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Sudan: the North-South Forgotten Crisis and Africa's Next (Failed) State

In January 2005, after twenty-two years of war, the Southern Sudanese rebels of the Sudan People's Liberation Movement/Army (SPLM/A) and the Islamist regime of the National Congress Party (NCP) signed a Comprehensive Peace Agreement (CPA) which put an end to the longest running conflict in Africa. Besides being one of the most successful international-sponsored peace processes of the recent years, the CPA was initially viewed by the US administration – which played a decisive role in the negotiations – as an attempt to re-gain its political credibility in the Muslim world after the disastrous invasion of Iraq. The Agreement was endorsed by the Bush administration and some other Western countries, but the international community quickly forgot its responsibilities in “winning the peace” and turned its attention to the crisis in Darfur, which was the object of intense lobbying by advocacy groups and NGOs.

Actually, there are no conflicting priorities for peace in Sudan. It is one country with multiple crises which affect each other and force observers and policy makers to assume a holistic approach. Although this is, in theory easy, but difficult in practice, it is the only way forward to understand Sudan and, for those who have the power to do it, to effectively contribute to the solution of its problems.

“Comprehensive” to what extent?

The CPA includes six protocols which were signed by the parties between July 2002 and May 2004 in Kenya. The breakthrough which encouraged the acceleration of the peace process was Khartoum's acceptance of the right to self-determination for Southern Sudan, coupled by SPLM/A's concession that the North could retain *shari'a* law in its legal system. The defence of Islam was essential for the political legitimacy of the government in Khartoum, while religion was marginal for the political strategy of the Southern leadership¹. This fundamental compromise was introduced in the Machakos Protocol, the first one of the six.

The “dual” legal order created by the protocol opened the way to the transformation of Sudan into a “one country, two systems” state: in addition to the federal structure that the Islamist regime had introduced

¹ Southern Sudan has been christianized by missionary societies during the colonial period. SPLM/A leaders mainly belong to Christian churches or adhere to traditional cults; in any case, the religious dimension is just one of the aspects of the Sudanese civil war, which has been fought over cultural, ideological and religious issues and has been inflamed by conflicts over resources.

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Abstract

Amidst growing international relief for the alleged downplay of the Darfur crisis to a “low intensity conflict”, the relations between Northern and Southern Sudan are increasingly strained.

The next general elections in April 2010 are more likely to threaten peace in the country than to bring the long-awaited democratization.

Actually, the 2011 referendum on self-determination for Southern Sudan appears to stand out as the real issue at stake.

If held, it will surely cause the separation of the country, with lasting consequences for the Horn of Africa and the entire continent.

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in 1994 (which divided Sudan in 26 regions), a new autonomous Government of Southern Sudan (GoSS) was created between the national and the regional level. Effective self-rule in the South was granted by the allocation of 48% of oil revenues to the GoSS and by some degree of fiscal autonomy. The South was allowed to retain its army (the SPLA), while the national Sudan Armed Forces (SAF) retired to the North and some Joint Integrated Units (JIUs) were formed, mainly to patrol North-South border areas.

It was a *de facto* separation of the country, notwithstanding the fact that the agreement called for the parties to “make unity attractive” during the six-year interim period stipulated by the Agreement before the holding of the referendum on South Sudan’s self-determination.

The partnership between the SPLM/A and the NCP was consolidated by the formation of a Government of National Unity (GoNU), in which the NCP took 52% of the offices, while the SPLM was assigned 28% and other political forces the remaining 20%. The Secretary-general of the SPLM was to assume at the same time the positions of President of the GoSS and First Vice-President of the GoNU. Historical Sudanese parties which had opposed the Islamist regime – such as the Umma Party, the Democratic Unionist Party (DUP) and the Sudanese Communist Party (SCP) – were kept out of the negotiations and thus excluded from power-sharing. This marked one of the main weaknesses of the CPA, namely its failure to be really “comprehensive”: it ignored several political actors as well as other “marginalized areas” inside Sudan. It is not a case,

therefore, that the Darfur war broke out in February 2003. There is no question that the Darfur rebels chose the timing of their insurrection to seize the “window of opportunity” opened by the North-South negotiations.

The SPLM/A in Search for a Strategy

The death of John Garang, founder and leader of the SPLM/A, following a helicopter crash on the night of July the 30th 2005 – just twenty-two days after he had been appointed Vice-President in Khartoum – threatened to put in jeopardy the entire peace process. Nevertheless, appeals by Garang’s widow, Rebecca, and by the new SPLM/A leader Salva Kiir managed to reinstate calm after street clashes in the capital had provoked dozens of casualties. In spite of the lack of disputes which marked the succession at the head of the SPLM/A, the death of Garang provoked a shift in the internal power balances of the movement which was to have lasting consequences on the implementation of the CPA. Garang had founded the SPLM/A in 1983 declaring that it was not fighting for the secession of Southern Sudan, but to create a “New Sudan” based on secularism, pluralism and democracy. In 1991, he had to face a split by some of his commanders who accused him of dictatorial methods in managing the movement and called for the SPLM/A to openly support South Sudan’s independence. The split severely damaged the interests of the movement, and it was finally healed with the acceptance by both currents that the movement had to call for “self-determination”, which does not

necessarily mean separation from the North.

Thus, Garang viewed the six-year interim period as a time to actively exploit the power given by the CPA to the SPLM/A to act on a national level: now that he was in the “centre” of power, he could pursue his long-standing project of rallying all the “marginalized areas” of Sudan to break the dominance by the Northern riverine elite which had monopolized power since independence. The 2010 general elections would have been a moment of truth: with Garang at the presidency, unity would have become an “attractive” option for the Southerners; otherwise, separation was a ready way out.

With Salva Kiir at the helm of the SPLM/A, however, the political strategy of the movement was to change swiftly. Salva was known for being a firm supporter of secession, and under his guidance the SPLM/A concentrated on securing the CPA provisions related to Southern autonomy, nearly abandoning its position in Khartoum. This move fit perfectly with the strategy of the NCP: keen on playing on the internal disagreements of the SPLM/A, the President’s party showed itself willing to implement those parts of the CPA which dealt exclusively with Southern Sudan, while systematically obstructing the application of provisions designed to democratise the state.

It took two years for the SPLM/A to realize that its Juba-centered strategy was short-sighted and counterproductive: the reform of the security force, a transparent management of the economy and control over foreign policy were just some of the reasons which required a strong presence by the SPLM/A

in Khartoum. Salva Kiir tried to reverse the situation with a gamble, and in October 2007 declared the withdrawal of all the SPLM ministers serving in the GoNU, accusing the NCP of “dragging its feet” with regards to the implementation of the CPA. The crisis lasted for three months and ended with mutual reassurances of good faith. Nevertheless, just six months later the CPA was once again on the verge of collapse, when the SPLA and the SAF engaged in fighting in the small town of Abyei.

Abyei is a village located on the North-South border, above one of Sudan’s largest oilfields. The Abyei Protocol of the CPA created an Abyei Boundary Commission (ABC) tasked to define the boundaries of the area. The ABC proposed that a referendum, to be held simultaneously with the North-South referendum, would give the inhabitants of Abyei the choice whether remain part of Northern Sudan or be annexed to Southern Sudan. Problems arose when the ABC issued its Final Report, and al-Bashir rejected it, accusing the Commission to have exceeded its mandate. A stalemate ensued, and finally broke out into open conflict with the June 2008 clashes, which razed Abyei to the ground. Under international pressure, the parties avoided a further escalation of the fighting, which could have resulted in the reigniting of civil war, and decided to refer the issue to the Permanent Court of Arbitration (PCA) in the Hague. The PCA issued its verdict in July 2009, narrowing the boundaries of Abyei defined by the ABC and most importantly leaving the oilfields outside them. While accepting the ruling, the SPLM/A raised the stakes by declaring that even if the PCA

had decided not to include the oilfields inside Abyei’s boundaries, this didn’t mean that they automatically became part of Northern Sudan, as the NCP was claiming. Disagreement between the parties, in this way, was transferred to a wider issue, that of the demarcation of the North-South border.

Unresolved issues and electoral calculations

When the Assessment and Evaluation Commission (AEC), a body created in accordance with the Machakos Protocol to monitor the implementation process of the CPA, issued its “Mid Term Evaluation Report” in July 2008, it outlined five “critical” areas in view of a full and successful enactment of the Agreement. These were: 1) the Abyei issue; 2) elections and democratization; 3) demarcation of the North/South border; 4) preparation for 2011 referendums; 5) security sector reforms².

It is alarming to note that, after more than one year, only the first one of these issues has been settled.

The elections, which according to the CPA should have been organized “before July 2009”, have already been postponed two times, the last date being April 2010. Anyway, the mood is already that of disillusion, for a vote which many affirm to be rigged before even being cast. This is not a groundless allegation, particularly since the April-May 2008 national census

has been marked by serious shortcomings. The results have been released by the Central Bureau of Statistics in May 2009: the figure of 520,000 individuals for the Southern Sudanese living in the North appears to be heavily underestimated, while the 60% increase of the population of Darfur is quite “curious” for a region at war since 2003, with hundreds of thousands of IDPs and refugees in Chad³. Moreover, the downsizing of the total Southern population from one third – the proportion assumed in the CPA power-sharing formula – to one fifth of the national population seriously restricts SPLM/A’s ambitions to play a national role⁴.

The NCP can count on a twenty-year long experience of absolute power in the bureaucracy and the security services – the reform of which has still not been enacted – which, added to its total control of the economy, allows it to run the state through a vast patronage network.

Thus, the probable eventuality of a NCP-dominated parliament raises worries that the President’s party could be tempted to re-negotiate some CPA provisions after the elections.

Nevertheless, the SPLM/A has already declared that if Southern Sudan’s right to self determination is undermined, the

² Assessment and Evaluation Commission, *Mid Term Evaluation Report Submitted Pursuant to the Comprehensive Peace Agreement*, July 2008, available at <http://www.aec-sudan.org/docs/aec/2008/MTE-en.pdf>.

³ Sudan SPLM reiterates rejection of census, alleges fraud, June 7, 2009, available at <http://www.sudantribune.com/spip.php?article31406>.

⁴ The census in the South was coordinated by a Southern commission, which means that eventual shortcomings are a responsibility of the GoSS.

South will declare unilateral independence.

In this perspective, has the NCP an interest in pushing toward such a dangerous outcome, which could even result in a new civil war? It seems to be so, insofar as it manages to shift the blame for the failure of peace on the SPLM/A.

The first aim of the ruling party is not that of keeping the South at any cost. Actually, the only thing the NCP needs is legitimacy, especially after the indictment of 'Omar al-Bashir by the International Criminal Court (ICC) in March 2009. This could be obtained through elections, on condition that they are not too flawed. It is for this reason that the NCP has moved pre-emptively to create the conditions that will ensure its electoral success. It is thus likely that the next elections will be an exercise of "limited democracy" acceptable to the international community according to the standards it adopts when dealing with African elections. Having achieved this result, the ruling party would not risk putting it in jeopardy by staging an ill-conceived assault on Southern Sudan.

Nevertheless, the NCP has declared that it interprets the CPA «as asking both the North and the South to make the separation option more difficult through the law», thus insisting to put the threshold for secession in the referendum law at 75% of the votes casted while the SPLM/A has called for a simple majority. The US have tried to bring the peace process back on track, convening a meeting between the SPLM/A and the NCP in Washington in June and dispatching to Sudan the presidential special envoy Scott Gration in a continuous shuttle between Juba and

Khartoum. At mid-September, however, Gration has acknowledged that the negotiations showed no progress.

The Northern party knows that it can count upon considerable international apprehension regarding South's independence. Secessions are always very delicate situations, all the more in Africa where the post-colonial boundaries have been deemed "untouchable". Egypt – the main regional power – has publicly declared its opposition to the partition of Sudan, which would necessarily lead to a re-negotiation of the agreements pertaining to the waters of the Nile. Even the European Union's foreign policy chief Javier Solana has unexpectedly expressed support for unity, triggering annoyed reactions by SPLM/A representatives.

Eventually, the more realist statement has been issued by the Libyan President and current chairperson of the African Union, Mohammed Qaddafi, who, after having affirmed that secession would be a «logical choice», likewise warned that an independent Southern Sudan would be «a very weak state».

Southern perspectives

Qaddafi's statement underlined a belief which is shared by almost all the observers of the Sudanese reality: secession will not solve the problems of the Southerners. On the contrary, it is likely to increase them.

Southern Sudan will become a land-locked state, and will have to find the way to overcome this limit, even more since its economy is based on the export of oil, raw materials and agricultural products. At present, oil is channelled through a pipeline that runs through

Northern Sudan to Port Sudan, and the only refineries of the country are in the North. Southern Sudan can pursue other solutions but these will take time and money, so the only way forward in the short term seems to be that of a North-South agreement which could extend the present provision on revenue-sharing or formulate new ones. Anyway, it is highly unlikely that such an agreement could be reached in case of conflict between the two parties.

Southern Sudanese economy has been severely hit by the world financial crisis: external aid has been reduced, remittances have slowed down, but most importantly oil revenues have dramatically fallen, failing to reach the level expected by the 2009 GoSS budget by 40% and preventing the government from paying public salaries. Short of money, Southern Sudan has been unable to import the wide array of goods and materials essential for the reconstruction of a region ravaged by twenty-two years of war.

Corruption has tarnished the image of the Government since the beginning, and despite several announcements by Salva Kiir about the launching of "anti-corruption" campaigns and the sacking of ministers accused for mismanaging public funds, nothing seems to have changed.

It must be stressed that even if the SPLM/A legitimacy largely rests on its long record as a force fighting for the liberation of the South, its monopoly over the Southern Sudanese struggle has been contested since the beginning of its insurrection. The main problem in this respect is the ethnic composition of the former rebel movement, which has been

repeatedly accused of fostering a “Dinka” or “Nilotic” domination.

The opposition between “Nilotic” tribes – which are the largest ones – as the Dinka and the Nuer, and other smallest tribes – predominantly inhabiting the Equatoria region at the extreme South – like the Mundari, the Toposa and the Bari, has been a recurrent theme in Southern Sudanese history since early post-colonial times. Despite repeated claims by John Garang to have encouraged members of every tribe and even Northerners to join the Movement, it is undeniable that Dinka and Nuer got a dominant share in the leadership of the SPLM/A. Even “Nilotics” were not united among themselves, as the split inside the SPLM/A leadership in 1991 pitted the Nuer against the Dinka⁵.

During the war, Khartoum has played on these differences, arming tribal militias against the rebels. It is thus not surprising that many see the hand of the NCP behind the sharp resurgence of tribal fighting that has taken place in the last year. The UN has declared that since the beginning of 2009 intra-South violence has caused more deaths than the Darfur conflict. Tribal clashes have also obstructed the delivery of much-needed food aid, after a convoy of thirty-one World Food Programme’s boats has been attacked by Jikany Nuer fighters near Nasir, last June. Moreover, growing insecurity has been caused by the

persistent activity of the Ugandan Lord’s Resistance Army (LRA), which continues to carry out attacks in Western Equatoria.

The GoSS is unable to protect the population because it is spending the largest amount of its budget for heavy armaments, led by the idea that weapons are the only effective guarantee for Southern Sudan self-determination, believing that an armed confrontation with Khartoum is likely. Eventually, given the arms race engaged in the last years by the two parties⁶, this could reveal itself a self-fulfilling prophecy. In this respect, the Ethiopian-Eritrean precedent is worrying.

The SPLM/A was born as a guerrilla army and despite the alleged efforts by Garang to enhance its civil and political institutions, it is still led by a military leadership with a soldier’s mentality. The CPA has transformed the SPLA in the “army of Southern Sudan”, thus devolving upon the former rebels the monopoly over coercion in Southern Sudan. Furthermore, the power-sharing formula according to which the GoSS has been formed has allotted to the SPLM 70% of the offices, creating a *de facto* one-party system.

Even if there is widespread dissatisfaction among public opinion toward the GoSS performance during the transitional period, there is no doubt that the SPLM/A will take

all the necessary measures to retain its dominance over Southern Sudan. This will not be difficult to achieve, given the lack of organization and resources by political competitors. Born as a one-party, militarized, rentier state, Southern Sudan risks to become Africa’s next failed state.

Conclusions

It may be too easy to say that prospects for Sudan, in the near future, are murky. Symptoms for a renewed conflict between North and South Sudan are present. Both parties, nevertheless, have good reasons to restrain from rash moves: the NCP because it will lose its already fragile international legitimacy; the SPLM/A because it is still in a weak position, militarily and economically, compared to its Northern rival. The endurance of the CPA needs to be stressed: it has gone through numerous crises but has not collapsed, and in more than one instance the two parties – when faced with the danger of a collapse of the peace process – have shown their willingness to solve disputes through negotiations. At least, no one wants to be seen as the responsible for the failure of peace in Sudan. Nevertheless, the two hardest challenges – the elections and the referendum – still await the CPA, and their outcome will determine the future of the country for the years to come.

The fate of Southern Sudan is a question on its own. Southern Sudanese have been prisoners in their own country for more than fifty years, victimized by an Arab-Islamic nation-building project which served to justify total political and economic

⁵ John Garang, as well as his successor Salva Kiir, was a Dinka. The most powerful of the three commanders that tried to overthrow Garang was Riak Machar, a Nuer. He is still one of the most powerful leaders of the SPLM/A, holding the office of vice-president of the GoSS.

⁶ Southern Sudan weapons purchase were publicly exposed when the Ukrainian-owned ship MV Faina was hijacked by Somali pirates in September 2008. The ship was loaded with 33 T-72 tanks, reportedly the last of a long series of Southern Sudanese purchases transported through Kenya.

control by a section of the Sudanese population over the others. It must be remembered that this was the fate they shared with other “marginalized peoples” of Sudan, many of them Muslims, like the Fur, the Beja and the Nuba.

As recent academic works have shown⁷, the equation between self-determination and independence will only bring more violence and instability in the Horn of Africa, as the societies inhabiting this region are irreversibly pluralists. The correspondence between the state-building process and the presence of a homogeneous population will never materialize, and the dominant component among the populations of the “new state” will be tempted to impose its “nation-building” ideal over minorities. Moreover, in the era of globalization the efforts to create new states seems more and more to be a futile exercises, as the states appear to be bypassed by more effective political units either “above” or “below” it.

Southern Sudan secession, although comprehensible and even justifiable in the light of the history of Sudan, will be an turbulent process with high chances of being illusory and anachronistic.

Eventually, it will not be one more boundary that will give back the Southern Sudanese the dignity and freedom for which they have struggled so much.

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⁷ See for instance L. LATA, *The Horn of Africa as Common Homeland*, Waterloo 2004.