

## South Sudan, Africa's Newest State:

### Challenges, Prospects and Lessons for South Africa

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South Sudan achieved independence on 9 July 2011 after more than six years of practising the art of statecraft under its semi-autonomous status as prescribed by the Comprehensive Peace Agreement (CPA). The CPA ended almost 22 years of armed conflict between the government of Sudan and the Sudan People's Liberation Movement (SPLM). Though the various international law provisions have been adhered to by the South Sudanese political elites, there are concerns that South Sudan may not be able to exercise its full sovereign rights in view of the bellicose activities of the North government along its border. This policy brief examines the threats to South Sudan's independence and its sovereignty. The prospects for the South Sudan state are daunting, considering that it is land locked and is surrounded by an 'enemy' state. The policy brief also looks at how South Africa can support the new state and learn from its resilience in the face of difficulties and threats.

#### Introduction

The post-colonial experience of the Sudan has been characterised by war, civil strife, disease and religious intolerance.<sup>1</sup> Sudan was the first African country to gain independence, yet instead of ushering in peace and freedom the 1956 handing over of power from the British colonialists to the Sudanese Arab political elite signified the beginning of long-lasting unrest in the country. Two civil wars marked this epoch, the first one starting in 1956 and lasting until 1972, while the second occurred between 1983 and 2005.<sup>2</sup> These conflicts had a devastating effect, leaving over two million people dead and many millions

more displaced or forced to flee the country as refugees.<sup>3</sup> The two wars have been largely attributed to Britain's failure at independence to redraw the Sudanese map in order to appropriately accommodate the wide cultural and ethnic pluralities found in this African country.<sup>4</sup>

The factors that sustained the wars, however, go beyond issues of spatial demarcation and religion. Underdevelopment and marginalisation played very significant roles in exacerbating the conflict. Indeed, the Arab northern ruling elite economically and politically marginalised their fellow countrymen residing in the peripheral regions. In addition, the centralisation of power in the hands of the elite in Khartoum created fertile ground for conflict.<sup>5</sup> In a report for *New African*,

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Elrey notes that across southern Sudan he found it impossible to find anyone unaffected by the civil wars which lasted for over two decades.<sup>6</sup> In many cases people had witnessed the killing of their family or neighbours and had spent their childhood labouring as guerrilla fighters or having to constantly migrate in search of safer places to live.

Different entities concerned about the conflict in the Sudan had over the years attempted to resolve the situation.<sup>7</sup> In 1972, for example, the Sudanese government and the southern Sudanese rebellion movement known as the Anya Nya signed the Addis Ababa agreement in order to bring the First Sudanese Civil War to an end. However, the year 1983 saw a breakdown of that agreement, resulting in the emergence of the Second Sudanese Civil war.<sup>8</sup> The Inter-Governmental Authority on Development (IGAD), a regional development organisation in East Africa, has since 1993 been working on bringing peace to the Sudan. This organisation, together with other partners, finally succeeded, in 2005, in bringing to the negotiating table both parties in dispute – the Sudanese government and the Sudan People's Liberation Movement (SPLM), which succeeded the Anya Nya; and these two parties committed themselves to a new peace agreement known as the Comprehensive Peace Agreement (CPA).<sup>9</sup>

The signing of this peace agreement – which is also known as the Naivasha Peace Process – in Nairobi, Kenya, on 9 January 2005 was a turning point in the history of the Sudan. This was not only because the accord ended the second civil war between the North and South regions of the country but also because of its provisions. Through the CPA, the Government of the Sudan and the SPLM reached specific agreement on a broad framework including issues such as security arrangements, power sharing through the formation of the Government of National Unity (GNU), some autonomy for the south together with the formation of the Government of South Sudan (GoSS), and more equitable distribution of resources, including oil revenues. Notably, through the GNU, the agreement created the potential for the reconstruction and development of the war-torn South.<sup>10</sup> The most critical provision of the CPA, however, was that it provided for the independence of South Sudan, which would probably result in an unprecedented development on the continent – that of peacefully adjusting colonial borders between states.<sup>11</sup> The potential secession would be decided through a referendum that would undoubtedly have far-reaching consequences.

## The South Sudan Referendum

The South Sudan referendum was held on the sixth anniversary of the CPA – on 9 January 2011 – and was conducted over seven days. The term 'referendum' can be defined as an event where the electorate votes directly to either approve of or reject a particular measure.<sup>12</sup> Such was the case in Sudan during the second week of 2011, when eligible Southern Sudanese held the nation's destiny in their hands, as they had the opportunity to decide whether the past 54 years of a united Sudan had been an environment that they wished to continue living under, or one that was worth parting ways with through secession.

Despite the many delays and fears that had been voiced by various stakeholders and commentators, the South Sudan referendum was conducted in a transparent and satisfactory manner, with very few irregularities being reported. Both the United Nations and the African Union observers stated that the voters had cast their votes in a free and fair atmosphere.<sup>13 14</sup> Final results released on 7 February 2011 by the South Sudan Referendum Commission indicated that a new African state was on the horizon, as 98,8 per cent of Southern Sudanese had opted for secession.<sup>15</sup> This historic polling event was characterised by a high voter turnout, which meant that most of the Southern Sudanese who had registered to cast their votes viewed the referendum as a moment in history when they had the collective power to shape their future and that of generations to come. Indeed, not only was the referendum a significant moment in the history of the African continent, but it also constituted a globally important event, as was demonstrated by the heavy international media and observer presence.

The decision taken by the electorate to secede did not come as a surprise, considering that in the national elections that had been held in the previous year, the majority of the Southerners had voted for the SPLM, which was in favour of secession rather than a united Sudan. As a result, 9 July 2011 saw the birth of a 54th state in Africa in the form of South Sudan. This is not to say, however, that the North and South will cut their ties; indeed, many commentators and Sudanese government officials have cautioned about the importance of post-referendum cooperation between the two Sudanese states. Before declaring independence, both regions had to finalise a separation agreement which should have addressed outstanding issues such as security

arrangements, sharing of oil revenues, completion of border demarcation and citizenship rights.<sup>16</sup>

both the Government of Sudan and the main rebel movement from the South, the SPLM.

## South Africa's Efforts Towards the South Sudan Referendum

It is worth noting that South Africa's approach to the Sudanese peace resolution and reconstruction efforts has been influenced by a number of factors. In particular, South Africa's involvement in Sudan should be seen within its own broader policies and relations towards the Sudan and Africa in general.<sup>17</sup> Firstly, the post-1994 South African foreign policy towards Sudan has been characterised by neutrality and support for the peace process. During Nelson Mandela's administration, for example, South Africa's policy was that of solidarity with the people of the Sudan in their struggle for unity, equality and justice, and it also supported the peace resolution process. Mbeki's tenure, on the other hand, was generally distinguished by the 'African Renaissance' ideology, which influenced his government's policy towards other African countries, leaning towards the African agenda. The policy shift towards Africanism became the cornerstone of South Africa's broader policy towards the Sudan, though this was at the same time complemented by a pragmatic approach to the actual realities of that country. Secondly, South Africa's role as chair of the AU (African Union) Committee on Post Conflict Reconstruction and Development (PCRD) in Sudan has had a significant influence on the country's approach to its engagements in the Sudan. Moreover, the long-running relations between the African National Congress (ANC) – South Africa's ruling party – and the major Sudanese political actors, particularly the SPLM and the National Congress Party (NCP), has created an atmosphere of neutrality in South Africa's approach to the Sudanese question.<sup>18</sup>

The independence of South Africa in 1994 saw the end of the rather distant relationship that had existed between the apartheid South African regime and Sudan. The post-independence governments of South Africa have had cordial relations with the Sudan. South Africa has attempted to assist in improving the situation in the Sudan in numerous ways, including supporting the implementation of the CPA and providing human and institutional capacity building.<sup>19</sup> In its interactions with the Sudanese political movements, the South African government has been notably unbiased in its approach, as it has over the years maintained sincere relations with

## South Africa and the Sudanese Comprehensive Peace Process

South Africa was supportive of the peace process in Sudan even before the signing of the CPA. Not only did the South African government maintain contact with the warring parties in Sudan, it also encouraged all the actors to speed up the peace process so that the implementation of the CPA could start as early as it was possible. In 2004, while still president of South Africa, Thabo Mbeki was invited by the Sudanese president Omar El Bashir to accompany him to Kenya for the signing of the implementation modalities and the permanent ceasefire, which were a precursor to the CPA. During the signing ceremony of the CPA in 2005, as well as the inauguration of the Government of National Unity (GNU), the then Deputy President of South Africa Jacob Zuma was present to represent South Africa and its solidarity with the people of Sudan. South Africa has held the CPA in high regard, to the level of prioritising it over other conflicts in the Sudan, particularly the vast, troubled western region known as Darfur.<sup>20</sup> However it should be mentioned that South Africa was not actively involved in the formulation of the peace process because, of domestic and regional political reasons, IGAD countries preferred to work with non-African states in bringing peace in the Sudan.<sup>21</sup>

South Africa's role as the leader of the AU's efforts in Sudan enabled former President Thabo Mbeki to be intimately involved in the Sudanese peace process. In his capacity as chair of the AU's PCRD in Sudan, Mbeki has been lead mediator between the North and South and facilitated pre-referendum talks between the SPLM and the Government of Sudan. The bilateral talks will continue in the post-referendum stage with the objective of finding a resolution on unresolved issues such as citizenship and the sharing of oil revenues. The former South African president is also playing a lead role in finding a peaceful resolution in the volatile western Sudan's Darfur region. The war in Darfur is viewed by the South African government as a threat to the peace agreement reached in 2005 and, as such, South Africa has been supportive of the AU efforts in Nigeria to reach a peaceful resolution in Darfur. In addition to his work in Sudan, Mbeki has chaired a committee to mediate between the International Criminal Court (ICC) and Sudan following the

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issuing of a warrant of arrest against President El Bashir for war crimes in Darfur.<sup>22</sup>

It is worth noting that the Darfur region has continued to remain volatile, with localised violence exacerbated by ethnic, economic and political tensions. Instability in the region has also been due to competition over limited resources.<sup>23</sup> In keeping with its foreign policy, which prioritises the resolution of African conflicts by fellow African countries, South Africa was one of the countries that contributed troops to the African Mission in Sudan (AMIS), which was based in Darfur.<sup>24</sup> South Africa's general stance towards the Darfur conflict has, however, been criticised, as it is seen as diluting efforts to address this conflict. South Africa's position on the unrest is that the CPA is inclusive enough to resolve the Darfur crisis as well as conflicts in other parts of the country. Rather than publicly condemn Khartoum for extensive violence against the people of Darfur, South Africa has opted for diplomatic engagement, possibly for a number of reasons, as outlined by Nathan.<sup>25</sup> Firstly, South Africa has established successful commercial relations with Sudan, which it may not want to disturb by publicly criticising Khartoum's human rights abuses in the Darfur region. Second is the fact that the South African government is of the view that diplomatic engagement, rather than condemnation, is more likely to give rise to positive developments in problematic regimes. Another possible reason is that African governments in general tend to avoid criticising one another publicly, preferring rather to project an image of unity and solidarity. What is certain is that South Africa's position has created some grounds for it to be accused of supporting Khartoum in oppressing the people of Darfur.<sup>26</sup> This stance has the potential to tarnish South Africa's efforts towards realising freedom across the continent.

### **Challenges to South Sudan Independence**

As independence in South Sudan has become a reality, lingering problems that may pose a challenge to the leaders of the new state persist. South Sudan has one of the worst social and economic indicators in the world. It is estimated that over 70 per cent of the population is illiterate; the mortality rate for children under five years old is 112 for every 1 000 children; and the maternal mortality is just over 2 000 for every 100 000 births.<sup>27</sup> Mtenyo adds that the state of infrastructure in South Sudan is also appalling.

The communication and transportation networks in the region are incredibly poor. For a region with 619 700 km<sup>2</sup>, South Sudan has less than 50 km of paved roads. This is possibly the worst road coverage in the world. The lack of paved roads could be a major reason why the referendum exercise took over a month to complete. Another serious challenge for this young country is the dominance of one tribal group over the rest. South Sudan consists of over 200 ethnic tribes, with the Dinka forming the majority, followed by the Nuer. Currently, a great majority of the ruling class and those in key positions in the civil service are Dinkas. This could create a major problem, similar to what occurred in Kenya in 2007 when violence broke out after the election and left 1 500 people dead and thousands of people displaced. Unifying of different ethnicities continues to be a major problem in South Sudan.<sup>28</sup>

It has been argued that many African leaders that have come to power through the barrel of the gun tend to cling to power as long as they can. There are concerns that this could be the case in South Sudan. With over 85 per cent of Sudan's oil deposits, the oil curse could also befall South Sudan. Moreover, as it holds over 85 per cent of Sudan's oil deposits, South Sudan could also be stricken by the oil curse. These are important challenges which the new government should focus on, as well as setting its priorities on issues of infrastructure, economic development, governance and the maintaining of law and order.

Another flash area which could derail the implementation of the peace agreement that ended the country's civil war is the unresolved border dispute in the Abyei region. Residents of Abyei were due to hold a separate referendum simultaneously with the rest of the South in January, but attempts to create a referendum commission in the area remain deadlocked, amid feuds between communities in the area over the right to vote.<sup>29</sup> Together with other AU high-level panel members charged with the implementation of the CPA, former South African president Thabo Mbeki has been meeting the protagonists in the Abyei conflict in Addis Ababa in order to try to resolve the differences amicably. It seemed that both the North and South agreed not to allow the Abyei dispute to disrupt the independence process in South Sudan.

### **Prospects for South Sudanese Independence and Sovereignty**

South Sudan is in an enviable financial position,

as the government has immediate access to billions of dollars of domestic oil resources with which to fund its budget. As a result, the development of its planning and budget system was not shaped by the external conditionalities usually associated with dependence on donor financing.<sup>30</sup> Beside the huge financial reserve at its disposal, the GoSS is also blessed with a youthful population. With a strong political will and quantitative and qualitative investment in capacity building, a huge pool of young, educated and experienced people will be available for the government to tap into in the near future. Another notable prospect for the independence of the South is the attitude and resilience of its people in the face of adversity. Millions of Southern Sudanese survived on basic food rations in refugee camps during the war with the North. The support that the South received from the international community during and after the conflict with the North has been enormous.

In all the vicissitudes of South Sudan, South Africa has been at the forefront of this support. In the area of capacity building, it should be recalled that during one of its visits to South Africa, an SPLM delegation requested that the South African government assist it by providing human and institutional capacity building in order to train its cadres for the task of governance and service delivery. The request was accepted by the South African government, which through the Department of Foreign Affairs (DFA) and the University of South Africa (Unisa) carried out the capacity-building project. These projects began in 2005 in New Site, Kaopeta County, in South Sudan and they have served as a platform for senior South African government officials and academics from Unisa to share with the Southern Sudanese government leaders their experiences during the transition period, and to transfer skills that will assist in facilitating various aspects of governance and service delivery.<sup>31</sup> By the beginning of 2010, the capacity- and institution-building project had trained more than 1 500 officials from the GoSS.<sup>32</sup> The Regional Capacity Building Project is an effort towards strengthening institutional capacity building and improved curriculum development; it is targeted at countries such as Sudan and Rwanda that have recently emerged from conflict situations.<sup>33</sup>

The desire to ensure that peace, security and stability prevail in Sudan has played a major role in South Africa's involvement in that country. As such, in November 2009 the South African Police Service, together with the National Treasury, entered into an agreement with the Norwegian

Embassy in South Africa to support a R55-million police-training project in the Sudan. The objective of this project, which was initiated in 2010, has been to support the Sudanese in realising a developed and democratic police service. More than merely assisting in creating a more secure and safer Sudan, the agreement is an initiative to enhance the reform of the systems of policing to address the post-conflict reconstruction and development agenda in line with the CPA. Various South African government departments have also committed themselves to providing capacity-building projects to the Sudan. The Department of Higher Education, for example, has offered scholarships to senior education planners in the South Sudanese Ministry of Education, while the Department of Justice and Constitutional Development has been involved in providing capacity building in the areas of justice and constitutional development.<sup>34</sup>

There has also been significant commitment from South African civil society in advancing efforts to create a conducive environment for peace building in the Sudan.<sup>35</sup> South African academic and research institutions have contributed immensely through their research studies and their hosting of seminars and workshops on the peace process in Sudan. The institutions concerned include the African Constructive Conflict Resolution of Disputes, the Africa Institute of South Africa, the Institute of Global Dialogue and the University of Pretoria. The seminars and workshops were used as a platform to engage Sudanese political actors, activists and academics on their country's political challenges and also to share their views with the South African audience and suggest intervention strategies. Some of these discussions and brainstorming sessions were communicated to the IGAD secretariat, so that they could be taken further in order to influence the peace process. Furthermore, some of these organisations have conducted empirical research in different parts of Sudan, resulting in valuable publications on that country's possible conflict-resolution strategies. Other organisations, such as those in the fields of human rights and religion, have also played an important role in highlighting human rights abuses and other conflict-related issues occurring in what was known as Africa's largest country – the Sudan.<sup>36</sup>

Other interventions that South Africa has made with regard to the Sudan include its contribution to the United Nations–African Union Mission in Darfur (UNAMID) troops in the Darfur region as well as sending out delegations under the AU banner to observe the South Sudan referendum.

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Also worth noting is that South Africa's post-conflict reconstruction and development efforts have served to attract valuable interest from the international community and donors, who have expressed a desire to collaborate in trilateral partnerships.<sup>37</sup> For example, in 2010 the governments of Germany and Southern Sudan, together with that of South Africa, entered into a trilateral partnership with the objective of training correctional services officers, judges and legal affairs personnel in South Sudan.<sup>38</sup>

Yoh notes that South Africa has become 'the closest friend of Sudan' due to its approach to creating a conducive environment for a peaceful resolution.<sup>39</sup> This close relationship has been largely due to South Africa's ability to make its intervention available when its assistance was greatly needed by the Sudan. A key point to note is that South Africa has throughout its intervention process maintained neutrality in its dealings with both the North and South regions. Furthermore, South Africa had the advantage of addressing the challenging task of chairing the AU efforts to rehabilitate the war-affected areas in the Sudan. A factor that makes South Africa stand out, however, is that it has shown that simply bringing about peace in Sudan is not enough; rather what is of critical importance is ensuring that the peace is sustainable, as has been demonstrated through its capacity-building initiatives in this north-eastern African country which has just emerged from a civil war. The Sudan itself has on a number of occasions acknowledged its appreciation of South Africa's leadership efforts towards regional conflict resolution and peace building.<sup>40</sup>

### **Lessons for South Africa from the Successful South Sudan Referendum**

South Sudan achieved independence on 9 July 2011 after more than six years of practising the art of statecraft through its semi-autonomous status as prescribed by the CPA. The CPA ended almost 22 years of conflict between the government of Sudan and the SPLM. Unlike several newly independent states such as East Timor and Kosovo, South Sudan had immediate access to millions of dollars of domestic oil resources with which to oil the state machinery.<sup>41</sup> The task of managing these huge sums of money fell on the new GoSS. The managerial system put in place at the various ministries and more specifically at the ministry of finance came from practices that existed both before and during the war. The GoSS relied on a strong technical leadership from

an integrated Ministry of Finance and Economic Planning, responsible for planning, budgeting and aid coordination.<sup>42</sup> This was possible as a result of the development of systems that were context specific, with an eye on development in local capacity to handle most of the projects. Recent events in and around Abyei have in the main cast doubts on whether the North would not compromise the much-cherished independence and sovereignty of the GoSS. The GoSS can rest assured that its independence cannot be reversed, as the international community has sent a strong message to long-serving African leaders and reiterates that acts that violate international law will be punished.

What, therefore, can South Africa learn from the referendum process in South Sudan? One of the main lessons is that any relationship based on exploitation and greed will not last. The outcome of such imbalanced political dispensation as obtained in the Sudan is usually contestations and counter-contestations and, as such, any post-conflict reconciliation initiatives are difficult to handle. These difficulties should not escalate to impossibilities, but rather should serve as obstacles and challenges which the negotiating team should strive to overcome. In the course of overcoming these challenges, the GoSS should consult widely with civil society organisations, youth groups, tribal leaders, political parties and armed groups and others in order to induce these groups to assume ownership of the project. In this regard, a careful political project should be envisaged. The project should constructively engage with the political and civil society organisations in both the North and the South. Emphasis should be on the various political persuasions in the South and on encouraging a sense of how they can contribute to the development of the South. Though the South Sudan Referendum Commission started engaging the population of the South on the political orientation of the territory, the impact of such a project will only now be determined after the 9 July declaration of independence. Post-1994 South Africa failed to adopt a political project aimed at re-orientating the incoming leaders on the various political and economic contours affecting the country. The current leadership has equally not learned from the mistakes of the past and has turned the political and business elites into tenderpreneurs.

The pervasive lack of human capacity to formulate policy for the development of the African continent has been noted by several multinational organisations such as the World Bank and the African Development Bank. The GoSS recognised

this fact and in 2002 signed an agreement with the South African government to train more than 500 South Sudanese civil servants in South Africa. The project was a successful one and it paved the way for a well-informed and trained public service in the post-independence era. Though South Africa had itself engaged in a massive effort to train South Africans to be work-ready through the various Sector Education and Training Authorities (SETAs), such training did not focus on work ethics, patriotism and selflessness as did the South Sudanese programme.

In the area of convergence, both South Sudan and South Africa invest enormous amounts of money in educating the rural masses on how to vote and who to vote for. Though the outcomes of both the 1994 elections in South Africa and the 2011 referendum in South Sudan were known long before, it did not deter the political elites from investing in voters' education. It also did not prevent the international community from having a vested interest in how the elections were conducted.

## The Way Forward and Policy Recommendations

As a result of the successful referendum in South Sudan, several policy options are available for South Africa. They include these:

- South Africa should invest in the post-conflict reconstruction and development process. Before embarking on such an exercise, it is important to understand local capacity levels and existing systems when designing post-conflict support programmes, to ensure starting points are realistic and developments are fully grounded.
- It is important that South Africa should continue to maintain its contingent within the mandate of the UNAMID. It should also contribute a contingent to the envisaged Peace Keeping force in South Sudan after independence, as prescribed by the Deputy Secretary-General of the UN, Asha-Rose Migiro.
- South Africa should maintain good and fraternal relations with South Sudan neighbours, especially with North Sudan. Good relations with these countries will enable South Africa to better appreciate the interests of foreign players in South Sudan and to make

sure that South Africa's interests do not clash with those of the major players in the region.

- South Africa should use its clout on the council of major international financial institutions such as the World Bank and African Development Bank to finance huge developmental projects in the new country. Projects such as dams, water irrigation schemes, road construction and bridges would go a long way towards opening up the country for foreign direct investment.
- South Africa should invest in research into and understanding of the people of South Sudan. It has been noted that any meaningful and worthwhile intervention on the continent should be based on empirical understanding of the people being dealt with. An understanding of the Nuer, Dinka and the Misseriya would put the intervention partner on a better footing as to how aid should be distributed and how dividends should be harvested equally.
- South Africa has given the issues on the CPA and the South priority over the Darfur crisis. Meanwhile, violence and the abuse of human rights have continued to unfold in the Darfur region. South Africa is of the view that the CPA is a comprehensive framework for a 'viable, stable and democratic federal state' and therefore the basis for resolving the conflicts in Darfur and other parts of Sudan.<sup>45</sup> While the CPA may enable a successful independence for the South, Darfur is likely to continue burning, partly at the hands of Khartoum. In such a case it is more probable that donors will not incentivise the North for its cooperation with the South if the North fails to reach a sustainable agreement with the Darfur rebels. This situation may provoke the North to continue with its affront towards the South, due to the lack of incentives for North-South cooperation. South Africa should therefore seek to make its foreign policy more inclusive, so that it can be explicit and comprehensive in addressing different issues occurring in the Sudan, rather than hoping for a domino effect.

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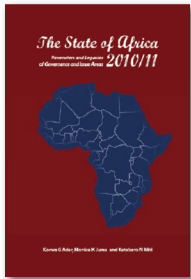
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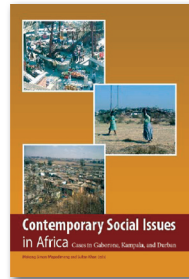


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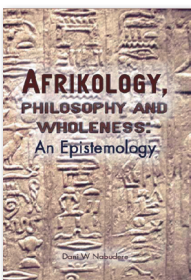


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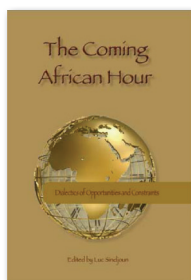
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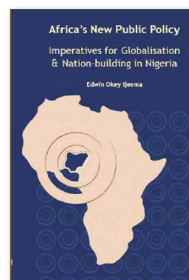
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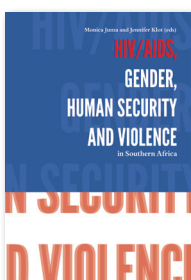
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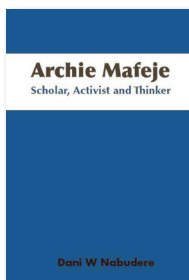
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