

The first crack in Africa's map?

Secession and Self-Determination after South Sudan

Terence McNamee



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About the Author

Dr Terence McNamee is the Deputy Director of the Brenthurst Foundation.

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E Oppenheimer & Son (Pty) Ltd

PO Box 61631, Johannesburg 2000, South Africa

Tel +27-(0)11 274-2096 · Fax +27-(0)11 274-2097

www.thebrenthurstfoundation.org

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Executive Summary

On 9 July 2011, six years after the Comprehensive Peace Agreement (CPA) ending Sudan's decades-long civil war was signed, South Sudan formally went its own way, creating Africa's 54th state. In the years leading up to South Sudan's independence, both African and non-African leaders voiced fears that it could destabilise parts of the continent and lead to a domino effect of other nationalist secessions, most worryingly in large, conflict-ridden states like the Democratic Republic of the Congo or Nigeria. Six months on from achieving statehood, there is no evidence that South Sudan's secession has made independence more likely for other would-be states in Africa, such as Somaliland or Cabinda. The idea of self-determination is not on the wane in Africa – South Sudan's long struggle will surely embolden existing secessionist groups and may inspire new movements – but the obstacles to independent statehood appear as formidable as ever.

This Discussion Paper draws on the extensive discussions between senior policy makers and academics at a high-level workshop convened by the Brenthurst Foundation in collaboration with the *Konrad Adenauer Stiftung* in September 2011, as well as additional research. It examines why Africa's borders are likely to remain stubbornly resistant to change despite Sudan's historic split. Part of the explanation is historical, a by-product of Africa's decolonisation and the values instilled in the continent's founding political structures, namely the Organisation of African Unity (OAU); other reasons relate to the international community's predilection for the status quo; also pertinent are the particular circumstances that paved the way for South Sudan's secession. The first part of this Paper suggests why South Sudan is more exception than precedent, and then reflects on its troubled start as an independent state, which if anything has hardened international opinion against secession. The latter part of the Paper examines some of the increasingly problematic issues around self-determination in Africa.

Although the South Sudan case is likely to remain an exception rather than a precedent, the Arab Spring is a salutary reminder, if any was needed, that events have a way of building on themselves. For all the powerful constraints on secession highlighted in this Paper, the much-feared balkanisation of Africa must never be dismissed as fanciful. Changing the status of borders to create new states will always carry grave risks, as the new triggers for violence in Sudan and South Sudan attest. Drawing a new international border will never be a panacea – it certainly didn't prevent Eritrea and Ethiopia from waging all-out war – for intractable intra-state conflicts. Nevertheless, the formation of new states may over the long term be part of the solution in some very specific cases, where the interests of national and international security are best served by changes to the territorial status quo.

In most states confronted with self-determination movements in Africa, however, there is scope to improve governments' responses in ways that might dissuade secessionists from seeking full statehood. Several policy pointers are highlighted in the Paper:

Recognise fault lines for what they are: On matters of self-determination and secession, there is a critical role for the international community in providing guarantees, not least in the aftermath of secession, should that be the end result. The instruments that international mediators might use to help ameliorate tensions between groups will not work if the fault lines within societies are not identified and understood *for what they are*. In South Sudan, Somalia and many other fragile states, the failure of foreign interveners to fully appreciate the root causes of conflict and take cognisance of the realities on the ground exacerbated divisions in the past, sometimes with disastrous consequences for the populations. It is vital to recognise local and regional interests; neighbouring countries have a legitimate right to ensure border areas are not negatively impacted by secessionist movements in other countries.

Think innovatively about autonomy: Done well, federalist-type arrangements, with the appropriate processes and institutions, in particular viable revenue-sharing arrangements, can produce successful long-term responses to internal divisions. This may be especially so in relation to the ethnic-type conflicts that have scarred parts of Africa. Yet central authorities in countries such as Ethiopia and Uganda, which have adopted federal arrangements, have been highly reluctant to empower their regions and peripheries in ways that enable grievances and societal fissures to be managed effectively at their source. Europe has devised numerous ways to accommodate minority regions within existing state structures, through access to resources, power and varying degrees of autonomy. Similar models built around the concept of subsidiarity – which privileges the local and decentralised authority – might help in the stabilisation of restive parts of Africa.

Adopt pragmatic practice: In managing seemingly intractable intra-state conflict between groups, there is a need to be as flexible and pragmatic as possible. This may mean elements of recognition and engagement with functional state-like structures, as in the case of international engagement with Somaliland and recognition of the Somaliland passport. In some cases, the establishment of robust state-like structures by self-determination movements could also serve as 'building blocks' to reconstitute a failed state. Another important and successful example of pragmatic practice is the contested boundary between Nigeria and Benin. Last demarcated in 1912, both sides have resolved to mediate between themselves and accept that until the border issue is resolved, in areas where

there are competing claims both sides agreed not to place any attributes of their respective states – flags and so on.

What happens after independence is equally important to formal recognition: The recent history of Eritrea provides the most sobering evidence that even the most exemplary liberation movements often fail as governments of newly independent states. The ingredients for a successful independence struggle, such as a refusal to compromise in pursuit of a singular goal, are ill-suited to running a modern state. Good governance demands *inter alia* inclusivity, openness to different ideas, balancing the interests of opposing groups and maintaining good relations with your neighbours, even when they're not your friends. Moreover, there is a marked tendency among liberators to believe that their victory confers special rights and an exclusive form of ownership of the state. This phenomenon is evident in most liberation movements to varying degrees.

Connect the map to the territory: Conciliation efforts between different groups within Africa occur within a rigid framework of national sovereignty, as expressed in the AU Charter. Essentially, that means a discussion about the *map*. Yet underneath the 'map', the 'territory' often reveals very different things, particularly about the nature of conflict and the relationship between locals and their leaders in the capitals. Often there is no shared vision of what constitutes 'self-determination' between locals and their putative representatives who sit at the AU table or regional fora. They often do not control the territories they purport to represent. Not so much ungoverned spaces as spaces governed by the ungoverned. What is required is a much greater understanding of how local realities can impact the strategic level.

Establish national integration projects: Whether or not some of Africa's fragmented states, such as the DRC or Nigeria, are one day compelled to accept changes to their boundaries to address intractable divisions within their territories, renewed importance should be given to national integration projects across Africa. Once assumed to flow naturally from decolonisation, the integration of peoples and tribes in many of the newly-independent states never came; the social underpinning to the new political dispensation did not develop, in some cases because authoritarian leaders prevented it. With the number of conflicts on the continent in decline, democracy in the ascendant and economic growth leading the world, the time is ripe for African states to become societies – in the best sense of the word.

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When the Comprehensive Peace Agreement (CPA) ending its decades-long civil war was signed in 2005, the clock began to tick on Sudan's life as Africa's largest state. Although the break-up of Sudan was not then a foregone conclusion, both African and non-African leaders voiced fears that it could destabilise parts of the continent and lead to a domino effect of other nationalist secessions, most worryingly in large, conflict-ridden states like the Democratic Republic of the Congo or Nigeria.

This is 'the beginning of the crack in Africa's map', predicted Africa's then-longest serving ruler in late 2010. 'What is happening in Sudan', he warned, 'could become a contagious disease that affects the whole of Africa'.¹ History proved that Muammar Gaddafi was right to fear the consequences of a 'contagious disease', though the one that would prove fatal for him was unrelated to events in Sudan. More apposite was the stark acknowledgement of Chad's President, Idriss Deby: 'we *all* have a south'.² It was a warning to his fellow African leaders that Sudan's imminent split could herald a new bellicosity in existing north-south type disputes, especially where competition for scarce resources comes into play.

On 9 July 2011, six years after the CPA was signed, the South formally went its own way, creating Africa's 54th state. What of the grim prophecies of Gaddafi, Deby and others? Is the continent's map set to be redrawn again?

This fateful question was considered in detail at a high level workshop convened by the Brenthurst Foundation in partnership with *Konrad Adenauer Stiftung* in September 2011. The consensus, following two days of discussions, was that further changes to the map were unlikely any time soon. After the seismic unforeseen events in North Africa and the Arab world in 2011, however, no one could rule it out.

Six months on from achieving statehood, there is no evidence that South Sudan's secession has made independence more likely for other would-be states in Africa, as many had assumed. Just as the predictions that Eritrea's independence in the early 1990s would open a Pandora's Box of secessions from Cape Town to Cairo never materialised, South Sudan's successful struggle is unlikely to become a 'precedent' for Casamance, Cabinda, the Ogaden or any other nationalist movement. Even Somaliland does not seem any closer to recognition despite wide acceptance that it already functions as a *de facto* sovereign state and probably *deserves* recognition, insofar as subjective judgements of that kind can be made. The idea of self-determination is not on the wane in Africa – South Sudan's long struggle will surely embolden existing secessionist groups and may inspire new movements – but the obstacles to independent statehood appear as formidable as ever.

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This Discussion Paper draws on the extensive discussions between senior policy makers and academics at the workshop³ as well as additional research. It examines why Africa's borders are likely to remain stubbornly resistant to change despite Sudan's historic split. Part of the explanation is historical, a by-product of Africa's decolonisation and the values instilled in the continent's founding political structures, namely the Organisation of African Unity (OAU); other reasons relate to the international community's predilection for the status quo; also pertinent are the particular circumstances that paved the way for South Sudan's secession. The first part of this Paper suggests why South Sudan is more exception than precedent, and then briefly reflects on its troubled start as an independent state. The latter part of the Paper examines some of the increasingly problematic issues around self-determination in Africa before concluding with some policy suggestions.

Paradoxically, the apparent permanence of Africa's borders exposes the brittleness of many African polities.⁴ Built into their DNA is the fear that the slightest change in their 'artificial' boundaries will unravel the entire multi-ethnic patchwork that characterises most states. The profound aversion to tinkering with the post-colonial map of Africa has, alas, blunted the consequences of bad governance for many African leaders and regimes. They continue to neglect marginalised groups and divisions within their own societies at their peril, however. The democratic expectations of peoples living south of the Sahara have risen in response to the Arab Spring. Should they try to emulate the mass uprisings driven by North Africa's rebellious youth – the current indicators suggest this is unlikely, but it is clearly a risk – then the borders of some states may not hold.⁵

The South Sudan Exception

Unlike the Basque or Kurdish separatist movements, South Sudan's tortuous struggle for independence was comparatively unknown internationally prior to 2005. That said, the major political and cultural forces that, over more than a hundred years, drove a deep wedge between Sudan's north and south are largely uncontested. In the 19th century the southern Sudanese, a predominantly black animist population, were frequently victims of slave raiding and agriculture exploitation by northern merchant tribes of 'Arab' Muslim descent. The consequent emergence of a regional imbalance in power and wealth was entrenched during the colonial period of Anglo–Egyptian rule (1899–1955). Governance and investment was concentrated in the North whilst the neglected South became an isolated backwater, subject to a meagre 'native administration'. In the years after independence in 1956 a Khartoum-based political elite manipulated the sharp disparity in resources

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and institutional capacity that had evolved in Sudan, prompting sustained resistance from groups in the deprived and marginalised South. The result was two devastating periods of prolonged North–South conflict, the second alone cost more than two million lives and displaced twice that number. Such was the level of underdevelopment in the South that by war's end there were just three surgeons to serve a population of ten million. Despite being roughly the size of France, the South had just 4kms of tarred road.

For all the inequities and misery southerners endured, first under colonial rule and then for half a century due to Khartoum's neglect – to say nothing of the suffering caused by vicious intra-South conflicts that periodically erupted – it was still possible to believe in 2005 that something short of full independence would satisfy the political leadership in the South. With each passing year following the signing of the CPA, however, the likelihood that southerners might opt to remain in union with the North receded. The record of 'lost opportunities' to forge a new compact with the North has been examined in several recent studies on Sudan.⁶ Suffice to say that officials in the South became convinced, certainly by the time of the 2008 SPLM convention, that Khartoum would never implement the provisions of the CPA or respect the benchmarks built into the agreement. Of signal importance was the sharply contrasting perspectives on the 'one country, two systems' concept: the North interpreted it as a federal-type arrangement, to the South it meant a confederation.

On the role of the international community, critics charge that it buried its head in the sand until secession was all but inevitable. After the CPA was signed, the key foreign players instrumental in brokering the agreement promoted the 'idea' of unity, but they failed to remain actively engaged during the vital initial implementation phase. They had their 'eyes wide shut', according to the International Crisis Group.⁷ Given the deteriorating situation in Sudan's western region of Darfur – the focus of far greater international attention than the North–South conflict – and the West's fixation with the wars in Afghanistan and Iraq, it may have been unrealistic to expect otherwise. When the referendum results were announced in January 2011, no one was surprised that 99 per cent of southerners voted for secession.

Khartoum was the first government to recognise South Sudan as an independent state after the CPA expired. All permanent members of the UN Security Council swiftly followed suit. Crucially, the African Union admitted the Republic of South Sudan as its 54th member state less than three weeks later, on 27 July 2011 (South Sudan was admitted into the United Nations as its 193rd state on 14 July). Juba has also applied or is in the process of applying for membership to a host of regional and international organisations, nearly all of which are sure to consent.

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That South Sudan's legitimacy as an independent state has been so fulsomely acknowledged – the UN Secretary-General, some 30 African heads of state and numerous senior officials from the West attended the Independence celebrations in Juba – illustrates one of the main distinctions between its independence struggle and other self-determination movements in Africa that seek to imitate it. None could expect to attain the level of international legitimacy conferred on South Sudan, at least initially. Its eventual 'validity' as a sovereign state was entrenched in the CPA: should North and South fail to establish new arrangements to keep them together, then both parties to the divorce would agree to part after six years if a referendum in the South confirmed that was the will of southerners. That was the price paid by the North in 2005 to end the war, though in hindsight Khartoum appears to have grossly underestimated Juba's capacity to mobilise popular support for independence.

Currently, no would-be secessionist state in Africa has even tacit agreement of the parent government to secede under any circumstances, save in Ethiopia, where the right of 'self-determination, up to and including secession' by one of the country's nine ethnically-based administrative regions, is enshrined in the constitution. Even then – and despite Ethiopia's decision to let Eritrea go in the early 90s – in practice the government in Addis Ababa has been highly reluctant to extend powers to its 'semi-autonomous' ethnic regions, which raises doubts about its commitment to the principle of secession.

The other features of the South Sudan struggle that set it apart may have echoes in other self-determination movements across the continent, though in scale and intensity Juba's case was exceptional. The briefest of lists include the length of the struggle (at least half a century); the sharp racial and religious divide between north and south; the extreme economic hardship experienced in the south due largely to policies implemented in the north; the sustained support given to the south by major external players, from the United States and Israel to Sudan's powerful neighbour, Ethiopia; and the level of coherence and organisation in the movement, though on this score much the same could be said of Somaliland or even the Western Sahara.

Troubled Beginning

None of this is to say that the African Union and the wider international community did not have serious misgivings about South Sudan going it alone. Myriad problems were foreseen, from a possible resumption of war with the North – this time an inter-state war, which might draw in the countries' neighbours – to seemingly

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insurmountable development challenges. How South Sudan would address these challenges in the future could either soften reservations about granting independence or cement international opinion against any further 'balkanisation' of Africa. Six months on from independence, events on the ground suggest the latter scenario is more likely.

Security was always paramount in discussions about South Sudan's viability as an independent state. The principal concern was that renewed conflict with the North could erupt over the status of Abeyi – the tiny region which straddles the north–south border and is claimed by both Khartoum and Juba – and other border-related disputes in Southern Kordofan and Blue Nile states in the North. Abeyi is a highly symbolic source of tension, where southern-aligned Ngok Dinka communities are pitted against nomadic Misseriya Arabs who migrate through the territory to graze vast cattle herds during the dry season; control over parts of oil-producing Southern Kordofan and Blue Nile states is contested by various northern- and southern-backed factions and rival nomadic tribes. By the end of 2011, fighting in the disputed states had resulted in more than 100 000 refugees, some of which had fled to Ethiopia, and attacks had spread to Unity State and Upper Nile. Juba accused Khartoum of aerial bombardments of refugee camps in both states, as well as supporting southern rebels suspected of attacks near southern oil installations. South Sudan's President Salva Kiir claimed that Sudan's President Omar al-Bashir was trying to drag Africa's newest state back into a 'meaningless war'.

Even if President Kiir's allegation was true, the conflicts *within* South Sudan between competing tribes and factions have been more deadly and potentially destabilising to the new state than recent North–South skirmishes. In the second half of 2011 clashes between rival ethnic groups in Jonglei state left thousands dead. In one incident alone, 600 ethnic Lou Nuer were massacred at the hands of fighters from the rival Murle community. The United Nations reported that some 350 000 people had been displaced due to inter-communal violence in 2011.⁸

Conflict between different groups often erupts over water sources, cattle and access to grazing lands, though the spiral into uncontrolled tit-for-tat violence is driven by deeper factors, too. South Sudan is bristling with small arms left over from decades of conflict. Poverty is rife across the whole of society though it is worst among the smaller ethnic minorities, many of whom feel marginalised and unrepresented in the new political dispensation, which privileges the more populous groups such as the Dinkas, according to the government's critics. Despite the SPLM's success in crushing several rebel factions and negotiating the surrender

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of others, and the conciliation efforts involving the UN peacekeeping mission (UNMISS), South Sudan's internal conflicts appear set to worsen in 2012.

The main economic concern prior to the expiration of the CPA was not simply whether South Sudan could be viable on its own but whether secession could turn the North into a failed state. The implications of secession for the North were immense: a potential loss of 75 per cent of its oil revenues, about half of government revenues (equal to about 20 per cent of GDP). As the IMF remarked, it meant 'adjusting to a permanent shock' to the system. To fill the huge fiscal gap, Khartoum counted on international commitments (brokered by the African Union High-Level Implementation Panel) on debt relief and lifting of sanctions, but they have come to nothing. Until the North ceases military operations in contested areas, little change should be expected.

In South Sudan, as argued in a previous Discussion Paper, 'everything [was] at zero' in the run-up to independence.⁹ The country had virtually no electricity, roads, schools or clinics. Its banking sector was among the least developed in the

Oil fields and pipelines in Sudan and South Sudan



Source: Drilling Info International

In the aftermath
of its remarkable
independence
struggle Eritrea
appeared poised to
establish a cohesive,
highly organised
and self-confident
new nation

world, corruption was rife and trade costs were astronomical. What it did inherit, however, was an oil industry producing 350 000 barrels per day, amounting to \$1 000 per year for each of its 8 million citizens.¹⁰ Oil money accounted for 97 per cent of South Sudan's budget.

In the negotiations between Juba and Khartoum over economic issues, a consensus was reached that whatever the eventual outcome of the CPA, both sides needed to be viable entities – mindful that currently less than half of Africa's states would probably pass a test of viability based on international standards. Above all, that meant a comprehensive oil-sharing agreement: three quarters of Sudan's oil was produced in the south but the pipeline and port facilities were controlled by the North. Yet by Independence Day there was still no agreement on pipeline use. In January 2012, Juba began to shut down oil production after accusing the North of seizing \$815 million worth of crude. At the time of writing, speculation was rife that Juba's increasingly bitter dispute over transit fees charged by Khartoum could re-ignite a wider north–south war. The UN Secretary General warned that the row had become a significant threat to stability in the region.¹¹

The Status Quo

In the light of South Sudan's troubled start – economic warfare with the North, the emergence of Kashmir-like scenarios on its northern border, renewed internecine conflicts – should the international community have been more cautious in signalling its approval of secession? The status quo prior to 2005 was wholly unacceptable for the South; that much is beyond doubt. Yet it seems reasonable to assume that, at the very least, more effort to make unity attractive would have been deployed by the key external actors in the years after the CPA was signed. In the end, the international community came round to accepting an outcome that it would have preferred to avoid.

The same might be asked of Eritrea, which emerged as a newly-independent state in 1993. In the aftermath of its remarkable independence struggle Eritrea appeared poised to establish a cohesive, highly organised and self-confident new nation, a model for the rest of the continent, even. Instead, it descended into a totalitarian mini-state. Isolated and highly secretive, the Eritrean regime became increasingly repressive towards its perceived foes at home and an exporter of instability into the region, fomenting conflict with its neighbours. Emblematic of its collapse was the seemingly pointless war it waged with the state it seceded from, Ethiopia, over a few tiny, valueless territories on their mutual border, which lasted two years and cost roughly 100 000 lives.

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Historically, international opinion has been very positive about self-determination *in principle*: it is one of the most frequently cited parts of the UN Charter. *In practice*, however, the key institutions and the world's major powers have been extremely constraining when it comes to movements that pursue independent statehood, more or less irrespective of the legitimacy of their cause.¹² It is probably safe to assume that the Eritrean example has only reinforced the predilection for the status quo; if South Sudan's troubles deepen in the coming years, ditto.

By their nature states seek to prevent balkanisation – not just within their own borders but elsewhere, because new states are generally perceived as destabilising to the international system and also (being smaller) potentially unviable, and thus a drain on the resources of existing states. In the case of South Sudan, concerns over viability helped shaped the international response, though they were balanced by fears over what might result if the South was forced to remain in the union. A strong case could be made based on existing governance structures that Somaliland is a more viable state, although its quest for international recognition has been stymied, at least partly, by the refusal of Somalia to consent to a divorce.

Secessionist movements hoping that South Sudan's successful struggle provides legal analogies to bolster their cause are likely to be disappointed. The laws and norms governing who receives international recognition and who doesn't are, in reality, fairly arbitrary and inconsistent.¹³ Their legitimacy is almost certain to be assessed on a case by case basis – *casus sui generis*. What is certain is that the criteria will remain extremely stringent. It doubtless helped the cause of secession in both South Sudan and Eritrea that popular support was virtually ubiquitous: each achieved 99 per cent support for independence in their respective referenda. It was also to the advantage of the secessionist campaign in South Sudan, as well as Kosovo, that they were at war with a regime charged with crimes against humanity. But neither of the above are sufficient conditions for international recognition, highlighted by the fact that Kosovo is still recognised by less than half (80 countries) of the UN General Assembly.

International law provides few pointers in deciding on future independence movements, in Africa as elsewhere. Inevitably, there will be more cases where the principles of 'self-determination' and 'territorial integrity' collide, with no clear track to reconcile the two. The right to unilaterally establish a new state based on the principle of self-determination *outside* the colonial context is *not* recognised in international law. Even an extraordinary case of secession under extreme conditions such as genocide has thus far not found wide acceptance among either scholars or the international community.¹⁴

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It is this lack of consistency on questions of self-determination that may encourage a new wave of claims for the right to secession, as much as the so-called 'precedent' of South Sudan might. The danger, as stressed by a number of legal scholars, is that historically self-determination has served as a kind of 'political dynamite' in some corners of the world, with the potential to disrupt the very basis of peaceful co-existence among nations. Perhaps nowhere was this more evident than in 20th-century Europe. At the same time, Europe has transcended many of its more intractable divisions over time via innovative governance arrangements and mechanisms, some of which are highly pertinent to Africa.

Enduring Resolution 16

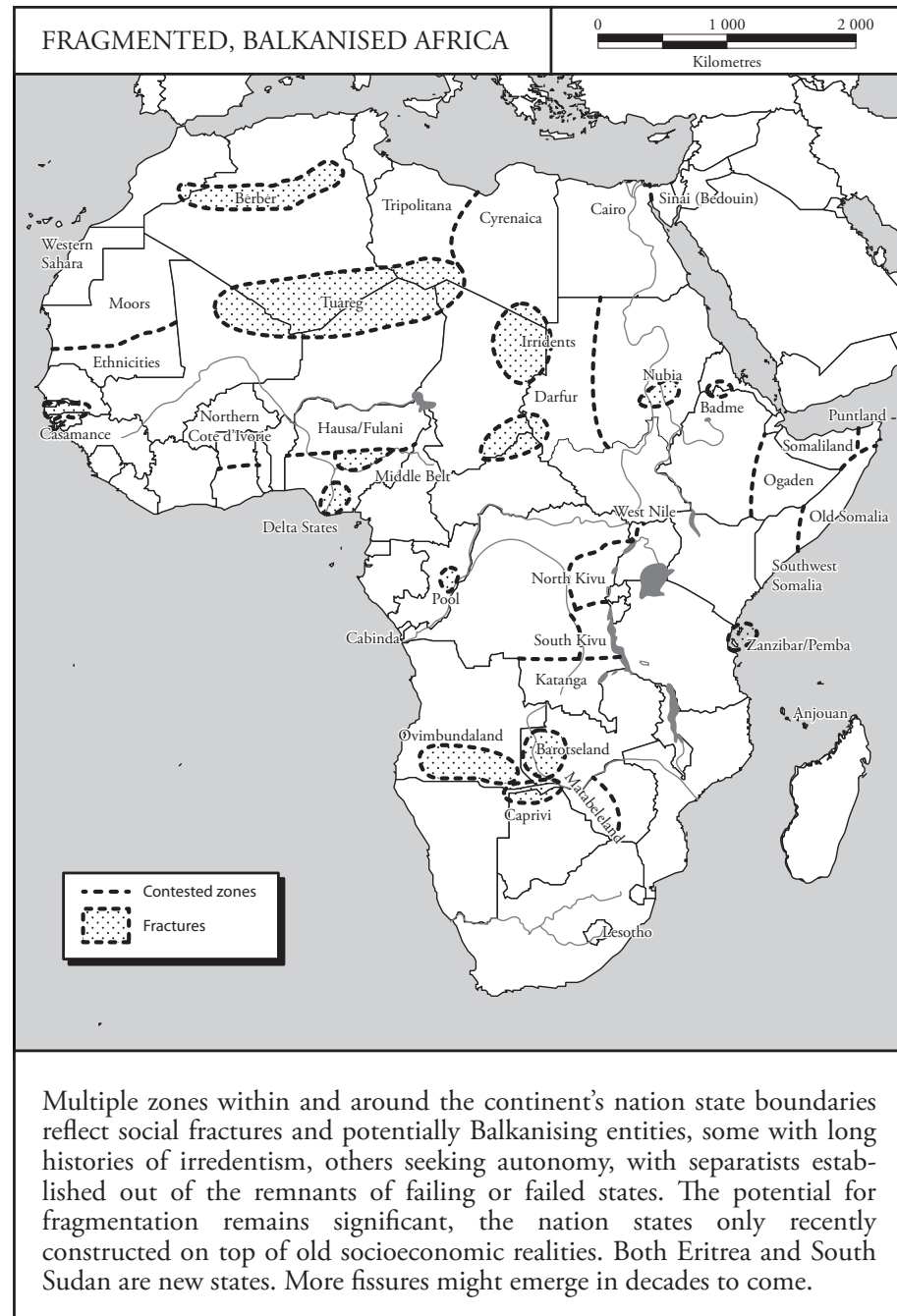
Talk of secession in Africa usually starts and ends with Resolution 16, adopted at the first ordinary summit of the Organisation of African Unity (OAU) in 1964. The resolution declared that all member states of the OAU pledged to respect the borders that obtained when they achieved independence. Adherence to the principle of *Uti possidetis* ('as you possess') was a necessary evil, the argument went: the lines drawn by colonial map makers paid scant attention to traditional boundaries and instead sliced through tribes, ethnic groups, even families, in some cases dividing them across two or more states. Any attempt to untangle the mapmakers' legacy would be a recipe for endless war and chaos.

The pledge to respect colonially-inherited borders and the principle of non-interference in states' internal affairs was intended to prevent Africa's newly-independent states from squabbling and promote stability on the continent. If 'stability' meant preserving the sanctity of Africa's borders, then it has been a notable success: besides South Sudan, only Eritrea has seceded in the past half century. If it meant preventing conflict, refugee crises and other humanitarian disasters, history's verdict is also clear.

Resolution 16 suited the leaders of Africa's newly-independent states. Most were authoritarian and feared that their economic and political power bases would be undermined by secessionist groups within their territory. This may partly explain why the resolution has over time come to be seen more as a prohibition against secession than an instrument to prevent inter-state wars.

One of the key unspoken aims of Resolution 16 was to forge coherent 'nation-states' out of the ethnic, religious and linguistic mosaics that newly-independent states inherited. The influential anti-colonial philosopher Frantz Fanon feared that 'post-liberation culture and politics might take the road of retrogression, if not tragedy', according to Achille Mbembe. 'The project of national liberation might turn

into an empty shell; the nation might be passed over for the race, and the tribe might be preferred to the state.¹⁵ Undoubtedly, separate identities within states have not yet disappeared; in nearly all states, ethnic divisions have arguably become more pronounced. It is for this reason that some have questioned whether Africa's



This map is courtesy of Duncan Clarke and appears in his most recent book, *Africa's Future: Darkness to Destiny*, Profile Books 2012

self-determination project has failed, or at the very least is still straining to 'create' Nigerians, Congolese and so on.

None of the secessionist groups in either Nigeria or DRC currently possess the strength or cohesiveness to mount a direct challenge to their borders. Nevertheless, no discussion of self-determination could be complete without acknowledging the numerous fault-lines that separate different peoples and groups in these two anchor states of Africa. They are vital test-beds for how African governments might address self-determination movements in the future, a point to which I will return at the end of the Paper.

Besides Nigeria and the DRC, there are numerous other African states that face current or potential threats to their territorial integrity from within, as illustrated in the map above. Most of these movements, however, are poorly organised and not very effective at galvanising their own people or international support to their cause. For the most part their *modus operandi* has been to either try (unsuccessfully) to take over power in the centre or alternatively build parallel structures on the ground. The movements summarised below are the most prominent in recent African history, though they too have, for various reasons, struggled to retain their potency.

Secession Or Self-Determination? Some Brief Snapshots Of Current Movements*

Casamance – Senegal

As a result of colonial border negotiations between the French and Portuguese in 1888, the boundary lines of The Gambia cut off Casamance (formerly a Portuguese colony) in the south of the country from Senegal (a former French colony in the north). The Diola, a Christian majority in the southern region, made up only 4 per cent of the national population, which is overwhelmingly Muslim. A nascent secessionist movement was brought out of the fringes in the 1980s by its perceived economic and political isolation within the state. Following street protests The Movement of Democratic Forces of Casamance (MFDC) was established in 1982. Its calls for independence were met by heavy government crackdowns, eventually forcing a number of MFDC leaders into the forest bordering Guinea-Bissau to set up the military arm of the movement. By the 1990s a low-level insurgency against the Senegalese government had spilled over into neighbouring countries. Under Abdoulaye Wade's presidency, tensions were ameliorated through various initiatives and in 2004 a peace deal was signed. Despite some rebel factions still calling for

secession, much of the sting has been taken out of the movement. The MFDC has indicated its intention to contest the 2012 elections as a political party.

Cabinda – Angola

Cabinda, an enclave province bordered by the DRC to the south, the Republic of Congo (Brazzaville) to the north, and the Atlantic Ocean to the West, possesses Angola's largest offshore oil reserves (some of the largest in the world), producing 700 000 barrels of crude oil per day. Despite the surge in oil prices, Cabindans have seen little improvement to their lives, and thus agitate for their 'rightful' share of oil revenues. Calls for independence are also rooted in their unique identity and monarchical traditions. The leading movement for secession is the Front for the Liberation of the Enclave of Cabinda (FLEC), which was formed in the 1960s. The FLEC attempted to secede through negotiations, even declaring Cabinda an independent Republic at an OAU meeting in Kampala on 1 August 1975. Its brief moment of international recognition ended when the MPLA invaded and declared Cabinda an Angolan State. Since then periodic attacks on government and kidnappings of foreign nationals has drawn attention to the Cabindan secessionist movement, but the international community has withheld support. Although the FLEC declared a cease-fire in the mid 2000s, offshoots of the movement continue to stage attacks, notably on the Togo national football team during the 2010 Africa Cup of Nations. Currently several groups claim to be the government of Cabinda-in-exile, though none are recognised.

Zanzibar – Tanzania

Following a violent revolution in the early 1960s, the Republic of Zanzibar and Pemba were subsumed by the British colony of Tanganyika to form the United Republic of Tanzania. Today the predominantly Muslim islands are a semi-autonomous region. Its fractious politics have been characterised by periodic bouts of violence and unrest. Relations with the mainland are often tense, although 'secession' and 'sovereignty' are more often than not used as a political football in their own internal squabbles. In 2008, however, 12 Pemba leaders threatened to secede from Zanzibar and the Union (Tanzania) via a secession plea signed by 10 000 locals that was presented to the UN representative in Dar es Salaam. The leaders were swiftly arrested.

Ogaden – Ethiopia

The Ogaden forms part of the Somali region of Ethiopia. Its people are predominantly ethnic Somali and Muslim. In the 1970s Somalia and Ethiopia fought to gain control over the region, which had at various times been under Italian, British and Ethiopian rule, resulting in the 1977–78 Ogaden War. The territory has remained volatile ever since.

The Ethiopian government has declared Ogaden off-limits to foreigners and designated the Ogaden National Liberation Front (ONLF) a terrorist movement along with Al-Q'aida and Al-Shabaab. Although founded in 1984, it was only in 1994 that the armed wing of the group – the Ogaden National Liberation Army (ONLA) – began military operations. In 2007, the Ethiopian army launched a military crackdown on the region after Ogaden rebels were accused of attacking and killing civilians working on an Ethiopian oil refinery. Both the government and ONLF have been accused of gross human rights violations. The government's strict ban on reporting has made it difficult to assess the level of support for the ONLF and secession. In October 2009, ONLF leader Muhammad Omar Osman stated that while the ONLF was committed, first and foremost, to liberating the Ogaden region from the perceived Ethiopian occupation, the ONLF was open to negotiating with the government.

Western Sahara – Morocco

The Western Sahara is a vast, sparsely populated territory bordered by Morocco, Mauritania and Algeria. A former Spanish colony, in 1975 it was split between Mauritania and Morocco, though the latter maintained it was part of Morocco long before Spain seized the territory. A year later the Polisario Front, a student-led independence group, proclaimed the independent Sahrawi Arab Democratic Republic (SADR) as a government-in-exile. Backed by Algeria, the Polisario Front initiated a guerrilla war against Morocco and Mauritania. Since then Morocco has engaged in a costly struggle with the Polisario Front, first on the battlefield, then in international capitals and the halls of the United Nations. In 1991 a UN-sponsored ceasefire agreement effectively gave Morocco most of the territory (including the entire Atlantic coastline) whilst the SADR 'administered' the remaining (largely uninhabited) eastern part which bordered Mauritania and Algeria from its base in camps around Tindouf in the southwestern part of the latter country, with a modest UN peacekeeping force (MINURSO) monitoring the truce. In general, the international community has been equivocal in the face of each side's competing claims, encouraging dialogue and emphasising the need for a peaceful resolution. Meanwhile both Morocco and the SADR have actively sought diplomatic recognition of their sovereignty over the disputed territory – a process which has seen several reversals for each, with formal recognition extended and withdrawn by foreign governments over the past two decades. The OAU controversially admitted the Western Sahara into its membership in 1982, prompting Morocco to withdraw from the organisation. Its successor, the AU, has maintained the position that the Western Sahara is a case of decolonisation rather than secession.

Besides Nigeria and the DRC, there are numerous other African states that face current or potential threats to their territorial integrity from within

Somaliland – Somalia

Somaliland achieved a short-lived independence on 26 June 1960, the former Italian Somaliland following suit five days later when the two territories united to form the Somali Republic on 1 July 1960. Having borne the brunt of Somalian President Siad Barre's brutal crackdown on insurgents and dissidents which left the main Somaliland city of Hargeisa virtually destroyed, the Somali National Movement and clan elders agreed that Somaliland (re)declare its independence in May 1991. The government of Somaliland regards itself as the successor state to the British Somaliland protectorate, although it is not formally recognised by any state. It can legitimately claim to fulfil the Montevideo criteria for statehood (a permanent population, a defined territory, government, and the capacity to defend and represent itself), as well as near universal popular support for independence. The principal obstacle to independence is not just Somalia's refusal to agree to a divorce, but the fact that for two decades there has been no functioning parent state to which they could even apply for secession.

**Thanks to Masana Mulaudzi for compiling these brief snapshots*

Conclusion: Implications and Policy Pointers

The fate of Muammar Gaddafi – dragged through the streets of his home-town, beaten and taunted, and then brutally executed – is a salutary reminder, if any was needed, that events have a way of building on themselves. At the start of 2011 no one would have imagined that the founder of the African Union and ruler of Libya for more than four decades could meet such an ignominious end. The fall of Ben Ali in Tunisia, Mubarak in Egypt, the on-going rebellion in Syria – can anyone reliably predict how events will unfold in 2012? In the same vein, for all the powerful constraints on secession highlighted in this Paper, the much-feared balkanisation of Africa must never be dismissed as fanciful.

Similarly, it is hard to imagine how war-ravaged and grossly underdeveloped South Sudan could be bloodier or poorer as an independent state than it has been in the past 40 years as an isolated region. Yet the final verdict can't be delivered for many years, perhaps even a generation. By that time we'll know how successfully the new government in Juba tackled the formidable divisions left unresolved by secession, and whether their neighbours let them get on with the task of nation-building.

The South Sudan case, as argued in this Paper, is likely to remain an exception rather than a precedent. The breakup of Sudan might usefully be conceived as one 'extreme' on a spectrum of policy options to address critical eruptions along

Drawing a new
international
border will never
be a panacea

fault-lines in states. It is somewhat paradoxical to argue that the formal slicing of Sudan in two constituted a successful management of a fault-line, since it represented the failure of a state, but maybe it was.

Even if not a precedent, South Sudan is sure to be a source of inspiration for other would-be states in Africa, such as Somaliland, well into the future. Doubtless it will inject fresh political energy into some self-determination movements, who may feel less reluctant to wield the threat of secession in order to extract concessions from governments or mobilise supporters to their cause. The break-up of Sudan might also serve as a constructive warning to governments on the need to pay closer attention to the concerns and grievances of marginalised areas within their borders.

Changing the status of borders to create new states will always carry grave risks, as the new triggers for violence in Sudan and South Sudan attest. Drawing a new international border will never be a panacea – it certainly didn't prevent Eritrea and Ethiopia from waging all-out war – for intractable intra-state conflicts. Nevertheless, the formation of new states may over the long term be part of the solution in some very specific cases, where the interests of national and international security are best served by changes to the territorial status quo.

It is often remarked that Africa has fetishised its map, especially when compared to other continents. In 2000 only five states in Europe had the same frontiers that they had in 1900. States are not permanent entities; historically, in other parts of the world they have been permitted to fail when they didn't work, but not so in Africa. One could argue that Somaliland is a functioning state that is unrecognised because the failure of Somalia has not been acknowledged. Pity Somaliland. There is a telling, though unserious, argument to be made that Somaliland is not causing *enough* trouble to get noticed; it is doing things *too correctly* – on elections and governance, maritime piracy and so on – for it to be recognised. If only it would declare war on a major power, like the United States – no state is more magnanimous towards the vanquished! The serious point about Somaliland *vis-à-vis* international recognition is that no country or international body is willing to put resources and political will into championing its cause.

Somaliland is almost certainly beyond the point where its government or people will ever be attracted by the idea of 'reunification' with Somalia. In most states confronted with self-determination movements in Africa, however, there is scope to improve governments' responses in ways that might dissuade secessionists from seeking full statehood. The final section of this Paper briefly highlights some of the key observations and recommendations of the Workshop that might usefully inform government policies, as well as the approaches adopted by the AU and the wider international community. They derive from the South Sudan case and

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existing practices on the continent, as well as the experience of accommodating differences in multi-national states outside Africa.

Recognise fault lines for what they are

On matters of self-determination and secession, there is a critical role for the international community in providing guarantees, not least in the aftermath of secession, should that be the end result. The instruments that international mediators might use to help ameliorate tensions between groups will not work if the fault lines within societies are not identified and understood *for what they are*. In South Sudan, Somalia and many other fragile states, the failure of foreign interveners to fully appreciate the root causes of conflict and take cognisance of the realities on the ground exacerbated divisions in the past, sometimes with disastrous consequences for the populations. It is vital to recognise local and regional interests; neighbouring countries have a legitimate right to ensure border areas are not negatively impacted by secessionist movements in other countries. 'All those involved', writes Asher Susser, 'should make it their business to study the limitations, constraints, desires, aspirations and red lines of the players and make their best effort to help them get to where they would like to go.'¹⁶

Think innovatively about autonomy

Done well, federalist-type arrangements, with the appropriate processes and institutions, in particular viable revenue-sharing arrangements, can produce successful long-term responses to internal divisions. This may be especially so in relation to the ethnic-type conflicts that have scarred parts of Africa. Yet central authorities in countries such as Ethiopia and Uganda, which have adopted federal arrangements, have been highly reluctant to empower their regions and peripheries in ways that enable grievances and societal fissures to be managed effectively at their source.¹⁷

Europe has devised numerous ways to accommodate minority regions within existing state structures, through access to resources, power and varying degrees of autonomy. Due to its violent history of would-be breakaway territories, Europe has attempted (albeit not uniformly or always successfully) to make all its various peoples 'feel at home', with a range of local and regional self-rule arrangements. Its core principle of 'shared sovereignty' has not gained traction in Africa as yet, in part because it is heavily reliant on public trust in the democratic system. Presumably its attraction will grow as the continent continues its democratic evolution, though it also requires significant competence across regions and localities, something which Africa currently lacks. Another key instrument is different revenue sharing

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and tax collection regimes. In the German speaking province of South Tyrol in Italy, for instance, 90 per cent of the taxes it raises stay in the province. Similar models built around the concept of subsidiarity – which privileges the local and decentralised authority – might help in the stabilisation of restive parts of Africa.

Adopt pragmatic practice

In managing seemingly intractable intra-state conflict between groups, there is a need to be as flexible and pragmatic as possible. The case of Somaliland is instructive. It is a *de facto* state, even though it is deprived of the accoutrements of statehood it so desperately craves. Somalilanders have Somaliland passports. Their neighbour Ethiopia does not technically recognise Somaliland, but if they arrive at the Ethiopian border their passport will be stamped. (In the same way, most countries that have a 'one-China policy' also have fully fledged relations with Taiwan.)

In legal terms, Somaliland is still part of what can only be described as a failed state. Nevertheless, the international community has concluded numerous working arrangements with the functional state-like structures Somaliland has built up over the past two decades. If the relationship continues to evolve and deepen, the last step could be formal diplomatic recognition – although inevitably that would require a powerful state to underwrite Somaliland's cause. In some cases, the establishment of robust state-like structures by self-determination movements could also serve as 'building blocks' to reconstitute a failed state. Whichever, the international community must have clear guidelines when dealing with these structures, namely the rule of law, respect for human rights and so on.

An important example of a different kind can be drawn from West Africa. Benin and Nigeria share a nearly 800 kilometre-long land boundary that was last demarcated in 1912. (Their maritime border has never been demarcated.) Since then border beacons have disappeared and settlements have expanded, crossing the colonial boundary. Both countries have agreed not to transfer their case over to the International Court in The Hague, fearing a prolonged and bitter fight. Instead they have resolved to mediate between themselves and accepted that until the border issue is resolved, in areas where there are competing claims both sides agreed not to place any attributes of their respective states – flags and so on – in the contested territories.

What happens after independence is equally important to formal recognition

The recent history of Eritrea provides the most sobering evidence that even the most exemplary liberation movements often fail as governments of newly independent

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states. The ingredients for a successful independence struggle, such as a refusal to compromise in pursuit of a singular goal, are ill-suited to running a modern state. Good governance demands *inter alia* inclusivity, openness to different ideas, balancing the interests of opposing groups and maintaining good relations with your neighbours, even when they're not your friends. Moreover, there is a marked tendency among liberators to believe that their victory confers special rights and an exclusive form of ownership of the state. This phenomenon is evident in most liberation movements to varying degrees. Despite South Sudan's current woes, it is too early to adjudge their performance. Ironically, Somaliland provides the most progressive example, its liberation army having dissolved itself after Somaliland declared itself independent.

Connect the map to the territory

Conciliation efforts between different groups within Africa occur within a rigid framework of national sovereignty, as expressed in the AU Charter. Essentially, that means a discussion about the *map*. Yet underneath the 'map', the 'territory' often reveals very different things, particularly about the nature of conflict and the relationship between locals and their leaders in the capitals. Often there is no shared vision of what constitutes 'self-determination' between locals and their putative representatives who sit at the AU table or regional fora. They often do not control the territories they purport to represent: not so much ungoverned spaces as spaces governed by the ungoverned. Conversely, Somaliland *does* control its territory, but it desperately seeks recognition *on the map*. In its eyes, only that type of recognition has real consequences.

What is required is a much greater understanding of how local realities can impact the strategic level. The cattle rustling in South Sudan and elsewhere in East Africa is a good example of how local incidents feed into wider narratives of conflict at the national and even international level.

Establish national integration projects

The issue of secession has a long and violent history in two of Africa's most populous states, Nigeria and the DRC.

In the former, it is arguably the fear of secession that has the greatest strategic impact on the way Nigeria is governed: through informal political bargaining amongst elite cartels that maintain and distribute power and allocate resources down to their respective communities and groups. Today Nigeria contends with a host of small but increasingly active self-determination movements, such as the Movement for the Actualisation of the sovereign state of Biafra (MASSOB) and the

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Movement for the Emancipation of the Niger Delta (MEND), which are driven by lack of 'ownership and control' of the region's resources. Currently the greatest threat is posed by the Islamic terrorist group, 'Boko Haram', which some argue has widened the rift between Islamic Africans in the North and Christian Africans in the south.

The Nigerian state has proved remarkably resilient despite its highly fractured and polarised political and social landscape. Yet there has always been, in the words of Peter Lewis, 'a sharp tension between Nigeria as a "geographic expression" and a durable national idea'.¹⁸

The same could be said of the Democratic Republic of Congo, bluntly described by Pierre Englebert as 'a crime of a country'.¹⁹ Historically its territorial integrity has been challenged as much by internal self-determination movements (such as Katanga) as external observers, who have speculated on whether the people of the DRC might be better off if parts of the country were no longer ruled from Kinshasa.²⁰

Into the future, and whether or not these or other states are one day compelled to accept changes to their boundaries to address intractable divisions within their territories, renewed importance should be given to national integration projects across Africa. Once assumed to flow naturally from decolonisation, the integration of peoples and tribes in many of the newly-independent states never came; the social underpinning to the new political dispensation did not develop, in some cases because authoritarian leaders prevented it. With the number of conflicts on the continent in decline, democracy in the ascendant and economic growth leading the world, the time is ripe for African states to become societies – in the best sense of the word.

Endnotes

- 1 Sudan's Partition to be a 'Contagious Disease.' AFP, 10 October 2010.
- 2 Emphasis mine.
- 3 The title of the workshop was 'The South Sudan Precedent: Maintaining Stability and Comity in Africa during a Time of Transition'. The list of participants is included as an Annex to this Paper. The workshop rules stipulated that discussions were not for attribution, so the specific contributions and presentations of participants are not cited directly in this Paper. Although consensus was reached on a number of issues, it should not be assumed that all participants agree fully with the conclusions of this Paper. Any errors found therein are the author's alone.
- 4 See also Christopher Clapham, 'Rethinking African States', *African Security Review* (Vol. 10, No. 3, 2001). paradox.
- 5 See 'Africa and the Arab Spring: A New Era of Democratic Expectations', *ACSS Special Report* (Washington, DC: Africa Center for Strategic Studies, November 2011).
- 6 See for instance, Hilde F Johnson, *Waging Peace in Sudan: The Inside Story of the Negotiations That Ended Africa's Longest Civil War* (London: Sussex Academic Press, 2011) or Anna C Rader, 'Overcoming the Past: War and Peace in Sudan and South Sudan', in Jeffrey Herbst, Terence McNamee and Greg Mills (eds.), *On the Fault Line: Managing Tensions and Divisions within Societies* (London: Profile Books, 2012). Martin Pabst, "Südsudan und die Folgen" [South Sudan and its consequences], *Österreichische Militärische Zeitschrift* [Austrian Military Journal] (Vol. 49, No. 3, 2011) and 'Southern Sudan Before Independence – Local Celebrations, Disappointment in Northern Sudan and International Concern', KAS International Papers (No. 3, 2011), <http://www.kas.de/wf/en/33.22142>.
- 7 See International Crisis Group (ICG), 'Sudan's Comprehensive Peace Agreement: The Long Road Ahead', Africa Report No. 106, 31 March 2006.
- 8 Associated Press, 'UN says 120 000 South Sudan residents need humanitarian aid after wave of ethnic violence', 20 January 2012.
- 9 See The Brenthurst Foundation, "Everything is at Zero": Beyond the Referendum – Drivers and Choices for Development in Southern Sudan', *Discussion Paper 2010/05*, November 2010.
- 10 Alex de Waal, 'South Sudan's Doomsday Machine', *New York Times*, 24 January 2012.
- 11 BBC, 'South Sudan shuts oil output amid export row with Sudan', see <http://www.bbc.co.uk/news/world-africa-16781592>.
- 12 See Jon Temin, 'Secession and Precedent in Sudan and Africa', *PeaceBrief* No. 68, United States Institute of Peace, 2011; and Alan Schwartz, 'Scenarios for Sudan: Avoiding Political Violence Through 2011', United States Institute of Peace, Special Report, 2009.

- 13 *Ibid.*
- 14 See Heidi Tagliavini, 'A Clash of Principles: territorial integrity versus self-determination', presented at International Peace Institute, Vienna, 23–25 May 2011.
- 15 Achille Mbembe, *Mail & Guardian*, 23 December 2011.
- 16 See Asher Susser, 'Israel, Jordan and Palestine: Linked Fates, Hard Realities', Herbst, McNamee and Mills, *Op cit.*, in note 7.
- 17 See Conclusion, *Ibid.*
- 18 See Peter Lewis, 'Boundaries and Bargains: Managing Nigeria's Fractious Society', in *Ibid.*
- 19 See Pierre Englebert, 'The Democratic Republic of Congo: Fault Lines and Local Fissures', in *Ibid.*
- 20 See, for instance, Jeffrey Herbst and Greg Mills. 'There is No Congo', *Foreign Policy* (online edition), March 2009, http://www.foreignpolicy.com/story/cms.php?story_id=4763.

Annex

The South Sudan Precedent

Maintaining African Stability and Comity in a Time of Transition

High-Level Workshop at Villa La Collina, Cadenabbia, Lake Como, Italy,
4–7 September 2011

Hosted jointly by the Brenthurst Foundation and the *Konrad Adenauer
Stiftung*

List of Participants

- HE Abdillahi Duale**, former Foreign Minister, Somaliland
Dr Ali Bahaijoub, Editor in chief, *NorthSouth* magazine, Morocco
Dr Angelika Klein, Coordinator of the KAS International Media Programme,
Germany
Dr Ben Kioko, African Union
Mr Ben Leo, Centre for Global Development, US
Professor Christopher Clapham, Cambridge University, UK
Dr David Zounmenou, ISS, South Africa
Mr Frank Spengler, *Konrad-Adenauer-Stiftung* e.V., Germany
Dr Greg Mills, Director, The Brenthurst Foundation
HE Holger Hansen, former head of DANIDA, Denmark
Dr Jurgen Langen, *Deutsche Afrika Stiftung* (DAS), Germany
Dr Iqbal Jhazbhay, ANC working group on Sudan, South Africa
Dr Martin Pabst, Political Consultant, Germany
Dr Martin Kimani, CEWARN, IGAD, Kenya
Ms Masana Mulaudzi, Machel Mandela Fellow, The Brenthurst Foundation
Mr Michael Gahler, MEP, EPP-Group Coordinator Security and Defence Policy,
Germany
HE Paul Malong Akaro, UK Embassy, South Sudan
Mr Peter Fabricius, Foreign Editor, *Independent Newspapers*, South Africa
Professor J Peter Pham, Michael S. Ansari Africa Center, US

HE Dr Mohamed-Rashid Sheikh Hassan, Minister of State, Foreign Affairs,
Somaliland

Dr Terence McNamee, Deputy Director, The Brenthurst Foundation

Dr Werner Bohler, *Konrad-Adenauer-Stiftung* e.V., Germany

Mr Wolfram Lacher, *Stiftung Wissenschaft und Politik* (SWP), Germany