Grappling with the Reality of a New State in Southern Sudan[1]

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The sight of so many Sudanese casting their votes in a peaceful and orderly fashion was an inspiration to the world and a tribute to the determination of the people and leaders of South Sudan to forge a better future.

President Barack Obama (2011)

Historical Synopsis

The political dust raised by the referendum on self-determination in southern Sudan has settled. The result of the referendum, expectedly, is secession, and the emergence of an independent state in South Sudan is inevitable. The Sudanese people, northerners and southerners alike, are witnessing a political reality they could never have envisaged on the independence of the country in 1956, a reality that plays out as a political boundary separating the successor state (South Sudan) from the predecessor state (Sudan), which sends social and political shock waves into a society that lived through conflicts and civil wars but exhibits such civility, forgiveness, patience and social affinity to each other unknown elsewhere.

The secession of southern Sudan epitomizes a failure of the political class elite to construct a viable united Sudanese state encompassing all its racial, ethnic, religious, linguistic and cultural diversities. It may on the other hand represent the frustration of the southern political elite with their northern counterparts over too many agreements dishonoured, to paraphrase Abel Alier (1990). This frustration was articulated as follows by Fr. Saturnino Lahore in the Second Parliament (1958) when the southern demand for federation was defeated:

> The South has no intention of separating from the North, for had that been the case, nothing on earth would have prevented the demand for self-determination for it is the right of free people. The South will at any moment separate from the North if and when the North so decides, directly or indirectly, through political, social and economic subjugation of the South.

The contemporary history of the Sudan is replete with missed opportunities for unity in diversity. Had the Arab-dominated northern political elite accepted in 1956 to federate the country, the war in southern Sudan would not have escalated; and

the subsequent wars – in Darfur and Eastern Sudan – which now engulfed the whole country, would have been avoided. The arrogant rejection of federation pushed the southern political elite into demanding separation and the establishment of an independent state representing their social, cultural, economic and political interests. The rejection of federation – 'no federation for one nation' was the slogan – may in part be attributed to the negative attitude of the Arab-dominated northern political elite (*kayan al shamal*) towards their southern compatriots, an attitude tinted with a sense of racial and cultural superiority, which in part is informed by historical experience of slavery and slave trade in the nineteenth century.

This attitude invariably generated in southern Sudanese syndromes of inferiority, low self-esteem and a psychological attitude of being different, and hence created the basis for separation. The Arab-dominated northern political elite's exclusion of their southern counterparts from equal participation in decision-making that affected the destiny of the Sudanese state exacerbated their alienation. It will be recalled that the demand for secession was for the first time put forward by the Sudan African National Union (SANU) in March 1965 during the 'Round Table Conference on the Problem of the Southern Provinces'.

In the following lines, I want to demonstrate that southern Sudan secession was not the original demand of southerners; it appeared as a result of the northerners not being sensitive to southern concerns and worries and their continued treatment as second class citizens in their country of birth. Mark the following words of late Dr John Garang de Mabior, the SPLM leader in Rumbek in May 2005:

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

This speech of the SPLM leader who struggled to realise the vision of the 'New Sudan' based on social justice, equality, democracy and unity encapsulating the concept of 'unity in diversity', contrasts radically but resonates with the statement of Fr. Saturnino in the Parliament nearly four decades earlier. Garang must have realised from his direct negotiations with Ustaz Ali Osman Mohamed Tah that it was impossible to attain the New Sudan and this explains its disappearance in the CPA literature.

I can vouch that lack of political will in the north pushed southerners to the position of secession. For instance, in the Juba Conference (1947), the northern political elite with the assistance of British colonial officials managed to extract from the southern representatives (tribal chiefs and low ranking officials not only less familiar with the workings of a modern state but who were also promised equal salaries with those of their northern compatriots) an agreement for south and north Sudan to become independent as one united country.[3] In spite of the 1947 breakthrough, the exclusion of southerners in the negotiations and hence the Cairo Agreement (1953) that affirmed Sudan's exercise of self-determination and independence, which forms the basis of the claim by the people of Southern Sudan to exercise this right fifty five years later, was an act of political bad faith. The distrust cultivated in the independence process precipitated the mutiny of the Southern Corps of the Sudan Defence Forces in Torit on August 18th, 1955 and the beginning of the seventeen years war.

The Addis Ababa Agreement (1972) between the Southern Sudan Liberation Movement and the May Regime of Gaafar Nimeri stopped the civil conflict and was another opportunity in the process of state and nation building in the Sudan. While the southern political elite were building a subset of the May regime – practising elements of liberal democracy in the Southern Region[4] – nevertheless they were committed to the unity of the country.[5] It was Nimeri's repeated interference in the democratic process in the Southern Region that triggered the rebellion and the emergence of the SPLM/A (1983) to wage the revolutionary armed struggle.

The formation of the National Democratic Alliance (1990) and the SPLM/A acquiescence and joining (1995) was an important opportunity for the political opposition to the Ingaz regime and building a broad national front. The NDA poised indeed as an alternative to the Ingaz regime. But its internal political and ideological squabbles and power struggle reduced its political and military effectiveness. The ambivalence towards the armed struggle as a political means to bring down the Ingaz regime demonstrated by the northern political opposition conditioned their contribution to the New Sudan Brigade. In fact, each political party had its own separate contingent, which they did not want to subordinate to the SPLA command. This generated bitterness and strong political undercurrents which eventually precipitated the Umma Party's desertion of the NDA (1999). It appeared as if the northern political opposition wanted to use the SPLA only as political 'hunting dog'.

The SPLM bent to mediators' pressure (2002) to exclude the NDA from its peace negotiations with the National Congress Party. This widened the fissures and divisions within the NDA, with the result that the NCP had to sign separate peace agreements[6] with all the political and armed opposition, leaving intact its hold on the state.

The Comprehensive Peace Agreement (CPA) 2005 remains the only viable legal, political and constitutional framework for resolving the country's myriad social, economic and cultural disparities and concomitant problems manifested in conflicts, wars and the emergence of centrifugal regional political forces. The wholehearted and full implementation of the CPA protocols would have rendered more attractive the unity of the country. Many aspects of the CPA, for example the Abyei area, the north-south borders as they stood on January 1, 1956 and the question of the oil revenue, remain contentious, negatively affecting the relationship between the CPA partners. Moreover the NCP-dominated government of national unity effectively froze its social and economic development projects, leaving Southern Sudan to its SPLM-dominated government. The opportunity to make unity attractive through social and economic development was forfeited.

Could Southern Sudan Secession Have Been Avoided?

An analysis of the referendum results shows that the vote for secession was not uniform throughout the ten states in southern Sudan. Northern Bahr el Ghazal state voted 40 per cent for unity while Warrap state voted 36 per cent for unity.

This undoubtedly must have been in response to NCP investments and development projects in the two states, suggesting that active participation of the GONU in social and economic development of southern Sudan in the interim period would have changed the tide in favour of unity. This in hindsight is the meaning of 'making unity attractive'. The NCP bears the onus of responsibility of letting slip the opportunity for making unity of the country attractive to southern secessionists through its intransigence. Its attitude of 'eating yet still having its cake' to maintain its political dominance and resistance to institute legal reforms in order to pave the way for democratic transformation meant that NCP must have long ago decided to let southern Sudan go. However, the SPLM may also, through its acquiescence to an asymmetrical power relationship with NCP in the Khartoum, carry some responsibility.

Secession was not the only viable option for the resolution of the Sudanese conflict. Indeed, the CPA gives priority to the unity of the country; the Machakos Protocol was crafted in such a manner as to affirm that unity. But reality always doesn't conform to wishes or expectations, and the NCP did not possess the political will to implement it to the letter. In view of this and the historical account above, the unity of the Sudan could have been assured had the Sudanese political leadership been strong enough to make concrete political decisions.

When the former Soviet leader Mikhael Gorbachev introduced his political programme of Perestroika and Glasnost, little did he envisage that this would sweep him from power, lead to the collapse of the Soviet Union, and the radical transformation of the international balance of power. In 1990, the former South African President de Klerk released Nelson Mandela from prison. This magnanimous act was necessary to break South Africa's international isolation although it marked the end of white rule and transformed the power relations in the country.

President al-Bashir had the mandate to implement the CPA protocols and perhaps walk an extra mile, even at the risk of alienating some of his strong supporters in the NCP, and to make unity an attractive option for the Southern separatists. But he chose to follow, instead of leading, the hawkish mob in the National Congress Party, who could not see beyond their fanatical obsession with power. It is worth mentioning that the NCP preferred to deal with known separatists rather than with the genuine unionists of the SPLM. Thus, after six years of flirting with the separatists, the dice was already cast for secession. It was therefore not surprising that when he visited Juba on 4 January the huge reception and huge crowds President al-Bashir drew were simply in response to his positive remarks about recognising the results of the referendum.

The basis and foundation of Sudan's unity had been sufficiently eroded by the short-sightedness of its political leadership due to its apparent lack of a home grown inclusive national agenda. Every regime that came and went in Khartoum was either an extension of political and ideological currents in the Middle East, or some out-dated archaic theocratic-cum-feudal parties that tended to recreate conditions of enslavement and exploitation, taking advantage of people's simplicity and spirituality. In its initial days (1969-1971) the May regime could have succeeded in its national programme[7] but because this was externally driven, it quickly bankrupted and collapsed in the face of the ossified traditionalism and cultural reaction that dominate society in northern Sudan.

Post-Referendum Challenges and How to Manage Them

It is obvious that a host of challenges will immediately face the new state, particularly in its relations with North Sudan. These include security issues such as the borders, citizenship, international agreements and conventions, currency, banking, debts and loans, natural resources (notably oil), the Nile waters and the status of Abyei. Negotiations between the CPA partners have been underway since July 2010 and agreement(s) in respect of the two scenarios of 'unity' and 'secession' should have been reached before the conduct of the referendum. However, the referendum was conducted without a single step having been made. The parties have yet to agree on the 'guiding principles' for the negotiations and the agreement.

However, assuming that the two parties, the Government of Sudan and the Government of South Sudan, amicably reach an agreement; that South Sudan will cede some of its oil to North Sudan to promote cooperation and good neighbourliness, or in the context of trade and exchange for electric power and access to maritime ports; that the north-south borders are demarcated without a political hitch, and Abyei elects to return to the South; that both agree to a monetary union in which the Sudanese Pound is legal tender in both states, then the only remaining issue of importance will be the Nile Waters. By then they will assume an international character. Had the NCP/GOS and SPLM/GOSS teams agreed on the Nile Waters before the referendum, it would have been in the context of splitting the Sudan's share (18.5 BM^3, vide the 1959 Nile Waters Treaty between Egypt and the Sudan). South Sudan will have the option of either joining the other riparian states (Ethiopia, Kenya, Uganda, Tanzania, Burundi and DR Congo) in their standoff with Egypt and Sudan over the reasonable and equitable usage of the trans-boundary water course – The River Nile Basin – or signing a Tripartite Agreement with Egypt and North Sudan.

The NCP and other political forces in North Sudan[8] and perhaps other states in Africa and the Middle East are giddy and apprehensive with the prospect of South Sudan establishing diplomatic relations with the State of Israel. This concern is not justifiable on the ground that South Sudan is not an Arab country and therefore can freely choose with whom it wants to establish relations on the basis of mutual interest. South Sudan cannot be more Arab than Egypt and other Arab countries on whose soil the 'Star of David' flies high.

It will be in the social, economic and diplomatic interest of the new state in South Sudan to build a foreign policy that promotes regional and world peace, fair trade and respect for the sovereignty of others. In this respect, one does not see any immediate problems between South Sudan and North Sudan or the Arab countries. While South Sudan may not join the League of Arab States, it is possible that she may use its status as a former part of the Arab World to promote good relations between the Arabs and the African countries. South Sudan will definitely apply to join the East African Community, for economic and cultural reasons. It will automatically become a member of IGAD and the African Union. The only hitches one perceives in South Sudan's external diplomatic relations will be in the context of relations it may want to develop with Somaliland and the Arab Saharawi Republic, whose people have

been denied the right to exercise self-determination in a referendum over whether to become independent or become part of the Kingdom of Morocco.

The challenge that will face the new state is how South Sudan will balance its relations with the People's Republic of China on the one hand, in view of its huge investment in the development of the oil fields in southern Sudan which at the same time has been the main driver of the Sudan's war efforts against the SPLA, and the United States of America, which on the other hand was the principal support to the Southern Sudan referendum and its secession from the north. It is clear, from the messages emanating from Washington, that the US Administration will exert pressure for diplomatic recognition and South Sudan's membership of the United Nations.

'No use crying over spilt milk' – so goes an old adage – and indeed the dismemberment of the Sudan has now become inevitable. In fact North Sudan should be the first to recognise the new state as an expression of goodwill. The peaceful and civilised manner with which southerners conducted themselves in the referendum process has already shattered the premonitions that the state in South Sudan will be a failed one. These premonitions of course did not appear out of the blue skies but from reality obtaining in South Sudan.

The new states of South Sudan and Sudan will have to evolve friendly relations based on mutual respect for each other's sovereignty to facilitate cooperation in the social, economic and cultural spheres and to maintain peaceful relations, particularly with regard to the transition areas and Abyei. In fact the two states should prevent Abyei from becoming another Kashmir. This means that the two should eschew the legacy and bitterness of war by promoting easy movement of people and goods. In fact the nomads (Messiriya and Rezeighat) spend more than seven months in South Sudan in search of water and pastures. This transhumance can endure only if there is peace and harmony in the transition zone between north and south, which means that the two states should promote good neighbourliness if only in the interests of these people.

The two states will have to manage the post-referendum challenges in a manner that will bring mutual benefits which in future could translate into some form of federal or confederal arrangement. The Government of South Sudan should therefore engage the Government of North Sudan in order to resolve the conflict in Darfur,[9] and conflicts that may sprout in Southern Kordofan and Blue Nile due to the poor conduct of the Popular Consultation. As confidence building measures, the two states should encourage and promote the building of the railway lines and highways which may have been halted by the referendum.

Sudan is heavily indebted to the tune of thirty six billion US dollars. South Sudan may argue that none of these debts has been used for its social and economic development. On the contrary, most of these debts were used to prosecute the war. However justifiable this argument may be, the secession of South Sudan could be used as a reason to cancel Sudan's debts in the context of relieving a highly indebted poor country (HIPC). This will assist in the evolution of cordial and friendly relationship between the two new states, which could facilitate a future reunion on new bases.

Concluding Remarks

Separation is hard to swallow. It is bound to reverberate throughout the social fabric and networks which were built over the five or more decades of developing together. However, if secession can consolidate peace and harmony between the two states, then so much the better. The EPRDF's[10] slogan on shooting itself into power in Addis Ababa in 1991 was that 'peace is better than unity'. The Sudanese people, both in the south and north, can benefit from this wisdom and consider the secession of southern Sudan a way of building peace and harmony between the two parts in order to compensate for the opportunities for social and economic development lost in wars and conflicts over the last fifty five years. In this respect, secession will be a blessing in disguise.

The secession of South Sudan is likely to cause ripples in other parts of Africa where the Organisation of African Unity instituted the principle of the inviolability of colonial borders. This will have to be revised to conform to the present reality of increased social and political awareness. Therefore it should constitute an opportunity for those states in Africa and the Arab World with problems of national and religious minorities to review their policies to prevent them from becoming explosive political commodities in this globalized world.

Notes

1. Paper presented at the international conference on the 'Consequences of the Referendum on Sudan, the East and Horn of Africa Regions', organized by the Council for the Development of Social Science Research in Africa (CODESRIA), the United Nations Economic Commission for Africa (UNECA) and the Africa Research and Resource Forum (ARRF), with support from the International Development Research Centre (IDRC) and Trust Africa, held in Nairobi, from 28 February through 1 March 2011.
2. The author is a member of the SPLM, formerly representative of Upper Nile State in the Council of States in the National Legislature (2005-2008) and Minister for Higher Education and Scientific Research in the Government of National Unity in Khartoum (2008-2011).
3. Conscious of South Sudan's underdevelopment compared to northern Sudan, southerners had argued that they wanted southern Sudan to remain under British colonial administration or linked to British East Africa in order to allow northern Sudan to become independent. This argument was of course defeated, leading to the British reversal of its 1932 policy of separate development.
4. For the first time, the southern political elite managed their own affairs in a manner more democratic than in the centre. The Southern Region People's Assembly was a beacon of liberal democracy in which legislators grilled the members of the government. They even impeached the President of the High Executive Council, Mr Joseph Lagu (1980), forcing Nimeri to replace him.
5. The Southern Regional Government and Radio Juba were the only two forces that came out openly and courageously in support of Nimeri and the May regime in the three days that followed the invasion of the country by the National Front on 6 July 1976.
6. The agreement with the Umma Party (1999); Cairo Agreement with NDA (2005); the CPA with the SPLM/A (2005), DPA with Mini Arkoi Menawi (2006) and the ESPA with Eastern Sudan Front (2006).
7. The revolutionary regime first recognised the historical, racial, religious and linguistic differences between north and south and proceeded to define the problem of southern Sudan as that of underdevelopment. It embarked on building a social stratum that understood and could spearhead the

democratic transformation of society in Southern Sudan. The emergence of democratic and progressive forces in the south and their dovetailing with similar forces in north was the only possibility for preserving the unity of the Sudan. This could also be said of Yemen on independence, but not of the union between Egypt and Syria in the United Arab Republic.

8. A group of *Ulama* and Islamic intellectuals recently issued a fatwa against the conduct of the referendum of self-determination, fearing that it would result in separation and establishment of an independent state in south Sudan which could block the way of expansion of Islam and Arab culture to the countries of Southern Africa.
9. The Government of South Sudan should not encourage the Darfur rebels by giving them in any part of South Sudan.
10. The Ethiopian People's Revolutionary Democratic Front.