating Company, Juba, 2016.

⁸¹⁰ Interview, Awow Chuang, 2016. Ibid, p. 63

⁸¹¹ Interview, with South Sudanese diplomat, 2017.

amongst the Chinese oil companies, will remain elusive for the foreseeable future. In 2011 another attempt was made when the French giant Total registered its interest in constructing a third pipeline connecting South Sudan with Uganda and the Indian Ocean port of Mombasa.⁸¹² The proposed route was based on the recent discovery of commercial deposits of oil in Uganda. However, Uganda recently decided instead to build the pipeline to Dar es Salam, Tanzania as a more economical investment. Therefore, hope for the new country had been dashed again because of financial constraints.

Diagram 7.2. Proven Oil Reserves in South Sudan and Sudan



To meet the domestic demand of its fuel consumption before South Sudan became independent, Sudan managed to build several refineries exclusively in the northern part of the country. The first refinery was built in Jebel Awelia, a suburb of Khartoum at a capacity of 10,000 bpd. The deal was reached with the CNPC under the condition that it was granted oil contracts in the 1990s.⁸¹³ A few years later, another refinery was built in Jaili, north of Khartoum, with a capacity of 10,000 bpd, which is in the proximity of Bashir's hometown of Shendi. Again, oil was a factor in the

⁸¹² Interview, Chuang, 2016.

⁸¹³ Interview, Paul Adong, Juba, July 2016.

Southern Sudanese taking up arms in 1983, as former President Nimeiri tried to deny them development opportunities by proposing to build all oil infrastructure in northern Sudan.

The Government of South Sudan, soon after independence, did not hesitate to lay plans to construct several oil refineries. This was not possible during the CPA, as Khartoum might have perceived or accused Southern leadership of planned separation, which was sensitive issue for Khartoum.⁸¹⁴ The CPA conditioned the signatories to work towards a position in which unity was attractive for the Southern Sudanese such that they could vote for unity in the referendum in 2011. Hence, the Southern leadership played down their quest for independence at the cost of its economic independence. Soon after independence, the Government of South Sudan contracted an American firm based in Houston, Texas to construct the Thianguar refinery in Upper Nile state for commercial purposes, at a capacity of 100,000 bpd.⁸¹⁵ In Unity state, another small-size refinery of 5,000 bpd was contracted to a Russian firm to cater for domestic consumption.⁸¹⁶ The latter refinery was set to open in early 2014, but construction was disrupted and it was partly destroyed in the 2013 war by the rebel forces.⁸¹⁷ With relative stability returning to Unity state, there is a possibility that this refinery will be completed and operationalized to cater for the production of much needed petroleum.

Furthermore, the Government of South Sudan designed the Pagak refinery along the Ethiopia-South Sudan border, aiming towards the Ethiopian market. The energy consumption of Ethiopia stood at 61,000 bpd in 2014, which could have been a big boost for the economy had it been constructed, but again the project was disrupted by the conflict.⁸¹⁸ In March 2017, South Sudan and Ethiopia signed several agreements comprised of cooperation in the fields of politics, economics and security.⁸¹⁹ Amongst the plans for economic cooperation was the construction of new refinery in the Palogue oilfields and a tarmac road to transport refined oil to Ethiopia.

⁸¹⁴ Interview, Dr. Deng, Juba, 2015.

⁸¹⁵ Interview, Chuang, Juba, 2016.

⁸¹⁶ Interview, Chuang, Juba, 2016.

⁸¹⁷ Interview, Beny Ngor, Director, Community Development Department, Greater Pioneer Operating Company, Juba, 2015.

⁸¹⁸ Interview, Paul Adong, July Juba, 2016.

⁸¹⁹ Interview, Ezekiel Lol Gartkuoth, Minister of Petroleum, Juba, October 2017.

7.2. Oil Industry and the Realities of the CPA

Wealth Sharing Protocol of the CPA

After the signing of the Machakos Protocol, which laid the framework of the Comprehensive Peace Agreement (CPA), the Wealth Sharing Protocol (WSP) was one of the vital protocols signed on January 7 2004 in the Kenyan resort town of Niavasha. During the negotiation, the SPLM delegation was challenged by the demand of Sudan's negotiation team that all oil contracts signed before the CPA be respected throughout the six years of the interim period. For the SPLM, *"the oil contracts were signed during the war, leading to the suffering of the masses in the oil producing areas, and caused massive environmental degradation."*⁸²⁰ Furthermore, the SPLM considered that the oil revenues were used to procure armaments, from China in particular, and *"used against the SPLA as well as gunning down the civil population by Sudanese Armed Forces (SAF) to clear the ground for Chinese oil explorations."*⁸²¹ The recommendation of the committees formed by the SPLM leadership to study the issue was to honor the contracts that had been signed. The main justifications were to avoid legal repercussions and credibility damage in the eyes of future investors.⁸²² Additionally, in the back of the minds of SPLM leadership, rebuilding a war-ravaged Southern Sudan would require a steady flow of oil revenues, and attracting new investors and negotiating new contracts may be challenging and time-consuming.⁸²³

This groundbreaking protocol was unique in many aspects compared to many other peace agreements. The Wealth Sharing Protocol (WSP) was considered by some observers as unusual for an agreement between two factions from the same country.⁸²⁴ But in fact, it was informed by historical mistrust in the successive Northern Arab-Muslim Governments that had ruled Sudan since its independence in 1956. The mistrust was fueled by Northern policies of marginalization that had resulted in socioeconomic inequality in Southern Sudan. Furthermore, the war of

⁸²⁰ Interview, Dr. John Gai Yoh, former Minister of Higher Education, Science and Technology, currently Presidential Advisor on Education, Juba, 25 March 2016.

⁸²¹ 2nd Interview, Michael Lueth, Minister of Information and Official Spokesperson of the Government of South Sudan, Juba, 4 February 2016.

⁸²² Interview, Dr. John Yoh, Juba, 2016.

⁸²³ Interview, Antipas Nyok, Secretary for Political Mobilization, SPLM, 24 May 2016.

⁸²⁴ Interview, Achuil Bangol, former SPLM Secretary for Syndicated Organization, Juba, 2016.

liberation was pursued against the backdrop of the exploitation of Southern resources by the north without any meaningful return to the people of Southern Sudan. Hence, the leadership of the SPLM made sure that the same resources must compensate the suffering and the destruction that occurred in Southern Sudan throughout the First (1955-72) and Second (1983-2005) Sudanese Civil Wars.⁸²⁵ Thus, the two parties acknowledged as a principle in the WSP that Southern Sudan faced serious challenges to “*rehabilitate and reconstruct/construct the social and physical infrastructure in post conflict Sudan.*”⁸²⁶ Furthermore, the basis of sharing natural resource revenues, particularly oil, is clearly indicated in the protocol, which states that “*the framework for sharing wealth from the extraction of natural resources should balance the needs for national development and reconstruction of Southern Sudan.*”⁸²⁷ This shows the importance of socioeconomic development for the SPLM leadership, and they envisaged the role which China could play in achieving that vital objective.

The negotiation of the sharing of wealth was an uneasy task for the two parties as well as the mediators. Both sides were adamant in their negotiating positions, but they finally compromised, especially from the side of the SPLM, by accepting a share of the oil that was produced within the borders of Southern Sudan and forgoing oil produced in the North.⁸²⁸ The oil produced in the North was not subject to the same formula, and the profits were confined to northern Sudan. This imbalanced formula could further explain the mistrust of the South towards the North and is further evidence of the longtime neglect of the rights of the people of Southern Sudan to socioeconomic development and fair treatment. Moreover, the huge number of Southern Sudanese who voted for separation during the referendum in 2011, could have, perhaps, been influenced by this deal. Some Southern Sudanese might have felt that it was time to take the ownership of their resources by voting to create a country of their own and take charge of their own destiny.

Moreover, the WSP was strictly concerned with oil revenue as Khartoum objected to any sharing of non-oil revenues, particularly the custom duties from Port Sudan. Despite the refusal of Sudan,

⁸²⁵ Interview, Philip Ajak Boldit, Director General, Macro-economic Department, Ministry of Finance and Economic Planning, Juba, 9 November 2015.

⁸²⁶ Wealth Sharing Protocol, CPA, Naivasha, 7 June 2004:47.

⁸²⁷ Wealth Sharing Protocol, CPA, Naivasha, 7 June 2004:54.

⁸²⁸ Interview, Philip Bol, Juba, 2015.

the SPLM leadership continued negotiating, lowering their initial demand from over 90% to a 50:50 split of oil revenues.⁸²⁹ It must be noted that Khartoum made compromises too; it agreed to relinquish Sudanese army control of oilfields to the SPLA, giving some sense of physical control of southern resources to the GoSS during the interim period.

Sudan and now South Sudan produced two different types of crude oil. Nile blend is located in the Muglad Basin that covers both countries.⁸³⁰ This type of oil is light and hence more marketable compared to Dar blend, the second type of oil produced in South Sudan, which is heavy and low in quality due to the amount of sulfur it contains.⁸³¹ It is produced in the Maluth Basin in Upper Nile, east of the White Nile.

Oil Revenues and Transparency

At the heart of the Wealth Sharing Protocol was the sharing of oil revenue between the GoNU (in Khartoum) and GoSS (in Juba) during the six-year interim period (2005-2011). The net oil revenues were supposed to be calculated, excluding the ‘cost oil’. The cost oil is comprised of the oil used to cover the operating companies’ expenses linked to production operations. The Protocol specified that only oil produced in the wells found in Southern Sudan would be shared. The two parties agreed to share the revenues equally at the ratio of 50:50; meanwhile, the oil-producing states were allocated 2%, as the protocol states that, “*the parties agree that at least two percent (2%) of oil revenue shall be allocated to the oil producing states/regions in proportion to output produced in such states/regions.*”⁸³² The state quota was implemented in all oil-producing states, both in the north and south of the country. However, the formula was never implemented in the Abyei area during the interim period; with President Bashir’s rejection of the findings of the Abyei Boundary Commission (ABC), the two parties could not delimit the boundary through which oil revenues could be shared as per *The Resolution of the Abyei Conflict*⁸³³.

⁸²⁹ Interview, Michael Lueth, Juba, 2016.

⁸³⁰ Interview, Paul Adong, Juba, 2016.

⁸³¹ Interview, Paul Adong, 2016.

⁸³² Wealth Sharing Protocol, CPA, Naivasha, 7 June 2004:54.

⁸³³ The Resolution of the Abyei Conflict, CPA, Naivasha, 26 May 2004: 62.

The revenues from oilfields located in the Abyei area were not shared despite the CPA provision governing oil production in the area. According the CPA:

*Net oil revenues from Abyei will be divided six ways during the Interim Period: the National Government Fifty percent (50%); the Government of Southern Sudan Forty-Two percent (42%); Bahr el Ghazal region Two percent (2%); Western Kordofan Two percent (2%); locally with the Ngok Dinka Two percent (2%); and locally with the Misseriya people Two percent (2%).*⁸³⁴

The formula was not implemented, as Khartoum and Juba could not agree on the ABC findings. The ABC was tasked with demarcating or delimiting the border of Abyei from both Southern and northern states bordering it.⁸³⁵ In the protocol on the *Resolution of the Abyei Conflict*, the ABC's findings were to be final and binding for both sides, upon which the 2% formula was to be applied. The Abyei area in particular is defined as the “*area of the nine Ngok Dinka Chiefdoms transferred to Kordofan in 1905*”,⁸³⁶ from the former Bhar El Ghazal region (which now includes Warrap state for logistical reasons cited by its Paramount Chief Deng Majok/Kuol).

Throughout the interim period, the two sides traded accusations and counter-accusations regarding the accuracy of the figures used to determine the sharing of revenues. In particular, the GoSS was critical of the secrecy with which Sudan was managing oil production and revenues. In its report in 2008, Global Witness confirmed the view of the GoSS that Sudan, possibly in collaboration with Chinese oil companies, was cheating GoSS out of revenue given the discrepancies it found in oil production and marketing. According to the findings of Global Witness:

The oil figures published by the Khartoum government do not match those from other sources. These figures determine the revenues disbursed to the Government of Southern Sudan. The Khartoum government has reported that a smaller volume of oil was produced in southern oil blocks than is reported by the company that operates the blocks. It is not clear which set of figures, company or government, are the correct ones, but the

⁸³⁴ The Resolution of the Abyei Conflict, CPA, Naivasha, 26 May 2004: 65.

⁸³⁵ The Resolution of the Abyei Conflict, CPA, Naivasha, 26 May 2004: 68.

⁸³⁶ The Resolution of the Abyei Conflict, CPA, Naivasha, 26 May 2004: 65.

discrepancy highlights the need for the oil figures to be independently verified. The southern government received \$2.9 billion in oil revenues in 2009 and the discrepancies revealed here are of the order of 9%-26%, so if any underreporting by the Khartoum government is found the sums of money owed to the southern government would be large. The volume of oil that the Khartoum government states was produced in blocks 1, 2 and 4 in 2007 is 9% less than that stated in the annual report of the company operating these blocks, the Chinese National Petroleum Corporation (CNPC). The volume of oil that the Khartoum government states was produced in blocks 3 and 7 in 2007 is 14% less than that stated in the annual report of the company operating these blocks, CNPC. The volume of oil that the Khartoum government and other sources state was produced in blocks 1, 2 and 4 and block 6 in 2005 is 26% less than that stated in the annual report of the company operating these blocks, CNPC. The volume of oil that the Khartoum government states was produced in the only oil block which is located entirely in the north and therefore not subject to revenue sharing between north and south, is approximately the same as that stated by the operator of the block, CNPC. The oil prices published by the Ministry of Finance in Khartoum and those published in the oil industry press for sales in the same month do not match.*⁸³⁷

Furthermore, the GoSS accused Sudan of not availing the data regarding the number of barrels produced per a day, which would enable it confirm the real amount of oil produced and subsequently the real figure of their 50% share of revenues. Again, Global Witness corroborates the suspicions of the GoSS, indicating that “*the Khartoum government does not publish all of the figures upon which the revenue sharing depends, and those that it does publish are often published late.*”⁸³⁸ Until the end of interim period, Sudan succeeded in denying the GoSS most of the oil industry data requested by the latter, and the refusal to disclose oil data continues to fuel mistrust between the two sides. The transparency and verification of hard data for the oil industry remained elusive throughout the interim period, as the Chinese oil giant CNPC appeared complacent when dealing with the Government of Sudan.⁸³⁹

⁸³⁷ Global Witness, Fueling Mistrust: The Need for Transparency in Sudan’s Oil Industry. A Report by Global Witness - September 2009: 4.

⁸³⁸ Global Witness, September 2009:6.

⁸³⁹ ECOS, Sudan’s Oil Industry on the Eve of the Referendum, 2010:20

Moreover, Global Witness, in the same report, accused Chinese companies of complacency with Sudan in under-reporting the real figures for oil production. This accusation, which Chinese oil companies denied, also emboldened the position of the GoSS, and soon after independence GoSS expelled the Chinese CEO of Petrodar Operating Company, accusing the CNPC of colluding with Sudan to steal South Sudanese oil.⁸⁴⁰ In fact, Sudan decided to confiscate South Sudanese oil to pay rent on the pipeline and other related oil processes as part of the transit fees. This move was taken by Sudan when the two parties failed to agree on oil transportation fees, which include transit, usage of pipelines, processing, and terminal fees in Port Sudan. Such a situation is a recipe for potential conflict, which will not only affect the two Sudans, but China as well. As Global Witness advised China:

*A Chinese state-owned company, China National Petroleum Corporation (CNPC), is the biggest equity partner in all but one of the currently productive oil fields in Sudan and has made substantial investments in oil exploration, drilling, pipelines and export facilities. Renewed conflict in Southern Sudan threatens China's energy security and its investments. It is in China's interest to use its influence in Sudan to help reduce risks of conflict, including by helping to promote the recommendations outlined in this report.*⁸⁴¹

Management of the Oil Industry

Through the Power Sharing Protocol, the CPA clearly spelled out that the management of the oil industry was a matter for the GoS and GoSS. The protocol has created numerous structures to help govern the oil industry in the country. The CPA also provided the regulatory framework through the formation of the National Petroleum Commission with “*the President of the Republic and President of the GOSS as Co-chairs and permanent members.*”⁸⁴² The Commission was meant to be a forum through which the two parties could regulate issues related to the oil industry, but it never functioned entirely as it was intended. In these structures, the composition was nearly equal: 4 members each for GoS and GoSS and 3 more members representing the oil-producing states.⁸⁴³

⁸⁴⁰ Interview, Awow Chuang, Juba, 2016.

⁸⁴¹ Global Witness, Fueling Mistrust, September 2009:8.

⁸⁴² Wealth Sharing Protocol, CPA, 2004:52.

⁸⁴³ Wealth Sharing Protocol, CPA, 2004:52

The Ministry of Energy and Mining of Sudan (MEM) and Sudapet were other vital structures of oil industry. The division of responsibilities between the two institutions was difficult to understand as oil companies were reporting to Sudapet rather than MEM, and thus they “*are set up such that the same people are responsible for selling oil and regulating the sale of oil: a clear conflict of interest.*”⁸⁴⁴

The oil companies were contractually obliged to scale up the training of Sudanese nationals (few or no Southern Sudanese were trained), which gave Sudan the means during the CPA to sideline the GoSS in oil management.⁸⁴⁵ This gap in experience between two sides further fueled the already existing mistrust. Throughout the interim period, Southern Sudan continued to suspect and sometimes accuse its peace partner of cheating in collaboration with Chinese oil companies. As Global Witness reported, “*The oil consortia employ oil service companies which come from the north of the country and are widely believed to be linked to the Khartoum ruling party.*”⁸⁴⁶ It appeared that Sudan intended to hide all vital information pertaining to the oil industry. Similarly, there were no Southern Sudanese working in the technical bodies of the oil industry, which diminished the chances of the GoSS obtaining oil data on its own.

It was not long before the GoSS decided to set up Nile Petroleum Corporation (Nilpet) as its commercial arm to train Southern Sudanese and oversee the oil companies. Nilepet, compared to its counterpart in the North, Sudapet, was lacking in terms of technical and managerial experience. Nilpet continued to operate in the shadow of Sudapet during early years of the CPA with only 30 staff and a 10% share in the non-producing Blocks 5B and B.⁸⁴⁷ However, in 2009, Nilepet formally became the commercial arm of the GoSS’s Ministry of Energy.⁸⁴⁸ It was tasked with the challenging job of training enough human resources in both technical and managerial fields to enable it to fulfill its mission as a commercial arm of the government, particularly after independence in the event that the people of Southern Sudan voted for separation. The foreseen challenges that an independent Southern Sudan might inherit led some observers argue that:

⁸⁴⁴ Ibid, ECOS, 2010:20; Global Witness, September 2009:5.

⁸⁴⁵ Interview, Paul Adong, Juba, 2016.

⁸⁴⁶ Global Witness, Fueling Mistrust, September 2009:5.

⁸⁴⁷ Interview, Adong, Juba, 2016.

⁸⁴⁸ ECOS, Eve of Referendum, 2010:20.

*Should secession become reality, the GoSS will instantly inherit contracts and all the rights and duties they entail, without having at its disposal the necessary human resources, institutions, experience and legal capacity to monitor operations, enforce the law and protect its own rights and interests and that of its population.*⁸⁴⁹

After independence, Nilepet was quickly revamped and turned into a real government-owned private oil company with the help of Southern Sudanese Diasporas, some of whom had gained experience in working with international oil companies such as Slumburger.

7.3. South Sudanese Independence and China's Oil Contracts

Old Ownership, Old Contracts

Before the independence of South Sudan, the oil industry was operating under the terms of the oil contracts signed by the GoS and Chinese oil companies in 1990s. The two sides agreed to operate under Exploration and Production Sharing Agreements (EPSAs). The EPSAs are a type of contract where some of the oil produced is designated as cost oil to cater for the costs incurred by oil companies, known as contractors, in developing and producing it. According to the EPSA on Blocks 1, 2 and 4 in Unity oilfields, the “*Contractor shall recover all costs and expenses in respect of all Petroleum Operations in the said Development Blocks.*”⁸⁵⁰ The remaining production is known as profit oil and shared among the stakeholders. This means that the higher the production, the higher the profit of the government.⁸⁵¹ Thus, Article VII, section 7.3.3 of the EPSA covering Blocks 1, 2 and 4 states that:

If the Average Daily Production of the Crude Oil in a Financial Year is equal to or less than 25,000 Barrels per day, then it shall be taken and disposed of separately by the Government and Contractor in the following proportions: Government 61.5% and

⁸⁴⁹ Ibid: 29.

⁸⁵⁰ Production and Sharing Agreement Between the Government of the Republic of the Sudan and China National Petroleum Corporation and Petronas Carigali Overseas SDN BHD and State Petroleum Corporation and Sudapet, 1 March 1997:33.

⁸⁵¹ ECOS, Eve of Referendum, 2010:18.

Contractor 38.5%. (b) If the Average Daily Production of the Crude Oil in a Financial Year is more than 25,000 Barrels per day but equal to or less than 50,000 Barrels per day, then that portion or increment of the Average Daily Production of Crude Oil in excess of 25,000 Barrels per day but equal to or less than 50,000 Barrels per day shall be taken and disposed of separately by the Government and Contractor in the following proportions: Government 71% and Contractor 29%. (c) If the Average Daily Production of the Crude Oil in a Financial Year is more than 50,000 Barrels per day, then that portion or increment of the Average Daily Production of Crude Oil in excess of 50,000 Barrels per day shall be taken and disposed of separately by the Government and Contractor in the following proportions: Government 80% and Contractor 20%.

However, some observers viewed the oil contracts signed between Sudan and the International Oil Companies (IOCs), both previous Western firms and Chinese ones later on, as unfair. They argue that Sudan was desperate for quick revenue to fund the war with the South, which meant that it was negotiating the contracts from a position of weakness.⁸⁵² Hence, Sudan signed contracts off cheaply and without consideration for the likely social and environmental impacts. From the mid-1980s to the early 1990s, the civil war was at its height as the SAF were losing to the SPLA. The SPLA were on the verge of overrunning the whole of Southern Sudan (the SPLA was in control of about 70% of the region) and began threatening the Sudanese capital, Khartoum, as its forces captured the border town of Kurmuk (600 miles from Khartoum) in 1987.⁸⁵³ The Surge of the SPLA was a pretext used by the National Islamic Front (NIF) to mobilize its elements within the Sudan Armed Forces to stage a coup d'état in 1989.⁸⁵⁴ After overthrowing the democratically elected government, the NIF sought new means of funding the war to halt the surge of the SPLA. It could be argued that the urgent need of alternative revenues to fight the war was one of the drivers of the oil contracts that were signed by the NIF. Nonetheless, the oil contracts signed with the Chinese oil major CNPC were among the most rewarding oil contracts, as confirmed by Dr. Lual Achiek Deng, former Minister of Petroleum in Sudan.⁸⁵⁵

⁸⁵² Interview, Antipas Nyok, Juba, 2016.

⁸⁵³ Claudio Gramizzi, "At an Impasse: The Conflict in Blue Nile. Small Arms Survey, Graduate Institute of International and Development Studies, Geneva," Switzerland, 2013.
www.smallarmssurveysudan.org/fileadmin/docs/working-papers/HSBA-WP31-Blue-Nile.pdf.

⁸⁵⁴ Interview, SPLA Officer, Military Intelligence, Juba, 2015.

⁸⁵⁵ Interview, Dr. Lual Deng, Juba, 2015

In the late 1990s, as the SAF exerted more control in the Greater Upper Nile region, the GoS offered a concession on oil exploration in Blocks 3 and 7 (3E, 3D and 7E), part of the Malut Basin in Adare Yale. With the intention of diversifying its investors, in 1999 the GoS entered into a contractual agreement for oil exploration in Blocks 3 and 7 with Gulf Petroleum Co. Ltd (46% share), Melut Petroleum Company Limited (46%) and Sudapet (8%).⁸⁵⁶ However, as petroleum exploration is a capital intensive investment, financial challenges arose and in November 2000 the stakeholders amended the original EPSA by removing Melut Petroleum Company Limited and included new partners.⁸⁵⁷ In the amended EPSA, Gulf Petroleum and Sudapet maintained their original shares of 46% and 8% respectively. The Melut Petroleum shares were now divided between CNPC and Al-Thani Corp with 23% each, which marked the expansion of the Chinese oil giant into the Adare Yale oilfield on the east of the Nile.⁸⁵⁸ As the output in Blocks 1, 2 and 4 decreased, the production in the new Blocks was an encouraging factor and provided momentum for the oil industry in the country. Consequently, Block 5A, after the departure of European firms Lundin (Sweden) and OMV (Austria), Petronas (Malaysia) and Natural Gas Corporation Videsh (ONGC, India) sign an amended EPSA with the Sudanese government.

New Ownership, New Contracts

After independence, the GoSS took full control of its oil sector. After the result of the referendum, oil companies came to terms with the realities of independence as contracts were subject to renegotiation with the government of South Sudan. From the 1990s and throughout the CPA, the oil industry was governed by the contracts signed between the GoS and International Oil Companies (IOCs), Chinese in particular. As a matter of fact, South Sudan, after being denied key data about the oil industry by the then-Government of Sudan, decided to have a meaningful say in the management of its national resources. From day one, South Sudan had concerns in the area of corporate social responsibility, such as environmental impact and social services provision for the local population. After an internal review and with the support of Norwegian experts, South Sudan

⁸⁵⁶ Exploration and Production Sharing Agreement between the Government of the Republic of Sudan and Gulf Petroleum Co. (Sudan) Ltd and Melut Petroleum Company Ltd and Sudapet Ltd, December 1999:14.

⁸⁵⁷ Interview, Adong, Juba, 2016.

⁸⁵⁸ The Amendment of the Exploration and Production Sharing Agreement of Blocks 3E, 3D and 7E between the Government of the Republic of Sudan and Gulf Petroleum Co. (Sudan) Ltd and CNPC International (Nile) Ltd and AL Thani Corporation and Sudapet Company Ltd, November 2000:3.

was advised to keep the contracts in place with a minor review in the area of environment and social services.⁸⁵⁹ Thus both sides, the GoSS and the IOCs, agreed to review all oil contracts signed by Sudan, leading to the signing of the Transitional Agreements (TAs) in 2012.

The TAs marked the paradigm shift for the IOCs operating in the Sudanese oil industry. The circumstances in which the oil contracts were signed in the 1990s were different from 2012 on many counts. In the 1990s, IOCs had an upper hand as Sudan was scrambling to amass oil revenues to fight the civil war in Southern Sudan. In 2012, the IOCs and Chinese firms in particular were uncertain whether South Sudan was going to extend oil contracts given the historical grievances held by the South Sudanese against China regarding its role in war crimes during the war of liberation, which was directly related to the oil industry.⁸⁶⁰ As was apparent during the Wealth Sharing Protocol, the respect of the oil contracts throughout the CPA's interim period was not straightforward and China thought South Sudan was now preparing to strike against its oil companies. Chinese fears were justified as South Sudan briefly tried to cancel the oil contracts and invited Western oil firms to the region, particularly the American companies. However, the idea was scrapped when allies of the South Sudanese, particularly the US, advised against such a move. A senior official stated that:

*In fact, after independence, South Sudan wanted to terminate Chinese oil contracts but we were advised by our friends, particularly the Americans. They advised us to continue with Chinese oil contracts as it will not be easy to procure new companies. Besides, South Sudan needed immediate oil revenues to function.*⁸⁶¹

Cognizant that it would be challenging to attract American or any other Western oil firms to invest in such a volatile environment, the South Sudanese leadership favored the risk-taking Chinese oil firms. As a new country with oil as its only source of revenue, the continuation of oil flow was in the interests of both South Sudan and its political ally, the US, which would shoulder any financial

⁸⁵⁹ Interview, Dr. Deng, Juba, 2015.

⁸⁶⁰ Interview, Dr. John Yoh, Juba, 2016.

⁸⁶¹ 3rd Interview, Michael Lueth, Minister of Information, Telecommunication and Postal Services, Juba, 8 August 2017.

difficulties faced by the former. As Chinese oil companies came to terms with the new realities, South Sudan too had realized the complexities involved in canceling the contracts.

The GoSS perhaps understood that terminating contracts was not a realistic option. The Director General for Petroleum Export, Awow Daniel Chuang, indicted that “*Actually, if there are no other reasons to terminate contracts then you should continue allowing the existing contracts to operate.*”⁸⁶² He continued that “*Since there were not enough reasons to discontinue the operation of the contracts and as long as they abide by the laws of the country then they should be allowed to operate.*” Given the nature of oil investment as a highly capital intensive business, coupled with uncertainty in the oilfields that straddle the contested border between the two Sudans, attracting new investors would be daunting. Moreover, South Sudan as a state emerging from decades of violent civil war needed revenue quickly to undertake the construction (if not reconstruction) efforts of the nascent nation. It is clearly enshrined in the power sharing protocol that ‘*the parties agree that Southern Sudan faces serious needs to: (1) be able to perform basic government functions, (2) build up the civil administration, and (3) rehabilitate and reconstruct/construct the social and physical in a post-conflict Sudan.*’⁸⁶³ Thus, the South Sudanese leadership came to terms with the new reality that they were no longer involved a liberation struggle, but were required to govern a country where people expect the provision of public goods, and so they must act as such.

Economically it was apparent to South Sudan that the continuation of Chinese oil contracts was the only plausible option. Again, Awow Daniel Chuang summed up the justification for the continuation of oil contracts that were signed by Sudan:

In fact, these companies have invested a lot in the oil industry and spent a lot of money to develop the oil in the country right before independence. So you have to be mindful that these investments need to be recouped and hence you cannot just terminate oil contracts any time you need. Another aspect of terminating the contract is to give the oil companies a timeframe to recover their investment first before the termination of the contracts takes effect. The agreements (EPSAs) that were signed by Sudan with Chinese oil companies in

⁸⁶² Interview, Awow Chuang, Juba, 12 May 2016.

⁸⁶³ Protocol on The Resolution of the Abyei Conflict, Naivasha, Kenya 2004: 65.

the 1990s, were in fact, for a long period of time spanning 25 years. Most of these EPSAs will expire in 2010, 2022 and 2024. So after that period, it will be possible to make changes as a country if you want to. ----On another note, if South Sudan then decides to terminate Chinese contracts, the question of credibility will be at stake. South Sudan as a small and young country will find it hard to attract new investors, as it will be viewed as unreliable and unpredictable. If you are seen as aggressive and chase away investors, other investors will note that and you will never get one to invest. ----Now, what we are looking for is to improve our relationship with them. You understand that we are having some issues with them in terms of environment and best practices, but our strategy is to improve the way they do their job but not to terminate their contracts. We are also open to other investors because the oil industry in South Sudan is so vast and other companies should be encouraged to invest. We have many areas that are unexplored and we know that there will be a lot of potential if companies invest in those areas. So we prefer to add more investors to what we have and not to chase them away and to bring in new ones, which is not an easy exercise. It is important for us as a country to diversify our investors so that you have fair competition and quality in the oil industry. Even if Americans want to come, there are still opportunities for their companies. Even the Arab companies we don't mind because after all we are looking after the interests of the country. Any oil contract that will benefit the country, we will go for it.⁸⁶⁴

Informed by the realities of operating as a state rather than a liberation movement, South Sudan opted for the continuation of Chinese oil contracts. However, Juba proposed a review of the contracts to insert some vital provisions, such as environmental protection, more aggressive local content guidelines, and social services to the local population residing in the oil-producing areas (in-depth analysis in the following sections). Finally, both parties, the GoSS and the Contractors agreed on the New Exploration and Production Sharing Agreements (New EPSAs) under the Transitional Agreements covering all Blocks in the Southern Contracts Area (covering contracts signed for the oil that was being produced in Southern Sudan before independence).⁸⁶⁵ Both sides largely kept the contractual clauses intact with the exception of the few areas indicated above.

⁸⁶⁴ Interview, Awow Chuang, Juba, 12 May 2016.

⁸⁶⁵ Transitional Agreements on Blocks 1, 2 and 4 between the Government of the Republic South Sudan, and CNPC International (Nile) Ltd and Petronas Cariglai Nile Limited and ONGC Nile Ganga B.V. and Nilepet Ltd, 13 January 2012:16.

Prime among the clauses that were inserted was one regarding the environment, and also clause 19.3 that freed South Sudan from any cost incurred by IOCs due to oil shutdowns:

Notwithstanding anything to the contrary in the New EPSA (including in Article XXIII (Force Majeure) or any applicable laws or regulations, the Parties constituting the Contractor hereby waive and covenant not to bring any claim or proceeding, or to assert any liability, against or to the RSS, MPM, the Minister or any of each of their respective representatives, agents, agencies or instrumentalities relating to or in connection with any act, shut-in, halt, reduction or condition ordered or directed pursuant to Clause 19.1 and, for the avoidance of doubt, the RSS (and any Governmental Authority or Governmental Official or the RSS) shall have no liability under or pursuant to Article 23 (6) (Force Majeure) in respect of or in connection with any whole or sole suspension of Petroleum Operations (however described) resulting from or pursuant to any order or direction or exercise of rights by the Minister pursuant to Clause 19, provided that nothing in this Clause 19.3 shall limit the rights of the Foreign Parties or the obligations of the RSS, in each case as expressly set out in this Clause 19.⁸⁶⁶

National Oil, Foreign Oil Infrastructure

The Government of Sudan and CNPC (including its partners Petrodar and others) built much oil infrastructure in the 1990s. The usage of these facilities posed a serious challenge for the government of South Sudan soon after independence in July 2011. Sudan made it hard for both sides to reach an agreement on fees for renting the pipelines and oil transit through Sudan.⁸⁶⁷ Sudan asked for unprecedented and unconventional prices compared to other countries, such as Chad, which accessed the Cameroonian sea port of Kribi on the Atlantic Ocean. Chad was paying less than a dollar per barrel to use a 650 mile pipeline from Doba oilfields passing through Cameroon

⁸⁶⁶ Transitional Agreement on Blocks 3 and 7 (New EPSA) between the Government of South Sudan and CNPC International (DAR) Ltd and Petronas Carigali Nile Limited and SINOPEC International Petroleum Exploration and Production Corporation and Tri Ocean Exploration and Production and Nilepet Company Ltd, Juba, 13 January 2012.

⁸⁶⁷ Interview, Awow Chuang, Juba, 12 May 2016.

to its port of Kribi.⁸⁶⁸ Sudan insisted on its terms, knowing that its infrastructure was indispensable for South Sudan., which had to agree to Sudan's terms in the light of the lack of an alternative outlet for transporting the oil. The impasse caused dilemmas for the trio: South Sudan with its combination of national oil and foreign infrastructure, and China's oil companies that would lose out in the feud between the two Sudans. The oil impasse was the first test for China as it was caught in the middle of the two antagonistic countries with considerable Chinese interests.

With mistrust and a confrontational approach from both sides, the oil industry was hit by uncertainty, coupled with other contentious post-independence issues. The situation quickly deteriorated when South Sudanese authorities accused Sudan of stealing its crude oil. Upon confirmation that Sudan was confiscating its oil, South Sudan responded by shutting down oil production across the country. It was a rash decision intended to prevent Sudan from confiscating the oil without considering the negative impact on the economy of a newly independent state with a budget that depends on oil revenue at a rate of over 98%.⁸⁶⁹ Moreover, China is the main buyer of South Sudan's crude oil, making it the largest trading partner for the young nation (see diagram 7.3. below). In the process of shutting down the oil production, South Sudanese authorities discovered productive oil wells that were not initially reported by the Chinese oil companies, which led to the deportation of the President of Petrodar, a Chinese national, in 2012.

To arrest the deterioration of the situation, the AUHIP convened a meeting in the Ethiopian capital, Addis Ababa. After substantial negotiations backed by China and the U.S., both sides signed a Cooperation Agreement leading to the return of oil production. The agreement mandated South Sudan to pay a total rate of \$24 per barrel of crude oil exported.⁸⁷⁰ Furthermore, the agreement confirmed the importance of two viable and stable states ironing out their differences in a manner that served the mutual interests of both states. The principles of cooperation state that "*the parties recommit themselves to the overriding principles of establishing Sudan and South Sudan as two*

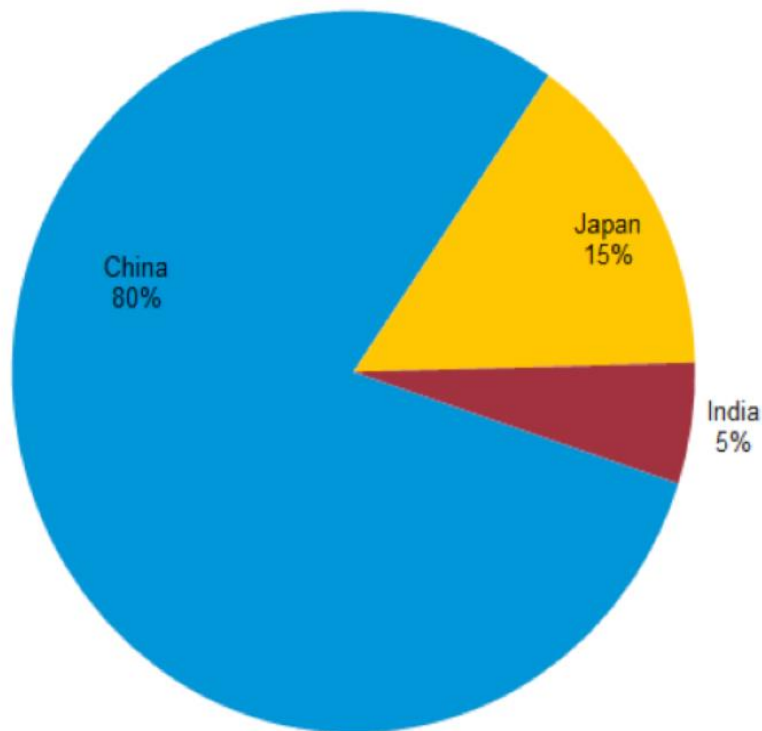
⁸⁶⁸ Reuters Staff, "Cameroon Increases Transit Fee on Chad Oil Pipeline," *Reuters*, 30 October 2013. www.reuters.com/article/cameroon-chad-pipeline/update-1-cameroon-increases-transit-fee-on-chad-oil-pipeline-idUSL5NOIK44R20131030.

⁸⁶⁹ Interview, Dr. Deng, Juba, 2015.

⁸⁷⁰ Interview, Ezekiel Lol Gartkuoth, Minister of Petroleum, Juba, 2016.

viable states, stable, secure and at peace with each other and their neighbors.”⁸⁷¹ It was and continues to be in the interest of China to ensure stability between the two countries and within both countries in order to ensure the safety of Chinese investments in both countries, and oil in particular. Almost all oilfields in both countries lie along the contentious border areas, leaving no question over the importance of stable relations between the two countries.

Diagram 7.3. South Sudan and Sudan crude oil export.



Source. Global Trade Atlas and FACTs Global Energy

⁸⁷¹ The Cooperation Agreement Between the Republic of Sudan and the Republic of South Sudan, Addis Ababa, 27 September 2012:3.

7.4. Oil Companies and Corporate Social Responsibilities

Employment and Local Content

At independence, there were few South Sudanese oil workers, most of whom were granted less prestigious jobs.⁸⁷² With the signing of the Transitional Agreements (TAs) in 2012, the Ministry of Petroleum managed to enforce the employment clause requiring the Contractor (IOCs) to submit a list of expatriates for approval. This was introduced to avoid the common practice of denying employment to locals and instead hiring unskilled expatriates as workers. To keep oil companies in check, the Ministry of Petroleum, in coordination with immigration authorities, periodically write to companies asking them to verify their expatriates residing in South Sudan.⁸⁷³ It can be argued that both the original EPSA (signed by Sudan with almost all articles regarding employment left intact) and new EPSA/TAs are progressive in protecting the rights of nationals. The clause further mandates the contractor to prioritize the employment of qualified nationals in all aspects of the oil industry as well as to apply the principle of “*equal pay for equal jobs regardless of nationality of personnel*.”⁸⁷⁴ To avoid ambiguity, Article 17.1.8 of the EPSA categorically states that the “*Contractor shall be bound by having the following minimum proportion of [South] Sudanese nationals, excluding unskilled labor, as its employees in [South] Sudan; 5 years after the effective date - 60%, and 10 years after the effective date - 90%.*”⁸⁷⁵ The employment clause has largely been implemented by oil companies, with the exception of top engineering jobs for which few South Sudanese nationals have sufficient expertise.

As South Sudan had little expertise in the petroleum industry at independence, the new country resorted to intensive training of its nationals, including on-the-job training. With the signing of the CPA, a small number of South Sudanese were employed in the oil industry, but not enough to fill the gap that was left by the departed Sudanese nationals at independence in 2011. Thus, the

⁸⁷² Interview, Awow Chuang, Juba, 12 May 2016.

⁸⁷³ Interview, Majak Akec, former Head of Foreign Aliens Department in the Directorate of Immigration, Passports and Nationality, currently Inspector General of South Sudan Police Service, Juba, September, 2015.

⁸⁷⁴ Exploration and Production Sharing Agreement between the Republic of the Sudan and Gulf Petroleum Co. (Sudan) Ltd and CNPC International (Nile) Ltd and AL Thani Corporation and Sudapet, Khartoum, 11 November 2000:53.

⁸⁷⁵ Ibid.

government of South Sudan tasked its commercial-arm Nilepet with undertaking both intensive and long-term training of its nationals in all aspects of the oil industry. One of the objectives of Nilepet was not only to invest, but to take charge of oil industry operations when the current oil contracts elapsed, which would require considerable technical expertise and qualified human resources. For instance, South Sudan would have filled the void left when the Chinese oil companies evacuated their nationals from Unity oilfields during the start of the conflict in 2013 had it possessed the necessary technical expertise and trained human resource. To enable the technology transfer from Chinese oil companies, South Sudan has, to some extent, made strides in training nationals to become capable of operating oil industry, though their expertise is still rudimentary compared to that of the Chinese.

The Director General for Petroleum Export and Petroleum Authority, Ministry of Petroleum, asserts the readiness of his ministry to operate the oil industry independently. He stated that:

I cannot say that Nilepet is not ready 100% but they are ready to some extent. We are training our engineers throughout as part of the process of building our capacity to take over oil. In terms of management, we are managing the current operation companies. If you visit Dar for instance, most of the managers are South Sudanese. Despite that they are having foreigners as assistants, most of the operations including the oilfields are being done by South Sudanese. A lot of engineers have now acquired good experience and I personally feel that if the Chinese walk away today this oil will not stop. It is true that we will still have some difficulties but these things are doable. So if the Chinese stopped today, we will continue to pump the oil as usual using our own people.⁸⁷⁶

One of the vital areas of corporate social responsibility is the support of private sector in the oil-producing states. The adherence of the oil companies to the laws and regulations governing procurement of local products known as ‘local content’ is essential. In the EPSAs, it is clearly indicated that the Contractor or operating companies, for the purpose of oil operations, shall procure locally produced products as well as prioritizing national service companies.⁸⁷⁷ Thus,

⁸⁷⁶ Interview, Awow Chuang, Juba, 12 May 2016.

⁸⁷⁷ Interview, Paul Adong, Juba, 2016.

Article XX of the original EPSA, also adopted in the New EPSA/TAs, spelt out the main rules regarding local content:

Contractor shall give priority to local contractors as long as their terms and conditions are competitive with those of other contractors tendering for work related to Contractor's operations.—Contractor shall give preference to locally manufactured materials, equipment and consumables which are available in the local market and comparable in quantity and quality to goods to be imported by Contractor.---All procurement of equipment, facilities, goods, materials, supplies and services required for Petroleum Operations shall be on arm's length basis and shall, unless otherwise approved by JCC, be obtained as a result of competitive bidding.⁸⁷⁸

However, South Sudan lacks in local content compared to Sudan. As a new country, South Sudan has little local production or manufacturing, making it difficult for oil companies to procure South Sudanese products. Moreover, South Sudanese businesses lack technological advantage in procuring oil operation equipment compared to Chinese ones. For instance, in Block 3 and 7 where Dar Petroleum Operating Company operates, the annual budget for cost of production stands at \$100 million, of which only 30% goes to South Sudanese companies, whilst the remainder goes to Chinese subsidiary companies.⁸⁷⁹

Environmental Impact and Regulatory Framework

“There has been an outcry of increased incidence of diseases in both humans and animals in the oil producing areas. Most cited was the delivery of malformed babies.”⁸⁸⁰

After independence, South Sudan embarked upon a mission to institute laws and regulations on environmental protection. Unlike Sudan, whose government did not care much about the environmental impact in the Southern Contract Area of the oilfields, the government of South

⁸⁷⁸ Production Sharing Agreement, Khartoum, 1 March 1997:58-59.

⁸⁷⁹ Minutes of meeting between Minister of Petroleum, Ezekiel Lol and Head of Joint Mechanism Committee (JMC), Juba, 2017.

⁸⁸⁰ Assessment of Health Status and the Environment in Oil Producing Areas, Ministry of Petroleum, Mining and Industry and National Bureau of Statistics, Juba, January 2014:1.

Sudan has passed several laws and regulations since 2012.⁸⁸¹ Prime amongst them are The Petroleum Act (2012), governing all aspects of the oil industry in the country, the Petroleum Revenue Management Act (2013) and the Petroleum Health, Safety and Environment (HSE) Management System and Plans Regulations (2015). The two Acts are regarded by Global Witness as amongst the most transparent laws governing extractive industry in the region.⁸⁸² The Petroleum Act has placed social and environmental responsibilities squarely on the IOCs, with the Ministry of Petroleum as an enforcing body.⁸⁸³ The Act has clearly placed strict restrictions on gas flaring and venting by requiring oil companies to construct facilities in such a way that they avoid flaring in normal operations, as it states that “*flaring or venting of petroleum is prohibited unless authorize by the Ministry in writing*”.⁸⁸⁴ It additionally emphasizes that petroleum operations “*shall be conducted in such manner as to ensure that a high level of health and safety is achieved, maintained and further developed in accordance with technological developments, best international practice and applicable law on health, safety and labor.*”⁸⁸⁵

Furthermore, as per the Petroleum Act, the new environmental regulation framework (Petroleum HSE Management Systems and Plans Regulations) requires petroleum operating companies to establish organizational structures and policies for environmental management systems “*based on the ISO’s standards model of continuous improvement of environmental and safety performance.*”⁸⁸⁶ For effective implementation, operating companies are mandated to appoint an ‘Accountable Officer’ to oversee the overall implementation of the environmental regulations and submit regular reports of environmental audits every 90 days. With these robust legal and regulatory regimes, oil companies have tended to fail to fulfill their obligations mainly due to lack of political will on the part of the government to effectively enforce the terms of the regimes. In addition to the lack of will, the current conflict has also impacted the oil industry and the

⁸⁸¹ Interview, Paul Adong, Juba, 2016.

⁸⁸² Emma Vickers, “South Sudan’s New Government Must Quickly Enact Oil Law,” 2 August 2013. <https://www.globalwitness.org/en/archive/south-sudans-new-government-must-quickly-enact-oil-law/>.

⁸⁸³ Petroleum Act 2012: 28.

⁸⁸⁴ Ibid: 16.

⁸⁸⁵ Ibid: 24.

⁸⁸⁶ Nhial Tiitmamer, Making Sense of South Sudan’s New Petroleum HSE Management Systems and Plan Regulations, Policy Brief, Sudd Institute, Juba, 28 April 2016:3.

government is not in a position to push for stricter enforcement of the legal regimes governing the industry as IOCs are likely to ignore any requests from authorities.⁸⁸⁷

In addition to the Petroleum Act and HSE Management Systems, the New EPSA/TAs gives the government of the Republic of South Sudan (RSS) a clear right to ensure the preservation of the environment in oil-producing areas. According to Clause 7.2 of the Transitional Agreement on Blocks 1, 2 and 4, the RSS has the right to carry out Health, Safety and Environment audits any time it chooses.⁸⁸⁸ Furthermore, the Clause calls for joint efforts by both parties to audit their impact as follows:

*In addition to any rights of audit and inspection afforded to the RSS in Pursuant to the EPSA, the RSS and the Contractor shall jointly appoint an environmental consultant of an international repute selected by the Minister (acting reasonably) to carry out the audit of health, safety, environmental and social impacts determined by the Minister to be included within the scope of such audit in relation to petroleum operations and Southern Contract Area throughout the term of the EPSA, whether before or after secession, in each case on the basis of applicable laws and regulations applying at the time when such health, safety, environmental and social conditions, practices and other matters being audited occurred.*⁸⁸⁹

With IOCs continuing to ignore the environmental impact of oil industry and the government failing to enforce the regulations, the civilian populations around the oilfields continued to pay the price. It is apparent that oil extraction has serious negative impacts on both the health and the livelihoods of the local communities residing around oilfields. The environmental impact is attributed to waste water, oil spills and gas flaring, which leads to “collapse of local fishing and farming, the loss of habitat and biodiversity, acid rain damage and health impacts of air, noise and light pollution.”⁸⁹⁰ As a result, the environmental impact has taken a toll on local communities,

⁸⁸⁷ Interview, Humoon Chol Deng, the Head of Section, Health, Safety and Environment, Ministry of Petroleum, Juba, October 2017; Emily Savage, South Sudan’s Petroleum Management Act, Policy Brief, Sudd Institute, Juba, 12 December 2013.

⁸⁸⁸ Transitional Agreements on Blocks 3 and 7, 13 January 2012:18-19.

⁸⁸⁹ Transitional Agreement on Blocks 1, 2 and 4, 2012: p. 18

⁸⁹⁰ Assessment of Health Status and the Environment in Oil Producing Areas, National Bureau of Statistics, 2014:23.

with a prevalence of birth defects, dizziness, bleeding, skin rashes, vomiting, blindness, etc. according to the findings of the *Assessment of Health Status and the Environment in Oil Producing Areas*, a report conducted by the Ministry of Petroleum and Mining in 2014.⁸⁹¹ Despite environmental degradation dating back to the time of war of liberation, Chinese oil companies continue to fail in rectifying the impact of their operations. If left unaddressed for more years to come, South Sudan's oilfields could experience instability and unrest amongst affected communities similar to the Niger Delta oil conflict. The atrocities committed by the SAF during the war, with the support of China, are still vivid in the minds of the local community, and this could exacerbate the situation given the prevalence of small arms across the country.

Figure 7.4. Containers used for bringing in chemicals by oil operating companies.



Source. *Assessment of Health Status and the Environment in Oil Producing Areas*

It is apparent that the majority of the population depends on rivers, wells and pond water as their main source of drinking water. Consumption of water from these sources, which are more likely to be polluted by chemicals, waste water, and gas flaring, poses serious health risks to local

⁸⁹¹ *Assessment of Health Status*: 2014:70.

communities (see figure 7.4. above). With a lack of public health education from both the government and the IOCs, people in the affected areas have contracted diseases by knowingly using empty containers, which have been contaminated with chemical additives used in oil production.⁸⁹² Moreover, a majority of the South Sudanese population depends on agriculture (both farming and animal husbandry), and particularly the local communities around the oilfields. The sudden deaths of many animals including cows, sheep and goats has been attributed to oil activities as “most of the households in the oil producing areas graze their animals around the oil producing facilities.”⁸⁹³

With no serious activity to rectify the environmental impact, only the IOCs offer some social services to the local population generally and affected individuals in particular. As a country emerging from a long war of liberation coupled with corruption and the current civil war, basic services are minimal. Oil companies are trying to provide some services, such as schools, health facilities, water and roads. However, there is still a considerable gap that requires greater investment from both the IOCs and the local authorities which are allocated 3% of oil revenues to cater for local communities (in particular those affected by environmental damage, which are supposed to receive 55% of this share).⁸⁹⁴

Chapter Conclusion

The petroleum industry remains central to the cooperation between South Sudan and China. The background of the oil industry is tumultuous, starting from its emergence when many European firms explored for hydrocarbon in the old Sudan. The first firm to venture into oil exploration was the French company AGIP, followed by other Western firms, with no success. With the advent of the technologically superior American giant, Chevron, commercial deposits were eventually discovered in Southern Sudan. Soon, Chevron was forced to quit due to the war, and other Western oil majors followed suit due to sustained human rights campaigns against their investment in conflict oil. The departure of Western oil firms marked the advent of Chinese oil firms which constructed and expanded the oil infrastructure. After the signing of the CPA and the subsequent

⁸⁹² Ibid: 71.

⁸⁹³ Ibid:

⁸⁹⁴ Emily Savage, South Sudan’s Petroleum Revenue Management Act, 12 December 2013: 4.

independence of South Sudan, China was faced with new realities, particular the future of its oil contracts. With mutual interests in the success of the oil industry, both sides settled on a review and signed Transitional Agreements/New EPSAs. Despite the signing of the TAs, both sides continue to face the dilemma of oil infrastructure owned by Sudan, with its contentious relations with South Sudan. Another challenge has been in the area of corporate social responsibilities as the local population faces the serious environmental impact of oil production, which must be urgently addressed to avoid the instability that could be caused by affected communities.

Despite its damaging role during the war of liberation, the oil industry has played and continues to play a positive role in the country since the signing of the CPA and after independence. China has proved to be an important ally for the young nation. Despite current instability around the oilfields, China has not abandoned South Sudan, unlike Chevron in 1984. However, it is important for China to expand its investment beyond the oil industry, particularly after stability returns to South Sudan. Given the volatility of the oil industry, South Sudan would benefit from attracting Chinese firms to invest in infrastructure development, where Juba should exert greater effort in order to maintain strong engagement with China. Stability in the country, and particularly in the areas around the oilfields, will continue to be vital for peace and development. The responsibility for bringing stability to the country mainly lies with the leaders of South Sudan. China can play an important role given its leverage over the two Sudans, which remains one of the long term threats to stability. Therefore, the role of oil in relations between China and South Sudan remains central and must be harnessed to continue its positive role in grounding the relationship between the two countries.

CHAPTER EIGHT

Conclusion

This thesis has set out to study the evolution of South Sudan's relations with China from the signing of the Comprehensive Peace Agreement (CPA) to independence and beyond. Per the CPA, the old Sudan was placed under a one-country-two-systems form of governance from 2005 to 2011, through which the Government of Southern Sudan (GoSS), a quasi-state government, began its formal engagement with China. At the end of the interim period on 9 January 2011, the South Sudanese people voted overwhelmingly to create an independent state in an internationally supervised referendum, followed by a formal declaration of independence in July 2011 and the subsequent establishment of formal diplomatic relations between South Sudan and China. The rapprochement was against the backdrop of hostile past during the war of liberation of South Sudan, during which China sided with the government of Sudan against the former.

At the height of the liberation war and with the Sudanese Armed Forces (SAF) losing ground to the Sudan People's Liberation Army (SPLA), China emerged as a major backer to rescue the Government of Sudan (GoS). When China bought a 40% stake in Sudanese oil in the 1990s, the former increased its political, economic and military support to the later in its quest to defeat the SPLA and eventually protect the oilfields from the Southern rebels. In the process, widespread human rights violations were committed by the SAF, sparking a global outcry which China largely ignored as it continued developing the Sudanese oil industry. With hi-tech military hardware supplied by China, the SAF almost defeated the SPLA, which would have ended the aspiration of the people of South Sudan for an independent state if not for the resilience of the rebel movement and visionary leadership of the late Dr. John Garang De Mabior, former Chairman and Commander-In-Chief of the SPLM/A.

As the SAF succeeded in driving the SPLA far from the oilfields, Chinese oil majors such as China National Petroleum Corporation (CNPC) invested heavily in the development of the oil industry, leading to an increase in production and the construction of processing facilities, pipelines and marine terminals on the Red Sea coast town of Port Sudan. The increased oil production and ensuing revenues led to the intensification of the conflict in then-Southern Sudan. However, with the signing of the CPA, the leaders of the SPLM/A took a pragmatic path of cooperation instead of continued confrontation with China, which warranted the fundamental question of this study: *Why and how South Sudan opted for cooperation instead of continued confrontation with China after long hostile past during the liberation struggle when China supported the Government of Sudan against the SPLM/A?*

South Sudan's engagement with China was necessitated by the resolution of the conflict in the old Sudan. In light of the strategic relations between the old Sudan and China, engaging the latter became an imperative for the leadership of the SPLM/South Sudan. The anticipated challenges of implementing the CPA were key to the SPLM/South Sudan's pragmatic decision of engagement in 2005 and beyond. Cognizant of the fallout from the implementation of the Addis Ababa Agreement (AAA), the SPLM sought to avoid the repeat of another tragedy by involving China as one of the guarantors of the CPA, despite the latter not being a witness to the agreement as the Troika countries were (the U.S., U.K. and Norway). Given its significant leverage over the leadership of old Sudan, China was the only major power that could successfully prevail in steering the Sudanese leaders in Khartoum towards the peaceful implementation of the CPA and the referendum in particular.

The single case study method was employed for an in-depth analysis of the evolution of the engagement given the complexities and newness of the case. Thus, the research is grounded in primary data collected through open-ended interviews, participants' observation, and the collection of official documents during an extensive period of fieldwork research conducted in South Sudan and China. This research was informed by five key objectives. First, is to investigate the pragmatic decision of the SPLM/South Sudan to engage China after the signing of the CPA in 2005. Second, is to examine the background of the evolution of the engagement throughout the CPA's six-year interim period and how South Sudan and China navigated the challenges of the

one-country-two systems type of governance necessitated by the agreement. Third, to understand the positive role China played in the peaceful implementation of the CPA, particularly regarding the conduct of the referendum and subsequent break up of old Sudan. Fourth, is to explore the status of political and economic cooperation between the two countries. Finally, the central role of the oil industry in cementing the engagement remains fundamental to this thesis.

8.1. Summary of the study

The case study was divided into six chapters covering three phases, beginning with the negative encounter during the war of liberation of South Sudan and tracing the evolution of the engagement during the CPA's interim period (2005-2011) through to fully fledged diplomatic relations after independence (2011-2017). The background of the case study detailed in Chapter Two revealed the hostile past against which the SPLM/South Sudan opted for cooperation with China instead of continued confrontation. The involvement of China in the Sudanese oil industry increased the intensity of the war, and atrocities committed by the SAF with substantial Chinese support were intended to protect their mutual interests in oil extraction in then-Southern Sudan.

Chapter Three examined the evolution of the engagement from hostility to alliance after the signing of the CPA in 2005. In light of the historical ties between China and the old Sudan, including the role played by Beijing in supporting Khartoum politically, economically and militarily against the Southern rebels (SPLM/A), the South Sudanese leadership took the pragmatic decision necessitated by the CPA of beginning a new chapter with Beijing. This research uncovered that the future benefits outweighed the tragic past, which had informed the radical shift in the SPLM/South Sudan's policy towards China. The positive role that China could play in the CPA's implementation was evident. As China's support to old Sudan was grounded in its energy interests, of which a majority were under the direct control of the SPLM led-GoSS as per the CPA Power Sharing Protocol, the latter also skillfully leveraged the oil industry in its engagement with China. 'Spoiler management' topped the priorities of the SPLM/South Sudan from day one of the CPA. Thus, China was the likely candidate to prevail on the Sudanese leaders in Khartoum to allow for the peaceful implementation of the CPA, including a peaceful referendum. The strategy largely succeeded in neutralizing China's support to the old Sudan, which led to a relatively stable

six-year interim period as well as the peaceful partition of old Sudan. The peaceful implementation of the CPA through the management of the potential spoiler supports the hypothesis of this research.

The pioneering role of the ruling parties in the engagement, particularly the SPLM, was explored in Chapter Four. With the signing of the CPA, it was imperative for both parties, the SPLM and the CPC, to mend their relations and further consolidate the cooperation between the two countries. It has greatly helped in closing the gap imposed by the constraints of the one-country-two-systems form of governance laid out by the CPA, particularly during the interim period and in the run-up to the referendum. After independence, cooperation between South Sudan and China grew to include significant knowledge exchanges in the fields of transforming of a liberation movement into a ruling political party (SPLM), governance and socioeconomic development.

The level of diplomatic and political engagement after independence was analyzed in Chapter Five. Cooperation has manifested itself in a number of areas such as the peaceful conduct of the referendum, post-independence challenges between the two Sudans with regard to the dispute over the lack of border demarcation, the interconnection of the oil industry and status of the Abyei area, where China continues to play a positive role given its favorable relations with both Juba and Khartoum. Moreover, China has been a positive force in the resolution of conflict in South Sudan through its important role in the IGAD peace process and further significant role in the United Nations peacekeeping mission, as well as Beijing's backing of Juba at the UNSC. Thus, stability in South Sudan continues to be a top priority of the cooperation with China given the former's fragility as a young nation born out of a long and violent conflict.

Chapter Six explored the status of cooperation on development, as this is one of the important factors which informed the decision of the SPLM/South Sudan to engage China. One objective of the war of liberation was to build an economically prosperous South Sudan, making prosperity one of the key pillars of the state formation and nation-building. Developmental cooperation centered on the post-conflict human and physical infrastructure development, particularly with regard to human resources, the transportation network, and agricultural and health sectors. The role of the petroleum industry in the engagement is examined in Chapter Seven, given its status as a major

driver of socioeconomic development in South Sudan. The oil industry has journeyed from being a source of strife and conflict during the war of liberation of South Sudan to being a positive factor for the new nation after the signing of the CPA and beyond. It remains central in the engagement with China as the much cooperation continues to revolve around oil.

8.2. Findings and Conclusions

South Sudan's relationship with China started in 2005, shortly after the signing of the CPA brought the Second Sudanese Civil War to an end. The policy of rapprochement was necessitated by the peace agreement itself. Despite the fact that the SPLM was going to lead an autonomous Juba-based GoSS and would have significant participation in the GoNU in Khartoum, the role of China in the peaceful and full implementation of the CPA was of paramount importance to South Sudanese leadership. With considerable leverage over the NCP leaders in Khartoum, China was among the best-placed candidates to pressure or persuade them to allow for the peaceful implementation of the CPA. Thus, the SPLM/GoSS's pragmatic, bold and carefully calculated decision to engage China was well considered. Both sides skillfully and successfully navigated through the difficulties posed by one-country-two-systems as they built and deepened their relations throughout the interim period.

The thesis's significant finding is that the pragmatic approach pursued early on by the leadership the SPLM/South Sudan in engaging China and the adaptive approach taken by China in return has paid off handsomely for both sides. It is apparent that South Sudan has gained to some extent, and will continue to do so, from China's considerable leverage over Sudan, particularly benefitting from the peaceful conduct of the referendum in 2011. Moreover, the role China has been playing in preventing conflict between the two Sudans is evident in light of contentious post-independence issues between the two Sudans, including oil transit fees, border disputes (Panthou/Heglig and other border points) and the status of the Abyei area. Thus, ongoing political cooperation can serve the interests of both countries and hopefully result in a peaceful settlement to the current conflict in South Sudan.

Another key finding of this research is that the SPLM has not successfully utilized the significant

opportunities it has been presented with through its cooperation with the CPC. The CPC has offered the leadership of the SPLM many opportunities to benefit from its experience in the areas of party construction, governance and socioeconomic development since 2011. The CPC has accumulated huge experience in transforming a liberation movement into a viable political party capable of governing and achieving the socioeconomic development that propelled China to the world's second largest economy in the span of three decades. One of the key areas the SPLM would have benefitted from is the cultivation of political stability, which is a prerequisite for sustainable socioeconomic development. However, the SPLM has failed spectacularly in this regard. Since 2005, the party has been involved in internal wrangling that eventually took South Sudan back to war in 2013. Until the SPLM party puts its house in order, its role in consolidating the relations of South Sudan with China through the CPC could be diminished. Moreover, the SPLM leadership must put the interests of the people of South Sudan at the center of its policies; otherwise the party and the country by extension will continue to face challenges of stability, governance and socioeconomic development.

One of the key reasons behind the SPLM opting for cooperation with China after the signing of the CPA was the role China could play in the socioeconomic development of the young nation as envisioned by the leadership of the SPLM/South Sudan, particularly Dr. Garang. The research revealed that the empirical evidence does not support the hypothesis of this thesis, though it is partially relevant in the area of state formation in terms of socioeconomic development. Several attempts were made, but largely due to instability and the failure of South Sudanese leadership to understand how to deal with China, as well as a lack of proper planning and prioritization, this objective turned out to be a major setback in the engagement. This finding shows that national objectives, such as state formation/building, required visionary leadership, as foreign intervention cannot succeed in isolation. The SPLM/South Sudanese leadership has squandered the goodwill of China and other foreign countries when by plunging the young nation into the ongoing civil war for the past five years. The negative impact of the current conflict served as a major setback, particularly with the shutdown of oil production in Unity oilfields when the conflict broke out in 2013. Oil revenue remains the only major source of income through which developmental projects could be funded. Without the return of stability, there will be no significant achievement in the area of socioeconomic development in the near future.

Finally, the research has revealed that the oil industry became a positive element in the engagement after 2005, as opposed to the destructive role it played during the war of liberation of South Sudan. Despite the current instability around the oilfields, China did not abandon South Sudan, unlike Chevron in 1984. Generally, the findings support the hypothesis guiding this thesis, despite socioeconomic development being hampered by the current conflict.

In light of the key findings presented in the previous section, the candidate has drawn two main conclusions as follows. First, it is arguably apparent that the SPLM/South Sudan has successfully employed the oil industry as leverage over China to achieve its key political objective of peaceful implementation of the CPA, particularly regarding the conduct of the referendum and subsequent independence. Defending its vital interest in oil the industry, China managed to persuade Khartoum to avoid what many observers believed would be a potentially catastrophic war had the Sudanese government abrogated the CPA or obstructed the referendum exercise. Moreover, the various post-independence challenges could have led to all-out war between the two Sudans if China had not been so influential in forging the current relative harmony. Second, a success in achieving considerable socioeconomic development will deepen the two countries' engagement. The field of developmental cooperation has largely faltered, due in large part to the failure of South Sudanese leadership in maintaining stability and drawing up a national strategic plan, including clear priorities, in which China could play constructive role. The area of stability in particular remains key to meaningful cooperation on development. Additionally, a stable South Sudan would attract massive Chinese investment in non-oil sectors which could propel sustainable socioeconomic development. Finally, massive investment of Chinese non-oil companies, particularly in the area of physical infrastructure development including the transportation network, telecommunication, mining and agriculture, would deepen the cooperation further.

8.3. Wider Implications and Avenues for Further Research

The findings of this research have revealed the limitations of South Sudan's diplomatic abilities in managing its engagement with China and successfully driving the process of state-building in a young nation. This could be explained by 'liberation syndrome', grounded in a sense of entitlement

to govern and assumption of sole ownership of knowledge.⁸⁹⁵ This may stem from the fact that the movement was able to liberate its people and establish a new country, leading it to feel qualified to undertake the process of state-building with minimal participation in the critical decision-making processes of those who did not join the war, regardless of their relative expertise. The implication of this phenomenon is not peculiar to the SPLM/A, but prevalent among African liberation movements in particular. However, the case of the SPLM led-government's foreign policy for South Sudan could be amongst the worst. For instance, comparing the SPLM to the Eritrean People's Liberation Front (EPLF), the latter have fared better in government, at least in the area of socioeconomic development despite the difficulties of meagre resources compounded by international sanctions.

The rapprochement between the SPLM/South Sudan and China was grounded in the oil industry, which remains the center of gravity for their engagement. However, the insecurity that has curtailed oil production has significantly affected both the government of South Sudan and the Chinese oil companies, as the oil production in Blocks 1, 2, 4 and 5A in Unity oilfields has been shut off for the last five years (2013-2018). Besides the negative impact of conflict on socioeconomic development in South Sudan, Chinese oil companies are already diversifying their energy investments outside of the country. This could be due to continued insecurity and possibly to compensate the loss from their investment in South Sudan, as companies are currently operating at a loss just to maintain the flow of oil and prevent South Sudan's economy from collapsing. In light of persistent insecurity, initially caused by the leadership of the SPLM, this study has revealed that peace and stability are vital prerequisites for meaningful socioeconomic development of South Sudan.

The study of the resolution of a violent conflict with regard to the implementation of peace agreements by the former warring parties exposes the weakness of this assertion. The Second Sudanese Civil War (1983-2005) was a living example, which revealed the causal relation between failure in managing the spoilers of peace and relapse into conflict. According to Uppsala Conflict Data Program, most warring parties reverted to conflict as the case of MPLA and UNITA in

⁸⁹⁵Clapham, *From Liberation Movement to Government*, 2012: 5.

Angola. The management of the spoiler of the peace agreement, Sudan in this case, was aided by the significant role played by China and this serves as an important lesson for the peaceful implementation of future peace agreements.

It is apparent that when considering the cooperation between the two ruling parties, the SPLM and the CPC, there are important shortcomings which have affected the wider engagement between South Sudan and China. The two parties pioneered the initial rapprochement in 2005. Since then the engagement has taken a two-pronged approach encompassing both government-to-government and party-to-party cooperation. The two ruling parties' own cooperation would have been less important had it happened in a Western style multiparty democracy; nevertheless, both countries are effectively under one-party rule as both parties have transitioned from liberation movement to political party, demonstrating numerous similarities between them. The cooperation has been a success in consolidating the engagement between the countries. However, party engagement has also been plagued by missed opportunities as the SPLM has not benefited from its exchange of experiences with the CPC in the fields of party construction, governance and socioeconomic development.

In light of the implications presented in the previous sections, the challenges and shortcomings of the engagement must be addressed for the benefit of both countries, particularly South Sudan. Given the instability that struck the country upon the outbreak of current civil war, the restoration of stability, particularly around the oilfields, will continue to be an essential precursor for more substantial engagement beyond oil extraction. Nevertheless, the oil industry remains central to the relationship between South Sudan and China and must be harnessed if it is to continue playing a positive role in deepening the relationship between two countries. The responsibility for restoring stability to the country mainly lies with South Sudanese leadership. China could play an important role given its leverage on old Sudan, which remains one of the biggest long-term threats to stability in South Sudan given the numerous unresolved post-secession disputes.

This thesis asserts that an in-depth and comprehensive study of the foreign policy of a liberation movement that has transitioned into a government of a new state will shed lights on the strengths and weaknesses of policies of a liberation movement in government. The findings would help in

furthering the understanding of the shortcomings of South Sudan's engagement with China. Additionally, the study of the movement's organizational and leadership abilities will be significant in determining how those abilities are utilized in constructing a new country capable of meeting the requirements of state-building. This could further shed light on the weaknesses of the SPLM leadership and how they contributed to the current instability in South Sudan, which has greatly impacted socioeconomic development, particularly where China's role is concerned. Also, the findings would help in understanding the ruling party's capabilities in governing a young nation as well as possibly showing a gap between their abilities in liberating the country and the separate task of delivering real socioeconomic development.

The future study of the SPLM's transformation after the signing of the CPA in 2005 will significantly aid our understanding of state formation of South Sudan. Whilst the SPLM's transformation into a political party already been studied, its leadership, organizational ability, and the vision that guides the party and consequently the nation of South Sudan needs further research. As a young nation, South Sudan does not have comprehensive and strategic foreign policy framework with the exception of some general principles. Thus, there is a need for an in-depth study of the ideology that is guiding the foreign policy of South Sudan. Its current engagement with China was necessitated by the realities of the CPA with regards to its implementation, post-independence challenges (particularly those generating instability, such as oil infrastructure and border disputes) and state-building.

Moreover, the study of the transformation of the SPLM/A into the GoSS (which became Government of the Republic of South Sudan after independence) and SPLA (which constitutes the army of South Sudan, amongst other organs) will possibly help to demonstrate the difficulties of state-building in a nation born out of a violent liberation struggle. Thus, South Sudanese relations with China need to be studied comparatively with other liberation movements that have become governments and how they have developed their own foreign relations, particularly with a former foe or the ally of a former foe. Their foreign policies could help in understanding the limitations of the SPLM-led government in its relations with China.

Another important area that needs further study is the CPA, which led to the partition of Sudan and the subsequent birth of South Sudan. The CPA was never fully implemented during the interim period or after the partition of Sudan. Thus, contentious post-independence issues between South Sudan and Sudan have greatly impacted the stability of the young nation. The three areas of agreement (the Abyei Area, border disputes and oil infrastructure) remain as flash points, which poses the question of whether the CPA was flawed.

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