Year One of a Nation: South Sudan's Independence

a compendium of pieces from e-International Relations

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Introductory Notes

Alasdair McKay

What we call the beginning is often the end. And to make an end is to make a beginning. The end is where we start from.

T. S. Eliot, Little Gidding, Four Quartets

Like so many modern African states, the future of Sudan may have already been written in its past. Since gaining independence from Egyptian and British colonial rule in 1956, Sudan has been characterized by internal conflict and tensions. Ethnic, cultural and religious divisions have coincided with unequal political and economic relations between North and South. The divisions and imbalances led to the first North-South civil war (1955-1972), followed by the second North-South civil war (1983-2005) and the Darfur conflict which began in 2003, continuing to this day. The human cost of the latter two wars was particularly great with around 1-2.5 million, mostly civilians, left dead from the fighting.[1]

The Second Sudanese Civil War, fought between the Sudan People's Liberation Movement (SPLM)[2] of the South and the Northern government based in the capital Khartoum, was brought to a conclusion by the 2005 Comprehensive Peace Agreement (CPA).[3] The CPA sought to address many issues, but an important stipulation of the treaty was that a referendum be held to decide whether South Sudan would attain self-determination from the North. The referendum was scheduled for 2011.

In January 2011 and under close international scrutiny, the referendum on the South's independence was conducted, and the people of the South voted for secession with a 99%

majority. On July 9, 2011, Africa's largest country split in two, formalising the long-awaited independence of South Sudan. The Republic of South Sudan was born and became the world's youngest state.

This birth of a nation was met with jubilation by many in the South. South Sudan's Independence Day was a colourful spectacle as tens of thousands of South Sudanese gathered together in the state's capital, Juba, to watch the ceremonial raising of the new country's flag. Amidst the celebrations, there was a glimmering sense of hope that the sundering of North and South might act as a beginning from which to establish a prosperous nation.

These are high hopes indeed, but there is certainly the potentialfor the nation to thrive. South Sudan has much fertile land, a young population, and plentiful natural resources, which means that it has the raw materials to build a successful nation, in the long-term at least. In the short-team, however, the priority for the South will be to achieve a sense of pacification, not only with its Northern neighbours, but also amongst its own people. After making an initial choice for separation, the task is to move on into a peaceful future of unity amongst the South Sudanese people.

Some of the initial signs were positive as the referendum passed relatively peacefully in many areas of the South, which, however superficial, was at least a start. The rhetoric from political leaders also injected a spirit of optimism. Salva Kiir Mayardit, the South's first president, seemed to position himself as a reformer, using his inaugural address to call for the South Sudanese people to forgive, though not forget, perceived injustices at the hands of the northern Sudanese over the preceding decades and announced a general amnesty for South Sudanese groups that had warred against the SPLM in the past.[4]

In spite of such proclamations, however, the inception of the Republic of South Sudan has been gradually maligned by violent clashes which have been spreading, like wildfire, in areas around the North-South border and elsewhere. Abyei – an oil-rich region along the North-South border – has seen violent conflict devastate its landscape and inhabitants since January 2011, and this has become worse as time has progressed. Abyei was due to hold a separate referendum at the same time as the South's, when its inhabitants would also decide whether to become part of the North or South. Unfortunately, progress on that vote still remains deadlocked. The settled populations of the area, the more southern-oriented Ngok Dinka, assert that they alone should have that right to vote. But the nomadic Misseriya people, who migrate to Abyei for several months of the year from the North, are equally adamant that they should also have the right to vote. In the past, there have been major tensions between the two groups and thousands have died on account of feuds over water and land.

Due to the oil reserves and geostrategic importance of the region, the Abyei dispute has assumed broader political dimensions and been used as a bargaining chip between North and South. In May 2011, Sudan Armed Forces from the North and their allied civil militias stormed Abyei, set homes on fire, looted stores and forced anybody healthy enough to flee for their lives. More than 100,000 people have been displaced.[5] The dispute over Abyei is becoming one of the most intractable in Sudan.

Elsewhere along the border, hostilities have surfaced in South Kordofan and Blue Nile. Instead of having their own referendum, both areas were granted more vague 'popular consultations' to decide whether or not the CPA had met the aspirations of the people, but the findings placed little or no obligation on the central government in Khartoum to fulfil those expectations. Both the regions were heavily contested during the Second Sudanese Civil War, and fears that

the regions would be areas of continued instability and insecurity well beyond the South's independence are unfortunately being realised.

Tensions in South Kordofan intensified ahead of the gubernatorial and state assembly elections, held on May 2, 2011. The National Congress Party [6] candidate Abdul Aziz al-Hilu narrowly beat the SPLM candidate, but the SPLM alleged the voting was rigged. The tensions exacerbated, and fighting commenced in early June 2011 when SAF moved into South Kordofan's capital Kadugli and initiated aerial attacks, triggering clashes with SPLA units in the region and causing mass displacement. Some 50,000 people have fled from South Kordofan and Blue Nile state to Ethiopia.[7]

Violence has reached a particularly intense pitch in Jonglei, the largest state in the South which is bordered by Ethiopia. The incidence of fighting between the Luo-Nuer and Murle tribes has rapidly increased since December 2011 when 8,000 armed men from the Luo-Nuer attacked the Murle's home of Pibor County. Over 1,000 people were killed in fighting between the Luo-Nuer and Murle tribes between June and December 2011.[8]

The conflicts in Sudan have caught the attention of the international community and the United Nations Mission in South Sudan (UNMISS) was established on July 8, 2011 to support peace-building measures in the state. However, the UN peacekeeping missions have been widely criticized. In June 2011, deployments in Abyei were accused of deliberately failing to fulfil their mission to protect civilians in the region.[9] UNMISS has also recently faced criticism for its response to the ongoing conflict in South Kordofan. The SPLA has suggested that the UN has not only been largely ineffective to its response to South Kordofan's conflict, but has also been far too silent on the North Army's continued aerial bombardment of the region.[10] Also, although UN peacekeepers, community leaders and the South Sudanese government are maximizing their efforts to try and quell ethnic violence in Jonglei, new warnings and a lack of resources have analysts fearing that the violence will continue.[11] Overall, the escalation of inter-communal violence has tested the resolve of South Sudan and that of the UNMISS.

Continued border clashes brought the neighbouring states of North and South to the brink of war in April 2012. The two countries faced sanctions from the U.N. Security Council unless they thrash out a comprehensive deal resolving all their conflicts by August 2012. An agreement was reached in September 2012 which did just enough for the Sudans to avoid sanctions being implemented. The agreements allow South Sudan to resume exporting its oil through Sudan and created a demilitarized buffer zone along the border. The two sides also agreed to allow citizens of each country "four freedoms" in the other nation - freedom of residence, freedom of movement, freedom to undertake economic activity and freedom to acquire and dispose property. However, a permanent border between the Sudans has yet to be drawn. Also, leaders could not agree on the final status of Abyei; the North rejected a compromise proposed by mediators under the auspices of the African Union. The leaders also failed to find a way of ending the armed rebellions in both countries.[12]

As such, it is unlikely that the agreements will produce the period of peace which many hope for. Ultimately, it may be an uncomfortable reality that many of the flashpoints in Sudan are gradually becoming rapidly ticking time-bombs to even larger conflicts and more severe humanitarian emergencies.

These emerging crises in these two countries sharply highlight the need for discussion and reflection on South Sudan's independence and pathway into statehood so far. In consequence, this compendium of articles expounds the key issues surrounding South Sudan after its separation from the North. The articles in this collection were written for e-International Relations between June 2011 and July 2012 by experts on Sudan. This collection should be essential reading for those interested in Sudan, and the broader conceptual issues of state building, international development, humanitarian emergencies, conflict resolution and intrastate violence.

Early in the collection, journalist and human rights activist Rebecca Tinsley identifies the issues which could potentially ignite further tensions between North and South, including the imprecise border demarcation between the two states, oil sharing agreements and what becomes of the millions of southerners living in the North. She concludes by discussing the work that needs to be done by the international community in order for these issues to be effectively resolved.

The future of the war-torn region of Darfur after the South's independence is brought under examination by Hagar Taha's piece. Written inside Darfur, the article addresses the important question of whether the separation of the South from the North represents an opportunity to end the Darfur conflict. Taha argues that the most viable option for the South would be to pressure the Khartoum government into making a democratic transition into a system which would allow greater political and economic representation of Darfur and Sudan's other peripheries. The political and economic marginalization of most of Sudan's peripheries has been a source of much civil conflict in the past and so, for Taha, allowing resources needed for development to flow evenly from the centre of the country to deprived regions would be a feasible way of achieving greater peace.

Daniel Solomon's contribution explores the potential role that the U.S. and the international community could play in achieving better relations between the two Sudans. Using the international community's ineffectual response to the South Kordofan crisis as an example, Solomon suggests that U.S. policy toward Sudan is in need of a profound transformation from unilateralism to a form of multilateralism that incorporates international partnerships.

The article from John Prendergast, Jennifer Christian and Amanda Hsaio of the Enough Project examines the Jonglei crisis, and suggests possible solutions, both short-term and long-term, which could end inter-communal violence in Jonglei and potentially the whole of South Sudan. In the short term, it is suggested that there must be greater efforts made to protect civilians and address community grievances in Jonglei. It is then argued that the problems can be resolved in the long-term through 'enlightened' government policies which address economic development, political representation and establishing greater accountability for crimes committed in the context of inter-communal violence.

Following a similar line of thought, Diana Felix de la Costa's piece also presents an analysis of the responses to the cycles of inter-communal violence in Jonglei State. She observes that one of the problems in developing effective responses stems precisely from the lack of enough reliable information and evidence of the situation and of local perspectives. As a consequence, she argues that there is a need for greater in-depth research into local perceptions and understandings of violence, which must underpin any external support to short and long-term reconciliation.

An investigation into how the idea of a distinct concept of South Sudanese national loyalty has been used as a justification for oppression by the central government follows in Nicki Kindersley's piece. Whilst acknowledging that the trend towards monitored, enforced public political loyalty is not necessarily new in South Sudan, Kindersley argues that it has been hardened and broadened by independence and the renewed wars and conflicts inside the state

and on its border with Sudan.

In Professor John Mukum Mbaku's essay, potential steps which could be taken in order to achieve peace and sustainable development in South Sudan are examined. Mbaku argues for the provision of strong institutional arrangements that can enhance peaceful resolution of conflict in parts of South Sudan. He contests that the ability of South Sudan to achieve its development potential will be determined by how well the government facilitates and makes possible the introduction into the country of institutional arrangements that properly constrain the state, enhance entrepreneurship and the creation of wealth, and promote the peaceful coexistence of the diverse ethnic and religious groups that inhabit the country. Building upon this, he suggests that a decentralized form of constitutional federalism would provide an effective mechanism to achieve greater stability in South Sudan, and that in order to minimize resource-curse related problems, South Sudan should follow a policy of openness and transparency in the management of its natural resources.

Employing the metaphor of a family separation, Peter Run's contribution looks at the lingering tensions between North and South Sudan following their split. Run suggest that the issue of who will gain custody of certain citizens will become an ongoing dilemma in the divorce of the two Sudans. Extending the divorce metaphor further, he sees the prolonged dispute over oil resources as an additional source of tension between the nations.

Hagar Taha's second article provides a contemplative examination of South Sudan's first year of independence. Taha states the importance of understanding the complex context from which South Sudan's statehood has emerged as well as the changing nature of statehood in contemporary international relations in general. Contesting that the nature of statehood itself is changing, Taha argues that an evaluation of South Sudan's first year should be done moderately and any scrutiny should be within prescribed limits.

The final piece from John Ashcroft offers a broad reflection of the Republic of South Sudan's first year of independence. Ashcroft suggests that while South Sudan is clearly facing great problems and even grave danger at the moment, there are still reasons for optimism and hope. He observes that the people are resilient, determined and proud of their new nation. Ashcroft concludes that whilst the international community is largely supportive of South Sudan, they have shown themselves to be out of touch with the feelings of the population and do not understand the dynamics of recent events in South Sudan.

The compendium begins, however, with Harry Verhoeven's assessment of the state-building challenges facing the world's youngest state. Employing a historically-orientated approach, Verhoeven suggests that the South will face an uphill battle to bring all the freedoms and prosperity that its people deserve after a long history of violence and marginalisation. Written shortly after South Sudan seceded from the North, this article serves as a natural opening piece to the collection.

References

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[3] For a copy of the document see: http://www.aec-sudan.org/docs/cpa/cpa-en.pdf

[4] Sudan Tribune, Salva Kiir takes oath, grants amnesty to rebels; July 10, 2011

[5] UN News Centre, Sudan: Number of people displaced from Abyei rises to nearly 100,000;

[6] The National Congress or National Congress Party (NCP) is the governing official political party of Sudan. It is headed by Omar al-Bashir, who has been President of Sudan since he seized power in a military coup on 30 June 1989, and began institutionalizing Sharia law at a national level.

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Understanding the Implications of South Sudan's Independence

Harry Verhoeven | July 2011

Power is like a stick. Someone will hit you on the head with it if you put it down

Dinka tribal chief in Abyei, a disputed region between North and South

On Saturday July 9, 2011, one third of the territory of what was formerly the largest and perhaps most diverse country in Africa seceded to become an independent state. The birth of South Sudan ends a six year interim period that began with the signing of the Comprehensive Peace Agreement (CPA) in January 2005, which followed a series of brutal civil wars that claimed the lives of millions, mostly in Central and Southern Sudan. Media reports abound highlighting the excitement on the streets of Juba, the capital of Africa's 54th country: Southerners breathe a sigh of relief now that they finally feel able to control their own destinies, free from the Khartoum elites that have long been associated with authoritarian rule, ethno-religious chauvinism and underdevelopment. Yet will their dreams of democracy, justice and prosperity be realized?

To understand the challenges ahead for South Sudan, it is important to remember the tormented history of state building in this country the size of half of Western Europe. Historically dominated by a patchwork of pastoralist groups and sedentary cultivators, the Ottoman-Egyptian invasion of Sudan in 1821 had disastrous consequences for the peoples of the South. Regions like Bahr al-Ghazal and Equatoria were sucked into a violent international political economy that was built to help Muhammad Ali's Egypt rise to great power status. Southern Sudanese labour lay at the heart of the slave trade in North-East Africa that underpinned the expansion of the Egyptian state and economy. Most raiding was carried out by foreign adventurers, Northern Sudanese traders and (forcibly recruited) Southern muscle. Racial stereotypes and dubious religious invocations –Southern Sudan as "dar al-harb", thus controversially giving an Islamic justification to the trade – were developed to legitimise the systematic depopulation of tens of thousands of square kilometres and the associated large scale famines that sowed terror across the South until the 1920s.

The association of the state with 'trouble' for local populations continued after Sudan became independent in 1956. Under British colonial rule, the peoples of North and South had been segregated through the notorious "Southern Policy" which was meant to block processes of assimilation, but widened the gap in political and economic power between Khartoum and the peripheries. Unsurprisingly, it was the elites from the Nile River Valley who, having collaborated with the colonial authorities and were well acquainted with modern education and commerce, were best placed to capture the state. Southern demands for autonomy were ignored and dissent was violently crushed, leading to the Anyanya rebellion in the South between 1955 and 1972 and later to the uprising by the Sudan's People Liberation Army/Movement (SPLA/M) which waged war from 1983 to 2005. Thus, the consolidation of the Sudanese state, whether foreign controlled or with local elites at the helm, has always been associated in the South with the deployment of brute force and the destruction, not expansion, of livelihood options. At independence, South Sudan will officially be one of the world's poorest countries.

It is important to point out that these violent processes of state building and extractions of resources were by no means only experienced by Southerners: people in Darfur, the centre of Sudan (Kordofan), the East (Blue Nile, Beja territory) and even the High North (Nubia) have suffered from the same combination of political-economic marginalisation and socio-cultural discrimination. To illustrate the absurd and violent realities on the ground, take the example of a local village leader close to the North-South border; I asked him what "the state" meant to him:

"The State? Once every two years two people from Khartoum come to our place. One of them is a tax collector who asks us to pay – only Allah knows for what; we don't have electricity, a school, a health care centre or even a dirt road. The second is an army officer who comes for our sons, recruiting them into the military to fight the SPLA/M. That's the extent to which the State is interested in us."

These policies, in the South and elsewhere in Sudan, have been intensified by the current regime, which has been in power since 1989. Sudan, together with Iran and Afghanistan, is one of three states that underwent an "Islamic Revolution" in which army generals and Islamists united to defeat the SPLA/M challenge, rescue the Sudanese economy and introduce a strict form of Sharia. The Al-Ingaz (Salvation) regime has further deepened the inequities that are the root cause of endemic civil war, not least through declaring its counter-insurgency a jihad and widespread violence against 'deviant' Muslims and non-believers in conflict zones.

The 2005 peace agreement was intended to fundamentally reverse these dynamics of violence and exclusion and offer all Sudanese a place in a united, democratic and federal Sudan, with an Islamist government in the North of the country and secularism in the South. It was an internationally brokered package deal with many drawbacks, but it did offer numerous options for a genuine transformation of the state, including wealth sharing, power sharing and democratic elections. The hope generated by the CPA was symbolised by the return of SPLA/M-leader Dr John Garang de Mabior to Khartoum after 22 years in the bush, where he was greeted by an ecstatic crowds of millions of ordinary people in July 2005. Garang, though a Southerner, was not a secessionist, but a passionate believer in a New Sudan, a home for all its citizens, regardless of their ethnicity, gender or socio-economic background. He argued that

the problems faced by the South were fundamentally no different than the sufferings of people across the country at the hands of the Khartoum elite. However, one week after his triumphant visit to Khartoum, the SPLA/M chairman died in a mysterious helicopter crash, leaving his former bush commanders in charge of an autonomous Southern Sudan.

When negotiating the CPA, Garang had insisted on a right to self-determination for the South, a last resort for the devastated region if a united, democratic Sudan proved to be impossible. While implementing the peace agreement would have been tricky even with Garang around, there can be little question that his death was a tremendous blow to the idea of a New Sudan. An implicit carve-up ensued with the military-Islamist regime in Khartoum focused on administering the North (and claiming to have preserved its 'Islamic identity'), with the SPLA/M leadership embracing the secessionist sentiments of its militants and investing little time in the possibility of unifying Sudan's divided and marginalised people. The (not so democratic) general elections of April 2010 resulted in overwhelming majorities for the ruling National Congress Party (NCP) in the North and the SPLA/M in the South, through a mix of intimidation of opponents, machine politics and incumbency advantages. It came as a surprise to no one that the January 2011 referendum in South Sudan pointed to separation: nobody had tried to make unity attractive.

The six year interim period of the CPA did not yield democracy, unity, justice or prosperity for most of Sudan's people. Oil-driven economic growth led to local booms in Khartoum and Juba, but was not used to address the fundamental inequalities that had plunged Sudan into decades of war. Post-conflict reconciliation and an end to the impunity for human rights violations were not part of the agenda of NCP and SPLA/M. Above all perhaps, the central Sudanese state remains deeply authoritarian, focused on resource extraction and locked in a violent relationship with the peoples of the peripheries.

Worryingly, secession is unlikely to lead to a very different kind of state in South Sudan. Following the controversial elections, increasing intolerance for critical media and growing corruption scandals, fears are emerging that SPLA/M-controlled Juba will be a new Khartoum: centralising, repressive, and uninterested in the plight of ordinary pastoralists and cultivators who try to survive in a harsh environment. The SPLA/M itself is deeply divided, due to clashing ethno-regional affiliations and personal antagonisms that are likely to deepen as the movement's leaders compete over the spoils of independence. President Salva Kiir and Vice-President Riek Machar, friends-turned-enemies who reconciled a couple of years ago, urgently need to find ways of uniting Southerners behind an inspiring vision that goes beyond the notion of a common enemy in Khartoum.

The South will face an uphill battle to bring all the freedoms and public goods that its people deserve after decades –centuries- of violence and marginalisation. There is a worryingly long list of reasons to be pessimistic about the near future, including a multitude of unsettled issues with the North (sharing of oil and water, the disputed Abyei border region, currency arrangements, etc.), intra-Southern tribalism, unresolved legacies of the war and the night-total absence of physical infrastructure and human capital in South Sudan.

This is where the international community can play a limited but vital role. Economically, helping to build all-weather roads, setting up health care facilities and expanding the electricity grid are crucial, as is support for South Sudan's great potential in agriculture and animal husbandry; politically, the SPLA/M should be pressured to allow maximal political space for the public to engage with the system, tackle sprawling corruption and decentralise power from Juba. The real grievances underpinning the chronic insecurity and multiple uprisings across the South should be engaged with, even if Khartoum-backed spoilers like warlord Peter Gadet should be confronted. Finally, the international community should make political, technical and financial resources available for a South-South dialogue in the new country, which ought to include transitional justice arrangements. It is an oft-forgotten reality that most of the two million victims of the war were Southerners killed by other Southerners (sometimes in the pay of Khartoum, sometimes not), a bitter legacy that must be dealt with through a national discourse.

Doubt and bitterness prevail amongst many non-Southern Sudanese on the eve of independence, but history is not destiny. The question is no longer whether secession should have happened or not; it is how the marginalised people of North and South can move beyond the all-consuming violence and build lives that extend beyond bare subsistence. Amidst the euphoria on the streets of Juba and the cynicism of the pundits, it is realistic but ambitious ways

Premature Adulation in Sudan

Rebecca Tynsley | August 2011

forward that should be considered. The people of South Sudan will need more than just our prayers for the foreseeable future.

On July 9, 2011 diplomats celebrated the birth of Africa's newest country, South Sudan, like over-stimulated toddlers at a party. The media followed suit, with trivial and sometimes patronising stories about the new national anthem and flag, and the admittedly strange plan to create cities in the shapes of African animals.

Sadly, those involved should have focused on the agenda items they failed to address before sending out the independence day invitations. Postponed until an unspecified time were:

1) The location of the border between north and south;

2) Who has citizenship, and what becomes of the millions of southerners living in the north; and

3) How much the north would charge the south to tranship its oil across northern territory to Port Sudan.

Each issue has the potential to reignite war. Consequently, and entirely predictably, the region is falling apart before our eyes.

According to Human Rights Watch,[1] the northern Sudanese regime of President Bashir, based in Khartoum, has been bombing South Kordofan state, in the disputed border area, on an almost daily basis since June; satellites reveal freshly-dug mass graves (www.satsentinel.org) and the UN's OCHA estimates 200,000 civilians have been killed, wounded or have fled their homes to hide in the Nuba mountains where they face starvation.[2]Given these unpromising events, celebrating the birth of the Republic of South Sudan (ROSS) seems premature.

The border

It is the Nuba people's bad luck to find themselves in South Kordofan state, on the northern side of the notional border, cut off from the ethnic, religious and political groups with which they identify in ROSS. Since June 5th, Khartoum has effectively branded all black citizens in South Kordofan as enemy insurgents, and is hunting them down, dragging them from their homes and executing them in the streets.

Church members and educated people have been targeted, while UN peacekeepers stayed in their barracks; eyewitnesses even accused some Egyptian UN troops of joining in the killing on June 8th, supporting their co-religionists in the northern Sudanese army. On June 20th northern Sudanese security forces, dressed as Red Crescent workers, lured 7,000 terrified Nuba people away from the UN compound to which they had fled in the optimistic and unfounded hope the UN might protect them. Their fate is unknown. This information was contained in a leaked internal UN report that was rapidly withdrawn for fear of upsetting Khartoum and jeopardising ROSS's independence party. The above reports have also been verified by credible local faith groups with whom my NGO, Waging Peace, has been working for years.[3]

There are recent reports that advanced war planes belonging to the Iranian Revolutionary Guard have been spotted at Ubayd airfield. The planes, the 66 Star, the 55 NT Star and the 49 NT Star, are proof of President Bashir's friendship with Tehran. The Sudan People's Liberation Movement believes the planes are equipped with nerve gas which will be used on the Nuba people sheltering in the mountains. Whether this is true or not, the rumours have had the effect of convincing the Nuba they have nothing to lose, so they might as well fight to the death.[4]

It wasn't supposed to be like this. Back in 2005 when the Comprehensive Peace Agreement (CPA) was signed, it brought to an end a war that had claimed two million lives. Dedicated UK, US and Norwegian diplomats achieved the almost impossible by pressing Khartoum to stop decades of slaughtering its southern citizens.[5]

The ethnic groups of southern Sudan, mainly black African and non-Muslim, had endured brutality at the hands of the mostly Arab and Muslim north for hundreds of years. To blame colonialism for current divisions ignores the historic role of Arab northerners in the slave trade, selling black Africans from Kordofan and Darfur to the Ottoman Empire, for use in Mohammad Ali's army, and to the white man. Sadly the same vile assumptions about Arab racial superiority persist to this day.

In the early 1900s Churchill, visiting the Nuba, was impressed by their desire for independence. He was also shocked that the Arab Sudanese army used the Nuba for target practice.

When the CPA was signed, the plan was to use the following six years to resolve issues such as the border location, culminating in a self-determination referendum in January 2011. Despite the warnings from all who knew Khartoum's track record, those involved failed to grasp that any non-Arab or non-Muslim left on the northern side of the border would be in peril. South Kordofan, Abyei and Blue Nile states were thus assigned to the north, with ill-defined 'local consultation' on their future status pledged. In the case of Abyei, the Dinka (ethnically black African) were promised a referendum, but the tough decision on who was eligible to vote was ducked. Hence

in May Khartoum's troops ethnically cleansed Abyei of black Africans, moving in the nomadic Misseria Arabs so they could claim voting rights.[6]

The international community avoided rocking the boat for fear the north would drop out of the CPA. They appeased Khartoum, tolerating its stalling tactics, and averting their eyes as Khartoum broke its own promises, including in Darfur. Each failure to hold Khartoum to its commitments was rightly interpreted as Western spinelessness.

The result of this dithering diplomacy is there for all to see: the black African citizens of north Sudan are being hunted from helicopter gunships like animals; farmers who should be planting crops are hiding in the mountains where they face starvation whatever now happens.

The West German dilemma
How long will black Africans and Christians in ROSS and the neighbouring Blue Nile state in the north stand by as Nubans and Dinka are killed by Khartoum and its proxies? Will they settle for co-existence, as West Germans did, knowing their cousins were being oppressed?

On July 1st President Bashir ordered his soldiers to "continue operations in South Kordofan until they clean the state of rebels."[7] If the black African people of Blue Nile state and ROSS refuse to tolerate mass murder next door, there could be war along the border, from Darfur to Ethiopia.

The international reaction
The UN Security Council met privately on July 15th to discuss the leaked internal report on South Kordofan mentioned above. They were urged to intervene by the International Red Cross, the Red Crescent and UN senior staff. However, the US envoy to Sudan, Princeton Lyman, cast doubt on the UN's report, numerous eyewitness accounts and the satellite pictures, saying there was no clear evidence of mass graves. Given Washington's disengagement, it was little surprise that Russia and China used their veto on a UN Security Council resolution on South Kordofan on August 12th.[8]

So, while the US uses the Responsibility to Protect to justify intervention in Libya, it will not do so in Sudan. Why? Khartoum is "helping" Washington in the war on terror in Somalia and Yemen. A former US envoy has also suggested the Obama administration wants to repair its relations with the Arab and Muslim worlds. Good luck with that, as they say in the States.

Citizenship
During the war, millions of southerners fled to Khartoum to escape the bombardment. They found work and had families. Now, they are being fired from their jobs because of their, or their parents' ethnicity, and are being intimidated. Thousands have fled, giving up homes and possessions in fear of reprisals from a northern population that has never welcomed them.[9]

Last December, President Bashir proclaimed that the new northern Sudan would be a monolithic Islamic Arab state. "There will be no time to speak of diversity of culture and ethnicity," he declared. "Shari'a [law] and Islam will be the main source for the constitution, Islam the official religion and Arabic the official language." [10]

It is estimated as many as two million people of southern background live in the north,[11] potential hostages in any argument with ROSS. It was therefore careless of the international community to have left the details of citizenship unresolved, and to walk away from Sudan without demanding constitutional civil rights for minorities.

Oil revenues
ROSS has one thing going for it: 385,000 barrels of oil a day. An estimated 75% of the former nation's oil reserves are beneath ROSS territory. Until independence the oil was exported to its Chinese buyers through a pipeline running north to Port Sudan. It would cost an estimated $1.5 – $3 billion to build a pipeline to a suitable Kenyan port, but ROSS's reserves are not big enough to justify it. Hence Khartoum is taking advantage of its monopoly position by charging a $33 barrel duty, sixteen times the highest going rate. In neighbouring Chad, they pay $0.4 a barrel for transhipping.[12]

What is ROSS's future?
History teaches us that it doesn't always go well when rebels become politicians. A foreign diplomat in Juba points out that of the $12 billion in oil revenues going to the interim southern administration since the 2005 peace deal, $3 billion is unaccounted for.[13] Regrettably, Africa's newest country is a one-party state, where journalists and opposition are arrested and beaten up, and where jobs go to loyal rebel Sudan People's Liberation Movement or Army comrades. Of the 170 seats in parliament, only four are held by non-SPLM parties; a local civil servant told us 40 of the 170 were illiterate. The SPLM controls an estimated 40-60% of the economy, with savvy Ugandan and Kenyan traders benefiting most in the six years since the ceasefire.[14]

The US alone has poured $2 billion into the south since 2005.[15]Yet, visitors find a land with a stone aged economy and infrastructure, with the highest maternal mortality rate in the world (one in seven pregnancies ends in the mother's death). Female illiteracy is 80 to 90%, and a fifteen year old girl has more chance of dying in childbirth than she does finishing primary school.[16]

If farmed efficiently, ROSS could feed all of Africa, but training people to grow crops has not been a priority. The president, Salva Kiir, skilfully provides Western nations with the development clichés required to unlock access to donations. He speaks of cracking down on corruption, and of appointing officials on the basis of merit rather than tribe. But African citizens know from experience that words count for little.

The UK position
On July 20th Foreign Office minister, Henry Bellingham made his second trip to Bashir's Sudan. He "reiterated the preparedness of his country to assist Sudan in building a prosperous future," the regime's news agency gushed, describing joint development projects: business as usual, then.[17] His stance is at odds with the honourable position taken by DFID chief Andrew Mitchell, who also remains concerned about the upswing in regime-sponsored bloodshed in Darfur.[18]

What must happen:
If the UN had the political support of its powerful members, it would impose a no-fly zone to stop Khartoum bombing its own people. The UN would also demand access for its agencies and for humanitarian groups to both South Kordofan and Abyei. But Ban Ki Moon is not the man to face down Bashir, particularly when America is equivocating.

In the words of Brieuc Pont, a spokesman for the French mission to the UN, "Violence against civilians cannot be met with blank stares from the Security Council."[19] But that is exactly what will continue, as with Darfur. Those responsible will face no consequences. And as for ROSS's future? Good luck with that.

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Darfur and South Sudan: United in Struggle, Divided by Future?

Hagar Taha | September 2011

It was a funeral-like day in Khartoum. The official declaration of the independence of the South of Sudan, on the 9th of July, left a sense of bitter loss in the air. People walked down the streets looking as if they have lost someone dear. The only positive aspect was that they were blaming the policies of Sudan's consecutive governments in handling the conflict in the South, while wishing all the best to their Southern fellows.

Everyone in the North had a theory as to the cause. It generally involved blaming interest-based international intervention in the affairs of Sudan coupled with Sudanese governments that either did not know how to properly integrate the South or intentionally and systematically isolated it. But whatever their explanation of the tragedy, there was a sense of determination that this was never to happen again; that they will never allow further disintegration of the Sudan into smaller states. Here, the questions of the Nuba Mountains, South Kordofan, Blue Nile and Darfur come to mind. Thus, there is an urge now, on a social as well as political level, to settle the Darfur question lest it eventually goes down the same route as the South. But the question here is whether Darfur can actually be compared at all with the South. Is separation even an option for ending the conflict?

The South Struggle: Tragic Civil Wars

The South question started even before the independence of Sudan in 1956 with one civil war that extended from 1955 to 1972, and another that started in 1983 and ended with the signing of the Comparative Peace Agreement (CPA) between the Government of Sudan (GoS) and the Sudan Liberation Movement (SPLM/A) in Nairobi in 2005. During the Anglo-Egyptian rule of the Sudan until 1956, both the British and the Egyptian governments administered

south and north Sudan as separate regions but slowly, and eventually, started to deal with them as one entity. This move created fear in the South – which is predominantly inhabited by Christians and animists and considers itself to be culturally sub-Saharan – that they would be isolated in a political system controlled by the North – which is predominantly Muslim and views itself as Arabic. The result was tension between the South and the North as the declaration of independence approached and no signs of power sharing seemed to be on the horizon.

The first civil war led to the death of about five hundred thousand people while many hundreds of thousands were internally displaced or forced to leave as refugees. The Addis Ababa Agreement ended this war in March 1972 by granting the Southerners a single administrative region with various defined powers, but it turned out to be only a temporary pause in the unrest because, within a decade, another tragic war started resulting in the death of about two million people and the displacements of about four million. The CPA, which ended this second war, provided the Southerners with two options: either they would remain within a united Sudan, or establish their own independent state. The decision would be determined in a referendum scheduled for January 2011. Eventually, the South and the North went separate ways on the 9th of July of the same year and an independent state for the Southern Sudanese was established.

The South Secession: Determining Factors

It is important to note three determining factors that led the Southern conflict to unfold in the manner it did. First is the unity of the Southern rebellion movement. Starting with uncoordinated insurgency in Southern rural areas in 1955 as a reaction to oppression and marginalization of the North, the insurgents gradually developed into a secessionist movement composed of rebels and southern students, Anyanya. In 1971, former army lieutenant Joseph Lagu gathered all the guerrilla bands under his Southern Sudan Liberation Movement (SSLM) which was the first unified body for Southern secessionists. Later, in 1983, and upon the GoS's abandonment of the Adis Ababa Agreement, the Sudan People's Liberation Movement/Army (SPLM/A) was established as a continuation of the secessionist ideals with Joseph Oduho as chairman and Colonel John Garang as a commander, and later on its leader.

The SPLM/A continued to be the sole representative of the Southerners and their demands for separation, meaning that the southern struggle was integrated in unified body, unified leadership and unified demands, although a notable exception is the Anyanya II, but this group was eventually disbanded and many its members incorporated into the SPLM/A. This has strengthened its influence on the Sudanese political scene and eventually meant the call for an independent state was both understandable and plausible.

This leads to the second determining factor in the South's secession which is the fact that, during its struggles with the North, which is almost as long as the history of post-independent Sudan itself, the South has had one clear demand: secession. They did not see themselves historically or culturally part of the North and had expected independence ever since British rule had ended. This clear vision of their future also added to the strength of the secessionist claim and as independence was the primary demand by the South, it only made sense that they would eventually separate into an independent state.

But unity of rebellion and demands would not have been feasible without regional and international support for the secession of the South, which is the third determining factor which led to separation. The role of the US, the European Union and the United Nations has been crucial in supporting the Southern quest for independence, especially in relation to the worsening of the humanitarian situation and with the Sudanese government escalating its

attacks on the Southern opposition. With the development of the second civil war as it seemed clear that self determination seems the only viable option for settling the Southern question Anyanya.

Darfur: Another Marginalized Periphery

As with the struggle of South Sudan, the Darfur conflict has a long history. The Fur Sultanate was established in 1650 and was annexed to the Sudan by the Turks in 1874, but Sultan Ali Dinar made it independent once again in 1898 until it was annexed by the Anglo-Egyptian rule in 1916. In the period from 1916 to 1956, Darfur was ruled mainly through Native Administration supervised by the British occupiers. But ever since independence, there has been unrest in Darfur. From 1956 to 1980, the conflicts were mainly between local tribes over limited resources. Between 1983 and 1993, the nature of conflict changed to include tribal ethnic groups, Chadian political movements and the central government. Then, in the period from 1992 to 2002, the ethnic dimension of the conflict grew and, with the interference of the government, it developed from the local to the national level.[1]

But many of the people in Darfur argue that the roots of the 2003 conflict started when Omar Bashir, with his National Salvation Government and his National Conference Party, came to power on the 30th of June 1989. This is because his Islamization and Arabization policies fed the conflict with ideological and ethnic rationales, making concrete the divide between Arab and Zurqa (Black), and eventually provoking the rebels to take up arms against the government forming the Darfur Liberation Movement (DLM). The DLM developed into the Sudan Liberation Movement (SLM) – led by Abdul Wahid al Nur of the Fur and Minni Minnawi of the Zaghawa – and the Justice and Equality Movement (JEM) – led by Dr. Khalil Ibrahim of the Zaghawa.

There is no general agreement on the exact number of people who have been killed in the latest eruption of conflict in Darfur, but the Centre for Research on Epidemiology of Disasters published an article entitled Patterns of mortality rates in Darfur Conflict which estimated that the excess number of deaths is between 178,258 and 461,520, with 80% of these due to worsening humanitarian conditions.[2]

Darfur and South Sudan: Fault Lines

There are indeed factors that place Darfur and South Sudan in the same category of 'marginalized periphery'. The two regions have suffered for decades from neglect by the center, which always viewed itself as Arab and later on as Muslim, systematically undermining areas that did not fit into this categorization including the South, Darfur, Blue Nile, Kordofan, Nuba Mountains and to some extent the East. This cultural and social marginalization led to economic and political marginalization and these peripheries have come to be defined by poverty and underdevelopment, as their rich resources have been transferred to the ruling elite in Khartoum without receiving equal political participation and representation. This pattern has led to many rebellions and secessionist movements across Sudan since its independence. But though these rebellions share almost the same underlying cause, they have not unfolded in the same manner, they do not have the same demands or share the same future. Darfur and South Sudan are a case in point.

Though Darfur and South Sudan share the same history of marginalization and underdevelopment, there are differences that mean the separation of Darfur is far from the most favourable or viable option from the perspective of either the rebels or the government.

Firstly, there is no unified rebellion movement in Darfur. Though the recent rebellion started with two main movements, JEM and SLA, these disintegrated into many other sub-movements each having their own leadership, demands, and their own mechanisms of negotiating with the government. This dynamic is perhaps not surprising when one considers that organized rebellion against the government is a recent phenomenon in Darfur, while conflict between tribes and underdevelopment both have long roots in the region.

Furthermore, there has never been an agreement among the rebellion movements that separation should be an objective. For example, JEM's Black Book, outlines its reasoning for starting an organized rebellion against the government. It mainly tackles imbalances of wealth and power in the Sudan, but never mentions a plan for separation; rather a desire of integration and development. One of the reasons behind this desire for integration may lie in predominant identities in Darfur. The majority of people in Darfur view themselves as Muslim; an identity which is emphasized by the ruling elite as part of the broader Sudanese identity. As a result, their sense of belonging to the Sudan was never completely dissolved, unlike the South. Even after the government of Sudan had armed Arab tribes (Janjaweed) against rebels who are predominantly non-Arabs, the Darfur people and the rebels still demand and fight for integration and not separation. The Muslim identity allowed for inter-marriage between Darfur's people and those from the North which has created a generation of Darfuris mixed socially and culturally with the rest of Sudan. Also, all of the tribes of Sudan are represented in Darfur which ties the Darfuri identity even more with that of the Sudan.

Finally, after a bitter fight with the South to separate, which has consumed the political and economic resources of regional and international players and will yet consume more in support of the newly born state, it seems that there is no will or support for yet another weak and underdeveloped state to be born in the region. The international and regional pressure is directed towards peacemaking with Darfur rebel groups along the lines of more development and political representation. In that sense, the option of self determination is rarely discussed, and when so, it is usually dismissed as an unpractical and undesired option for all parties involved.

Conclusion

The Darfur conflict is yet another devastating Sudanese rivalry between the core and the periphery resulting in a humanitarian crisis for hundreds of thousands of people through killing, displacement and loss of resources. Though two peace processes were perused, resulting in the signing of another Darfur Peace Agreement in May 2011, the conflict is far from finally settled. The option for Darfur now remains to pressure the Sudanese government to make a democratic transition in which the system allows more space and representation for peripheries from all over Sudan, not just Darfur. This would allow resources for development to flow evenly from the centre to deprived regions which have been systematically cut off from the political system while being used for economic gains for decades.[3]

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Revising Our Strategic Outlook in the Two Sudans

Daniel Solomon | September 2011

In the months since South Sudan's declaration of independence from Sudan, the international community's gaze has regrettably shifted from ongoing instability in the two Sudans. While the U.S. government reconfigures post-referendum strategic partnerships with the Khartoum and Juba regimes, clashes between the Sudanese Armed Forces (SAF) and Sudanese People's Liberation Movement (SPLM)-aligned forces have plagued Sudan's South Kordofan and Blue Nile regions. Meanwhile, in South Sudan, political tensions between marginalized ethnic communities continue to strain the South Sudanese security sector.

The U.S. and international community have proven uniquely incapable of addressing the intertwined challenges of political instability and civilian protection in the post-independence Sudans. U.S. diplomatic engagement has done little to coax Sudan and South Sudan toward civilian protection policies, and UN-initiated ceasefires in South Kordofan have been tenuous, at best. As has become imminently clear in the short post-independence period, a path toward comprehensive conflict resolution within and between the two Sudans will necessitate a profound shift in policy priorities, approaches, and partnerships.

The South Kordofan Crisis: A Case Study in Misguided Policy Approaches

The wane of U.S. policy leverage with Khartoum and the persistent schizophrenia of U.S. policy toward emerging crises continue to limit the effectiveness of U.S. conflict resolution and civilian protection initiatives in Sudan and South Sudan. The recent and ongoing conflict in the Sudanese border region of South Kordofan is emblematic of the limits of U.S. influence, and the necessity of a reconfigured policy approach toward civilian protection in Sudan.

The present conflict in South Kordofan began in mid-May, following the contested election of Ahmed Harun, an International Criminal Court (ICC) indictee, as the National Congress Party (NCP) governor of the Sudanese state. Rejecting the results of the gubernatorial elections, Abdelaziz al-Hilu and his SPLM-North (SPLM-N) allies withdrew from the South Kordofan government, creating a power vacuum in the state legislature. Responding to the perceived threat of a SPLM-N rebellion against the Harun's state regime, the SAF mobilized forces against SPLM-N in Kadugli town, the state capital.

Clashes between SAF and SPLM-N forces began on June 5. The ensuing conflict lasted until South Sudan's declaration of independence on July 9, when the political dilemma of a new South Sudanese state sparked a brief lull in violence. The Khartoum regime quickly placed restrictions on humanitarian access, UN peacekeeping operations, and press reporting in the Kadugli area, limiting international exposure to the full scale of atrocities perpetrated by the SAF. Reports by human rights organizations[1]and the now-defunct UN Mission in Sudan (UNMIS) have clarified the scope of Khartoum's targeted attacks against South Kordofan's civilian population, including house-to-house arrests of SPLM activists, intentional strikes on civilian population centers, and extrajudicial killings. Whether or not the much-discussed[2] mass graves actually exist,[3] the fact of grave humanitarian trauma throughout the South Kordofan crisis remains.

Facing the twofold context of a successful intermediary peace process in Sudan's volatile Abyei region and the looming prospect of South Sudan's independence, the international community mounted an unimpressive response to the South Kordofan crisis. The United States offered rhetorical objections to the uptick in SAF violence against civilians, confirming the Obama administration's support for civilian protection, conflict resolution, and restraint on both sides. Meanwhile, Russia and China thwarted the UN Security Council's attempts to condemn Khartoum's civilian targeting in South Kordofan, providing the NCP regime with a diplomatic victory. Sudanese President Omar al-Bashir finally declared a ceasefire in mid-August, though reports[4] of SAF airstrikes persisted.

Parsing International Policy Leverage

The UN Security Council struggle over civilian protection in Sudan, and the simultaneous U.S. and international policy impasse on the South Kordofan crisis, reflect the continuous challenges of civilian protection and conflict resolution policy in an increasingly multipolar international sphere. Both recent U.S. diplomatic history in Sudan and, from a macro-perspective, shifting power dynamics in the international system have restricted the tangible impact of U.S. policy on the Khartoum regime. Where U.S. credibility coaxed Khartoum to the negotiating table at the end of the two-decade North-South civil war in 2005, the Obama administration's perceived backsliding on its benchmarks for diplomatic normalization has reduced the effectiveness of U.S. incentives for civilian protection. China's decade-long emergence as Sudan's primary great-power patron has out-muscled U.S. policy leverage, creating an infertile environment for effective economic sanctions threats, diplomatic signalling, and rhetorical condemnations of mass atrocities.

Although Beijing remains, as a rule, unwilling to pressure Khartoum toward civilian protection and tangible human rights policies, recent diplomatic history has offered a succession of exceptions. In the context of Darfur, examples abound: China abstained from the UN Security Council's referral of the situation in Darfur to the ICC, allowing the Court to move forward with an investigation into Khartoum's abuses in the embattled region of western Sudan. Additionally, China abstained from the Security Council's vote on the deployment of a joint UN-African Union peacekeeping force in Darfur, and subsequently contributed troops to the deployed force. China-Sudan relations throughout the Darfur crisis were far from benign, but China remained a key contributor to the multilateral response to the crisis.

Similarly, during the months prior to South Sudan's January independence referendum, high-level U.S. policy leadership on civilian protection and conflict resolution in South Sudan facilitated a robust and ultimately effective policy response. In the absence of overwhelming influence with the Khartoum regime, U.S. leadership in the international arena succeeded in mobilizing political leverage from emerging powers in support of peaceful independence referendum. In the year leading up to the referendum, U.S. policymakers remained engaged with their international partners at a high level, indicating the prioritization of conflict resolution in South Sudan. As Becca Hamilton has noted[5], the absence of bilateral and multilateral policy prioritization surrounding the South Kordofan crisis, the completion of unresolved components of the North-South Comprehensive Peace Agreement (CPA), and civilian protection in the two Sudans has limited the international community's response.

As the international community's ineffectual response to the South Kordofan crisis indicates, U.S. policy toward Sudan necessitates a profound reconfiguration. Where the pre-referendum mobilization of bilateral, multilateral, and international-institutional partnerships demonstrated the importance of maximizing non-U.S. leverage for civilian protection and conflict resolution in Sudan, the South Kordofan response demonstrated the pitfalls of unilateral U.S. leverage. This lesson is well-applied to a comprehensive set of conflict resolution processes in the new Sudans, particularly as the United States and China vie for regional economic, political, and military influence, Khartoum and Juba continue to face significant crises in governance, and festering conflicts in the border regions of South Kordofan and Blue Nile State continue.

As with the full spectrum of U.S. foreign policy decision-making, U.S. policy effectiveness over the next decade will require a distinct adjustment in U.S. relations with the international political sphere. The essential dilemma between unilateral U.S. power and multilateral leverage will remain at the core of the U.S. strategic outlook; nowhere is the necessity of this shift more clear than in the two Sudans.

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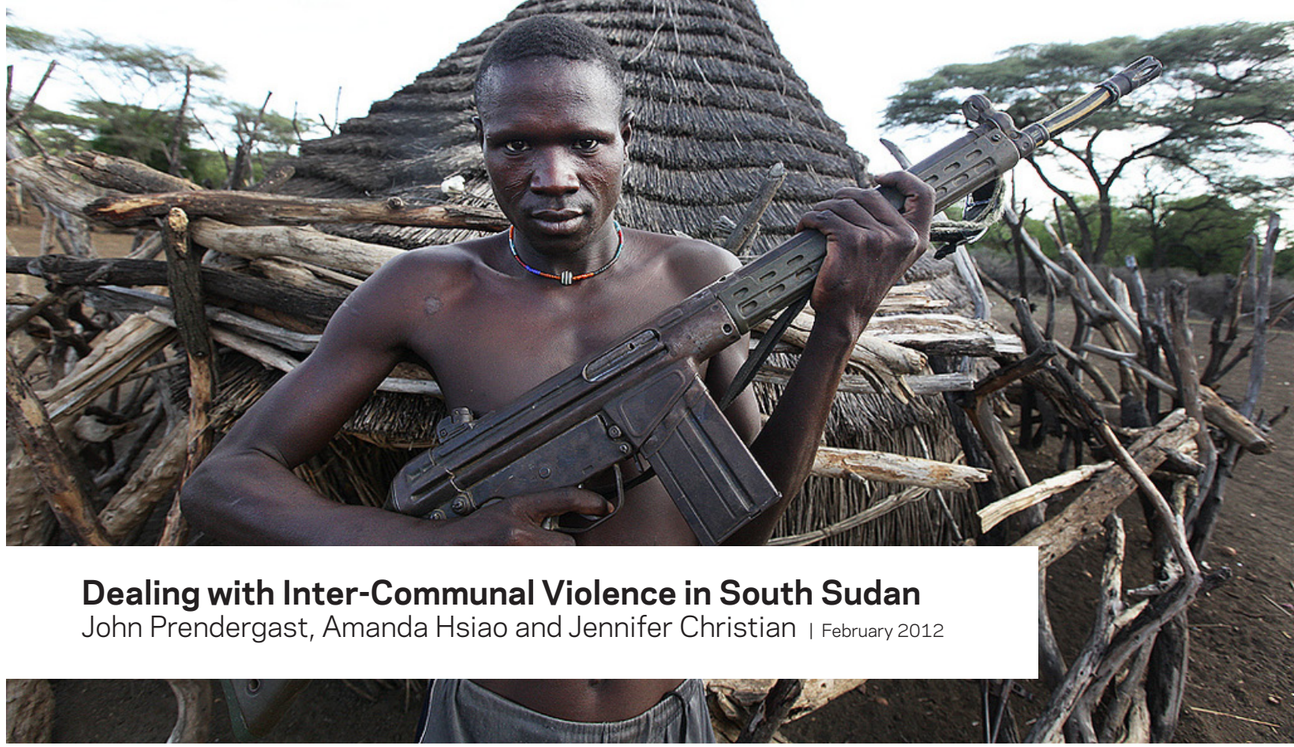

Dealing with Inter-Communal Violence in South Sudan

John Prendergast, Amanda Hsiao and Jennifer Christian | February 2012

The Republic of South Sudan’s declaration of independence in July of last year gave rise to serious questions regarding the country’s security, economic viability, and capacity to address its numerous development challenges. In the last six months, the challenge of avoiding war between North and South has largely overshadowed troubling internal rifts within South Sudan. Jonglei was the first to explode, but if issues of power-sharing, wealth-sharing, and local justice and reconciliation are not addressed, Jonglei will not be the last example of internal violence in South Sudan.

Inter-communal violence in Jonglei has underscored, among other things, the weaknesses in South Sudan’s security and policing sectors. It has also brought to the fore underlying issues of a lack of accountability and political inclusion, as well as the breakdown of traditional authority structures, which collectively threaten to erode the fragile social and political stability of the new nation. The potential for internal violence in South Sudan is, sadly, not new. During Sudan’s second civil war, south-on-south violence, perpetrated largely along ethnic and communal lines and fuelled primarily by the Khartoum government and its proxies in the South as well as the Sudan People’s Liberation Army, cost a great many lives. The tip of the iceberg is the resurgence of conflict between the Lou-Nuer and Murle communities of Jonglei, but below the surface, other potential inter-communal crises exist throughout South Sudan.

Inter-communal violence in Jonglei and throughout South Sudan, while traditionally cyclical in nature, is not inevitable. The causes of this violence go beyond the retaliatory nature of cattle raiding and touch upon broader issues of accountability, reconciliation, political inclusion, state effectiveness, development, and the proliferation of arms among the civilian population. Actors outside of the immediate conflict, including, for decades, the government of Sudan, and now politicians in South Sudan and militia groups with linkages to Khartoum, have also exacerbated the violence. The effort to build the new nation’s political, legal, and social systems and the recently initiated process to draft a permanent constitution offer a unique opportunity for the

RSS, supported by the international community, to find solutions to the more systemic causes of this and other such instances of inter-communal violence throughout the new nation.

The people of Jonglei have experienced a long history of inter-communal violence. The most recent escalation began with a Murle attack on the Lou-Nuer community in August 2011, which resulted in the deaths of over 700 people. Following this attack, there was a widely held expectation in South Sudan that the Lou-Nuer would launch a retaliatory attack on the Murle. This was borne out in December 2011, as reports emerged of a mobilization of Lou-Nuer youth with the aim of seeking revenge for prior Murle attacks, rescuing kidnapped women and children and regaining stolen cattle. The response of the RSS and the U.N. to both the August attack, and the December reprisal, both in terms of the facilitation of reconciliation efforts and the provision of security and civilian protection were largely inadequate. Smaller-scale reprisal attacks have since occurred and the threat of still larger rounds of violence remains. The U.N. estimates that approximately 140,000 people in Jonglei have been affected by the recent violence and are now in need of humanitarian assistance.

In the immediate term, the RSS and the international community must work rapidly to address the humanitarian situation in Jonglei and ensure that those affected by the initial attacks and the most recent counterattacks are provided with necessary aid. The RSS and the international community must also work in earnest to redouble their support for inter-communal reconciliation efforts and provide security to civilian populations in Jonglei and throughout South Sudan.

Specifically, a concerted inter-communal reconciliation process is needed 1) to bring the two communities into dialogue on accountability, compensation, and similar mechanisms necessary to address grievances on both sides, and 2) to compel actors in both communities to refrain from using or promoting violence as a means of addressing long-standing grievances. The process will require the active involvement of the RSS, civil society, the Sudan Council of Churches, and traditional community leaders, as well as more robust support from UNMISS and donor nations.

The RSS's decision to assume leadership over the reconciliation process is critical for bringing about sustained peace between the Lou-Nuer and Murle communities. Actual grassroots mediation between, and engagement with, the two communities, though, should remain under the leadership of the Sudan Council of Churches, given the churches' relatively neutral and trusted position among both communities, as well as its long history of peacemaking in the region. To this end, the church must strengthen its relationship with Murle and Lou-Nuer youth leaders, whose disaffection with government at all levels and traditional leaders appears to have grown. A deeper understanding of the dynamics and hierarchical structure of both the Lou-Nuer and Murle communities, in general, is also needed for the church-led effort to engage strategically and comprehensively with the appropriate stakeholders.

To ensure that civilians are more effectively protected, immediate steps must be taken to increase the capacity of UNMISS, the SPLA, and the SSPS. For UNMISS to be able to fulfil the civilian protection aspect of its mandate, it must be better equipped and its force strength must be increased. The U.N. and the international community should take steps to outfit UNMISS with better surveillance capabilities (including the ability to observe and detect movements at night), military grade helicopters (which will allow the mission to better move in a timely manner troops, military hardware, and supplies to remote areas when violence is imminent), and communications equipment, as well as the technical expertise and training to utilize the same.

Concurrently, the RSS, with the support of UNMISS and the international community, must deploy an increased number of troops and police to Jonglei and other conflict prone areas.

As well, internationally supported efforts to reform and build capacity within the SPLA and the SSPS should continue in earnest and be focused, in part, on civilian protection. While the ultimate responsibility for civilian protection lies with the RSS, international assistance to the government's efforts to reform its security and policing sectors are critical and must continue both in the short- and long-term.

These short-term initiatives alone, however, are not enough to end inter-communal violence permanently. It is critical that the RSS, with the support and partnership of the international community, also initiate efforts to address the systemic causes of violence in Jonglei so as to help ensure that a sustainable peace within the state takes hold.

Indeed, there must be greater accountability for crimes committed in the context of inter-communal violence. This includes those who foment such violence, as well as those who participate directly in the violence. Accountability in the context of a long history of back-and-forth cattle raiding is complex; which individuals should be held accountable and through which mechanisms are issues that the two communities must discuss and ultimately agree upon within the context of the reconciliation process. Mechanisms by which individuals may be held accountable could be judicial or more traditional in nature.

Efforts, as well, should be taken to make more substantial the political representation of both the Lou-Nuer and Murle communities at the state and national levels of government. Greater inclusion of underrepresented communities at all levels of government will, in turn, provide those communities with mechanisms to voice their concerns in a peaceful and constructive manner. The isolation of the two communities has contributed to the rise of parallel authorities, and leads to violence as one of the few mechanisms for addressing community grievances. Therefore, the expansion of state authority into the Lou-Nuer and Murle areas is critical. Expansion of state authority will require, among other things, capacity building within the national, state, and local levels of government and policing forces, as well as development of Jonglei's infrastructure.

Jonglei's economy is heavily reliant on cattle as a form of currency. A lack of access to basic services and economic opportunities compounds the reliance of Jonglei's communities on this cattle economy, which, in turn, fuels conflict associated with cattle raiding. Therefore, efforts must be increased to deliver basic services to communities in Jonglei and diversify economic opportunities.

Finally, the RSS recently announced that it will immediately initiate efforts to disarm communities in Jonglei. This would be a grave mistake in the current highly charged context, and any disarmament campaign should be postponed. Forced disarmament conducted by the SPLA and/or SSPS will likely become a source of insecurity in its own right, and thus exacerbate an already tense situation. As such, a disarmament campaign should wait until greater confidence and goodwill has been cultivated between the two communities and the government, and security improves.

Any future disarmament efforts should be non-violent and involve the engagement of affected communities in related planning and execution efforts. Conflict is not inevitable in South Sudan. All of the issues present in Jonglei can be addressed through enlightened government policies. While still young, the RSS may draw from lessons learned throughout the region, where small-scale, largely communal-based violence has fuelled devastating conflicts. If Juba is able to decentralize and share power and wealth, create development opportunities available equally to all Southerners, and deal with existing fault lines within South Sudan's social and political fabric, then the new nation has a real chance for peace.

Sudan and South Sudan Still Suffering the Consequences of Divorce

Peter Run | April 2012

In the final week of March 2012, the national armies of South Sudan and Sudan clashed on their countries' shared border. It is the closest the former civil war enemies have come to full-blown and undeclared inter-state war since the Sudanese armed forces occupied the disputed border town of Abyei last year.

The violent skirmishes have thrown talks to resolve outstanding post-secession issues off course. They have prompted the cancellation of a presidential summit intended to negotiate disagreements on oil-revenue sharing mechanisms and cast doubt over the talks mediated by Thabo Mbeki on behalf of the African Union in Addis Ababa.

The break up of Sudan into two sovereign republics has been metaphorically characterised as "the great divorce" and less than a year on, it is systematically, though inadvertently, ticking all the boxes of a bitter and nasty dissolution of marriage.

Custody

Like a divorcing couple negotiating the custody of their children, one of the earliest and continuing dilemmas of parting has been the choice of residence and citizenship for their respective land's inhabitants.

In the case of South Sudan, the doors are open. People from northern Sudan can claim South Sudanese citizenship and receive it. But it is a young country still learning how to manage its citizens. The Islamist government in Khartoum, on the other hand, wants non-Muslim Africans descended from South Sudan out and quickly, even though most of them were born and raised in the north.

Consequently, there has been an exodus from Khartoum to the South since July last year. When I was in South Sudan in December, I saw a dense and expanding camp of small houses made entirely of corrugated iron sheets glistening in the tropical mirage outside the city of Wau.

The shining city of iron sheet, my companions explained, is called Khartoum Jadeed (Arabic for New Khartoum). The inhabitants of New Khartoum are educated mainly in Arabic and their new country – which has adopted English as the lingua franca – has no use for their qualifications.

Despite their strong urban background, all I could see looking at New Khartoum was a shanty town different, only in size and age, from the notorious Kibera slum in Nairobi. In slums, the first thing that disappears is opportunity. The proximity of the Jur River and the flood-prone consistence of the red earth on which the camp stands indicate that the place will become susceptible to water-borne diseases in the long rainy season of South Sudan.

This month, the Khartoum government is assisting those who forewent voluntary relocation to depart by train. They will need many more New Khartoums in different states of South Sudan. Just as divorce takes its toll on innocent children, secession victimised the black African citizens of the former Sudan.

Such unforeseen outcomes of secession are part of why it is such a problematic means of resolving protracted separatist or irredentist conflicts in international relations. The burden of history always haunts the people, and it is likely to continue for the foreseeable future.

Francis Deng, an expert on Sudan and internally-displaced people, warned of these issues long before the division of Sudan. Sadly, his predictions are not only proving correct, but are being exceeded by events.

Family Assets

Extending the divorce metaphor further, the prolonged dispute over oil – which seems to be the trigger of the current wave of violence – resembles the division of family assets. Although South Sudan got the oil in the divorce settlement, it is landlocked and the pipeline that transported the oil before separation now belongs to the ex.

Bitter for the loss of the critical oil revenue which sustained its glitzy lifestyle and won her powerful friends, Khartoum decided to unilaterally hike transit fees for the use of the pipeline and, before long, it began disrupting transits.

The government of South Sudan called this theft and decided to shut down oil production altogether. This hurts both economies. South Sudan is very underdeveloped, and it needs oil production to speed the process of stamping out the marks of prolonged war that liberated it.

Shutting oil production down for the South Sudanese was only a matter of pride, demonstrating its need to act independently. It was a popular decision domestically, but it seems to have had a butterfly effect in the relations between the two countries.

The National Congress Party (NCP) strategically bombs oilfields, according to media reports, possibly to bully South Sudan or deprive it of existing mining infrastructure. It is a sabotage tactic both sides have used.

The Sudan People Liberation Army attacked the Jonglei Canal in 1984 and forced its closure as a result. It also destabilised oil extraction at the same oilfields in Unity State in the 1990s. However, the SPLA was not invading a different country. Their actions were justified by the claim that South Sudan's land was being exploited for the betterment of the centre.

As such, the actions of the NCP now look like those of a bitter divorcee awarded the smaller share of family wealth. The argument over the oil and the pipeline sounds like children arguing over the milkshake where the one with the straw (and no milkshake) feels entitled to drink her sister's refreshment just for that reason.

Responses to Inter-communal Violence in Jonglei State

Diana Felix da Costa | June 2012

This short piece looks to offer a brief summary and analysis of the current responses to the latest cycle of inter-communal violence in Jonglei State, based on recent NGO reports and media articles. One of the problems in developing effective responses stems precisely from the lack of enough reliable information and evidence of the situation and of local perspectives. There is a need for greater in-depth research into local perceptions and understandings of violence, which must underpin any external support to short and long-term reconciliation.

Context and brief history

South Sudan achieved its independence less than a year ago after the signing of the Comprehensive Peace Agreement (CPA) in 2005 between the Sudan's People Liberation Movement/Army (SPLM/SPLA) and the Government of Sudan. The CPA provided for a referendum on Southern self-determination, which was held in January 2011, and led to the country's subsequent independence on July 9, 2011. Yet peace remains elusive in the new state, and the declaration of independence did not put an end to the pervasive violence and insecurity experienced in the new country. The violence results from a blend of factors that includes armed rebellions against the regime in Juba, counterinsurgency operations by the SPLA, increasing hostilities between South Sudan and Sudan, and an escalation of inter-communal violence throughout the country, most acutely in Jonglei State.

Although local conflicts have increasingly become part of a complex conflict web that includes competition between rival Southern interests, the struggle between the North and South as well as a strong regional dimension, there is a long history of inter-communal conflicts in Southern Sudan that have traditionally been unrelated to the state. According to Markakis (1994:219), Sudan is home to the highest concentration of traditional pastoralists in the world. In combination with scarcity, persistent droughts and a way of life based on mobility, it "inevitably" [Markakis's term] leads to conflict between different pastoralist groups and between pastoralists and farmers. Clashes between clans or ethnic groups due to these issues remain extremely common (Schomerus, 2008). Yet given the many dimensions and history of violence at the local level, it is problematic to use the concept 'local violence' without deconstructing and unpacking it further.

Jonglei is the largest of South Sudan's ten states, being roughly the same size as England and the home to 1.3 million people (Southern Sudan Centre for Census, Statistics and Evaluation, 2010). It is also among the most underdeveloped regions in the world. While there have been pockets of inter-communal violence in many regions in South Sudan [for example, Schomerus (2008) offers some insights into the case of Central and Eastern Equatoria], none have experienced the levels of violence lived in Jonglei State.

As in other areas of South Sudan, cattle-raiding has happened for generations. Cattle are a primary currency for transhumant communities, representing wealth and social status. However, although competition for cattle and resources has historically been a major source of tension among communities in Jonglei, the past five years has seen a change in the way confrontations are experienced. Conflicts have become more violent, and no longer follow social rules the way they used to, with a rising number of deaths and displacement of fighters and civilians (Hutchinson & Jok, 2002).

Jonglei's inter-communal conflicts stem from competition over natural resources and political control, feelings of political and socio-economic marginalisation of certain groups over others, and a pervasive lack of accountability and reconciliation between communities. Yet, this competition for access to and control of water and grazing land is aggravated by a legacy of civil war, the widespread militarisation of society (Hutchinson & Jok, 2002) and broad availability of small arms, the weakening of traditional authority and dispute resolution mechanisms, the manipulation by local and national elites of local grievances and ethnic identities, and the absence of formal state-provided security. Poverty and a general perception that 'peace dividends' are not shared equally among groups also contributes to feelings of marginalisation and distrust in government (DDG et al, 2012:4).

In the latest violent outburst in early December 2011, groups of mostly Lou Nuer cattle-raiders, or 'White Army,'[1] gathered in Akobo County before moving south to Pibor County, home of the Murle tribe. Up to 6,000 Lou Nuer men carried out attacks in Pibor County from 23 December 2011 – 3 January 2012, resulting in hundreds of Murle deaths and injuries and a reported up to 50,000 cattle stolen (Rands & LeRiche, 2012). The attacks came as a response to several months of Murle raiding in Akobo, Uror, Duk, Nyirol and Twic East counties that took the lives of up to 1,000 Lou Nuer and the theft of over 100,000 cattle (Rands & LeRiche, 2012). There have since been further retaliations by the Murle tribe. Naturally, such events cannot be seen in isolation, but rather as the consequence of overlapping and changing features involving local, state and national level actors.[2]

Responses to inter-communal violence

The violence in Jonglei is too easily and too often fatalistically discounted as "tribal". Yet the structural causes of inter-communal violence and instability can be found in the lawlessness and vigilantism that result from the lack of confidence in the state's capacity to protect its people and deal with perpetra¬tors, in addition to peoples' military capability and "the lowering of thresholds for resorting to violence" (Rolandsen, 2010:2). As argued by Pact and SSLS (2012:1) many communities across Jonglei perceive violence "as the only reliable means to guarantee their safety, secure livelihoods, obtain redress/revenge for past wrongs and crimes, and address marginalization".

Although communities have offered their perspective on a comprehensive roadmap for peace through the many peace conferences held over the past years, NGOs engaged in these processes argue responses by international actors and government remain largely reactive, ad hoc and not based on communities' own analysis or recommendations for change (Pact & SSLS, 2012). In addition, too often the youth perpetrating the violence, and key to a long-lasting solution, are excluded from peace processes and comprehensive plans. What is needed is a coordinated and long-term plan by the Government of South Sudan (GoSS) supported by its international partners that tackles the root causes of the conflicts, promotes a long-term process of reconciliation among groups, and includes the provision of justice, security and peace dividends equally among all ethnic groups in the state.

The GoSS's immediate response to the latest inter-communal violence was to initiate a six-week civilian disarmament campaign targeting all groups in Jonglei state. The SPLA-led operation is the fifth disarmament campaign taking place in the state in the past six years (Pact et al., 2012) and counts on the logistical support from the United Nations Mission in South Sudan (UNMISS). It first started in March by asking civilians to turn over weapons voluntarily, but by May, given the reluctance encountered, had effectively become a forced disarmament campaign. The initiative was largely received by chiefs and their communities with apprehension and there have been many claims that the campaign was not fully communicated to communities, and has led to communities' greater vulnerability to attacks from rival ethnic groups.

According to a recent civil society report (Pact Sudan et al, 2012:2), seizing arms from civilians has been "accompanied by beatings, intimidation and harassment but also more serious reports of killing, torture, and assault (including sexual abuse) in multiple locations across the state". In addition, legitimate law enforcement agencies, such as the police, have also been disarmed in the process. Although the SPLA has been focused on disarming armed youth, many youth fled the state, making effective disarmament impossible. According to the same organisations, the model of disarmament once again put in practice fails to address the conflict drivers and threatens civilian lives and livelihoods. The reports of abuses associated with the campaign also weaken the confidence in the state's legitimacy and authority, aggravate existing perceptions of marginalization and vulnerability, and ultimately risks further exacerbating violence, becoming in itself part of the cycle of conflict (DDG et al, 2012). Revealingly, research conducted by Small Arms Survey in 2007 suggested that 23.5% of respondents in Jonglei felt that disarmament itself triggered insecurity (in DDG et al, 2012).

Despite government assurances, according to recent reports neither the logistical and practical elements, nor the broader elements required for a successful disarmament campaign have been in place. The former includes issues such as clear communication and sensitisation to communities informing them of the sequence and place of the campaign, simultaneous disarmament of rival groups, and the destruction of stocks of weapons or otherwise their safe storage, among others. Broader elements include an overarching process of justice and accountability that can lead to reconciliation between groups, community confidence over their own security and the sense there are alternatives to resorting to violence (Saferworld, 2012).

Disarmament campaigns have yet to be linked to an all-encompassing framework that integrates security, governance, and political interventions. Rather, they have been perceived by communities as government strategies to punish and control ethnic groups and/or as highly politicised, not neutral, incomplete and largely unsuccessful (DDG et al, 2012; Garfield, 2007; Human Rights Watch, 2009; Rands & LeRiche, 2012). Processes have not guaranteed civilian safety, met the expectations and needs of the population, nor been located within broader processes that address the key drivers of conflict (DDG et al., 2012).

As has been voiced by many of the national and international organisations involved in supporting local peace processes in the State, civilian disarmament in Jonglei cannot be developed in isolation. Rather, it must be part of a comprehensive and long-term strategy directed towards reducing violence, promoting nonviolent conflict resolution and sustainable human security. Disarmament is an important element towards reaching this end, but it cannot be forced upon communities without offering alternative security arrangements or done selectively to some groups only, since it ends up making communities more vulnerable (Harragin, 2012). As highlighted by Pact et al. (2012:2-3): "The legitimacy of the government and trust in its role as a provider of security- crucial to the prospects for stability in Jonglei depends on its ability to build confidence with all communities."

Alongside the largely contentious approach to the disarmament campaign, South Sudan's president Salva Kiir Mayardit established a Presidential Peace Committee (PCC). The PCC is headed by Archbishop Daniel Deng Bul of the Episcopal Church of Sudan and South Sudan and is tasked with investigating the causes of inter-communal violence and exploring ways to address these through consultative community meetings. The peace initiative opened the door for the peace committee to organise small conferences with Jonglei's various communities before a larger peace and reconciliation conference that took place in the beginning of May 2012 with representatives of all the communities. The role of the church, through the Sudan Council of Churches, has been crucial in supporting peace dialogues and reconciliation among different communities, as well as encouraging development initiatives that lead to livelihood options for youth (Breidlid & Stensland, 2011).

A peace agreement was signed by representatives of Jonglei's six ethnic groups, with several of the main recommendations making reference to cattle-raiding, unemployment, underdevelopment, lack of roads and infrastructure, food insecurity and women and child abduction as key issues to be addressed by the government. Measures proposed included for example "a) Sensitisation to create awareness amongst the rural communities of Jonglei state (…) c) Promotion of intra/inter-community interactions, sports, workshops, conferences, marriage, follow-up teams, etc; d) Meetings between cattle camp youth" (Resolutions and Recommendations, Bor 5 May 2012), among many others. However, traditional leaders criticised the Peace Resolution for its vagueness over how such issues would be dealt or monitored. According to the Sudan Tribune (6 May 2012), chiefs also expressed reservations over the absence of punishment and accountability for perpetrators of violence, such as cattle-raiders, those abducting women and children and performing indiscriminate killings.

The conference resolutions and recommendations also cautioned against the fact that similar ideas had been proposed in the past yet had lacked follow-up and monitoring. Indeed, there is a long history of failure of peace conferences in Jonglei, which include the 2006 All Jonglei Communities Peace Convent in Gumuruk, witnessed by former governor Philip Thon Leek and Vice President Riek Machar, Anyidi peace between Murle and Dinka Bor in 2003 and Lilier peace accord of 2002 (Sudan Tribune, 5 May 2012). Traditional leaders called for greater accountability, justice and security provisions such as deployment of police, as the only route to peace. The SPLA commander responsible for the disarmament campaign, Gen. Kuol Diem Kuol has said that his forces will remain in the state until there are no more reports of insecurity (which presumably will take a long time). However, the tensions felt on the border with Sudan suggest that the government may need to reconsider their ability to keep such a large force of 15,000 soldiers doing what is essentially police work (Sudan Tribune, 5 May 2012).

The way forward: listening to communities

If the latest peace accord is not accompanied by other longer-term measures, including follow-up and monitoring as has been repeated time and time again by community representatives, it is likely to see the same ill fate as previous agreements. Thus far, measures taken have largely been ad hoc. A comprehensive strategy that will honour the latest peace conference outcomes will require addressing the security environment, addressing impunity and genuinely engaging with communities and their ideas about the way forward, beyond a forced disarmament campaign and a one-off peace conference. As rightly argued by DDG et al. (2012:10), "without addressing the agents and institutions that enable and maintain violence, removing the instruments of violence will provide temporary security, if that." Importantly, politicians must stop manipulating local conflicts for their own political purposes. Peace-building and reconciliation efforts are long-term processes that also depend on promoting development, such as access to health and education, water bores, etc, equally throughout the territory, avoiding perceived feelings of marginalisation between groups that contribute greatly to inter-communal violence.

Any external support, coming from national government or international actors, that does not reflect and build from the multiple conceptions and understandings of 'violence' and 'peace', as well as a local vision of the future, is bound to at best fail to lead to positive change, and at worst have unintended negative consequences and contribute to further tensions.

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[1] See Arnold, M. & Alden C. (2007) and Young, J. (2007) for a historical analysis of the 'White Army'.

[2] The 2009 ICG report offers an overview of the aggravating dynamics that have changed the nature and scope of violence in Jonglei State. See also Rands & LeRiche (2012) for a concise background and Rolandsen & Breidlid (2012) for a critical analysis of the cultural factors commonly attributed to the violence in Jonglei. For a more anthropological and deeper historical analysis see the background documents shared by Arensen for the Murle, Hutchinson for the Nuer and Harragin for the Dinka, for the Jonglei State – Strengthening Conflict Mitigation & Peace-Building – Nairobi Conference 19-21 March 2012.

Traitors, Sell-outs and Political Loyalty in the New State of South Sudan

Nicki Kindersley | June 2012

Everyone voted for South Sudan's secession last year. This is the popular narrative in the newly-independent South, which seceded from Sudan on July 9 last year; the official figure of a 98% vote for independence is a badge of honour for the new state. People have framed their voter cards – merely having a voter card is, apparently, proof of being a 'loyal' secessionist. The sometimes violent and mostly insidious intimidation and social pressure on people to vote for independence (or if not, to stay at home) was pre-dated by intense local wrangling over voter registration and suspicions of northern Sudanese infiltration.[1] There were many places with a 100%+ turnout rate for both registration and voting[2] – this was not necessarily done to win independence, as the poll returns were already reasonably assured, but was a form of competition. The 98% is now a founding myth of national loyalty and unity for the new state.

This idea of absolute national loyalty has continued, and if anything has become more entrenched: the vote (and turnout) is an initial demonstration of the insecurities and anxieties of the Juba-based and SPLM (Sudan People's Liberation Movement) led government and its supporters, both civilian and military, since its establishment in 2005. This has produced a string of problematic events characterised by many international agencies as human rights abuses, generally by an under-trained and over-forceful military and police. However, these incidents are also visibly part of a very authoritarian concern over political loyalty and dissent.

There is a long history of media harassment and restriction in the south by the SPLM and the army. This has continued in independence, but with an emphasis – in the excuses for arrests and intimidation – on how journalists and other citizens are being disloyal by challenging current

affairs. Many journalists have been harassed, arrested, briefly 'disappeared' and assaulted for disagreeing with government policy or officials – including, most recently, for asking how the police service could be improved.[3]

This harassment – framed in terms of political loyalty – has been joined in recent years by the policing of respect and national character in a wider way. In the capital city Juba and elsewhere, some police – often new recruits – have arrested, threatened and sometimes assaulted women and some men for dressing apparently inappropriately, the implication being that Western and Eastern African 'values' are infecting the youth of the new, virtuous state.[4]

This emphasis on an apparent standard of South Sudanese morality and national respect has coalesced recently around Freedom Square in Juba, which contains the new monument and mausoleum for John Garang, the leader of the rebel Sudan People's Liberation Army and national hero. The square has become a focus for harassment by security forces on dubious grounds of apparent disrespect to the monument or to the flag.[5] On 12 May 2012, a Kenyan schoolteacher was shot dead by police when passing the monument because her driver did not hear the whistle – declaring that the flag over the mausoleum was being lowered for the evening – and stop the car.[6]

This idea of a specific standard of loyalty is relatively powerful in South Sudanese society, even while these violent state actions have been condemned. Some Southerners, who are suspected of having voted for unity with the north, who have returned from abroad or from living in Khartoum, have been called sell-outs, traitors and jellaba – historically hated northern traders – by local residents. Criticism of the government is still often seen as disloyal, and opposition parties – plagued already by personality politics, regional and ethnic factionalism and financial difficulties – are frequently accused of being funded stooges of the northern Sudanese government. There is often little room for being a critical public citizen in the South.

This is not a new or a universal phenomenon by any means, but it is an emerging theme, particularly in the towns of the new South Sudan. The trend towards monitored, enforced public political loyalty has been hardened and broadened by independence and the renewed wars and conflicts inside the state and on its border with Sudan. Sudanese governments in Khartoum and the South have always been authoritarian and militarised, and various government and military elements have often attempted to impose particular models and standards on society and culture. The SPLM-led Southern government and its officials are often more preoccupied with 'constructing a good nation' through public display, rather than practical structures.[7] Loyalty to the South Sudan nation is both assumed and, increasingly, enforced.

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South Sudan: Seeking the Right Formula for Peaceful Coexistence and Sustainable Development

John Mukum Mbaku | June 2012

State reconstruction: an imperative

South Sudan came into existence as a sovereign nation on July 9, 2011. Its separation from the Republic of Sudan was made possible by a UN-supervised referendum held in January 2011; the latter was a requirement of the Comprehensive Peace Agreement signed in 2005, which ended what had been an extremely brutal and prolonged civil war. The new country that emerged on July 9th , 2011 came into being with extremely weak institutions, virtually all of which were incapable of effectively delivering on the aspirations of the peoples of South Sudan—those aspirations included, inter alia, peaceful coexistence, rapid economic growth to generate the wealth needed to fight poverty and significantly improve the people's living conditions, and opportunities for self-actualization for all South Sudanese, regardless of their ethnic or religious background. In addition to the fact that the institutions inherited by the new country were not suited to the effective management of ethnic diversity, they could not provide the wherewithal for sustainable economic growth and development. Of course, the southern Sudanese provinces that later became South Sudan on July 9, 2011, were united in their struggle against the tyranny directed at them by the Khartoum-led regime. However, presently, there is a lot of disunity and destructive ethnic mobilization as groups seek ways to maximize their values, aspirations, economic and political interests, and customs and cultures, a process that has made it very difficult for the central government to achieve national integration and maximize national objectives. A high priority for South Sudan, then, is institutional reforms to secure a consensual and productive state, one that can significantly enhance peaceful coexistence of the country's diverse ethnic and religious groups; encourage and promote entrepreneurship, and hence, the creation of wealth; and adequately constrain civil servants and politicians so that they do not engage in such growth-inhibiting behaviors as corruption and rent seeking (see, e.g., Mbaku and Smith, 2012; Mbaku, 1997, 2004).

South Sudan is endowed with significant amounts of natural resources, including large deposits of oil, rich farmland, and abundant water from the Nile River. However, in order for these resources to be transformed into the wealth that the country needs to confront its poverty and deprivation, the state must work with all of the country's population groups to provide an effectively functioning framework of law and order. Such an institutional framework must, at the very least, enhance peaceful coexistence, adequately constrain those who serve in the public sector, promote and nurture entrepreneurial activities and hence, wealth creation, protect the person and property of individuals and enhance their ability to utilize their talents, acquired skills, and resources in productive ways, and provide an enabling environment for the sustainable management of resources (Mbaku and Smith, 2012a).

Securing the consensual and productive state in South Sudan must begin with constitution making. Today, many Africans live in countries governed by rules that they do not understand, respect or accept. In addition, most of these peoples do not understand how and why these constitutional rules were selected. For, constitution making in these countries was dominated and controlled by politically well-connected interest groups, primarily the ethno-regional groups that captured the evacuated structures of colonial hegemony at independence (see, e.g., Mbaku and Ihonvbere, 2003a, b; Mbaku, 2004). South Sudan must not adopt such a top-down, elite-driven, non-participatory approach to state reconstruction. Otherwise, it would end up with a set of institutional arrangements that is irrelevant to the lives of its citizens and the problems that they face and hence, cannot enhance governance and deal effectively with the problems that confront citizens. Thus, constitution making in South Sudan must be bottom-up, people-driven, inclusive and participatory. All citizens, regardless of their educational achievements, wealth status, ethnic origin, or religious affiliation, must be granted the facilities to participate fully and effectively in constitution making.

Participation of all of South Sudan's relevant stakeholder groups in constitution making must be maximized so that the outcome of the rules selection process is a set of constitutional rules that is relevant to the lives of the peoples of South Sudan and hence, reflects their desires, values, aspirations, traditions, customs and worldview and enhances their ability to organize their private lives, live together peacefully, and engage in those activities that maximize their values. Of course, such a constitution must also be consistent with the Universal Declaration of Human Rights, as well as with the provisions of other international treaties and conventions that were agreed after the UNDR (e.g., the International Covenant on Civil and Political Rights).

Effective management of ethnic diversity critical for development

South Sudan, like most other African countries, is ethnically very diverse. While inter-ethnic conflict was made subservient to the struggle against Khartoum during the fight for independence, violent confrontations between groups have now re-emerged and have become a major constraint to trade and investment, and the types of cultural exchanges that are critical for national integration. In a January 12, 2012 article in The New York Times, Jeffrey Gettleman argued that although "born in unity," South Sudan "is plunging into a vortex of violence. Bitter ethnic tensions that had largely been shelved for the sake of achieving independence have ruptured into a cycle of massacre and revenge that neither the American-backed government nor the United Nations has been able to stop."

As is evident from the failure of the UN to stop the destructive mobilizations by groups such as the Lou Nuer and Murle in South Sudan's Jonglei State, the solution lies not in external

intervention but in the provision of institutional arrangements that can enhance peaceful resolution of conflict. For example, much of the inter-ethnic conflict in Jonglei State is related to cattle raids and the search for grazing lands. Obviously, there is a property rights issue here—the Government of South Sudan, working in consultation with local communities, should engage in reforms to produce effective property rights regimes, that is, "those that are well defined, are context-specific, enforceable, and reflect the values of the societ[ies]" involved (Mbaku, 2004: 220). Involving all the various stakeholders in the design of such a property rights regime would ensure that the outcome is a set of rules that "reflects the goals and objectives" of the groups involved and enhances their ability to meet "such goals as equity in the allocation of resources; economic performance; efficiency in the management of the ecosystem; and sustainability in the use of [each group's] resources" (Mbaku, 2004: 221). The provision of such a set of legal institutions—that is, one that effectively defines ownership of resources and provides the mechanism to enforce and protect these rights—should significantly improve resource allocation, encourage investment in resource productivity, minimize overexploitation, and perhaps, more importantly, discourage resort to the type of destructive and violent ethnic mobilization that has characterized post-independence resource allocation in many parts of South Sudan.

Constitutional federalism is recommended for ethnically diverse societies

Since independence, South Sudan has struggled with how to effectively manage the demands of the various competing and conflicting groups that exist within the country. Since they were part of a Khartoum-dominated Sudan, the provinces that are now South Sudan have recognized the superiority of constitutional federalism as a model of government that can ensure peaceful coexistence and enhance the ability of each group to maximize its values without infringing upon the ability of others to do the same. Hence, when Sudan gained independence from Britain and Egypt in 1956, the southern provinces demanded a federal system of government, which they saw as enhancing local development and minimizing domination by the central government in Khartoum. However, the Muslim-dominated Northern political parties, which had hijacked the decolonization project and now controlled the process of constitution making and institution building, opted for a unitary system of government with power concentrated in the center in Khartoum. In addition, the northerners wanted to establish an Islamic state, which would enhance their ability to force their Arabization and Islamization programs on southerners (see generally Holt and Daly, 2000; Lesch, 1998; Iyob and Khadiagala, 2006).

South Sudan's interest in a decentralized form of government was, again, asserted in its transitional constitution—The Transitional Constitution of the Republic of South Sudan—which became effective in 2011 (see Chapter III, Articles 47, 48, and 49). This constitution establishes three levels of government—national, state, and local. What is critical about this approach to governance is that it brings government closer to the people and makes it more relevant to their interests, values and the problems that they face. Despite the fact that such a decentralized form of government is more likely to broaden citizen participation in governance and hence, enhance accountability and minimize corruption, some South Sudanese continue to argue in favor of a centralized system, with power concentrated in the center in Juba. For example, Isaiah Abraham (2012) has argued that "[e]conomically, federalism hurts poor states and most of the time, it encourages unnecessary competition and selfishness." These are the same arguments that were given by many African heads-of-state when they opted for unitarism in the early days of independence. In the end, unitary forms of government in various African countries produced the same types of ills that had been attributed to federalism—significant inequalities in the distribution of income and wealth; high levels of corruption, especially among civil servants and political elites at the center; systematic exclusion of various groups (e.g., women, rural inhabitants and minority ethnic groups) from participation in political and economic markets; the conversion of the values of the ethno-regional groups that had captured the government at independence into national values and their subsequent imposition on the rest of society; and the emergence of corruption and rent seeking as major constraints to national development (see, e.g., Kimenyi and Meagher, 2004).

Decentralization can provide South Sudan with many benefits. It brings government closer to the people and makes it relevant to their lives and the problems that they confront on a daily basis; provides people at the local level with the opportunity and wherewithal to participate in the design and implementation of policies that affect their lives; significantly increases government competition, resulting in more efficient public provision; forces accountability in government and hence, minimizes corruption and other forms of opportunism; and provides opportunities for local communities to make certain that public policies reflect their values, a process that can significantly minimize the desire of groups to resort to destructive mobilization in an effort to assert themselves and avoid being marginalized politically and economically.

Escaping the natural resource curse

South Sudan has a large endowment of natural resources, which include significant deposits of oil, rich farmland and water from the Nile River. Generating the wealth that the country needs to fight mass poverty and deprivation requires efficient management of these resources. We note that the Government of South Sudan wants to pursue a development strategy that would turn the country into a major supplier of foodstuffs to the East African community. This objective, unfortunately, cannot be achieved by reliance on rain-fed agriculture alone. While it is critical that the country restructure property rights, especially in land, and make them more secure, as well as provide opportunities for future farmers to gain the necessary human capital, and provide critical social overhead capital (e.g., farm-to-market roads), access to reliable sources of water for irrigation is likely to be the most important factor determining the country's ability to turn itself into an important supplier of food to its neighbors. South Sudan is a riparian State to the Nile River and should be able to exercise its legitimate rights to the waters of the Nile River so that it can develop an effective irrigation system for its agricultural sector.

Presently, there is no all-encompassing legal agreement among all the Nile River riparians to govern the allocation of the river's waters. The main legal agreements that exist on the allocation of the waters of the Nile River are the so-called Nile Waters Agreements—the 1929 Anglo-Egyptian Agreement and the 1959 bilateral Agreement between Egypt and Sudan (see, e.g., Kimenyi and Mbaku, 2010; Mekonnen, 2010). All the Nile Basin countries, except for the Republic of Sudan and Egypt, have rejected these agreements as colonial anachronisms—part of the reason for the rejection comes from the fact that they were designed without the participation of the upper riparian States and that they assign virtually all of the waters of the Nile to Egypt and Sudan. South Sudan would do well to also reject these agreements and seek membership in the Nile Basin Initiative (NBI), which is currently attempting to develop a regionally-based legal and institutional framework for Nile governance (Mekonnen, 2010).

South Sudan must face the possibility that it, like other resource-rich countries, is likely to become a victim of the so-called "resource curse." The latter refers to the paradox that is faced by countries that have significant endowments of non-renewal resources. Usually, public policies in these countries are geared towards the exploitation and development of the abundant non-renewable resources (e.g., oil in the case of South Sudan) to the near total neglect of other sectors of the economy, which are critical for balanced economic growth and development (Mbaku and Smith, 2012b). Many resource-rich countries, like South Sudan, believe that the most effective way to avoid the resource curse is to adopt an opaque policy for the management

and allocation of all non-renewable resource revenues. Unfortunately, such a policy breeds corruption and public financial malfeasance, especially in countries with extremely weak institutions. In order to minimize resource-curse related problems, South Sudan should, instead, follow a policy of openness and transparency in the management of its natural resources. As stated by Mbaku and Smith (2012b), the "overarching policy suggestion for managing extractive resources has been for South Sudan to commit to the Extractive Industries Transparency Initiative (EITI), which is the global standard for openness and transparency in the management of natural resource revenues."

Openness and transparency in government operations is critical for good governance. First, it minimizes engagement in corrupt behaviors by civil servants and political elites. Second, it significantly improves the ability of individuals who are interested in a decision or believe that a public policy might affect them to understand and appreciate the way in which the decision was made and why (Drew and Nyerges, 2004: 33). Finally, transparency enhances acceptance and respect of the government and the decisions that it makes. In South Sudan, where the central government may not be fully representative of the country's diverse population groups, making policies through an open and transparent process can minimize the distrust that some ethnic groups, especially those that are not represented in government, would have for the latter. Thus, if a minority ethnic group argues that government policies are dominated and significantly influenced by the ethno-regional group that controls the central government in Juba, adopting an open and transparent approach to policy design and implementation would (i) provide opportunities for such disgruntled groups to participate; and (ii) also allow them to watch, understand and appreciate how decisions affecting their lives are made (Drew and Nyerges, 2004: 33). Thus, openness and transparency should be the model, not just for the management of natural resources, but also for all government operations in South Sudan.

Relating to each other after the divorce

Although South Sudan is officially and legally divorced from the Khartoum-dominated Republic of Sudan, the two countries still have issues that bind them together and invariably would require that they work together for their mutual benefit. The first issue concerns the proper and full adjudication of the border. The CPA made allowance for the demarcation of the border; unfortunately, that issue was not fully resolved before South Sudan attained independence. Today, both South Sudan and the Republic of Sudan continue to fight over their common border, especially in areas such as Abyei, South Kordofan (which contains the rich Heglig oil field) and the Blue Nile region, which are endowed with significant deposits of oil and minerals, as well as an abundance of arable farmland (Kimenyi, 2012). Both South Sudan and the Republic of Sudan must utilize the resources placed before them by the international community (i.e., the offices of the United Nations and African Union) to resolve all border-related conflicts and amicably agree on their common border in order to provide the enabling environment for peaceful coexistence, cross-border trade and exchanges, and good relations. As argued by Kimenyi (2012), "[u]nless the issue of fully adjudicating the border is resolved in the near future, the prospects of moving South Sudan toward a positive developmental trajectory are dim."

The second issue concerns nationality—there are still many nationals of South Sudan resident in the Republic of Sudan. In March 2012, the Juba and Khartoum governments signed the Four Freedoms Agreement (FFA), which "covers the rights of Sudanese and South Sudanese residing on the wrong side of recently created borders" (Ali, 2012). Although the FFA grants citizens of both countries the "right to own property, move, live, and work" in either country, officials from Khartoum have argued that this "does not mean" that these people are granted "full citizenship rights" (Ali, 2012). For there to be peaceful relations between the two countries and in order to foster more mutually beneficial trade and cultural exchanges, the two countries would have to resolve the issue of nationality and do so soon.

Finally, the issue of how to transport South Sudan's oil to overseas markets remains unresolved. Since independence on July 9, 2011, South Sudan's oil, which accounts for as much as 98 percent of public revenue (see, e.g., Kimenyi, 2012), has been transported to overseas markets through pipelines belonging to the Republic of Sudan. However, in January 2012, South Sudan abruptly suspended oil production, supposedly to protest what Juba argued "were exorbitant transport fees charged by the Republic of Sudan to prepare and ship [the] oil to overseas markets" (Kimenyi, 2012) and also in response to a claim that the Republic of Sudan was illegally appropriating oil belonging to South Sudan. As a result of the loss of revenues from the sale of oil, the Government of South Sudan has been forced to impose austerity measures on its various ministries and departments, significantly hampering the ability of the latter to deliver critical services to citizens. Thus, it is of critical importance that the oil pipeline issue be resolved quickly.

Quality of institutions and development

South Sudan, as was the case with virtually all countries in Africa, gained independence with hardly enough skilled manpower to effectively manage its private and public sectors. This unfortunate situation, in the case of South Sudan, is due to policies of deliberate underdevelopment imposed on the southern provinces by Khartoum when they were part of the Republic of Sudan. It is true that South Sudan does not currently have enough human capital to manage its institutions. However, economists (see, e.g., Oslon, 1996) have long argued that "economic success is not determined by endowments in natural resources or access to both human and physical capital" (Mbaku, 2004: 4). On the other hand, "availability of resources such as skilled and well-educated labor, as well as machines, equipment and buildings (i.e., physical capital) are not a necessary precondition for development—these can be created in the process of development" (Mbaku, 2004: 4). As argued by Olson (1996: 6), the quality of a country's institutions sufficiently explains why some countries are rich and others are poor. Those countries that have economic and political institutions that adequately constrain civil servants and politicians, enhance entrepreneurial activities, and significantly minimize government takings, are usually able to achieve their growth and development potential. Hence, even if a country is able to provide itself with the necessary physical and human capital, it may still not be able to generate the wealth that it needs to deal with mass poverty if it fails to provide itself with the appropriate laws and institutions.

Poor and/or weak institutions promote growth-inhibiting behaviors such as rent seeking and corruption. The ability of South Sudan to achieve its development potential will be determined by how well the government facilitates and makes possible the introduction into the country of institutional arrangements that properly constrain the state, enhance entrepreneurship and the creation of wealth, and promote the peaceful coexistence of the diverse ethnic and religious groups that inhabit the country.

Policy recommendations:

How well South Sudan is able to realize its full economic potential will be determined by what the government does during the next few years in respect to institutional reforms and state reconstruction. For, although the new country is endowed with a significant amount of resources, this "natural wealth" can only be translated into the revenues that the country needs to meet its public and private obligations if the "right" institutional environment is established in the country. Such an environment, which can be secured through democratic (i.e., participatory, inclusive, bottom-up and people-driven) constitution making, consists of laws and institutions

which (1) adequately constrain civil servants and political elites and prevent them from engaging in corruption, rent seeking and other growth-inhibiting behaviors; (2) enhance the peaceful coexistence of the country's diverse ethnic and religious groups; (3) provide the right incentives for investment in productive activities; and (4) generally provide the wherewithal for citizens to maximize their values.

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South Sudan a Year On: Statehood in Perspective

Hagar Taha | July 2012

July 9th will mark the first year-anniversary of the South Sudanese state coming into existence, after it seceded from Sudan following two bloody civil wars that weakened the economy and the social fabric of the two states, and years of negotiations and peacemaking. As global attention focuses on evaluating the nascent state's performance [1] during its first year of statehood, it's important to be aware of the challenges it faced not only after independence but also before it achieved it: the basis upon which its performance will be judged for years to come. Analysing South Sudan's performance during the last year could shed light on the complex changing nature of statehood and the often exaggerated expectations we associate with it in today's international affairs, not only as citizens and scholars but also as statesmen and diplomats.

South Sudan's Struggle for Sovereignty

Sudan fought two civil wars in the post-WWII era: the first lasted from 1955 to 1972 and the second began in 1983 and ended in 2005 with the signing the Comparative Peace Agreement (CPA) between the Government of Sudan (GoS) and the Sudan Liberation Movement (SPLM/A) in Nairobi. Even though minorities have always existed on both sides, the South has historically been predominantly inhabited by Christians and animists who view themselves as sub-Saharan, while the North has been populated mostly by Muslims who consider themselves Arabs. These social fault lines gave rise to tensions even before Sudan declared its independence in 1956.

A united resistance movement against the Arabazied North first formed in the South as early as 1955. Although initially restricted primarily to rural areas, over time the movement developed into the armed secessionist movement, Anyanya, whose fighters were largely drawn from the

Southern Sudanese student population. In 1971, the Southern Sudan Liberation Movement (SPLM) was formed from guerrilla bands under former army lieutenant Joseph Lagu; and in 1983, after the GoS abandoned the Addis Ababa Agreement – which granted the Southerners a single administrative region with various defined powers- the Sudan People's Liberation Army was established with Joseph Oduho as its chairman and Colonel John Garang as a commander (and later on its leader). During the civil war with the North, the South lost about five hundred thousand people in addition to the hundreds of thousands of others displaced both internally and externally. The second civil war was even bloodier leading to the death of almost two million Southerners and displacing an additional four million people. And though the CPA ended the bloodshed and scheduled a referendum for self determination in January 2011, which indeed led to the eventual separation between the North and the South, this long struggle has caused the South not only great human loss but the immense destruction of its infrastructure – which was almost basically non-existent to begin with in various parts of the country due to systematic marginalization by the North. Thus, despite the celebrations and hopes independence created in the South, at its inception the country faced myriad problems – including poverty, displacement, destruction and underdevelopment – from its long, bloody struggle with the North.[2]

Post-independence Challenges to the New State

South Sudan has faced several internal and external challenges[3] during its first year of independence that need to be taken into account when evaluating the state's performance. [4] The government in Khartoum has accused the South of supporting rebels, manipulating its borders particularly with regards to the oil-rich Abyie region, and waged an offensive against its army in Hijlij, which raised concerns that the two Sudans might be dragged into yet another war. Furthermore, the continued stalled negotiations over the Southern oil pipelines passing through North Sudan, and the North's accusations that the South was stealing its oil, has shut down the oil production that is vital to the Southern economy. Indeed, the South Sudanese government is estimated to rely on oil for 98% of its revenue. [5] Its fractured relationship with North Sudan is only the most visible external issue it faces. Another notable challenge it faces is the continued global economic crisis, which has reduced its ability to attract badly-needed foreign direct investment.

In addition, Khartoum, along with many other capitals around the world, began deporting the now South Sudanese citizens, many of whom had never actually been to Juba and were therefore being forced to uproot themselves and their families to start over from scratch in an entirely foreign place they now called home. Indeed, since October 2010 South Sudan has received about 350,000 refugees from Khartoum alone, although some 150,000 of these refugees have fled to South Sudan due to continued fighting on the borders.[6] Nonetheless, this has created an entire population of internally displaced persons (IDPs) in various parts of South Sudan, which has increased poverty levels and put further strain on the country's infrastructure.

The performance of the South Sudanese government has also failed to meet expectations. To be sure, its poor performance can be attributed at least in part to the sheer difficulty the challenges it faces. Nonetheless, high levels of corruption, mismanagement and the lack of a merit-based system for appointments have further exacerbated its governance woes. In short, the South Sudanese government is simultaneously confronting issues like famine, disease, illiteracy, underdevelopment, and internal tribal clashes among others, even as it struggles to transform itself into a functioning government after decades of being a liberation movement.[7]

In 'Third World', Statehood Still Matters

South Sudan is not the only region that demanded its secession from the artificially-made states of the 20th century. In Africa alone there have also recently been secession movements in Ghana and Botswana, and there is currently one in the Northern region of Somalia known as Somaliland. Some are even suggesting[8] that the Western region of North Sudan, Darfur, seek to form a separate nation. As these examples illustrate, many groups in the so-called Third World still place great importance on attaining their own independent state. But as the South Sudanese government ends its first year it is worth asking, what does statehood entail in today's world? Are we, as citizens of the world exaggerating the category of statehood, and thus our expectations of it?

Struggles for independence fill the pages of 20th Century history as groups the world over rose up to demand they be empowered to pursue this modern form of social organization. Having an independent state has been associated with national calls all over the world demanding territories and resources to be administered by 'indigenous people' instead of foreign occupiers. Independence was granted to one 'state' after the other and demarcating the population and borders each state would encapsulate was a matter of continuous dispute. Even after decades of struggles for independence throughout Africa, calls for further independence still resonate through much of the continent. Some of the minorities that were wrongly integrated into the larger framework of statehood have since suffered for decades under the iron-fist of a majority ruling elite that has often been manipulative and authoritarian. Rightly asking for their independence, upon achieving it they once again fall into the trap of majority and minority,[9] as we are now witnessing in the form of inter-tribal clashes within South Sudan.

South Sudan: Statehood Exaggerated?

The problem is that we are somehow exaggerating statehood. The creation of the modern state was an entirely Western project that came to fruition in the years of bloodshed and wars that ended with the signing of the Treaty of Westphalia in 1648. At the time, many Europeans calculated that the sovereign state would be the best form of social organization to serve their economic and political interests. The peoples that were subsequently colonized by these nation-states had to shape their demands for freedom within the same framework, or jeopardize being cut out of the modern international community. So they demanded states but ended up forming quasi-states with borders drawn based on Western-written histories and the whims of authoritarian leaders who only had their personal interests at heart. Statehood was often applied as a caricature that never fit the messy realities on the ground and their admission into the 'international community' was fake and never full.

But they had – and have – no other option. That's why in spite of suggestions of the retreat of state – to borrow Susan Strange's term[10] – and the emergence of other forms of social organization and governance such as corporatism or local communities' management structures, we still hear demands for independence expressed in terms of statehood.[11] People still believe in the old international system; in the UN, in the IMF and the World Bank and such. They believe that whatever they currently lack– whether it be good governance or modern financial systems – will be best obtained by joining the outside world. Whether there is some truth to this or not, it's very important to keep in mind in trying to evaluate the status of states in today's international climate – especially the newly-born ones –the changing nature of statehood and that to become a state in the current international system is not the all 'exciting' event as it used to be hundreds of years ago. The current structure of the international system is definitely shifting and there are now new formations of governance and finance that are lending new insights and attempting to fix holes within the previous regime. In light of this, forming a nation-

state might not be the most effective means of achieving ones end, as South Sudan's limited success suggests.

Moderate Scrutiny of South Sudan's Year

It's important to understand this complex context from which South Sudan's statehood has emerged as well as the changing nature of statehood in contemporary international relations in general. There were many expectations of South Sudan when it declared its independence and it has yet to live up to many of these not only during its first year as a sovereign state. The opportunities afforded by establishing a state are not as great as might be initially believed. Statehood itself is changing in nature and thus evaluating South Sudan's first year should be done moderately and any scrutiny should be within limits. All in all, and in spite of the hardship, it seems that the 98% of South Sudanese citizens who voted in favor of succession do not regret that choice. [12]

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Reflections on the new Republic of South Sudan

John Ashworth | May 2012

On July 9, 2011, the Republic of South Sudan was born amidst great rejoicing and much hope. Independence Day was an amazing experience, the joy of freedom being very apparent on many faces.

Just under a year later, as government and people strive to build a new nation, hope remains, as does national pride, but there are also dark clouds on the horizon.

In Juba, the national capital, there has been a great deal of progress. Tarmac roads and new buildings continue to appear. The road to the Ugandan border at Nimule has now been tarred. Mobile phone towers continue to spring up across the nation, and roads to most major towns are now "all weather". Nevertheless, it has to be said that development has been slow to reach the rural areas. The late Dr John Garang's exhortation to "take the city to the countryside" is not yet bearing fruit. Delivery of basic services such as education, health and clean water remains a major problem.

Setting up the institutions of government has continued, building on the good work done during the Interim Period of autonomy following the signing of the Comprehensive Peace Agreement (CPA) in 2005, but again has been slower than many would like. Good governance remains a priority.

The unfinished business of the CPA has come back to haunt the new nation. Negotiations over oil broke down and South Sudan shut down oil production rather than transport its oil through Sudanese pipelines at what it considered to be an exorbitant rate (USD 36 per barrel, more

than 30 times the international standard of nearer USD 1) and allegations that Khartoum was illegally appropriating part of the oil. Negotiation on border demarcation also broke down. This is very important as much of the oil lies along the disputed border. Both sides used military force to occupy areas which they claimed (Khartoum occupying Jau, Juba occupying Heglig/Panthou), but for some reason international disapproval seemed to be stronger against Juba than Khartoum.

Abyei is a region which used to be in South Sudan but was transferred to the north in 1905. The CPA gave the people of Abyei a referendum to determine whether they wished to remain in the north or rejoin the south, but that referendum was blocked by Khartoum, which occupied Abyei militarily.

Sudan Armed Force also attempted to occupy two areas which are clearly in Sudan but which were allied with South Sudan during the civil war. The people of the Nuba Mountains and Blue Nile feel that they are ethnically and culturally different from the dominant ruling group of Sudan, and have been marginalised and persecuted in the same was as South Sudanese (and indeed people from Darfur, another ongoing war in Sudan). They resisted military occupation very successfully, and so now Sudan has three separate civil wars as well as the brewing confrontation with South Sudan.

Sudan has declared that all citizens of South Sudanese origin must regularise their status (getting South Sudanese passports and then Sudanese visas) or leave the country. They do not have the option of obtaining Sudanese citizenship, even if they have spent many decades in the country or even were born there. They are being harassed by security forces and militia, and a humanitarian disaster is unfolding as they try to reach South Sudan, often having to leave behind all their possessions, their pensions, everything. At the same time, rebel militia, which operate in South Sudan and are being supported by Khartoum are being given a free reign to abduct and forcibly recruit South Sudanese in Sudan.

The UN Security Council has now passed Resolution 2046 in an attempt to deal with many of these issues. It calls the parties back to the negotiating table, under the auspices of the African Union Higher Implementation Panel, and threatens sanctions if they do not resolve the issues. South Sudan has, as always, demonstrated its willingness to negotiate in good faith, but Sudan is still prevaricating. Experience shows that even when Khartoum negotiates and agrees to something, it is meaningless. A South Sudanese elder statesman, Abel Alier, wrote a book entitled Too Many Agreements Dishonoured which well sums up the feelings of South Sudanese; every agreement they have ever signed with Khartoum has been abrogated, broken or, at best (in the case of the CPA), only partially implemented, delayed and undermined.

The oil shut-down is damaging the economies of both countries. In South Sudan prices are rising and shortages are beginning to become acute. States near the border with Sudan are suffering particularly badly as Khartoum has stopped cross-border trade between the two countries. While Juba is negotiating loans based on the oil which is in the ground, and implementing austerity measures, nevertheless the situation will get worse before it gets better. It will probably be at least three years before a new pipeline can be up and running through Kenya or Ethiopia.

One further problem is inter-communal violence within South Sudan. A traumatised people who have not really seen a peace dividend in terms of development, jobs or even the ability of the government to provide security and the rule of law have quickly turned to cattle raiding. This has escalated beyond traditional conflict with women, children and the elderly being killed and mutilated and villages burned. The government has implemented a comprehensive programme to disarm civilians, has deployed thousands of troops in the worst-affected state to provide security, and initiated a peace process which culminated in a conference at the beginning of May 2012 in which all six communities in Jonglei State committed themselves to work for peace. Peace is not an event, it is a process, and it is important that the resolutions and recommendations of the conference should be implemented. These include development, which must be perceived as equitable by all communities.

While South Sudan is clearly facing great problems and even grave danger at the moment, there is still room for optimism. The people are resilient and determined, they are proud of their new nation, and they have a remarkable capacity for hope. The international community remains largely supportive of South Sudan, although recently they have shown themselves to be out of touch with the feelings of the population, and apparently are misunderstanding the dynamics of recent events as seen by South Sudanese. That needs to be corrected quickly. Sudan, on the other hand, is led by an authoritarian regime which has its back to the wall and currently appears to be locked into a military mindset. Its leader, President Omar Hassan al Bashir, is unpopular because he “let the South go”, is wanted by the International Criminal Court, and has been described by a Ugandan general as “a wounded hyena”, a most unpredictable and dangerous animal.

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SOUTH SUDAN

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

SUDAN
ETHIOPIA
KENYA
UGANDA
DEM. REP. OF THE CONGO
CENTRAL AFRICAN REPUBLIC

WESTERN BAHR EL GHAZAL
NORTHERN BAHR EL GHAZAL
WARRAP
UNITY
LAKES
WESTERN EQUATORIA
CENTRAL EQUATORIA
EASTERN EQUATORIA
JONGLEI
UPPER NILE

En Nahud, Abu Zabad, Al Fula, Ed Da'ein, Tullus, Buram, Muglad, Kadugli, Nuba Mts., Talodi, Kologi, Ed Damazin, Famaka, Renk, Umm Barbit, Paloich, Kaka, Junguls, Boing, Kodok, Malakal, Riangnom, Fagwir, Abyei, Radom, Kafia Kingi, Bahr el'Arab, White Nile, Abay, Dinder, Bai, War-awar, Mayom, Bentiu, Fangak, Abwong, Daga Post, Wun Rog, Wang Kai, Kan, Nasser, Kigille, Gossinga, Raga, Malek, Aweil, Jur, Gogrial, Akop, Kuacjok, Gumbiel, Leer, Adok, Fathai, Waat, Bahr ez Zaraf, Jonglei Canal, Sobat, Deim Zubeir, Bisellia, Madeir, Wau, Duk Fadiat, Akobo, Lol, Wakela, Bir Di, Atum, Tonj, Pibor, Peper, Akelo, Pongo, Bo River Post, Rafili, Kongor, Jonglei, Rumbek, Akot, Yirol, Lol, Ukwaa, Omo, Khogali, Boli, Mvolo, Pap, Bor, Malek, Kenamuke Swamp, Towot, Lowelli, Tambura, Li Yubu, Ezo, Jerbar, Amadi, Terakeka, Kobowen Swamp, Administrative boundary, Madreggi, Lanya, Bunduqiya, Lafon, Kapoeta, Maridi, Juba, Yambio, Roue, Torit, Nagishot, Lotagipi Swamp, Yei, Kajo Keji, Opari, Lofusa, L. Turkana (L. Rudolf), Albert Nile

National capital
State (wilayah) capital
Town
Major airport
International boundary
Undetermined boundary*
State (wilayah) boundary
Abyei region**
Main road
Railroad

* Final boundary between the Republic of Sudan and the Republic of South Sudan has not yet been determined.
** Final status of the Abyei area is not yet determined.

0 100 200 km
0 100 mi

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