

The New Sudans: The First 100 Days

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This Policy & Practice Brief focuses on the challenges facing the two Sudans post separation. 17 October marks 100 days since the fracturing of the Sudan. It is, therefore, an opportune moment for reflection on the state of affairs as the two states move into uncertain futures. The date also offers a chance to assess the trajectories of the two countries as they chart separate, but linked destinies. While assessing the past 100 days, one should be cognisant that the next three years will most likely set the tone for not only the internal dynamics but also the cross-border relations between the two states. This brief highlights the fact that much of the current tension between and within the two states can be seen as a manifestation or projection of internal political dynamics and power struggles. As a result, policy interventions need to be designed to have a dual focus, namely the national capitals and the actual sites of conflict.

UN Photo/Tim McKulka



Salva Kiir Mayardit, President of the Republic of South Sudan, and Omar Hassan Ahmad Al-Bashir, President of the Sudan at the independence ceremonies for South Sudan on 9 July 2011.

Introduction

Current conflicts in both the Sudans show that the signing of the Comprehensive Peace Agreement (CPA) has not been able to definitively end violent conflict in the region. The agreement that stipulated several power sharing strategies and culminated in a referendum on independence for the south, while addressing the immediate causes of conflict, was far

from a holistic scope. Consequently, the accord was unable to quell all conflict in and between the two countries. Both countries are now beset by an increasing number of internal conflicts as well as increasing cross-border tensions. The escalation of cattle-raiding and communal clashes in South Sudan and the continued crisis in Darfur only serve to highlight the issues facing

the two states. Numerous studies have shown that countries emerging from violent conflict, political crisis and transition are more likely to relapse into the same problems within the first five years.¹ In addition, these conflict-prone countries tend to be plagued with low income, slow or non-existent growth and primary commodity dependence. For the two Sudans, it is imperative that several key issues are addressed if peaceful relations within and between the two states are to prevail. Also, it is important that some of these issues are integrated in any post-independence reconstruction if a smooth transition is expected. The two Sudans currently stand at a crossroad and the direction they choose now will not only impact their own states but also the stability in a large swath of Africa. Therefore, it is imperative to understand the current social, political and economic situation in the two states.

Unfinished business

Since the overwhelming vote for independence of South Sudan in the January 2011 referendum, a number of unresolved issues remain, even though the country assumed full independence on 9 July 2011. The inability of both states to settle a number of outstanding issues is partly due to the reluctance of the international community to hold the Khartoum government to the terms of the CPA. The fear on their part is that harsh criticism or intense pressure might undermine the regime or its support base with the military in the Sudan.² This lack of political muscle has led to a series of ever increasing infractions that have accumulated over the past six years. That being said, the internal dynamics in South Sudan are far from perfect. The Sudan People's Liberation Movement (SPLM), still in the very early stages of transforming itself into a representative government, is plagued by allegations of corruption and impunity among its ranks. Currently, the Government of Sudan (GoS) and the Republic of South Sudan (RoSS), with the African Union High Level Implementation Panel (AUHIP), headed by ex-South African President Thabo Mbeki, are continuing negotiations focusing on four clusters:

- Citizenship – issues related to nationality, particularly for the 1.5 to 2 million southerners living in the Sudan
- Security – covering cross border security arrangements
- International agreements – matters pertaining to international agreements signed by the Sudan before separation, such as the Nile Water Agreement
- Economic and financial settlements – in particular, how the two states will share Sudan's burden of debt.

Furthermore, each state must now chart a course towards social cohesion and economic growth and still be mindful of the outstanding issues. A clear analysis of a number of concerns is relevant to a fuller understanding of problems in the Sudan and South Sudan. In addition to the cross-border issues, each state is faced with its own internal challenges.

South Sudan: The challenge of peace and development

Political reform

As was to be expected, the SPLM currently dominates the South Sudanese political space. In the run up to the referendum on independence, opposition parties put aside their differences with the SPLM to ensure unity and the successful attainment of independence. With the achievement of independence, opposition politicians and civil society are beginning to find their voices. The challenge for the SPLM leadership is to respond openly to these calls for reform and greater political space; recognising that a genuine opening of political space is necessary and in their long-term interest. In essence, the SPLM must decide where it wants its opposition to be entrenched – the bush or the parliament. A failure to open the political space will lead the SPLM to replicate the very same undemocratic tendencies so many lost their lives to break away from.

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At the moment, the process of transforming the SPLM from a rebel movement to a viable political party, with the ability of interacting with opposition forces, is far from complete. Currently, South Sudan needs a civilian party able to reshape itself from a militaristic movement into a new political force capable of multi-dimensional (economic, social, cultural and political) thinking to address human security needs. It is only with this transition that broader space for political public participation in agenda setting and decision-making can be achieved.

State-building

The independence of South Sudan on 9 July 2011 provides an opportunity for sustained socio-economic growth and holistic security in the Horn and East Africa. With the backdrop of decades of violence, it is acceptable to argue that

violence experienced in South Sudan has contributed to the destruction of social, economic and political infrastructure. The country, therefore, needs rebuilding and early recovery measures. However, the focus on rebuilding infrastructure and institutional strengthening, without attempting to address the salient, socio-political issues threatening the peaceful transitions in the Sudan and South Sudan, are detrimental to the recovery process. Independence of South Sudan is timely, but when analysed, based on decades of civil war, it illustrates a myriad of conflict threats that should be mapped and integrated into the transitions for effective recovery and planning.

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It is clear that the creation of a new state (South Sudan), and the creation of state structures in South Sudan, are two very different affairs, though they are often seen by South Sudanese and their international partners, as one and the same issue. South Sudan and its international cohorts are currently in the process of constructing a state from extremely limited institutional, physical and human availability. A key component of this task is to create institutions that are represented and staffed in a transparent manner. In appointing South Sudan's new cabinet on 26 August, President Salva Kiir has tried to create a more representative group by increasing the number of technocrats.³ The process of increasing competence, while trying not to alienate various ethnic and regional blocs, is key for South Sudan.

The task of deciding what kind of state will materialise in South Sudan is closely tied to the establishment of state institutions, notably at the local level. Ironically, the push for decentralisation to deal with decades of marginalisation in South Sudan has created more problems than it has solved. In fact, many of the new governance structures have become *loci* of conflict.⁴ This paradox is largely due to the new local level institutions lacking accountability and being extremely weak. While there are ever increasing demands for new, smaller administrative units, these calls are largely for the counties to reflect sub-ethnic divisions. Even when new units are created, decision-making power is being firmly held in Juba; thus calling the entire decentralisation process into question. So far, decentralisation has served only to entrench ethnic elites at the local level while real power remains in the hands of the political elite in Juba.

Slow pace of development

Considering that during the CPA period, over US\$ 10 billion were assigned to the SPLM government in the south, there is little to show in terms of development and infrastructure.⁵ Already, civil society and citizens have expressed their dissatisfaction about the pace of development. While much of the shortcoming can be pinned on the corruption, unreal expectations for the pace of development preceding independence is also an issue. With competing interests, it will be difficult for the RoSS to satisfy all stakeholders and, if an area of the country and its inhabitants feel they are being neglected or marginalised, conflict will undoubtedly materialise.

Early warning and conflict prevention

As the recent clashes in Jonglei show, South Sudan is still flooded with small arms and light weapons and they are increasingly being used in communal and political conflicts. The creation of the state apparatus (the institutions, the mechanics of security and delivering services, and an effective process by which leaders can seek and realise the legitimate will of the population) is the real challenge now facing South Sudan. This structure must be created in a context of pervasive rural violence. In fact, according to a July United Nations report, between January and the end of June 2011, nearly 2400 people had died in 330 clashes across South Sudan. Most of these casualties resulted from cattle rustling incidents in Jonglei State's Pibor County.⁶ A key area of focus for the RoSS will be the control of such weapons and building a culture of compromise without conflict.

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South Sudan, as an independent state, must now chart its own path to peace and development. However, it is clear that the greatest threats to sustainable development are rampant corruption and increasing violence. Therefore, it is imperative that conflict prevention and peacebuilding be integrated into state building initiatives for a holistic or conflict-sensitive approach to development. A key part of this strategy is a functioning early warning and conflict prevention system. Early warning is best understood as a process that alerts those with decision-making capabilities of the potential outbreak, escalation and even resurgence of armed conflict. In doing so, it allows for the selection and implementation of appropriate responses. But, with the current context of South Sudan, for an early warning to be of practical use, a

warning regarding an emerging or escalating conflict has to be matched by an implementable and appropriate response. Hence, early warning and conflict prevention are closely intertwined. Without such a system, conflicts in South Sudan will continue to escalate.

Currently, there has been surprisingly little discussion around the prevention of violence as it relates to the processes of state-building and institutional strengthening. The focus on centralised governments, and the creation of other institutional mechanisms to govern South Sudan, has taken pre-eminence over the processes of seeking national coexistence and relationship building in a still partially polarised society. Questions regarding minorities, citizenship, marginalisation, corruption and access to basic facilities pose a threat to the stability and future development of South Sudan. Properly discussing and addressing these issues, alongside the process of state-building, will not only make an impact on the opening of political space but also in creating 'responsive' institutions that are 'representative' in nature.

The challenge ahead for South Sudan in peacebuilding and conflict prevention is to engage in conflict-sensitive state-building with the aim of forging a state rather than centralised structures and government. At the same time, the question remains how to create spaces for civil society participation in political processes to hold the SPLM accountable, and to start participating in the process of state-building and economic recovery, without over-relying on the international community. Uncoordinated engagements initiated by donor nations and bodies run the risk of pulling the reconstruction process in too many directions and further diluting impact. Attention needs to be focused on how best to achieve positive results and not lead to unintended consequences.

The Sudan: old state, familiar challenges

Constitutional crisis

With the independence of South Sudan, the Sudan is in the midst of a constitutional crisis. Sudanese political opposition parties contend that with the end of the CPA, the composition of the current government and the constitution itself need to be re-examined. The dominating National Congress Party (NCP) government, on the other hand, is confident that its current mandate derives legitimacy from the 2010 election and not the CPA; therefore, no new elections are required.⁷ Instead, clauses of the constitution that were altered simply need to be expunged or reverted to pre-CPA status. This constitutional review has become a bone of contention in Khartoum. Internal power struggles within the elite, and between the government and opposition, have led to a situation in which multiple conflicting statements are made on the same issue and have served to confound would-be peacemakers.⁸

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The likelihood of the dispute of the opposition and the government to swing towards conflict should not be underestimated. Several opposition parties have a history of engaging the current regime militarily and recently, some have openly reached out to the rebels in the periphery of the Sudanese state. While the opposition is weak and usually easily fragmented or co-opted by governing parties, they do still command some popular support.

Darfur

With the signing of the Doha Peace Agreement by the Liberation and Justice Movement (LJM) and the GoS, many had hoped that the conflict in Darfur would finally come to an end. However, the fractured nature of the rebel movements in Darfur; the lack of trust between the parties; and the inability of the mediators to get support from the larger rebel movements or civilian population means that a resumption of conflict is a distinct possibility. The appointment of LJM's Tijani el-Sissi as the head of the Darfur Regional Authority (DRA) is largely symbolic, for the position comes with little power to affect change in the troubled region. Additionally, rapprochement between the various factions of the Sudan Liberation Army could lead to further violence if these forces are able to find a regional power willing to provide them with rear bases and much need military equipment.

The rise of the Sudan People's Liberation Movement-North (SPLM-N) and the war in the not so 'New South'

A key challenge with which the Sudan will have to contend is the relationship between the riverine Arab core and the African peripheries. The NCP, and much of the Sudanese political elite, think of the northern half of the Sudan as Arab and Islamic. Prior to the referendum on southern independence, President Omar Al-Bashir had gone as far as to state that if the south seceded, 'there will be no time to speak of diversity of culture and ethnicity.'⁹ In spite of such statements, and even without the south, the Sudan is not as homogenous as some would hope. Prior to separation, Arabs composed 40–45 % of the total population, southerners 30–35% and northern African Muslims, like the inhabitants of Darfur, the Nuba Mountains and Blue Nile, around 25%.¹⁰

The current Sudan (sans South), with a population of around 30 million, is much more diverse than it appears at first glance, some 55–60% of the population are Arab, 35% of northern African origin and about 5–10% are South Sudanese. Thus, the separation of the South has not created an Arab north, as many have envisioned.

The ethnic configuration has a huge impact on the political calculations of the Sudanese regime. While a sizeable proportion of northern African population is supportive of the regime (or at least not openly hostile to it),¹¹ the majority feels marginalised, are heavily discriminated and bear the brunt of the Sudanese state's atrocity-prone military. The violence in South Kordofan flared in this border state after a disputed election was held for a governor, who was largely supported by the SPLM-N during the civil war. The hostility, which had mainly taken the form of attacks against civilians by government forces, now shows no signs of abetting, and numerous peace overtures have been disregarded.¹² After initially agreeing to allow the SPLM-N to be registered as a political party, and making provisions for a ceasefire, the GoS quickly backtracked and abrogated a signed agreement. General Omar Al-Bashir has also ruled out foreign mediation.¹³ The violence has since spread to the Blue Nile, where the democratically elected SPLM-N governor was deposed by the Khartoum government at the commencement of military operations.

The NCP is cognisant that an alliance between rebels in the SPLM-N heartlands of the Blue Nile and South Kordofan, along with those in Darfur, has the potential to put large swaths of the country beyond its control, if not topple the regime itself. While much has been made of the SPLM-N's military might, the greatest threat it poses to Khartoum is through politics. An interesting feature of the secession of the south is that much of the SPLM's policy makers and intelligentsia are now 'northerners'. Many key unionist members of the movement, such as Yassir Arman, Malik Aggar, and Abdel Aziz Al-Hilu, as well as the late Nuba leaders Yousif Kuwa Mekki and Samson Kwaje, are drawn from the Sudan and not South Sudan. As northerners and Muslims, they present a challenge to the ruling NCP that the SPLM did not. They cannot be merely written off as *kaffirs* (infidels) or *stooges* of the west yet it is how the government of Khartoum attempts to label them. This fear is partly to blame for Al-Bashir's refusal to allow the SPLM-N to be registered as a national political party and the current fratricidal campaigns in the two regions. As border states, Blue Nile and South Kordofan are key to peaceful relations between the Sudan and South Sudan and without a mediated settlement, internal and cross-border peace and security will remain elusive.

Economic issues

The Sudan's economy is not as buoyant as the regime would like to believe. Hyperinflation, a thriving black market, price hikes, loss of oil revenue and rampant corruption mean that, as revenue sources deplete, the government of Khartoum is aggressively looking for alternatives. In fact, much of the current

impasse around using transit fees for pipeline use between the Sudan and South Sudan can be seen as a desperate attempt to secure revenue to compensate for the deficit incurred by the loss of South Sudan's oilfields.

Using trade as a weapon of economic warfare has also deprived the Khartoum government of revenue that might have been earned from the transport of goods across the border.¹⁴ Currently, the balance of trade between the Sudan and South Sudan highly favours the former, as South Sudan exports almost nothing to the latter. The frequent closures of the border affect Sudanese businessmen as much as their South Sudanese customers.

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In the Sudan, the last 100 days have borne witness to a sustained rise in prices and a fall in the value of the Sudanese pound against the dollar. Attempts to devalue the Sudanese pound by the Khartoum government, which started in earnest on the eve of independence, served only to increase black market activity and a further entrench crippling inflation. On 24 July, Khartoum launched a new currency despite both governments agreeing to an AUHIP plan to postpone such actions for six months. The currency war served to deepen the Sudan's economic crisis as traders looked for hard currency rather than conduct business in a new, overvalued Sudanese banknote. The move, while designed to stifle economic growth in South Sudan by leaving US\$ 800 million worth of useless Sudanese pounds, also affected the north.¹⁵ The lack of coordination between the two states in the rollout of their respective currencies has only served to further the economic quagmire in which the Khartoum government finds itself. With current inflation in the Sudan well above 15%, and the Sudanese pound having lost 25% of its value since the referendum, the financial prospects look bleak.¹⁶

If these economic issues were not enough, the Sudan's foreign debt stands at approximately US\$ 37.8 billion (most of which is in arrears) and only a small portion is either low interest or suitable for debt relief. According to officials in Khartoum, the original amount borrowed is close to US\$ 15.5 billion and most went to either arms purchases or development projects in the north. Interest in arrears accounts for another US\$ 3.8 billion and late payment penalties on the interest is close to US\$ 16.5 billion. The major debtors of the Sudan include the International Monetary Fund (IMF), World Bank, Kuwait, Saudi Arabia and other gulf states.

The Sudan has pinned its hopes for economic recovery on the mining industry and, in particular, gold. Yet, the prospect of gold compensating lost oil revenues is impractical. Additionally,

claims surrounding the value and amount of gold and other precious metals are at best suspect and likely inflated. While the Ministry of Mining claimed that the value of gold production was US\$ 675 million in 2010, these claims cannot be verified.¹⁷ Dr Abdul Baggi Al-Gailani, the Sudanese Mining Minister, has stated that, 'Gold's contribution to Sudan's treasury will amount to US\$ 4 billion this year (2011), in addition to another billion dollars from other metals',¹⁸ An increase of that magnitude seems unlikely, and credible sources claim that they can only verify four tonnes of gold in 2009. But, according to official data from Khartoum, the country's gold production reached 36 tonnes during the same period.¹⁹ Statistics on gold production show that, despite the government claims, Sudan produced 2.7 tons in 2008 and 10.1 tons of gold in 2010.²⁰

The reason for this discrepancy may lie in arrangements made during the CPA. While the agreement stipulated that revenue from oil would be shared between the north and the South, no such arrangement was made for other resources, including gold. A 2009 report by Global Witness found that in line with complaints by the regional government in Juba, Khartoum had been under-declaring oil production by 9% in some cases and 26% in others.²¹ Once the fraud was exposed, the government in Khartoum may have channelled funds from oil into central government coffers, claiming that the revenue had come from gold, not oil production. The result was the dramatic increase in gold declaration, beginning in 2009. During the period of the CPA, this new fraud may have served its purpose and allowed Khartoum to skim money that should have gone to the South. In the post-independence period, it has led to dire financial problems. Oil should have accounted for 40% of the Sudan's exports;²² however much of the other 60% is in fact made from

slush funds derived from oil revenue that should have gone to the South. This means that the loss of the oil fields in the South has had a double impact: the loss of real oil revenue and the loss of fictitious revenue streams, such as gold.

Conclusion

For all intents and purposes, 9 July 2011 created two new states, not one. The current Sudanese regime's *raison d'être* has been to protect the Arab north from the forces in the west and their proxies in the pagan south. The state of near constant warfare with the South did much to bolster the regime and, for all but a small interregnum from 1972–83, dominated the attention of the Sudanese government and the northern masses. A succession of governments economically and politically favoured the Arab riverine people while trying to impose a singular Arab-Islamic identity over a diverse population, even in the north. The implications of this policy of exclusion are now becoming apparent in the north. With the 'loss' of the south, the Sudan must now socially, culturally and politically redefine itself, while South Sudan attempts to create its own state.

At this juncture, 100 days after the secession of South Sudan from the Sudan, both republics are confronted by a series of challenges that, if not properly addressed will lead to increased tensions and conflict. While some of these issues are connected to the fragmentation of the Sudanese state, most have their origins in the policy choices and directives emanating from Khartoum and Juba. The two Sudans are currently at a crossroad, with several unresolved issues, even after the independence of South Sudan on 9 July 2011. World attention has been focused on cross-border matters, such as a

UN Photo/Tim McKelvey



For many Sudanese recent price hikes mean they can no longer afford basic items.

formula to split revenue from oil and issues around citizenship and a myriad of internal issues, continue to plague both states. Indeed, much of the current tension between the two states can be seen as a manifestation or projection of internal political dynamics and power struggles. Unless this simple fact is understood, political actions taken in the two capitals make very little sense. Consequently, how the Sudanese deal with their internal machinations will have implications for not only cross-border relations, but also wider regional dynamics. As a result, policy interventions need to be designed to have a dual focus – the national capitals and the actual sites of conflict.

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