State Building and Development in South Sudan

"The time of the healing of wounds has come. The moment to bridge the chasms that divided us has come. The time to build is upon us".
Nelson Mandela, 1994

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PREFACE

Every step along the way observers watched with scepticism: when the signing of the Comprehensive Peace Agreement ended a two-decade-long civil war; when the people in Southern Sudan peacefully voted for secession from Sudan. And even as South Sudanese enthusiastically celebrated their Independence on 9 July 2011, critics warned that the main challenges would still be lying ahead.

Independence has become a reality for the Government of South Sudan and its people. Constructing a new state and a new capital, both almost from scratch, has infused the country with a new economic and social dynamic. As a result, the Government finds itself struggling to keep pace with the needs and expectations of a rapidly evolving society.

State building is often misrepresented as a technical matter of setting up new institutions then training people to do their jobs. However, establishing a viable state against the background of ethnically charged conflicts and a history of exclusion is a long-term process. It involves cultivating an inclusive political community that transcends ethnic, religious and cultural differences.

Such a process of nation building needs the participation of a wide range of civil society actors in political decision-making. Equilibrium can be found between the territorial integrity of a state, its promise of stability and the principle of a people's right to self-determination. South Sudan is not the first country to be faced with the challenges of state and nation building after a liberation struggle. There is much to learn – good and cautious lessons – from countries across Africa.

In order to facilitate dialogue between stakeholders in South Sudan and African scholars, the Heinrich Böll Foundation supported a two-day international dialogue jointly organised by the African Research and Resource Forum and University of Juba, Centre for Peace and Development Studies.

This publication contains contributions to this dialogue by government representatives, civil societies and academics from South Sudan as well as scholars from other parts of Africa. The speeches and papers demonstrate the keen awareness of the difficult task ahead but also share a sense of optimism that will be much needed for the young country of South Sudan to truly become a nation.

Nairobi, December 2011
Katrin Seidel,
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Reconstruction, of South Sudan, is an enormous task, which should go beyond constructing office blocks for the institutions. It has to encompass, reconciling individuals, communities, and institutions; so as to repair broken relations; people need to be given a leap of hope to appreciate the usefulness of the re-established state authority. It is through such dialogues, and debates, that some of the aspects of the reconstruction process will be achieved.

Introduction

Nsamba A Morris
South Sudan is born into a world where, the concept of the state in Africa needs re-examination (Shivji, 2009). In the 1960s most African independent countries embarked on state and nation-building projects to achieve national unity. These projects were increasingly modelled on the colonial model; characterised by one supreme leader, one political party fused together with the state, and monopoly of politics. Effects of this form of organisation were several but mostly included destruction of the autonomous organised expression of different views, state control of the media and all channels of public communication, and development of a closed society under the control of the state. This state has been variously termed as bifurcated, weak, fragile, collapsed, rentier (Mamdani, 1996; Hyden, 2006; Callaghy, 1984; Bates, 1981; Migdal, 1988; Bayart, 1996). The post independence state in Africa survived its first few decades of life on the basis of hope that it created in the people. But once the state abandoned the nationalist project and the authoritarian and military regimes began to crop up around the continent, many countries began own processes of the 'second liberation'.

The economic crises of the 1970s together with the change in world politics – end of the Cold War politics –created internal and external pressures demanding restructuring the post independence state. Internally, the 1970s witnessed the growth of civil society –the end of Cold War politics witnessed an interest and growth of civil society worldwide –and social movements in Africa demanding for democratic and socio-economic change geared at re-tooling the state towards more representation and participation of the citizens in governance and improving their socio-economic living conditions. External pressure mostly, came from the International Financial Institutions –World Bank and International Monetary Fund. The WB and IMF through loans conditioned African states to redefine the scope of government to that of a regulatory and providing the impetus for private sector rather than state led development (World Bank, 2000). However, in most of Africa there was no private sector to grow. In some cases, the same state functionalities in partnership with transnational corporations and elites became the private players. This has produced two tendencies. First, deterioration of public

service provision; most of private sector is not well equipped to provide the services as it was expected. Second, a comprador capitalist class connected to the state has been created and nurtured. The effects have been social disintegration, political turmoil and economic immiseration (Shivji, 2009), increased informalisation of the state and almost state sanctioned corruption.

As South Sudan builds state institutions, the leadership will be faced with choices. Some of these choices will include but not limited to the model of the state – strong or soft –the leadership wants to craft, how to address the socio-economic legacy of South Sudan. Currently, as a result of socio-economic marginalisation and the two decade conflict, less than 50% of all children in South Sudan receive 5 years of primary education and while 1.3 million children are enrolled, only 1.9% complete the primary education cycle, for every 1,000 children there is only one teacher (UNESCO, 2009). The health indicates are no better, with infant mortality rate standing at 102 (per 1,000 live births), under-5 mortality rate at 135 (per 1,000 live births), the maternal mortality rate is 2,054 (per 100,000 live births) (SSCCSE, 2009).

While there are indicators to suggest that GoSS is making progress towards establishing state institutions, to deal with the socio-economic legacy; state reconstruction is often goes beyond repairing damaged buildings and re-establishing state institutions. It encompasses restoring people's trust and confidence in governance systems and the rule of law, repairing broken and eroded relationships at individual and institutional levels as vehicles for legitimatising the state (Academy for Peace and Development, 2006).

Although people have returned to rebuild the country; the manner in which the project of state building and development is crafted will remain instrumental in creating institutions with culture to allow people transit from informal to formal authority as avenues for state-society relations and engagement. The leadership of South Sudan still enjoys broad support from the mass to craft such institutions; but this support should not be taken for granted. It will vanish away the moment the SPLM leadership fails to deliver the much needed public services; fails to address legacy of systemic conflict and marginalisation which were almost part state sanctioned in Sudan.

Although, there is the South Sudan Vision, 2040 Plan, the current, reconstruction programmes still loosely linked to the long-term strategic objectives outlined in that plan. As such the tendency often to focus on short- and medium-term humanitarian needs with limited efforts towards contributing to the realisation of the long term development objectives. This is in part due because most of the reconstruction programmes are hardly based on a clear analysis of the political and socio-economic history of South Sudan and a clear conflict analysis of the country. Hence, sometime there are tendencies towards politicisation and militarisation of the public service; balkanisation of the country into smaller local administrative units for political patronage rather than service provision; over-reliance on oil revenue as a single source of funding with limited alternatives has continued; capacity deficiencies in particular at state government level have persisted; and high levels of corruption within the public service. Although some of these are expected in the medium term, SLPM leadership has to provide a roadmap and preparedness to address these evils that are potential drivers of conflict; if it is to conclusively resolve conflicts in the country and embark on state-building.

As a contribution to international, regional and national processes aimed at informing the state building project in South Sudan, the African Research and Resource Forum in partnership with University of Juba, Centre for Peace and Development Studies organised a two-day international dialogue under the theme "State Building and Development in South Sudan". The central objective of the dialogue, which brought together national and local government officials and political leaders, academics, civil society, development partners and the media, was to critically examine and evaluate the post-conflict reforms in Southern Sudan, so as to generate an informed debate and consensus on the salient features, challenges and future direction of the post-conflict reforms.

This publication is an outcome of the two-day dialogue. It is comprised of five papers and two speeches. The papers examine a range of topics, including challenges of state building and development; human resource capacity development; security challenges; South Sudan-Sudan cross- border relations; liberation movements with post-Liberation state-building; and South Sudan's foreign policy options.

Peter Adwok Nyaba discusses the internal politics of SPLM/A, in particular the extent to which internal politics has permeated and affected state- and nation-building processes in South Sudan. According to Nyaba, failures of government are attributable to the internal weaknesses of SPLM coupled with a negative legacy of the armed phase of the liberation struggle. The central argument Nyaba makes is that SPLM/A deliberately neglected political education and organisation in the later phases of the liberation struggle. The outcomes of disregarding political education and organisation are ubiquitous insecurity and ethnicised conflicts, neo-patrimonialism and corruption in the public service and lack of an articulated SPLM/A blueprint on socio-economic and political development in South Sudan.

Samson Wassara examines the security sector and its challenges from a regional and bilateral angle; analysing how the relationship between Sudan and South Sudan contributes to the security complex in South Sudan; the regional security risks and challenges including the Lord's Resistance Army (LRA) and Somalia. According to Wassara, some of the security threats are a continuation and transformation of the conflict. Over time, the conflict drew in more players beyond the Sudan People's Liberation Army (SPLA) and Sudan Armed Forces (SAF), to include militia groups often created by SPLA and SAF during the over-two-decade-long conflict. But these groups were not party to the CPA, neither was their disbandment succinctly negotiated. As such, they have resorted to violence as a vehicle to inclusion in the political discussions and settlements. Wassara further examines the security architecture in South Sudan, outlining the element of the state security apparatus and evaluating the capacity of this apparatus to deal with internal and regional security challenges and risks.

Nelson L. Moro interrogates the cross-border relations between South Sudan and Sudan. According to Moro, the Sudan-South-Sudan border, decided by British colonial administrators, is politically sensitive because of natural resources, particularly oil, gum Arabic[1] and land in the border zone. He argues that competition over resources has been a constant cause of tensions between South Sudan and Sudan political elites. However, he underlines the fact that

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1   Gum Arabic is sap from Acacia Senegal trees which are abundant in Sudan. It is used in the production of wide range of products, including beverages and medicines.

some of the border communities have managed to live in harmony, governed by local peace agreements which allow easy and free movement of goods and animals across borders. Such localised peace agreements, in particular between border communities, over cross-border movements put into question the use and meaning of borders and indeed the state. Moro offers options for future border management.

Bankie F. Bankie navigates the political and liberation struggle of South Sudan, highlighting the place and meaning of political and cultural identities. He argues that cultural and racial identities informed the manner in which the Khartoum government often responded to the liberation struggles in South Sudan. Bankie contends that, within Africa and the world at large; there is limited informed debate and consensus on key historical causes of the South Sudan liberation struggle. He outlines the historical experiences of the Afro-Arab relations in the Afro-Arab borderlands – from Mauritania on the Atlantic to Sudan on the Red Sea and Sudan in particular – as a basis for the struggles in South Sudan. According to Bankie, the Afro-Arab relations constructed and defined by slave trade. Black Africans were the slaves and the Arabs were the slave traders. The liberation struggles of South Sudan are, thus, explained as market- and race-based struggles. First, the liberation struggle was about Black Africans breaking the cord with their Arab captors, who viewed them as an inferior race. Second, the struggle is explained as an act of self determination of the black slaves from their slave masters and traders, who were interested in the profiteering from the sale of slaves.

Awut Deng discusses the human resource capacity challenges facing the Republic of South Sudan, stressing that capacity development is a multi-dimensional process that goes beyond the transfer of knowledge and skills to individuals to include institutions, organisations, sectors, systems and the enabling environment. According to Awut, enormous progress has been made towards establishing modern public institutions. But these institutions are still in their infancy and fragile in the face of a number of internal and external chokes. However, she also notes that South Sudan still faces critical skills gaps at a time when human capital is greatly needed. Awut underscores the importance of addressing capacity development within a framework of an organised state bureaucracy with the

capacity to define, refine and focus capacity development efforts. Lastly, Awut cautions that capacity development in South Sudan must take cognisance of the post-conflict environment and requirements for consolidating peace, nation and state building as a framework of reference for institutional capacity development and the multiplicity of transitions taking place in South Sudan.

References

Academy for Peace and Development . (2006). *A Vote for Peace: How Somaliland Successfully hosted its first Parliamentary Elections in 35 years.* Hargeisa: Academy for Peace and Development .

Bates, R. H. (1981). *Markets and States in Tropical Africa.* Berkeley: University of California Press.

Bayart, J.-F. (1996). *The State in Africa: The Politics of the Belly.* London: Longmman.

Callaghy, T. M. (1984). *The State-Society Struggle: Zaire in Comparative Perspective.* New York: Columbia University Press.

Hyden, G. (2006). *African Politics in Comparative Perspective.* Cambridge: Cambridge University Press.

Mamdani, M. (1996). *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism.* Kampala: Fountain Publishers.

Migdal, J. S. (1988). *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World.* Princeton NJ: Princeton University Press.

Shivji, I. G. (2009). *Where is Uhuru? Reflections on the Struggle for Democracy in Africa.* Nairobi: Pambazuka Press.

World Bank. (2000). *World Development Report 1999/2000: Entering the 21st Century: The Changing Development Landscape.* Oxford: Oxford University Press.

Experiences of State Building and Development in South Sudan

H.E Dr. Riek Machar Teny

Introduction

It is important to bear in mind that building a new state, literally from scratch and against a backdrop of a long war, poses many challenges. These include, inter alia, security issues, poverty, economic productivity, and development of human resources, service delivery, resettlement and reintegration of internally displaced persons (IDPs)/returnees/refugees, disarmament, demobilisation and reintegration (DDR) and the establishment of democratic institutions to ensure popular participation in the government.

The Comprehensive Peace Agreement (CPA) Era

Although state building in South Sudan is an ongoing process, it commenced right away after successful conclusion of the Comprehensive Peace Agreement (CPA) in January 2005. Steps towards state building were taken with the formation of the then Semi-autonomous Government of South Sudan (GOSS). With the help from the Government of South Africa, training/induction on governance and reconstruction was provided to the entire leadership of (SPLM). The Movement's cadres continued to be trained in South Africa through the six-

month pre-transitional period and thereafter over 7,000 civil servants, including county commissioners, benefited from this program. It is continuing and others are being trained in Kenya and Uganda.

It was also at this time that we started to establish key government structures in the form of the Legislative Assembly, Executive and Judiciary. This was subsequently followed by the enactment of foundational legislation, reform of the SPLA into a professional and conventional army with civilian oversight, and steps were made towards effective policing and the rule of law.

The South-South Dialogue

The South Sudan dialogue was centred on the process of state building that ensued. As we all know, experiences of state building in a nation undergoing multiple transitions and challenges; political and ethnic differences, infant governance structures, peace and security threats, inequitable development, yet to be disarmed and reintegrated former combatants. Many of these challenges also constitute an opportunity for moving forward a society in which citizens can fulfil their legitimate socio-economic, political and cultural aspirations and effectively contribute towards the process of state building.

Unquestionably, it was imperative to create harmony and unity among various South Sudanese political groups. In 2005, the leadership of the SPLM initiated a South-South dialogue with the other political forces and other armed groups in the country. The dialogue started in Nairobi, Kenya, and was concluded in Juba. It provided unique opportunities for South Sudanese political leaders to discuss and address issues pertaining to the South without foreign interferences. The resolutions made at a series of meetings were significant. They led to the unification of the SPLA and the other armed groups.

Other armed groups in the country laid down their arms and were integrated into SPLA, the National Army and other organised forces. This process is still ongoing. More importantly, 30% of positions in the government and parliament were allocated to these other parties. In this respect, the principle of inclusivity and widening participation in the political process underpins the government's effort towards the state building process.

Constitutional Development

In addition, CPA provisions had to be incorporated in the Constitution of the land. Therefore, a new Interim Constitution of the Republic of South Sudan was enacted. Under the new constitutional arrangements, new land laws were enacted as the previous SPLA laws that were operational in the liberated areas were repealed. More importantly, the time witnessed the establishment of the Civil Service in South Sudan. Also the process of transformation of the SPLA from guerrilla movement to a professional or conventional Army was completed. The Constitution ushered in the Census of 2008 and the General Election in April 2010 respectively.

Preparation for the January 2011 Referendum

The South Sudan referendum held in January 2011 was a watershed moment for the country. It was therefore important that proper preparations for the country had to be done by all stakeholders. Obviously, we in the government in the South took a wide range of initiatives as groundwork for the referendum. For example, in February 2010 the President formed, under my chairmanship, the South Sudan 2011 Taskforce, which had oversight inter-governmental responsibilities over the conduct of the referendum and the implementation of the referendum issues.

As part of the preparation for the referendum and the post- referendum situation, we are keen to draw on the interests and perspectives of all other political parties in the country. As the Vice-President, I have recognised the importance of collaboration and mobilisation of all political parties and CSOs in working together to identify and implement strategic interventions that make a difference in the lives of the citizens. Thus, in October 2010 we held an all-South Sudan Political Parties (SSPP) conference in Juba. The consensus built around the importance of the conduct of the referendum was unprecedented in the political history of Sudan and thus the SSPP conference was considered a milestone event. The conference created a solid ground for consensus-building and political unity in South Sudan, as its resolutions formed the foundation of a new state – South Sudan.

Repatriation of Internally Displaced South Sudanese and Refugees from Neighbouring Countries

During the war hundreds of thousands of South Sudanese were internally displaced in the north. Following the signing of the CPA in 2005, the need for return of South Sudanese IDPs became apparent. The Government of South Sudan (GoSS), with the assistance of a number of development partners, coordinated the repatriation of the IDPs. However, prior to the January 2011 Referendum the sense of fear and uncertainty that prevailed in the North hastened an influx of large numbers of South Sudanese to flee the North. A considerable number of the IDPs settled in their homes.

Preparation for Statehood

Once the outcome of the referendum was clear, the Taskforce started in earnest to ensure all aspects of the transition to statehood were prepared. Important instruments of the State – the National Flag, Symbols and National Anthem – were made and approved by Parliament. More significantly, the new transition Constitution of the Republic of South Sudan, and the basic legislative instruments for a new state, were passed by Parliament. At the same time, we are planning ahead for the broad-based development of the permanent Constitution of the Republic, to cement a solid system of democratic and equitable governance, which will guarantee the basic human rights of all our people to their dignity, safety, prosperity and well-being.

We strongly believe that all sections of our society have important roles to play in the process of state building in South Sudan. Civic society institutions that are essential to state building include political parties and the media. Evidently, the structures of these organisations are weak and lack capacity to adequately carry out their national duties. Since 2008, the government has supported the establishment of a network of autonomous civic society organisations. For example, we sponsored inaugural conference for Students, Workers, Youth, Women and Faith Groups (FBGs). As a result, in South Sudan there exists a Workers' Trade Union and Students' Union. As part of our attempts to strengthen these groups we ensured that they had representatives in the National Legislature. In Parliament, Members of Parliament (MPs) will play an important role in building the new state of South Sudan.

As we are trying to establish institutions for the new state of South Sudan, the focus has once again moved to the constitutional process. One of the key priorities of the present government is to complete the redrafting of the interim constitutions in the states in line with the political realities in South Sudan. The government has also launched absorption and reintegration initiatives for the returnee South Sudanese civil servants, members of the Sudan Armed Forces (SAF), and other organised forces from the North into the Republic of South Sudan's structures.

National Development

With assistance from the international community, South Sudan has made some steady progress since 2005 on the development front. But the development needs and economic opportunities in South Sudan continue to be challenging. Nonetheless, as the people of South Sudan are jubilant for attaining their freedom, they have high expectations. The President reaffirmed recently during the announcement of the Cabinet, his 100 days' targets in education and roads. The government is committed to launching its economic program.

The National Development Plan

In the Southern Sudan Development Plan (SSDP), outlining the nation's socio-economic blueprint for the period 2011-2013, the government makes a clear case for tackling social inequalities. The Plan sets out a clear and strong agenda across four key pillars for government action: Good Governance; Conflict Prevention and Peace-building; Economic Development and Social and Human Development. We aspire that, **"By the end of 2013 South Sudan is a united and peaceful new nation with strong foundations for good governance, economic prosperity and enhanced equality of life for all".**

South Sudan has already developed its Vision 2040:
"By 2040, we aspire to build an exemplary nation: a nation that is educated and informed; prosperous, productive and innovative; compassionate and tolerant; free, just and peaceful; democratic and accountable; safe secure and healthy; and united and proud".

To build a state on these guidelines requires an efficient apparatus for public service provision. The demographic facts of South Sudan, with a large rural population, reinforce the realisation of Dr. John Garang's vision of taking the town to the village. As H.E. Madam Awut Deng Acuil, the Minister for Labour, Public Service and Human Resources Development, would attest, we intend to institute a pyramid-like civil service structure which provides for the high concentration of civil servants, teachers, doctors, midwives, administrators, veterinary doctors and nurses, foresters and agriculturalists at the bottom of the pyramid in Bomas, Payams, and counties and narrow at the states and national levels respectively. We acknowledge the limitations in the Government's provision of social services - health, education and roads -because of the budgetary constraints. In part due to South Sudan dependency on oil revenues amounting to about 98% of the national Budget. This model of public service deliverance will not ensure an equitable socio-economic development in the country.

The delivery of services must go hand-in-hand with the reconstruction of the country's physical infrastructure that has suffered from the war. This constitutes another top government priority. Therefore, it is vital that the world does not lose interest in South Sudan. We need continuous international support in these efforts.

During my visit to United States of America in June 2011, I participated in the UN's Special Session of the Economic and Social Council (ECOSOC) on South Sudan in New York. The ECOSOC's meeting had wider perspectives, but with an emphasis on how the world could support South Sudan and Sudan in different areas such as infrastructure, agriculture, the rule of law and good governance.

I also met with a number of key investors during my visit to the US who expressed an interest to invest in the country after Independence. I told them that South Sudan needs billions of dollars' worth of private finance investment to in order to catch up with rest of the world. I also met, in Dubai, with senior officials of the United Arab Emirates (UAE) and agreed that a conference for South Sudan on trade and investment will be conducted in October this year. In my opinion, Dubai is strategically important to South Sudan, as it will serve as an outreach base to other Arab nations and the Far East. With these visits and many more to

come, the focus will be on attracting investors to invest in South Sudan in order to build the country to be one of the best in the region.

We invite international financial services in the country's infrastructure development. We will provide an attractive investment climate for such investment to flourish. Some of the priority investment areas in South Sudan that featured in my discussions in the US and Dubai were:

Roads and Bridges: Needless to say, South Sudan, the size of the three East African countries of Uganda, Tanzania and Kenya combined, is landlocked and needs roads to connect her with the neighbouring countries, particularly immediate trading partners, i.e. North Sudan, Ethiopia and East Africa. Currently, South Sudan has less than 200 tarmac roads. The Nimule-Juba Road connects South Sudan and East Africa/Uganda. This road was built through funding from the American Government. We will need to build more essential road networks in South Sudan.

Juba Airport: Development of Juba International Airport to meet the requisite capacity to receive the expected high level air traffic to link the country with rest of Africa, the Middle East and Europe is essential. Hopefully, South Sudan would become the economic hub or economic platform for Africa. Geographically, South Sudan is at the heart of Africa. Some 70 kilometres away from Juba in Tali, Central Equatorial, lies the centre of Africa. This position gives us some geopolitical significance. We also intend to build an international airport in Tali, an economic free zone like Dubai and Singapore. South Sudan will also need to build refineries and pipelines to transport its crude oil to the international market, introduce real estate for decent housing through direct foreign investment in the ten states and build a new national capital territory in Ramchiel.

Railways: We have been working with some American companies to build railways in South Sudan. Electric power is a prerequisite to development and for realising the policy of taking town to villages. We need to build hydroelectric dams to generate electricity for the country and export. Hydropower project sites are in Fula, Shikola, Laki, Beden, Sue, Kenyiti and Kuren.

Internet: South Sudan has no fiber-optic link to the outside world. The Internet use in South Sudan depends on the satellite bandwidth. As any South Sudanese Internet user will tell you, these satellite links are unreliable and negatively impact on Internet access, as well as being expensive and slow. South Sudan's bandwidth costs are extremely expensive in comparison to other countries in East Africa and 25 times the average international price. A submarine fibre-optic cable has already connected the East African countries to Europe and Asia. We would want this line, which exists just across the borders in Kenya and Uganda, to be extended to South Sudan. This is expected to drastically lower the cost of high-speed (broadband) Internet services and telephone calls. Internet connection represents an enormous economic boost, given how information is going to be spread. My estimation is that these projects will cost US$500 billion of investment in five years. Attracting private investment opportunities will have a positive impact on all aspects of socio-economic development, including provision of services, jobs and education.

Nelson Mandela famously said in 1994: **"The time of the healing of wounds has come. The moment to bridge the chasms that divided us has come. The time to build is upon us".**

Invoking these words provides an inspiration for the accomplishment of the state building and national development ambitions in this country. The experiences of South Sudan's state building and development I have attempted to outline in this opening address are not only enormously challenging, but essential as well. Now that the independence of the country has been attained, reconciliation, state building and development must constitute the primary government priorities in this transition period. Building a political consensus among all South Sudanese is the key to South Sudan's socio-economic development. From 9th July 2011, there is no more Northern Sudan or Khartoum to blame. I strongly believe that, together, we can strive to achieve these noble aims of building and developing our new state of South Sudan.

The mechanism by which this is to be done underlines the focus this international dialogue. We, in government, politicians, university professors, students and citizens, need to take our national responsibilities/duties very seriously. We trust

that our academics and students in universities and think tanks such as the African Research and Resources Forum (ARRF) and Centre for Peace and Development Studies (CPDS) at the University of Juba will continue to play an active role in providing innovative ideas to inform the rebuilding process of this new country. With these thoughts, I declare this workshop opened and wish you constructive deliberations. I look forward to the resolutions of the workshop.

State-building and Development in the Republic of South Sudan

Hon. Prof. Peter Anyang' Nyong'o

There are a few things that the Government of South Sudan (GoSS) cannot risk to get wrong. One is the stance it adopts towards the so-called rebels; the armed men and women who have receded to the woods in defiance of the new government in Juba. Their misgivings may be ill-placed, and at times even wild; but that is no reason to ignore them.

The Juba government is better off opening the doors of dialogue with these malcontents than seeking to bomb them into oblivion. In this regard, walking the risky road of negotiations would pay much better dividends than taking the tough posture of a warrior heading for the jugular. Lessons from FRELIMO faced with the RENAMO insurgents are there to be learnt. Going down the path that Angola went with Savimbi rebels, leads to a victory with much worse consequences to peace and development.

The second problem that needs to be handled with political dexterity is the issue of the politics of inclusion. It would be disastrous to adopt the winner-take-all

model that most African countries have always associated with electoral victory. Not, that losers in democratic contests should expect to have their cake and eat it, but that, having won an election, it is better to behave like Mandela after the fall of apartheid than like others I would not like to mention at this point in time. History is full of them, both as the African political octogenarians or as those already housed in the museum of our political past.

The politics of inclusion is not necessarily related to forming government; it has also a lot to do with crafting nationhood. And here we have many lessons to learn from Mwalimu Julius Nyerere, not with the view of copying everything he did, but with the view of beginning to craft South Sudan's nationhood by confronting the issues that face us today the way he might have confronted them.

Soon after Tanganyika's Independence, Nyerere decided to take a one-year sabbatical from running the affairs of state to build the Tanganyika African National Union, (TANU). He wanted TANU to be felt in every village, having sustainable structures and institutions rooted among the people. He wanted to instill some national values in every Tannganyikan so that, like Amilcar Cabral of Guinea would say much later, Tanganyikans "would die a tribe and be born a nation". He did not want the fact that there were Chagas, Waswahilis and Luos in Tanganyika to be forgotten. His aim was to make these nationalities share some common values of nationhood, making it possible for them to forge common bonds and ties that would give them an identity, a democratic political culture, a pride as a people. Tanganyikans were to be included as people and individuals in the enterprise of creating the new nation. TANU and Nyerere would only provide the leadership, hold high the star that guided the Tanzanian ship into the uncharted waters of nation building.

The third issue that needs careful approach in this endeavour of nation building is the issue of political leadership. The experience of presidential leadership and political parties in Tanzania offers good lessons. After the Union between Tanganyika and Zanzibar that produced Tanzania in the mid-sixties, Nyerere had to confront the issue of political leadership in the new United Republic. We would not like to argue for a moment that the solution Nyerere arrived at was the best. Our point here is that he recognised the problem and confronted it, coming

out with a solution that he believed would help Tanzania, which did in fact help Tanzania for quite some time. And although it was abandoned by subsequent regimes, the departure was not always for the better. But let us look carefully at what happened in Tanzania in 1967, the year of the Arusha Declaration as well as the Leadership Code.

Roberto Michels, in his book Political Parties, argued that all organisations, however founded, tend to be led by a small group of people who tend to have the proclivity of exercising power exclusively. He called this The Iron Law of Oligarchy. This iron law expresses itself even more viciously in political parties, even when they are founded as democratic political movements initially: "Who Says Organisation", argued Michels, "Says Oligarchy".

Crafting rules of the game into the system of running political parties, curbs oligarchical tendencies; as result institutionalising participation, accountability, transparency, consultation and service to the people. Nyerere said that oligarchy tend to nurture corruption, arrogance, misuse of resources, elitism and ubinafsi, i.e. excessive individualism.

The cure for all this, therefore, was to craft the Arusha Declaration, which stated the broad principles on which the new nation of Tanzania would be built: it would be united, socialist, democratic and developmental, avoiding the exploitation of man by man and emphasising production and productivity based on work by all and the mutual respect and promotion of the individual and human rights of all citizens.

The Leadership Code, or Mwongozo, assigned to political and state leaders specific values to follow in exercising political and state power. These powers were not to be used for self- aggrandisement but for service to the people; and both the party and the state would reward each leader accordingly for the work done. The leader would then not need to engage in activities of accumulation of capital that were the province of economic entrepreneurship. This, then and later, proved to be the hardest nut to crack in the Tanzanian Leadership Code; and its wanton breach in the post-Nyerere era has also been the bone of contention regarding Chama Cha Mapinduzi's (CCM) credibility today.

The fourth issue that the new government in Juba will have to confront is how to deal with diverse interest and power groups that claim entitlement to the share of the political dispensation in the post-referendum period. These include those who have discernible political constituencies following results in electoral competitions, as well as those who claim to represent specific ethnic constituencies and can mobilise these in opposition in the event of political exclusion. How does one deal with the various demands? How does one determine their credibility? What framework is to be developed that will be democratically inclusive without necessarily pandering to individual egos which have little to do with the public interest?

The fifth issue is to do with devolution. South Sudan starts off with a structure of government in which devolution is nascent. The various states have devolved powers over resources, the management of local governance and the participation in national politics, given the federal structure as a point of reference. The question to confront right at the word go is to what extent does this federal structure promote and institutionalise individual and people's rights within the states themselves? Do communities have power within these states? How are resources distributed and used to promote the productive energy of both the states and the communities at the local level: Access to water, food, housing, education, health, safe environment, electricity and so on? These are no longer national issues in democratic governance; these are issues over which elections are fought and lost both at the national and local levels.

We want to avoid the Ogoni phenomenon that has bedevilled Nigeria for a long time, or the Welsh and Irish problems in Great Britain. At the same time, the institutionalisation of devolved government needs to be the result of continuous democratic discourse. Kenya did away with a form of devolved government at Independence and for 40 years experimented with a presidential authoritarian regime which simply underdeveloped both the nation and the communities. The restoration of devolution has created a new form of energy in the nation, but its management and institutionalisation still faces many challenges. The good news is that the debate and resolution of these challenges will of necessity be democratic, given the present structure of governance under the new Constitution and the openness of society.

The sixth issue that needs to be flagged is that of language. Tanzania was lucky in that Swahili was already widely spoken among the various ethnic groups at Independence. When it was adopted as a national language it received very little resistance. Indeed, English was spoken by small elite, given the skewed manner in which formal education had been carried out by the colonial government.

Not many African nations have the advantage of having one common indigenous language spoken widely across that nation. South Africa is multilingual and has adopted English and the other national languages as official languages in government. Swahili was not as widely spoken in Kenya as it was in Tanzania at Independence. Kenya therefore adopted both English and Swahili as official languages. Only recently has there been a much more aggressive program to teach Swahili in schools, and areas previously believed to have a deficit of Swahili speakers are beginning to shine in primary and secondary school examinations. This is a good development.

What does all this mean? It really means that one has to be pragmatic about developing a national language in a multi-ethnic nation. But this is a process and not an event. It has to be dealt with carefully as it touches on people's cultures, opportunities in government and national integration. An objective can be set; for example moving from being arabophone to anglophone or swahiliphone in the next 20 years or so. Being part of the East African Community this is an issue that may have to be treated with some urgency.

Finally, therefore, we logically come to the issue of the economy and regional integration. South Sudan will remain the bread basket in the region: untapped, unexploited, sleeping and waiting to be woken up. There must be infrastructural integration of South Sudan into the rest of the region through railways, roads, telephony, waterways and media. An East African Community Study Centre here in Juba will be timely, for South Sudan must enter the Community with evidence-based integration schemes and not just sentimentally.

The Challenges of State and Nation Building in South Sudan

H.E Prof. Peter Adwok Nyaba

Introduction

The birth on July 9th, 2011 of South Sudan as an independent sovereign state did not come by accident or as a surprise. This event was a result of decades of relentless struggle by our people, with the material, moral and political support they received from the region of the Horn, the rest of Africa and the friends in the international community, against the neo-colonial status southern Sudan found itself in when the Sudan implemented the Self-government Act in 1954.

In a nutshell, the struggle therefore was for restoring the human dignity of our people, suggesting that each and every person in South Sudan should be visible and participating in the social, cultural, economic and political engineering leading to the development and emergence of a modern state in South Sudan.

In this submission about the challenges of state and nation building, I want to focus on the tomorrow (future) rather than brooding on the past. However, the fatal mistakes over the last six years that landed South Sudan into the spectre

of a state failing at birth, which now warrants the United Nations Mission in South Sudan (UNMISS) to exercise the protection mandate (UN Security Council Resolution 1996 [2011] of 8 July, 2011) will inform my contribution to the discussion.

The SPLM spearheaded the War of Liberation as well as negotiated and signed in 2005 the Comprehensive Peace Agreement (CPA) with the Government of Sudan (GoS). It dominated the interim period's processes and therefore must take responsibility for governance failures that characterised the interim period in South Sudan. To me, the failures in government must be attributed to internal weaknesses of the SPLM as the governing party, coupled with the negative legacies of the armed phase of the liberation struggle.

The Original Sin
The original sin of the SPLM was perhaps the deliberate neglect of political education and organisation in the conduct of the War of Liberation. The dysfunction in government; the ubiquitous insecurity and ethnicised conflicts that claimed lives more than the war; the apparent resurgence of neo-patrimonialism in the management of public affairs; the widespread corruption at the highest echelons of government, can only be explained by this negligence of political work among the combatants as well as the masses of our people. This confirms Mao's maxim that war, and especially wars of liberation, can only be won by political means: political education, organisation and unity among the people. The stasis in the SPLM is reflected in the performance of government, both in the Executive and in the Legislative organs during the Interim Period.

Thus, as the euphoria of Independence fades into the depressing realities of daily life in South Sudan, we come face-to-face with stark facts of this neglect of political organisation in the liberation struggle. Sooner than later, we will discover that South Sudan is at precarious cross-roads of becoming or not becoming a reflection of the SPLM vision of a New Sudan based on justice, equality, freedom, unity, social progress and democracy, which epitomise the construction blocks for nation and state building.

The Challenges of State Building

South Sudan emerged as an independent country before the completion of state formation process as per the European model. Many of its people still live outside the state precincts; politics have not been sufficiently emancipated from the person, or, by extension, from the ethnic community from which hails the person exercising authority; the economy is dominated by the traditional agriculture characterised by peasant production, and animal husbandry; commerce, trade and social services remain informal; without an organised tax system the government has continued to lose billions of South Sudanese pounds to unauthorised persons.. Thanks to the oil sector that has been providing over 90% of the revenue for running the government since 2005.

It can be said with confidence that the challenges, or rather the threats, that impinge on the chances of this young republic becoming a viable and robust state are enormous and tricky. The greatest challenge perhaps is that the SPLM has not woken up to the reality that it is the ruling party and that it must stamp its vision on every policy statement on social and economic processes in South Sudan. As it is, public policy remains a matter of personal effort by many of us in government. There is no collective action. There is no party blueprint for transforming its vision into social and economic plans for implementation by the Government. It could have done that, but the legacy of militarism that characterised it during the armed phase of the struggle still weighs heavily on political innovation and planning.

State building in post-independence South Sudan therefore requires different attitudes, methodology and skills on the part of the political leadership. The SPLM therefore needs to go back to the drawing board to identify the gaps and weak points in its system and to rectify the mistakes. The process of a viable state building process must of necessity begin with the SPLM liberating itself from this inertia and stasis; liberating its political and intellectual energy; and become responsive to the concerns and aspirations of the people.

What is to be done?

The turn-key in all this is democracy. The people of South Sudan desire a state that is strong, unified and able to enforce laws on its own territory; on the other hand, the society in South Sudan should be strong enough, cohesive and capable

of imposing accountability on the state. It is the balance between a strong state and a strong society that makes democracy work. In this context, I want to submit that the proliferation of political parties as a form of mass mobilisation will not bring about or enhance democracy. Most of these parties are based on ethnic and regional lines which the political elite use for gaining legitimacy.

Where do we start? SPLM and all other political parties in and out of government have to transform into agencies of change and social transformation. The SPLM being the dominant political party, it is incumbent on its leaders to lead the change that will transform Southern Sudan from what it was – a sub-national entity and mentality – to a full-fledged sovereign entity with a corresponding mentality and attitude of exercising power with responsibility. In this vein, three important steps under SPLM authority should be undertaken immediately:

+ The complete *demilitarisation* of the SPLM with a corresponding *de-politicisation* of the SPLA and its professionalisation. The two institutions, prior to the CPA, existed like Siamese twins conjoined in the head that any surgical operation to separate them would result into their mutual death. The new political and constitutional dispensation should transform the SPLA into the Armed Forces of the Republic of South Sudan and therefore they must relinquish their current name. The SPLM should transform into a mass-based political party.

+ One of the relics of the authoritarian one-party state in the Sudan was the *politicisation* of the civil service and its institutions, rendering them inefficient and ineffective. It is now urgent and of paramount importance that the civil service be de-politicised, professionalised and made lean, efficient and effective. Linked to this is the question of decentralisation, local government and the de-politicisation of county commissioners. This administration at the county level should be executed by professional and qualified local government administrators.

+ Putting a moratorium on the creation of counties. The proliferation of counties drawn along ethnic, clan and political lines encourages centrifugal forces and has a destabilising impact on national integration.

An efficient, effective and professional public service is the foundation of the modern state upon which core values of justice, equality and freedom are built. This would constitute the starting points not only for the construction of a modern state in South Sudan but also for the consolidation of our internal as well as external legitimacy.

I had always believed that South Sudan would start its development journey from a vantage point; given that most of its leaders and political activists lived in exile; and therefore had intimate knowledge of the experiences of our neighbours in the region who suffered the unusually cruel combination of constraints that cast them into an everlasting vicious circle of impotence. Unfortunately, this was not to be the case; we did not avoid the process of gradual informalisation, bordering on criminalisation, of the emerging state. This may explain why many of our people are still in Kakuma and other refugee camps six years after the end of the war with the North; why, for instance, there is a massive exodus from South Sudan to Uganda and Kenya by many of our people to find schools for their children; and why our people are fighting among themselves in this peacetime.

Constitution Making
The Transitional Constitution of the Republic of South Sudan promulgated on independence has a lot of flaws and inconsistencies. These will have to be straightened out during the process of political discourse leading to the permanent Constitution. This political discourse among the political parties, the civil society groups and other stakeholders should determine the political system, whether South Sudan would be a parliamentary or a presidential Republic. Whatever the choice, it has serious social and political implications for the evolution and viability of the state. Sudan experienced two systems and both were disastrous. The main causes of this failure hinges on the racial, religious, linguistic and cultural multiplicities of the Sudan. These factors also obtain in South Sudan and unless they are addressed in a manner that enhances unity in diversity, they could be explosive admixtures leading to the collapse of the state.

It is good to have a constitution that is clear and inclusive, but that is not enough if the political class does not subscribe to its dictates. The question that arises therefore is the guarantees for democratic dispensation against coups, military or

otherwise. This calls to attention what I mentioned earlier in terms of a strong civil society that can exercise civil disobedience to paralyse any attempt to disrupt the constitutional order. This also boils down to the issue of organisation and political awareness on the part of civil society, on the one hand, and the existence of strong state institutions that balance each other in a manner that permits progress and economic growth.

Public Service

The most important public service institutions that buttress the state are the law enforcing agencies headed by the judicial system, the police and other security formations. The integrity of these institutions is critical to the state, as they stamp their mark on the social and economic as well as the political processes in the young Republic of South Sudan. In fact, they are the frontline forces against the state's informalisation. They enforce the principle of the rule of law. Their adequate remuneration is therefore imperative in order to resist temptations. In fact, what I have said of the law enforcement agencies is equally true of the other sectors in the public service.

One of the reasons why there is so much corruption in poor countries is because they cannot afford to pay their civil servants adequate salaries to feed their families; so they are inclined to take bribes, to paraphrase Fukuyama (2011). What the young Republic of South Sudan desires is a lean, efficient, effective and professional public service, which the state then can handsomely remunerate. The effectiveness of the public service institutions will enhance South Sudan's viability as an independent state and ensure its legitimacy both internally among its citizens and externally in the community of states.

Nation Building in South Sudan and its Challenges

State formation precedes nation building and only in rare instances do they take place simultaneously. The failure to mould the Sudanese into one nation led to the secession of South Sudan. Denial of sub-national identities could lead to serious strains in the social and political relations which eventually trigger conflicts and loss of internal as well as external legitimacy of the state.

South Sudan is inhabited by 67 ethnic communities. Some of them display diversity and linguistic variations even within each and the same group. Being South Sudanese who have struggled together against oppression and national domination is their only commonality, which constitutes their collective identity. The nation building process in South Sudan in essence means the transient visibility of these ethnic communities in the wider context of their melting into one nation.

Resistance to social transformation, prevalent among some communities, especially the livestock-owning communities, definitely is an affront to modernisation and the consolidation of the nation. The only way of accelerating social transformation is by mordernising the traditional mode of production in agriculture and animal husbandry. Urbanisation and the introduction of light industries in agriculture, forestry, veterinary services and other sectors, coupled with rural electrification and the building of good roads to link the production areas to the markets could be one of the means of accelerating social and cultural integration.

Education, more particularly higher education, is one driver of social change and national integration. The school and university syllabi and curricula should foster and inculcate in the children and students values and ideas that strengthen social harmony and promote respect for human rights and fundamental freedoms.

Concluding Remarks

As an infant state, South Sudan cannot escape childhood ailments. It will have to go through many challenges. These challenges are not insurmountable. This is because it is not a poor country; it is imbued with enormous natural-resource potentialities which it can transform for social and economic development. However, it will become poor and lose legitimacy if it continues to bask in the absence of effective political institutions.

Human Capacity Development in the New Republic of South Sudan

H.E Hon. Awut Deng Acuil

Background of Human Capacity Development in South Sudan

Human capacity development in the new Republic of South Sudan must be understood in its proper political, economic, social and historical context, and defined in relation to the requirements of building a viable state. Capacity development is a multi-dimensional process that goes far beyond the transfer of knowledge and skills at the individual level to embrace whole institutions, organisations, sectors and systems, and the enabling environment in which they all exist.

The Organisation of Economic Cooperation and Development (OECD) defines "capacity" generally as "the ability of people (i.e. the human resources), organisations and society as a whole to manage their affairs successfully" while the term "capacity development" refers to the building of these abilities through human, institutional, policy and systems development. The term "capacity development" does not imply that there is no capacity in existence since it includes the strengthening of existing capacity and building up of new capacities,

improving the utilisation of that capacity, and retrieving capacity which has been eroded or destroyed. The most powerful factor of human capacity development in engineering trust in government after a prolonged conflict such as ours is the top political and executive leaders in the public sector who have a major role in making or breaking the success of reconstructing capacities.

The Republic of South Sudan faces a critical skills gap at a time when human capital is in greatest demand. As most of you in this gathering are aware, South Sudan has prepared its medium-term National Development Plan (2011-2013). The theme of this Plan is *"ensuring South Sudan is a united and peaceful nation, building strong foundations for good governance, economic prosperity and enhanced quality of life".* The Plan sets out how the government of the independent Republic of South Sudan and State governments will deliver peace, stability and development to the citizens.

It is anchored on two objectives: the first is building strong state institutions capable of providing services equitably and effectively for the needs of the citizens; and the second is achieving high rates of economic growth, poverty reduction, and meeting the needs of the people of South Sudan. The implementation of the medium-term Plan and beyond requires significant capacities in the public, private, civil society sectors and among groups as well as individuals. The development of these capacities must rest on a strong foundation that will facilitate a rapid learning process and enhance the adaptability required for dealing with a dynamic environment. Various types of human capacities need to be developed using different approaches.

Capacity development is a comprehensive process, which includes the ability to identify constraints and to plan and manage development. It involves the development of human capital, institutions and a supportive policy environment. In our South Sudanese context, it is difficult to address human capacity development in isolation; it is best addressed within the structure of four key attributes of the organisation of state institutions that constitute the operational framework for defining and focusing capacity development efforts. These elements are: policy and legal frameworks, organisational structures, budget and finance, and human resources. The development and strengthening of capacities in each of

these areas in the new Republic of South Sudan must be informed by a number of fundamental considerations:

The first consideration is the post-conflict environment and the ingredients for consolidating peace. We are keenly aware that capacity development efforts are unfolding in an environment that has been deeply affected by years of armed conflict. Efforts to address the legacies of the conflict period cannot be separated from the dynamics of institutional development, which must be sensitive to, and contribute, to the identification and implementation of sustainable solutions over the medium- to long-term. Capacity development in South Sudan cannot therefore be considered a purely 'technical' exercise, but must be considered as part of a broader strategy to create national unity and consolidate peace throughout the country.

The second consideration is nation and state building as the frame of reference for institutional capacity development. Since the signing of the Comprehensive Peace Agreement in 2005, enormous progress has been achieved in establishing modern state institutions, a civil service and organisational systems, with most of them being developed literally from scratch. These are young and fragile entities that are yet to become fully operational. They are still grappling with establishing and enforcing accountable political and administrative governance mechanisms. In this context, capacity development efforts must be oriented towards the priorities and critical functions that are instrumental in ensuring a transition to viable statehood now that we are a sovereign state.

The third and equally important consideration relates to managing South Sudan's multiple transitions. A major priority in the post-independence period is the strategic management of the multiple and complex transitions entailed in the processes of post-conflict recovery and state-building, as well as the simultaneous promotion of peaceful political and social change. These transitions, which are vital in placing the country firmly on the path to lasting peace and development focus on several areas: in the area of governance, the transition from a military-oriented and transitional administration to fully-fledged statehood and democratically-elected government; in the area of security, the transition from military defence and armed conflict to the rule of law and protection of civilians; in the area of public

administration, the transformation of a liberation movement into statesmen, administrators and service providers; in the area of social and economic activity, the transition from a war economy and dependence on humanitarian assistance to sustainable market-based economic growth; and in the area of infrastructure, the 'reopening' of the country through creation of infrastructure and delivery of social services. The ability to manage these critical transitions depends largely on strengthening of strategically identified institutional and human resources, that must be supported through targeted capacity development efforts.

South Sudan's Human Capacity Development Challenges and Opportunities
The challenges and opportunities facing South Sudan require that developing vital capacities becomes one of the highest priorities. Although years of conflict have had a debilitating effect on our human resource base, the people of South Sudan have proven themselves to be resilient, resourceful and community-minded. This social and economic resilience is a great asset, especially when coupled with the sense of nationalism and optimism upon attainment of independence. These are essential attributes in building and developing human capacity. We need to take stock of the human capacity we already have, mobilise and utilise it, create new capacities, establish ways to bridge the gap between existing and required capacity, and sustain the capacity over time. We are right now in the midst of a comprehensive and very complex process, which requires the ability to identify constraints, plan and manage by devising sound capacity development strategies. Human capacity development is required in virtually every sector in South Sudan—the public service, the social sector, private sector, civil society, entrepreneurship and right down to the household level.

We recognise that there is some local experience upon which national and international human capacity development efforts should aim to build upon. The period preceding independence received a big number of returnees, especially from the North. In its large Diaspora South Sudan has a nascent human resource base that is largely skilled and educated and that has been exposed to functioning economies and market systems.

Human Capacity Development for the Public Sector

Currently South Sudan's public sector is characterised by huge skills gaps. Nevertheless, in addressing capacity gaps in the new Republic of South Sudan we are keen to recognise, safeguard and build on existing local capacity. The government acknowledges that a well-trained public service plays a strategic role in the facilitating the realisation of national development goals and objectives. The government is also cognisant of the fact that quality human capital is a result of prudent investment in people, physical facilities, tools and equipment. Skills and competencies need to be developed across the public service in public administration, management, professional and technical fields using more structured approaches and strategies in the identification of individuals to receive relevant training; alternative approaches of human capacity development such as peer learning; practical platforms and technologies that help in sharing development experience and adapting solutions to our own situation; and, among other methods, making use of best practices emanating from other post-conflict countries.

The public sector has a major role to play in creating an enabling environment and establishing and managing an effective regulatory framework to guide the growth and development of the private sector in South Sudan. The Minister of Labour, Public Service and Human Resource Development is in the process of developing a Public Service Training and Capacity Development Policy.

Human Capacity Development for the Private Sector

The world over, the private sector is an engine for national development, and contributes to capacity development by creating capital — human, financial, goods and services — and is a source of national revenue. In most post-conflict situations the private sector faces enormous challenges, including but not limited to lack of the pre-requite infrastructure to support investment, making mobilising the sector for investment purposes is a complex and daunting undertaking. We all know that the private sector is often more efficient at providing services when the enabling environment is right. Furthermore, the private sector invests in the media industry, and therefore has tremendous influence on informing and educating people on their developmental and human rights and exposing bad practices. The banking sector provides opportunities for credit and borrowing by businesses and

individuals for development and expansion. Private education institutions at the lower and higher levels complement government efforts in meeting the education needs of the population. Following the standard economic development trajectory, South Sudan envisages that in the long-term a growing private sector will form the base for taxation and sustainable human capacity development.

A well-developed private sector in South Sudan will enhance good corporate governance and social responsibility, and establish codes of best practices. It will also promote adaptation, application of science and technology and innovativeness through research and development. To speed up private sector development in South Sudan, initiatives aimed at improving policy dialogue between the government and the business sector have already commenced. It might become necessary at some point to consider allocating some public resources through incentives to areas promoting private sector growth and viability.

Developing Human Capacity for Entrepreneurship
Creation of big enterprises does not just happen. We need to understand all the variables that must come together in order to grow effective modern businesses out of the informal and small businesses that currently characterise the South Sudan economy. Entrepreneurship and innovation are increasingly recognised as important drivers of economic growth, productivity and employment, and as key aspects of economic dynamism.

The talents of South Sudan's entrepreneurs and the productivity of small businesses will be enhanced through the addition of learned and teachable skills covering techniques of good management, organisation, establishment of effective routines and vocational and technical training. In this regard, government policies on entrepreneurship education are critical for ensuring that entrepreneurship is embedded into the formal educational system, and offered through partnership with the private sector, community groups, and rural apprentice training programs. This kind of education will make it possible to develop the skills required in the 21st Century as well as contribute to employment generation, and foster innovation and poverty reduction through empowerment.

South Sudan needs to formulate an entrepreneurship education policy that would focus on assisting specific segments of the population for which entrepreneurial training could have a significant impact (for example, the youth, women, and marginalised groups). Given the high levels of illiteracy, provision of appropriate multi-purpose skills, especially among the youth, is important to increase their employment prospects and workforce productivity. Vocational education will therefore continue to be offered within the formal and outside the formal education system.

Human Capacity Development for Civil Society
Civil society in Africa, and indeed in all developing countries, needs to have a strong voice in development. Civil society has a vital role in mobilising and articulating social demands, providing countervailing influences to elicit good performance in the public and private sectors. Civil society therefore needs to be developed so as to contribute effectively to the planning, monitoring and evaluation of development policies and programs. To this end, civil society in South Sudan will require to develop human capacity for independent policy research and analysis and strengthening of local non-governmental organisations and their networks.

Since civil society organisations are often much closer to local realities, they can promote pluralism of ideas, facilitate communication between the people and authorities, mobilise local skills and resources, and strengthen people's voice to demand and hold authorities to account. In order to create an enabling capacity development environment, it is necessary to put in place a policy framework and recognition mechanisms for civil society actors as important forces and service providers for human capacity development.

Social Re-integration and Human Capacity Development
The social and demographic dislocations caused by conflict include not only internally displaced and refugee populations, but also the ex-combatants themselves. The return, resettlement and reintegration of these groups into society have significant political, social and economic implications, human capacity development needs and costs. If mismanaged, these 3 Rs can constitute significant threats to managing an overall process of peace and state building. To this end, the return and reintegration of the displaced, as well as the transition of combatants

from military to civilian life (through disarmament, demobilisation and reintegration processes) constitute central priorities and are linked in important ways to human capacity development, political and socio-economic dimensions. Social re-integration is a complex process that contributes greatly in establishing a secure environment that allows various elements of recovery, peace building and reconstruction strategies to proceed. The needs in this particular area in South Sudan are huge. Effective social re-integration of the affected population will enable the people to become productive members of society.

Developing Foundational Human Capacities

In order to develop human capacities, a country must have a readily available healthy population with overlapping generations. Arising from over decades of conflict and enslavement, South Sudan is believed to have the lowest Human Development Index (HDI) in the world. The result is that the needs in the social sector in South Sudan are many and complex. This has far-reaching consequences for human capacity development. Maternal and child mortality is extremely high. Many South Sudanese women die at childbirth for lack of medical facilities. Malnutrition is a major contributing factor to child mortality. This should not be happening in the 21st Century. How is a country expected to develop human capacity when the supply side of the population to be developed is so under-resourced? The foundation of human capacity is essentially made up of women and children, and in South Sudan this essential foundation is threatened.

In addition, there are the cultural practices that discriminate against the education and development of women and the girl child. The government has put in place measures aimed at uplifting the education of girls as well as affirmative action mechanisms in favour of women. But this is not enough. What is needed is real cultural, socio-economic and political empowerment of women so that they are able to compete on an equal footing with men.

Human Capacity Development vis-à-vis Basic Education

The North-South conflict undermined access to formal education for most of the population in the South, thus denying them the ability to develop basic literacy and numeracy skills. This deprivation severely damaged the long-term prospects of individual livelihoods as well as broader economic development. An entire

generation of war-affected youth missed opportunities for education, leaving them not only traumatised but also ill-equipped for work. Only 28% of the population of South Sudan can read and write, while 72% can neither read, nor write, thus limiting their ability to benefit from the less tangible benefits of formal education. In 2010 the Ministry of General Education (Education Management Information System) estimated that there were over 2 million children of primary school-going age, but only 900,000 were attending school. Only 40% of the population between ages 15-24 is literate. The literacy rate for males in this age group is 55% compared to 28% for females (GoSS, 2010). In spite of these statistics, realising the goal of universal education in South Sudan is not insurmountable; but it will take time, commitment, effort and a lot of support from our friends and partners.

South Sudan is right now rebuilding its education system. Several schemes for complementary basic education targeting different demographics now exist, mainly under the Ministry of General Education and Instruction. Since 2006 primary school enrolment in South Sudan quadrupled from 400,000 to 1.3 million in 2009 and the number of primary schools increased by 20%. The booming enrolment increased the primary pupil-to-classroom ratio to 248:1, and the teacher-to-pupil ratio to 1:111 (GoSS, 2010), thereby adversely affecting the quality of education. Access to basic education is undermined by extreme poverty and inadequate learning/teaching materials, poor infrastructure, low number of qualified teachers, water supply, basic facilities such as latrines, and so on.

In the medium-term, that is, during the current South Sudan Development Plan (2011-2013) period, capacity development initiatives aim to achieve a primary classroom ratio of 1:220 in 2011, 1:199 in 2012, and 1:185 by 2013; and a teacher-pupil ratio of 1: 87 in 2011, 1:69 by 2012, and 1:50 by 2013 (GoSS, 2010). This will be realised through the construction of an additional 4,000 classrooms (including additional latrines) and 80 new girls' boarding schools in various parts of the country. To improve the quality of education and reduce teacher-pupil ratio, 5,000 teachers will undergo in-service training; 23,402 qualified primary teachers will be recruited; and 2,000 primary school teachers will undergo pre-service training. During the same period, the literacy and functional skills for youth and adults will be increased from 225,000 to 600,000 (GoSS, 2011)through the provision of alternative and accelerated learning opportunities.

During the same period gross enrolment for secondary school education will be increased by 5% in 2011, 6% in 2012, and 8% in 2013 (GoSS, 2010). To achieve best results, relevant legal and policy frameworks will be put in place; the curriculum will be reviewed; 5.6 million textbooks will be acquired for primary schools; routine learning assessment systems will be developed; capitation grants for both primary and secondary schools will be introduced and bursaries for girls will be increased to curb dropout rates; and quality assurance agencies will be established. This calls for the mobilisation of enormous amounts of financial resources by the Government.

In addition to basic education, the development of foundational capacities will include equipping people with a variety of core skills that will help them cope with a changing society, and allow them to put their knowledge into action in flexible ways. This includes the development of such skills as ability to communicate in English as the official language (reading, writing, and speaking); use of computers and other information technology; civic education, and so on.

Capacity Development through Higher Educational Opportunities
While capital is a necessary handmaiden of economic success in the world today, the intermediary is the capacity to mobilise knowledge and to use it to the full. However, investment in human capacity development must be done in tandem with the building of other capabilities that will spawn industrial development and, in turn, create more productive jobs, and multiple linkages through investment in institutional development and physical-infrastructural assets.

In mapping its course for economic development, South Sudan does not need to re-invent the wheel. It can be guided by national development strategies and the lessons of good practice from other countries as navigational markers. Education (especially higher education) is both a sector to be developed and an instrument in the development of other sectors. For South Sudan higher education institutions are strategic national assets that can be steered and enabled by government policy to advance the national interest within the competitive dynamics of globalisation. In short, making South Sudan a competitive economy will depend in part on a

competitive higher education system. This makes the restoration of our higher education institutions urgent.

As South Sudan moves from medium-term to long-term planning, the government will be defining larger economic goals. This will require that both government and non-government actors indentify the competencies and skills levels needed to implement these goals and improve productivity. In the area of higher education, it will be necessary to reorient education investment incentives, research funding, and scholarships towards the disciplines most critical to growth, for example the sciences, engineering, and technology. Thus, higher education must aim to meet the demand for high-level skills and a balanced production of graduates in different fields of study; while taking into account local and global labour market trends. To enable higher education to be on track in independent South Sudan, the government is working on the necessary legal and policy frameworks to guide the management of higher education. This includes the enactment of the Higher Education Act, the Universities' Act, the Higher Education Council Act, and the Student Support Fund Act.

Human Capacity Development for Science, Technology and Innovation
The Republic of South Sudan is endowed with resources and potential that can catapult it into an economic engine in the East African region. As we work to improve basic public services and develop human capacity, we shall not forget to invest in scientific and technological facilities in order to ensure sustained economic growth. South Sudan formulated its Vision 2040 prior to the declaration of independence.

Yes, that is how confident we were that independence for us was unstoppable. One of Vision 2040's aspirations is for South Sudan to become a Prosperous, Productive and Innovative Nation. Critical masses of human capacity will need to be developed if this objective is to be realised. Key Ministries in the GoSS which are to take the country towards the direction of science, technology and innovation are in place. In this connection, the Ministries of Higher Education, Science and Technology; Commerce, Industry and Investment, Telecommunications and Electricity and Dams come to mind.

We recognise the importance of engendering strategies for building scientific and innovation capabilities, developing absorptive capacity and infrastructure for technology transfer and applying ICTs to development in our national long-term plans. We expect to create synergies for innovation and technological development through a complex set of relationships among actors, including private enterprises, universities and government ministries, research institutions and development partners.

Human Capacity Development and Diaspora Engagement
Lessons from other post-conflict countries (for example Liberia) have shown that while the Diaspora on the one hand make out-migration easier and thus often foster the brain drain, they also offer many opportunities. They can provide a pool of highly skilled individuals that, if tapped into, can help to overcome some of the capacity challenges of post-conflict countries. South Sudan is exploring the possibilities and mechanisms of engaging with its highly skilled professionals in the Diaspora to come and work in the country for a limited time to build capacities and share their experiences—I like to refer to this approach as brain circulation—with the hope that they sink permanent roots in their homeland. These national professionals can provide necessary means and stimuli for the development of certain sectors. In this regard, we are also looking at best practices from other post-conflict countries which have put in place incentive schemes to encourage the return and retention of highly skilled nationals from the Diaspora.

Human Capacity Development for Negotiating with Bilateral and Multi-Lateral Partners
The Republic of South Sudan is currently involved (and will continue to be involved) in all forms of negotiations. This requires knowledge, skills, appropriate institutional support and mechanisms as well as effective preparation in order to allow our young country's negotiating teams to do so within the framework of a strategy that will lead to sustainable outcomes.

Human capacity therefore needs to be developed and reinforced in this area because our decision makers need to be in a vantage position as they engage in bilateral and multilateral agreements, sourcing of external finance, re-scheduling of external debt, consultancy and procurement contracts, the disposal of sensitive

state assets, negotiations with foreign investors, external financing conditionalities and so on.

Options for Creating Human Capacity to Reconstruct Independent South Sudan Overall capacity development in a post-conflict state such as ours must focus on improving the skills and competencies of individuals for delivery; but the vision of capacity development needs to identify mechanisms and processes for balancing the trade-offs between short-term gains and long-term sustainability. In this process, the establishment of *adhoc* structures addressing immediate needs should be integrated into longer-term plans aimed at developing sustainability. Various options exist for creating human capacity in the reconstruction of the new Republic of South Sudan, including buying and building temporary human capacity. We realise that building local permanent capacity is clearly the best option, but it is not an immediately feasible one.

South Sudan human caoacity is being developed through parallel system using temporary and permanent arrangements. The former are aimed at enabling a speedier start to national reconstruction and include: (i) the use of technical coupled with functional assistance in core units; (ii) the use of short-term technical assistants; (iii) the deployment of technical experts and advisors under regional cooperation agreements with the Intergovernmental Authority on Development (IGAD) and the African Union; and (iv) attracting skilled nationals in the Diaspora to complement the training of professional, managerial and technical cadres.

The Need for an Overall Capacity Development Strategy
The new Republic of South Sudan has in place a Medium-Term Capacity Development Strategy (MTCDS). The aim of this strategy is to ensure that the government can effectively address the critical institutional capacity needs required to implement the South Sudan Development Plan, including the alignment of support from international partners, and to meet the essential requirements for viable statehood.

In the course of the implementation of the South Sudan Development Plan 2011-2013; the ministry of Public Service and Human Development is tasked

with conducting a comprehensive human capacity needs assessment in the public service, ascertaining priority areas and developing appropriate programs to address identified gaps. At the same time a Capacity Development Working Group is in place, with one of its terms of reference being to develop a long-term comprehensive capacity development strategy with the involvement of a broad range of national stakeholders (namely, the Government of the Republic of South Sudan, private sector, civil society, faith-based organisations as well as State and County level governments).

The Role of Development Partners in Human Capacity Development

The range and variety of human capacity that requires to be developed in the new Republic of South Sudan is enormous; requiring substantial external support. Within the context of post-conflict transition and state-building, international technical assistance is a vital complement to national efforts. One of the most important roles played by the political leadership in reconstructing capacities, particularly for public services, is mobilisation of resources. While mobilising external funding for reconstruction programs is always expected of a leadership that emerges after conflict, the Republic of South Sudan expects to do so without perpetuating a dependence syndrome.

In the past, international support for human capacity development in South Sudan has been provided outside a national framework, resulting in duplication of efforts, misguided programming and short-term approaches. It is imperative to ensure a harmonised approach to allow for the coherent and effective coordination of national and international efforts in support of capacity development priorities. International assistance should be aligned to assistance with national goals, priorities and standards.

The Republic of South Sudan will henceforth take the lead in shaping a commitment between the government and the international community on pragmatic approaches to capacity development that will contribute to enhancing human capacity development in the medium and long term. The commitment in connection with this will be based on an analysis of international good practice applied to the South Sudanese context and will set minimum standards on how to design and implement capacity development programs. This will be done

according to agreed aid and development effectiveness principles in order to ensure technical assistance such as training and learning leads to institutional strengthening results; and to manage technical advisors to reinforce country mechanisms and ownership.

In its institutional, organisational and human capacity development agenda, independent South Sudan will complement development cooperation from developed countries with synergies of South-South practices. We would like to take advantage of triangular South-South cooperation as a way of fostering development by leveraging the best features of cooperation between developing countries with assistance from developed countries. Technical cooperation will be embedded as a tool for mutual learning so as to adapt, enrich and deepen aid effectiveness.

My challenge to you as think tanks—the African Research and Resource Forum and the Centre for Peace and Development Studies—is how can you help the new Republic of South Sudan leapfrog the reconstruction and capacity development processes without having to re-invent the wheel? The ball is now in your court.

References

GoSS (2011) *SSDP Education Matrix*. Ministry of Finance and Economic Planning, Juba.

GoSS (2010) *Education Budget Sector Plan 2011-2013*. Ministry of Education, Juba

Security Challenges in Post-Liberation South Sudan

Prof. Samson Samuel Wassara

Introduction

South Sudan had already been a post-liberation political entity since the signature of the Comprehensive Peace Agreement on 9th January 2005. The country evolved through a difficult security situation that was not only the consequence of destroyed institutions, but also of deliberate destabilisation processes imposed by the National Congress Party (NCP). For example, recurrent armed incidents in Malakal Town were associated with the NCP, which controlled the army and the Popular Defence Forces (PDF). So, the NCP government managed to plant militia groups in the Joint Integrated Units (JIU) of the Sudan Armed Forces (SAF) with the aim of engineering insecurity in South Sudan whenever instructed by the government in Khartoum.

Security is a multi-dimensional subject of inquiry, especially in societies just emerging from armed conflict. Conflict societies that have undergone prolonged armed liberation struggles tend to grapple with post-conflict security systems. The purpose of this paper is to examine the security sector and its environment

in post-liberation South Sudan. This country is situated in the middle of regions prone to different types of conflict. An effort to construct a security system that guarantees political stability and economic prosperity was, and continues to be, a tough battle to win. It is for this reason that scholars have to debate ways and means of conceiving holistic architecture and transformation of the security sector, encompassing all aspects of human existence. Conceptions about security need to start from the understanding that South Sudan is considered to be a fragile state, and that a state-centric approach overshadowed the role of civil society in post-liberation security arrangements during the past six years.

The geographical location of South Sudan at the crossroads of cultural cleavages tends to breed political instability. It is where Pan-Arabism and Pan-Africanism compete; where Christianity and Islam compete; and where the River Nile itself is a source of insecurity. South Sudan is still considered to be a fragile state because violent incidents such as cattle raids, harvest plunder by armed groups and nomads versus farmers seasonal confrontations are frequent. There are recurring violent conflicts in the neighbouring countries, including those in the immediate geopolitical regions. Cases of violence and genocide in the Horn of Africa and the Great Lakes region cannot be overemphasised. These regions are unstable; conflicts spill over international boundaries; and many of these conflicts are internalised while others are regionalised.

This paper also examines military and security problems in North-South relations, which continue to escalate despite the independence of South Sudan. The levels of escalation have never spared neighbouring countries. Regional conflict dynamics affect South Sudan while the latter exports insecurity to its neighbours by way of cross-border flow of arms and cattle rustling. Civilian militarisation in the country remained a phenomenon for years. Therefore, the analysis of the security situation of a political entity in post-conflict like South Sudan is an enormous task that requires much scholarly soberness. Prospects for peace, security and development depend on rational public policies and practical actions of and by the government of the new country.

Security and Military Configurations in North-South Relationships

Security was a major concern in North-South relationships in the implementation of the CPA. The process of political transition under the Government of South Sudan (GoSS) was marred by security ruptures. There were insufficient functional security institutions, such as the police, prisons, courts, and traditional authority. The civil war destroyed much of the relevant public and community-based security sector institutions. Since 2005 the GoSS, with the assistance from the international community has re-established security sector reform (SSR) institutions. Important features of Southern Sudan's security reform include key statutes - Judiciary Act 2007, the Code of Civil Procedure Act 2007; the Defence White Paper (2008); the Penal Code and Criminal Procedure Act (2008); the SPLA Act (2009), and the Local Government Act (2009). The latter addresses inter-communal conflicts, which could be exploited by external actors to the detriment of the GoSS. These laws led to the creation of institutions and designing programmes to deal with post-conflict disorder and lawlessness.

The capacity building of the organised forces, the administration of justice, local level administration and law enforcement were the priority in the implementation of these reforms. Tension between the parties to the Agreement was always at its highest in the oil-producing states of Upper Nile and Unity. Peace was always threatened in Abyei, in incidents such as the armed violence of 2008 and 2011. The area became an arena of continuous build-up of armed groups allied to the Sudan Armed Forces (SAF). The response from the South was also a surge in the number of armed groups allied to the SPLA.

It is common knowledge that the partners continued to deny relationships with the armed groups in the contested areas while the UNMIS was observing what was happening until violence broke out. The solutions sought remained fragile because parties to the conflict were considering the possibility of occupying Abyei irrespective of the verdict of the International Court of Arbitration at The Hague. This approach indicates that the partners of the CPA were failing to involve themselves in dialogue to find an amicable and durable national solution.

This dispute between the NCP with the SPLM over securing Abyei under geographical spheres of influence is part and parcel of the boundary and oil

disputes. The partners were always at odds over the deployment of troops in the oil areas, which, unfortunately, lie along the hitherto imaginary borders between the Sudan and South Sudan. The behaviour of the parties to the disputes indicate that the aggressive competition was the result of competition over territory and natural resources. These two elements are indisputably contributing factors to the uncertainties surrounding security between North and South. It is becoming clear that the Sudan is trying by all means to implicate South Sudan in its conflict with Blue Nile and South Kordofan. It is from these perspectives that this paper examines the post-liberation security context of South Sudan, the institutions of security governance and the rule of law during the last six years.

Further, legacies of the prolonged war of liberation continue to haunt post-conflict South Sudan in its endeavour to establish a credible security sector. Despite the CPA, the security situation in South Sudan deteriorated at the political and community levels. Insecurity was attributed to a number of armed groups that fought on both sides of the war divide. The NIF regime institutionalised tribal militias via the Popular Defence Act of 1989. After the defection of the SPLA Nasir Group in 1997 to the government in Khartoum, a new militia structure was created under the name of the Southern Sudan Defence Force (SSDF). It became an umbrella organisation of southern-based tribal militia groups and forces of the SPLA Nasir faction. It was split into the South Sudan Unity Movement (SSUM) and the South Sudan independence Movement (SSIM). The Khartoum government assigned the overall command to militia General Paulino Matip.

The progress in negotiations saw the leaders of the Nasir Group defect from the Government of Sudan (GoS) to the SPLM/A. The signing of the CPA triggered the January 2006 Juba Declaration with the SSDF leader, Gen. Matip. The militia generals who opposed the Juba Declaration retreated to their tribal cradles. They were the Eastern Nuer militia group led by Gordon Kong in Eastern Upper Nile, the central Nuer militia group under Gabriel Tanginye in Central Upper Nile and Jonglei and the Fertit militia group of Western Bahr el Ghazal under the leadership of Tom el Nour.

The faction of the SSDF under Matip's leadership made the exploration and the exploitation of oil fields possible during the civil war. Their political agenda

coincided with that of the SAF because they were a mercenary army that was heavily paid by the Al-Bashir regime, besides the booty looted from villages loyal to the SPLM/A. However, the SSIM units were always under observation by the SAF and military Intelligence. The two groups of the SSDF could hardly collaborate in security and action against the SPLA; instead, they were all the time fighting themselves in Western Upper Nile.

Analysis of security sector reform (SSR) in South Sudan requires a strong focus on the existing security-related institutions that promote accountability and transparency in the management of the security sector. This assumption could well be explained in the changing nature of the SPLA from liberation movement to the ruling political party. Challenges of transition are many at the level of governance, civilian structures and policy adjustments (Rolandsen 2007: 9-15).

The CPA changed progressively the relations between the militia groups and the SPLA. The Juba Declaration of 8 January 2006 sealed the process of reconciliation between the SPLA and militia forces that were created as proxy agents of the Khartoum regime during the War of Liberation. This arrangement paved the way for absorption of about 18 militia groups under a number of warlords, while others joined the SAF as stipulated in the CPA. Many militia groups divided into splinter groups under new leaders who joined the government (Young 2006: 42-48). The huge number of militia groups complicated the implementation of the CPA in South Sudan because they created insecurity as a strategy for absorption into the SPLA with higher ranks. So, the GoSS found it difficult to establish a security structure that brings on board armed groups as stipulated in the CPA (UNMIS 2009: 29).

On the practical level, many scholars such as Liebig admit that South Sudan needs to create an effective security structure, establish improved mechanisms of governance, and develop a vision of security and defence policies that could strengthen political legitimacy (Liebig 2008: 11-14).

The independence of South Sudan on 9 July 2011 invited a security complex in relations between North and South. The SPLM/A was a national liberation movement, which extended beyond the 1956 boundaries of South Sudan. The

CPA was explicit on the South alone, but was elusive on Abyei, Blue Nile and the Nuba Mountains. It recommended a referendum for the Ngok Dinka and popular consultations as a solution to grievances expressed by the Ingessana and Nuba people that did not identify themselves as Arabs. Violence replaced referendum in the Abyei CPA arrangement.

The exercise of popular consultation succeeded in Blue Nile, to the disappointment of the NCP regime in Khartoum. Popular consultations elswhere were marred by irregularities, which resulted in renewed violence. Failure to secure the unity of a mutilated Sudan pushed the Bashir regime to declare war on South Kordofan and Blue Nile on the pretext of disarming the SPLA in the North. The Sudan went ahead to accuse South Sudan of supporting the SPLA troops in the region. Analysts of North-South relations cannot fail to understand that Khartoum is provoking violence in Border States in the transitional areas to lure South Sudan into a war that could divert its economy from socio-economic development to a war economy.

Regional Context of Security Dynamics

South Sudan is an independent political entity after secession from the Sudan. It shares common borders with Ethiopia in the east, Kenya, Uganda, in the south-east; and Democratic Republic of the Congo (DRC), Central African Republic (CAR) in the south and south-east. The proximity of South Sudan to conflicts in the Horn of Africa and the Great Lakes Region has adversely influenced its social, political and security environment.

Most of the conflicts have their roots in economic underdevelopment, environmental hazards, repressive political systems, and competition over natural resources. Patterns and trends of conflict differ in nature across the region. The Horn has experienced both inter- and intra-state conflicts. The end of the superpower rivalry left a power vacuum that regional powers have sought to fill. Such political interference and competition for influence created a fertile ground for dissident movements with cross-border connections.

South Sudan's conflict is easily felt in the Horn of Africa, Great Lakes region and Central Africa. The area was part of regional rivalries involving almost all immediate neighbours and its liberation struggle kept shifting according to regional

dynamics and opportunistic political interests. These conflicts complicated cross-border ethnic alliances that required the support of neighbours in the region. This situation made the region a security complex. A renewed armed conflict between South Sudan and the Sudan could complicate further the already delicate security balance in the Horn and other regions mentioned above.

Such a conflict would recreate the Eritrean and Ethiopian pattern of border war towards the end of 1990s after the peaceful separation after chasing out Mengistu Haile Mariam from Ethiopia (Thomas 2009: 18). Stockpiles of weapons are in abundance in the conflict-affected countries in the neighbourhood of South Sudan. Studies conducted by a scholar (Lewis 2009: 47-49) show that there is an abundance of small arms and light weapons (SALW) in the hands of rebels and civilians in Uganda, the DRC, and the CAR that find their way into Southern Sudan.

South Sudan is located in a geopolitical region with many conflicts and complex border problems. Examples are abundant, such as the case of Ethiopia and Eritrea that led to limited war at the close of the 1990s. The emergence of South Sudan as an independent country has added to more problems, ranging from border demarcation to human and livestock movements across common borders. Pastoralists in South Sudan and neighbouring countries have vague notions about international and local borders. Their borders end where there is water and grazing land. This is true of the situation between South Sudan and Ethiopia or Kenya. The North-South border is sensitive because of the availability of natural resources such as water and its related resources, grazing land, arable agricultural land and oil.

Ethnic clashes were frequent between border communities in the region, especially between North and South. Those communities had in established mechanisms of resolving emerging conflicts over grazing lands and water sources. However, the politicisation of communities in the same areas was transformed into civil war strategy. So long as communities are militarised and communal relations are politicised, it is certain that inter-communal violence could invite military operations in border regions.

The issue of citizenship in the regions remains unresolved because of the arbitrary borders imposed by the colonial powers. Many border people in South Sudan are found on the other side of the international boundaries. Political events in one country affect others because of overlapping ethnic communities. Governments in the Horn of Africa and Central Africa cannot claim efficient control and management over citizenship and movement across common borders. For example, the Nuers and the Annuak in Ethiopia or the Azande in the DRC and the CAR could enter freely into neighbouring countries with common borders without necessarily passing through Immigration border check points. They can also shift their residences and citizenship with the permission and full knowledge of border chiefs whose authority usually bypasses national governments located in distant national capitals.

Interconnected borders and cross-border communities are rarely considered by governments in the regions as an opportunity for regional integration. Instead, states do not prioritise dialogue for political conflicts that have cross-border implications. They usually go for joint military operations to address communal and political grievances involving border communities. The end result is regionalisation of rebel movements, suspicions and tensions in diplomatic relations between neighbouring countries. This could be seen in the joint operations between the Ugandan, DRC and the SPLA forces against the Lord's Resistance Army (LRA). The DRC was quick to accuse the Ugandan Army of exploiting Congolese natural resources instead of pursuing the LRA. They were given an ultimatum to leave the country.

So, the presence of the LRA in the region complicates relations between the CAR, DRC, South Sudan, the Sudan and Uganda, but also weakens the security system, leading to the absence of institutional arrangements in the security sector so as to tackle common security challenges. The LRA, which was the client of the SAF in the war against the SPLA, is still at large in the jungles of the four countries. The activities of the armed movement hurt political relations in the regions that have borders with South Sudan. The GoSS facilitated peace dialogue between the LRA and the Government of Uganda (GoU) in good faith. The presence of the Ugandan Army in South Sudan did not help smooth relations between South Sudan and the Sudan. LRA brutality affected people to the extent of establishing

community defence groups in about six counties of Western Equatoria popularly known as 'Arrow Boys'.

The IGAD brokered the CPA and shared the responsibility in monitoring developments in Sudan. This organisation faced a series of challenges in the process of waging peace in the Sudan. It could neither negotiate a peaceful settlement to challenges such as the two areas of Blue Nile and the Nuba Mountains nor the status of Abyei. The border issues between South Sudan and the Sudan remained hanging. It is proving to be a regional security hazard after the government in Khartoum chose to fight remnants of the SPLA and its political leadership in Khartoum.

Military operations in borderlands and aerial bombardments in the South Sudanese Border States of Western and Northern Upper Nile indicate how fragile the two states of the old Sudan are and how much of a security threat to the Horn of Africa they remain. As the post-liberation security remains delicate, the AU and IGAD are expected to support South Sudan in building a credible security system to mitigate conflict escalations that could affect the Horn of Africa and the Central Africa countries. This will be a way of containing possible violent crises provoked by threats of war between the Sudan and South Sudan, with escalation taking place at the moment in the border areas of Blue Nile and the Nuba Mountains. Therefore, the AU and IGAD member states need to respond at an early stage to contain incendiary factors through peace initiatives, dialogue and mediation.

State Fragility and the Security Question in South Sudan
The GoSS inherited multifaceted problems upon assuming power. Large quantities of small arms and light weapons were in the hands of organised civilian armed groups and bandits. The Geneva-based Small Arms Survey (IRIN 2008) estimated in 2007 that between 1.9 and 3.2 million firearms were in circulation in Southern Sudan, two-thirds of which were in civilian hands. Local leaders admit that too many guns are in the possession of civilians, especially pastoralists. The GoS and the SPLA contributed at different times to the arming of militia groups who routinely spent their time looting cattle in pastoralist communities rather than fight the opposite side. Civilians reacted by acquiring firearms and organising in militia-like formations to defend and protect their property.

According to researchers (Lewis 2009: 54-56) the number of illicit small arms in South Sudan continues to grow. Stockpiles in neighbouring countries continue to bolster community-based arsenals.

Many factors nurtured the resurgence of violence and insecurity in South Sudan in the post-CPA period. The most obvious is the breakdown of law and order that destroyed traditional mechanisms of conflict resolution at the community level. The rise of civilian defence forces eroded the powers and authority of tribal chiefs, community leaders and faith-based institutions. The GoSS as well as the state and county administrations have been unable to destroy the country's warlords' power bases. Post-CPA security institutions were unable to protect citizens and their property from armed groups. The incidence of cattle rustling has risen dramatically in pastoralist communities. Unemployed youth, demobilised combatants and militia operatives organised themselves into militia-like criminal groups that engaged in banditry.

The main security apparatus of South Sudan is the SPLA, the former liberation army that, since the signing of the CPA, has become the recognised Armed Forces of South Sudan. The SPLA is currently facing the major challenge of transformation into a professional army. The roadmap for this transformation is provided by the SPLA White Paper on Defence, which was adopted in June of 2008, paving the way for the Sudan People's Liberation Army Act adopted by the South Sudan Legislative Assembly (SSLA) in February of 2009. The Army Act identifies the SPLA as the National Army of South Sudan entrusted with protection of the CPA, the people, defence of territorial integrity and the ICSS against internal and external threats, aggressions and disaster relief operations.

The CPA stipulated, however, that the armies, namely the SAF and the SPLA, redeploy in specified points during the Interim Period. It also created the Joint Integrated Units (JIUs) within the security arrangement framework as a nucleus national army composed of units of the two armies. Relations were shaky between the SPLA and the JIUs in South Sudan. Many minor skirmishes and two major violations of the ceasefire were reported in Malakal during the period 2006, 2009 and 2010. Hence, the SAF and SPLA contingents deployed to the JIUs were not functioning as integrated units. They were coexisting instead of being jointly

deployed. The majority of SAF affiliated militia forces were recruited mainly from the greater Upper Nile region. This made Malakal   Town a dangerous place that contributed to undermining security in the post-CPA in southern Sudan.

The South Sudan Defence Forces (SSDF) and other militia groups that were excluded from the negotiations of the CPA remained a serious threat to sustaining the peace agreement. Armed militias or proxy forces that existed during the war were expected, under the CPA, to integrate into the SAF or the SPLA or demobilise. Most of them did so with notable reluctance. The Juba Declaration of January 2006 on unity and integration of the SPLA and the SSDF averted the immediate danger that faced the survival of the CPA (Young 2006: 13-24). This integration was not totally achieved as certain factions chose not to integrate and tensions persisted where finger-pointing and mutual accusations were frequent between the NCP and the SPLM whenever there was a security breach.

There were many splinter militia groups from the SSDF that chose to ally with the SAF and were still located in South Sudan. These groups were composed of tribal militias led by tribal affiliation to leaders who benefited from war dividends such as self-enrichment and the prestige derived from the military titles. Militia leaders such as Gabriel Tanginye, Gordon Kong, Galuak Gai in Greater Upper Nile and Tom el-Nour in Bahr el Ghazal were motivated by the financial and material benefits from the NCP to maintain themselves and their lieutenants in the North. However, they gained more from creating disorder where they could loot property such as cattle in areas of military operations. Despite the CPA, they were made to believe that the secession of Southern Sudan was a remote possibility and that they would be future bosses in a Southern Sudan cleared of the SPLM/A and the GoSS.

Some militarised groups other than the SSDF participated in the civil war, but were neither allied to the SAF nor the SPLA. Examples of such groups were the Geish Mabor or White Army and the Gelweng youth cattle defence groups. These were groups of armed civilians, mostly the youth that were organised by community leaders into village defence forces for protection of communal property. They were private armies that paid their allegiances to influential individuals and groups in communities or to the SPLA during the war. Geish

Mabor and the Gelweng were not part of the 'other armed groups' provided for in the CPA. It was difficult for the GoSS to deal with these armed groups. The presence of different militia groups and other militarised civilians created social instability after the signature of the CPA. Most of the insecurity in South Sudan was blamed on militia groups that were not aligned with the SPLA. However, it is still too early to speculate about South Sudan being considered a fragile state.

The Republic of South Sudan is already facing serious growing challenges of insecurity after declaring Independence on 9 July 2011. Past responses were inadequate when the GoSS was established in 2005. The incidents in Malakal were mentioned in the section above. Attempts to disarm civilians in Jonglei ended in disaster where civilian casualties and destruction of property generated an outcry about SPLA brutality. Negotiations with militia leaders did not yield the desired outcomes. Attempts to create dialogue forums with communities have rarely calmed the inter-communal violence attributed to cattle rustling among pastoralist communities in many parts of South Sudan. Violent conflicts are escalating in states with common borders with the Sudan. The main actors in these conflicts are both militia groups allied to the SAF and disgruntled former SPLA officers. South Sudan is already responding militarily in areas such as Western Upper Nile. It is still early to assess the successes or failures of South Sudan in dealing with armed groups, especially when the Sudan is suspected to be behind the skirmishes happening in the oil-producing areas and along the contested border regions.

Many sources, mostly international NGOs, express the fear that South Sudan could become a failed state. Reference is always made to Somalia. This paper refutes this speculation. Somalia never fought a liberation war. It is the social fabric and politics of Somalia that can be held responsible for its disintegration. South Sudan fought a half-century-long liberation war, which made it correct itself from past experiences of failure. This can be seen in how South Sudan disciplined itself during critical moments such as the April 2010 elections and January 2011 referendum vote. All groups considered as belligerents took a decision not to disrupt the two critical events as wished by those who held the idea that South Sudanese were incapable to organise and rule themselves. The opportunity of

achieving political sovereignty remains a test for building a security system that dispels fear of fragility in South Sudan.

The Architecture of the Security Sector in South Sudan

In 2007, the GoSS started to grapple with issues of SSR in which defence and security were the main focus of deliberations. The report on the first consultative workshop on the Defence White Paper for South Sudan organised in Juba addressed many aspects of defence and security policies in the post-conflict period. The workshop was presided over by the President of South Sudan, with the participation of the Minister of SPLA Affairs and the Chief of Staff of the SPLA. The presentations made during the plenary session of the workshop dealt with needs and challenges facing the GoSS, the type of security institutions needed to respond to these challenges, the current state of security and defence institutions and processes that would enhance the transformation of the SPLM into a civil institution capable of governing South Sudan (GoSS 2008).

The security paradigm that came out from the workshop emphasised linkages between national defence and security policy. It was agreed that both policies should address all threats to human security and that a cross section of the population of South Sudan should contribute to the formulation of these policies. The consultative process and framework were designed to take place in the following context, within the SPLA; in other security-related institutions, in Parliament; in civil society organisations (CSOs); and the international community.

In other words, the workshop provided an important starting point for security policy development in the political and administrative institutions established in line with the ICSS. Military transformation is just one component of the SSR. There are many other aspects such as Disarmament, Demobilisation and Reintegration (DDR), civil institutions of the rule of law, security governance and other organised forces besides the military component. The adoption of participatory mechanisms is imperative in the process of redefining SSR after the emergence from the socio-political disorder imposed by the lengthy War of Liberation that destroyed existing structures and systems for over two decades in South Sudan. Hence, three institutions in the architecture of the security sector deserve to be briefly examined.

Southern Sudan Legislative Assembly (SSLA)

The rule of law has its roots in actions of legislatures in making laws to govern every aspect of public and private businesses in the country. In this respect, the SSLA had a great role to play in promulgating laws to which all institutions and the GoSS were to be accountable. The GoSS started operation in a vacuum of legal instruments for the management of the security sector. This situation compelled the SSLA to enact a number of security-related Bills into laws to ensure the legal basis for operations of security sector institutions. Among the Bills enacted were the Evidence Act 2006; the Investigation Committee Act 2006; the Judiciary Act 2007, the Code of Civil Procedure Act 2007; the Judiciary Services Council Act, 2007; the Penal Code Act 2008; and the SPLA Act 2009.

These laws have implications for the establishment of institutions of the rule of law and operational procedures in the management of human security. Institutions such as the Army, the Judiciary, the Police Service and many others were established before the laws constituting them were promulgated by Parliament. The drafting of laws was, and continues to be, a sluggish process because of the lack of capacity and relevant professional skills in the institutions related to the process of making of laws. External consultants did most of the legal drafting assignments. It took time for such laws to be harmonised with legal practice in South Sudan. In addition, it took longer to draft legislation because people were appointed to the institutions before the laws were made. The incumbents were more concerned about laws that might affect their positions and powers.

The Southern Sudan Judicial System

Both the Judiciary and the Ministry of Justice in South Sudan complement one another in the judicial and legal systems. These institutions were established in accordance with the CPA, the Interim National Constitution (INC) and the Interim Constitution of Southern Sudan (ICSS). The Judiciary was organised into four levels: the Supreme Court, three Courts of Appeal, one in Juba, Malakal and Wau, and one High Court in each of the 10 States in Southern Sudan. A number of county courts and customary courts were established in rural areas.

This is the first time South Sudan has a Judiciary of its own. The two institutions made appointments to the legal and judiciary system (Madut 2007: 57-68). Despite deployment of judges and counsel in Juba and in the States, these

institutions suffered from lack of professional and physical capacities. A top judge lamented the nature of some appointments that were made for political and social reasons without due regard to professional standards. Some people were given high positions even though they lacked the capacity to run the offices they were appointed to run. For this reason, the two institutions initiated training courses for lawyers at the Ugandan Law Development Centre and English language courses in Kenya (Madut 2007: 68-69).

Also, the lack of professional capacities was further compounded by the shortage of physical infrastructure to accommodate legal officers in remote counties. In the past, courts were confined only to the three provincial capital cities of Juba, Malakal and Wau. The expansion of the judicial system after the CPA is a new challenge to the administration of justice. It is not easy to find buildings to convert into offices because the few constructions that were there were demolished during the War of Liberation. Another problem is that the majority of rural populations are not familiar with settling disputes in professional courts. Many people in South Sudan revert to traditional leaders while seeking justice. Traditional justice mechanisms in South Sudan involve customary courts. In many cases, people take the law into their own hands and rely on the use of force to settle disputes. Thus, violent conflicts multiply in which small arms play decisive roles (Wassara 2007: 36-37). This situation impacts negatively on the performance of the administration of justice and even more on social stability in many States of South Sudan.

Police Services

Both police services in South Sudan were influenced by the militarised nature of the society during the long war of liberation. The SPLA assumed the responsibility for all security issues, including law enforcement and prisons. Before the CPA the structure of police, prisons, Customs, wildlife and fire brigades were fused into one administration called the Integrated Police (*Al-shurta al-muwahada*). These forces were deployed in counter-insurgency operations in war zones, including South Sudan. In SPLA-controlled areas, civilians were armed and employed in the management of community security. There were, nevertheless, other actors such as the 'White Army, which protected themselves from any group they considered to be hostile. Members of these groups were absorbed into ranks of

the SPLA or police and prison services. All these groups brought indiscipline into the police and prison services in South Sudan.

The ICSS stipulated the establishment of security agencies comprising the police and prison services after the CPA. Article 162 and its sections defined the mission of the police and operating principles, which includes preventing, combating and investigating crime; maintaining law and order; protecting the people of South Sudan and their properties; and upholding and enforcing the law within the limits of the Constitution. On the other hand, Article 163 articulated the mission of the prison services to be correctional, reformative and rehabilitative. Prisons should treat prisoners humanely and cruel treatment of prisoners is not only prohibited, but is punishable by law. The cross-cutting requirement of the two institutions is respect for the rule of law and order, democracy and human rights (ICSS 2005: 61-62).

The question that arises is whether or not these normative values were implemented effectively during the last six years of GoSS rule in South Sudan.

The GoSS adopted the policy of decentralisation. The government embraced this system of governance in its totality after the CPA. The aim of this arrangement was to bring power closest to the people and to accelerate social and economic development in the rural areas. In this context, security management meant separation of powers between the GoSS and the 10 States in many respects. There were, however, insufficient regulations and directives articulating cooperation and collaboration between the Ministry of the Interior and relevant institutions in the management of the security sector in the States. In theory, the GoSS Ministry of the Interior shares with States the responsibility for the management of the police and prison services. There are, however, no clear procedures in applying separation of powers between the centre in Juba and the State capitals (Cook 2008: 79-81). These are some of the grey areas in the security sector management that need to be cemented by legislation and rules of procedure at both GoSS and State levels.

In summary, justice and the rule of law remain a security priority in independent South Sudan. Political leaders continue to inform security sector institutions about incidences of injustice, arbitrary detention by the police and security institutions. The President of the Republic of South Sudan, in his address to the

first joint sitting of the National Legislature and to the nation, declared that the government want to strengthen law and order within national institutions and among citizens. He went further to state that South Sudan needs to ensure peace and security by modernising and professionalising the National Army. In his own words, the President emphasised, "as a new and independent country, we will complete the transformation of the SPLA into a national army (Mayardit 2011: 11-12)". This statement implies security sector transformation as a continuous process after independence.

Transformation of the SPLM and Security Sector Reform

The institutionalisation of SSR involves the promotion of an environment in which individuals, communities and their property are secure and where the rule of law should prevail to ensure sustainable development. The definition of SSR includes the transformation of the security system, which includes roles and responsibilities of individuals and communities within democratic principles of good governance. It is often problematic to organise the security sector to conform to democratic principles of good governance in countries such as South Sudan, which was dominated by a culture of violence (Osland, Thompson and Vogt 2007: 16). The situation in this region hardly fits into the conception of SSR provided above. The reason is that the society is just emerged from a long, devastating civil war and is always expecting a possible spill-over of violence along its disputed northern borders. In South Sudan, security governance emphasises the importance of building institutions and the capacity of actors.

The real issue is for people to understand the relation between law and security sector reform. The important questions are: What is the rule of law? And how is it related to SSR? Understanding these questions is important in addressing a highly traumatised war-affected society like South Sudan. The rule of law is about establishing institutions, accountability to laws passed by recognised legislative institutions, fairness in the application of the laws and avoidance of impunity. Human security comes into the picture because of the uncertain circumstances of institutional development and grains of lawlessness in post-conflict societies. People feel insecure because the culture of violence erodes respect for the law and public authorities. Hence, SSR refers to the principle of governance in

which all persons, institutions (public and private), including the State itself, are accountable to laws (UNSG 2004: 4).

In South Sudan the rule of law is the foundation for sowing a seed of human rights and security, access to justice, separation of powers and many processes that require transparency. It covers a wide range of institutions, legal frameworks and a multitude of relationships that require different levels of cooperation and collaboration. The rule of law is also connected to the calibre of people appointed to manage institutions. The rise of military-led civilian institutions undermines prospects for reforms in the security sector. It was difficult for some SPLA officers in civil administration to recognise the concept of separation of powers in a changed political environment. The reason is that commanders accumulated powers during the war and were reluctant to relinquish those powers in the period of peace. Commanders held the legislative, executive, judicial and administrative powers in territories they controlled during war. The military people leading civilian institutions are adapting with difficulties to the post-conflict situation where they are supposed to share powers as defined by law. This is one of the most important challenges affecting non-military institutions of the security sector led by military-minded individuals in South Sudan.

Development of SSR by the GoSS was an uphill struggle aimed at restructuring the military and non-military institutions. The ICSS contained provisions for the rule of law in the sections devoted to the Judiciary, public attorney and law enforcement agencies such as the police, the prisons, wildlife and security services (ICSS 2005: 46-52 & 162-166). These institutions were established in late 2005 and throughout the year 2006. Despite the establishment of the institutions, leadership in policy-making was entrusted to military officers and former combatants. Thus, there were serious gaps in capacity development in the non-military security sector reform institutions. It was difficult to contemplate accelerated reforms in the SSR in South Sudan because the institutions of the security sector were still in their embryonic stages.

As a sovereign state, it is incumbent on the political leadership of South Sudan to engage fully in reform programmes. SSR should be given high priority in the process. Liberation wars traumatise combatants irrespective of their statuses in

society. They also create fear and suspicion of others. Real transformation of the post-conflict situation lies in the boldness of the leadership to transcend past relationships and to extend olive branches to perceived opponents. South Sudan must look beyond the past and address SSR through establishment of institutions of behaviour change. These include security-related institutions of training and policymaking such as colleges for organised forces, administrative officers, centres for policy and strategic studies and the like. Peace, human rights, community management, among others, should be infused into curricula of security sector capacity building institutions to ensure long-term behaviour change.

Political Economy of the Security Sector

Oil production in South Sudan was a security concern during the past six years. The bulk of reserves lie in the South, but the oil is exported through pipelines running through the North. Several key oil fields lie along the still-contested North-South border, another issue of concern. Oil provides as much as 98% of the then southern government's income. Border areas remain dangerously militarised as the oil issue raises the stakes for drawing boundaries. However, South Sudan is still recovering from decades of liberation war with different regimes in Khartoum for a variety of reasons such as religion, ethnicity, ideology and resources, including oil. South Sudan depends squarely on oil revenues for its existing and planned economic activities. Excessive dependence on oil, a non-renewable natural resource, is dangerous if the policy of economic diversification is not accelerated. The GoSS did not bother to re-organise its economy, especially the non-oil sectors, during the past six years. For instance, much border trade happened during the last six years in which South Sudan lost huge revenues to the actions of corrupt individuals. It is a welcome development that South Sudan has delegitimised tens of road-blocks and tax collections points.

Human security was also at stake when operations were put in place. The activities of multinational oil companies affected subsistence economies' production negatively in the States. Inhabitants were exposed to displacement, loss of grazing lands, and loss of herds of cattle. This led cattle- owning communities in oil-producing States such as Unity to replenish their stocks by organising predatory cattle raids across ethnic and state boundaries. Fishing was and is an important economic activity for communities living in the margins of the Sudd Swamp.

Fishing activities supplemented the diet of local communities and at the same were a source of income. Oil companies polluted water to the extent that the fish population is dwindling in the natural habitat in the northern limits of the swamp. Oil production affected the pastoralist economy as well as the food security of the transhumant people in the proximity of oilfields.

The emerging markets of South Sudan are also of importance to East African economies looking to supply manufactured and agricultural products to the country. As a region struggling to recover from conflict, South Sudan looks to Kenya for overseas import commodities through its port of Mombasa and to Uganda for agricultural products. Hence, Southern Sudan is becoming a competitive market space for products from the region, and the oil money that poured into South Sudan before 2009 attracted new traders. The influx of people from the neighbouring countries into South Sudan began to invite tensions between nationals and foreigners. The presence of different communities of foreigners in control of sectors of the economy is becoming a matter of security concern. There are incidences of banditry targeting foreign communities, especially in urban centres of South Sudan.

The CPA made South Sudan the focus of international agencies monitoring the peace and assisting in development. South Sudan hosts UN agencies and international NGOs that are involved in delivery of humanitarian assistance and post-conflict reconstruction. Inter-communal violence related to cattle rustling and LRA operations destroyed rural economies in many parts of South Sudan. A significant proportion of the population has been reduced to total dependence on humanitarian assistance. Such dependence on humanitarian assistance is itself an alarming aspect of an economy of the security sector in South Sudan. This situation could be possibly reversed through drastic economic policies and strategic plans that orient institutions and the people to productive activities. One of the factors that accelerate the movement away from the political economy of a post-conflict society to development is to strategise about realising transport networks internally and multiple channels to seaports in all directions. The possibilities of linking South Sudan to Djibouti and Duala, besides Mombasa and Port Sudan, are always there as long-term plans.

Conclusion

Governance today is exercised in a manner that has resulted in democratic participatory exercises. However, ethnicity continues to determine identity, as political parties are still weak. South Sudan is still a victim of past history, and to break with the past there are urgent changes that need to be implemented. First and foremost, the South needs to be stabilised, and violence has to be contained and people need to be protected. Security sector institutions such the SPLA and the Police Service must be seen to be protecting the population and the justice system should be strengthened. The GoSS should also engage with the population to solicit community support for peace, but also to encourage society dialogue to restore damaged relationships. The ability, or not, to achieve these changes will determine the future of security sector reform in post-liberation South Sudan.

In order for South Sudan to tackle the security challenges mentioned in this paper, there are fundamental efforts that must be undertaken. The central government needs to consolidate its authority and enter into a relationship with society that will permit democratic participation and legitimate political competition. A more equitable and productive political economy must be developed in the South to break with the predatory patterns of the past. South Sudanese people need to find their own shared identity through the creation of a common vision for a future society, and shared responsibility in achieving it. The greatest incentive for South Sudanese to continue with the unity demonstrated during the referendum vote in January 2011 is the desire to pursue peace, stability and building on the gains of independence.

As a recommendation, the building of a viable security system in post-liberation South Sudan should take into consideration the following elements:

- Stabilisation of the political system by way of engaging all sectors of the society, the regional and international community for peace, diplomacy, and continuous dialogue;
- Completion of the legal framework by engaging the Ministry of Justice and South Sudan Legislative Assembly to accelerate the process of making laws;
- Professionalisation of the SPLA, Police Service and the justice system through continuous training with a focus on doctrine and human rights; this can be

achieved through establishment of military and police colleges and a national academy of administrative sciences;

✦ Transformation of the political economy from a situation of post-war disorder into a viable economic system that regulates economic institutions, promotes private enterprise and revenue collection to off-set excessive dependence on oil revenues;

✦ Opening channels of communication with society through public media. This entails promotion of civic education and more interactions between the Government, the population and civil society.

References

Cook, Traci D. (2008), *Inter-Governmental Relations in Southern Sudan*, Washington, DC: National Democratic Institute for International Affairs 79-81.

GoSS (2008), The 1st Consultative Workshop on the Defence White Paper for Southern Sudan, September 3-7, 2007. www.oprdhorn.org accessed on August 08, 2009.

GoSS, (2005), *The Interim Constitution of Southern Sudan*, Ministry of Justice, Juba2005.

IRIN (2008), *Sudan: Civilian Disarmament Remains Elusive as Government Rethinks*. Available at http://www.irinnews.org/. Accessed on 2 November, 2009.

Lewis, Mike (2009), *Skirting the Law: Sudan's Post-CPA Arms Flow*. Geneva: Small Arms Survey, Graduate Institute of International Studies.

Liebig, Stefan (2008), "Security Sector Reform" (Conference Report -28/29 November 2007), *Observatoire de l'Afrique*. Brussels: EGMONT-Royal Institute for International Relations.

Madut, Chan Reec (2007), "Institutional Building in Southern Sudan: The Judiciary and the Ministry of Legal Affairs and Constitutional Development", In Shamsaddin Alamin Dawalbeit, *Institutional Building in Southern Sudan*. Khartoum: Friedrich Ebert Foundation.

Mayardit, H.E. General Salva Kiir Mayardit (2011), "Speech of the President," address to the First Joint Sitting of the National Legislature and to the

Nation, Juba: GoSS, August 8.

Osland, Kari M., Graham Thompson and Andreas Vogt (2007), *Joint Donor Security Sector Needs Assessment [JDSSNA].* Oslo: Norwegian Institute of International Affairs (NUPI).

Quaker Council for European Affairs (2008), *Mainstreaming Conflict Prevention: A Study of EU Action in ACP Countries (Case Study – Sudan)*, Available at http://www.quaker.org/qcea and accessed on 18 September, 2011.

Rolandsen, Øystein H. (2007), *From Guerrilla Movement to Political Party: The Restructuring of Sudan People's Liberation Movement*, Oslo: International Peace Research Institute (PRIO).

Thomas, Edward (2009), *Against the Gathering Storm – Securing Sudan's Comprehensive Peace Agreement*, Chatham House.

UNMIS (2009), *The CPA Monitor*, June, Vol.5:43.

UNSG (2006), Report of the Secretary-General, S/2006/616, August 24.

Young, John (2006), *The South Sudan Defence Forces in the Wake of the Juba Declaration*, Geneva: Small Arms Survey, Graduate Institute of International Studies.

South Sudan-Sudan Cross-Border Relations

Assoc. Prof. Leben Nelson Moro

Introduction

The Sudan split in July 2011, formally ending decades of fighting between the North and the South, and hopefully ushering in a new era of peaceful ties between the successor states, Sudan and South Sudan. Notwithstanding this truly monumental achievement and the attendant high expectations for peace and prosperity, the relationship between the successor states remains contentious. In fact, a return to all-out armed confrontation is a worrying prospect. Among the factors sustaining the current state of animosity are pestering disagreements over the common border, which have a bearing on differences over oil-sharing, citizenship, ownership of the Abyei territory, popular consultations in Southern Kordofan and Blue Nile and other issues carried over from the 2005 Comprehensive Peace Agreement (CPA) between the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A).

This paper mainly analyses the impact of the disputes over the border on local communities in the border zone as well as relations between the governments of the new states.

Presently, the Sudan-South Sudan border, which was decided by British colonial administrators during the last century, is politically sensitive not only because of the traditional tensions among the local groups who live along it but also due to the valuable natural resources, particularly oil, gum Arabic[1] and land, in the border zone. It is worth pointing out that tense competition over these resources, especially oil, among political elites from the South and North was one of the principal causes of the wars that dogged the old Sudan (Johnson 2003). Even after the formal end of fighting in the South in 2005, political elites continued their old bad habits, and hence sustained the atmosphere of distrust and delayed the resolution of the disputes over the border, among other problems (Moro 2007).

Nonetheless, it must also be mentioned that some progress has been made in defining the border. As stipulated in the CPA, a Technical Border Committee was constituted to demarcate the border, the length of which is about 2,200 kilometres. This task should have been completed within six months, i.e. within the Interim Period of the CPA implementation. Up to date, however, although a large portion of the border (around 80%) has been demarcated, some parts are still hotly contested. Unfortunately, political leaders have failed to remove obstacles to the Committee's work, possibly for lack of political will on their part. This inability to reach a mutually accepted solution to the hotspots along the border is behind some of the conflicts among communities inhabiting the border zone as well as enduring distrust among political elites from South Sudan and the Sudan.

This paper draws on outcomes of a series of cross-border relations workshops held last year in parts of Sudan and counties in South Sudan which lie along the border. Unfortunately, some of these areas, particularly Abyei, Southern Kordofan and Blue Nile, have been engulfed in deadly clashes recently, as both South Sudan and the Sudan accuse each other of fomenting conflicts within their territory. The paper is also informed by fieldwork carried out in Pariang County, Unity State, in early in 2011; and numerous writings on border issues, mainly by academics in West Africa, have been consulted.

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1   Gum Arabic is sap from Acacia Senegal trees which are abundant in Sudan. It is used in the production of a wide range of products, including beverages and medicines.

The next section discusses concepts commonly used when border issues are dealt with. Section 3 discusses the endemic marginalisation of border communities, especially those inhabiting the Sudan-South Sudan border zone. Section 4 analyses the conflicts linked to tense competition over valuable resources along the border and manipulation of local communities by political elites bent on controlling these resources. Section 5 tackles escalation of violent conflicts in Abyei, Southern Kordofan and Blue Nile after the secession of South Sudan. Section 6 draws attention to the importance of agreeing a border management regime that meets the aspirations of people living in the border zone. And the final section concludes the paper.

Explanation of Concepts

It is helpful to explain some of the key terms that will be repeatedly referred to in this paper. The first term that requires clear exposition is border. What is a border? In simple terms a border is "the divide between two contiguous territorial units" (Fakolade 1989: 354). As Fakolade points out, it is often associated with states in the relevant literature. Nonetheless, the use of the term is not restricted to dividing lines between different states but also applies to dividing lines between territories within a state.

As stated earlier, the Sudan-South Sudan border is a line demarcated by a colonial regime that held sway over the country in the past. Recently, it has been a source of conflict among different groups, especially politicians who play crucial roles in matters concerning borders.

An important feature of borders has been stated by C.S. Momo as follows: ". . . all boundaries are: political, arbitrary, artificial and subjective on the will of the sovereign state" (Momo 1989: 59). This is very evident in the manner colonialists determined boundaries between African states without much concern for the interests of the local people, and in the way some political leaders of independent African countries ignored the concerns of border communities.

African political elites who inherited borders bequeathed to independent countries by colonial regimes had no option but to insist on maintenance of these

borders, even though some of them made almost no sense to many people. The wishes or dictates of the African political elites, however, have not been accepted by some peoples, leading to struggles, some of them violent, for secession. The Eritreans, for example, fought for a long time, and ultimately seceded from Ethiopia to found their own state. South Sudanese also followed in the footsteps of the Eritreans and won their Independence in July this year.

There were some secession attempts that failed to achieve their aim though. Prominent among them were the Nigeria-Biafra war (1967-1970), and the attempt by Katanga to break away from the former Congo (present-day Democratic Republic of Congo, DRC), in the 1960s. These struggles for independence were crushed with brute force, and left in their wake bitter memory.

A second term that needs explaining is borderland, which means a territory close to a boundary (Asiwaju and Adeniyi 1989). Borderlands are "areas in which economic-social function of one state fades gently into that of its neighbour" (Asiwaju 1989: 70, quoting Mills 1973: 44). How small or large a borderland is depends on the nature of relations between the peoples that inhabitant both sides of the border, as C.S. Momoh expounds:

> ". . . where people on both sides of the boundary are diametrically opposed ideologically and even religiously, the borderland space will be zero. It is likely even to be a zone of friction and tension especially when the borderland residents are goaded from the centre" (Momo 1989: 52).

Thus, the actions of political elites have a direct impact on the size of the borderland and relations among people living within the borderland or border zone [2]. As bearers of political offices and policies are changing, it is to be expected that the size of the borderland will also change.

The size of the borderland between Sudan and South Sudan will depend on the actions of political elites from both countries. From past experience, Sudanese elites are notorious for manipulating communities in the border zone in pursuit

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2   In this article the terms borderland, border zone and border area are used interchangeably.

of narrow interests in power and access to natural resources. Thus, it is likely that the size of the border zone will be altering in line with the shifting interests of political elites in Sudan.

Last but not least, it is useful to explain the terms *hard border* and *soft border*. The former does not allow people to cross easily for any reason. On the contrary, the latter enables people and goods to move across the border, serving the interests of the border communities in particular and people of both countries in general. Unfortunately, however, the communities along the border are often not the main concern of leaders. The following section discusses this problem and its implications for peace and stability.

Endemic Marginalisation

It is generally known that border communities are often among some of the most neglected communities by their own leaders. Writing on Nigeria, for example, A.I. Asiwaju captures this anomaly as follows: "There is also the commonly acknowledged utter neglect of the border regions by successive Nigerian governments operating development policies that place priority on the core rather than the periphery of the state" (Asiwaju 1989: 71). Despite the abundance of oil in that country, border communities have led a life of utter economic deprivation. Most of the revenues gained from oil were either stolen by greedy leaders or invested in urban areas, some of whose residents witnessed changes in their quality of life at the same time the standards of life of people living in rural locations stagnated or even regressed.

Little wonder, then, that some urban locations have expanded at a brisk pace because many people, especially the young, have left their places of origin in the countryside in search of better services, such as schools and healthcare, as well as jobs. Some of the places deserted by seekers of greener pastures in urban areas are situated in border areas.

Old Sudan was no exception with respect to rural-urban migration. Indeed, uneven development was well-entrenched and had been at the root of its political instability. Khartoum and central and northern regions of Sudan, from which the politically dominant Arab and Muslim elites of the country hailed, were

privileged in terms of distribution of development projects compared to other regions.

According to the anonymous authors of the *Black Book of Sudan: Imbalance of Power and Wealth in Sudan*, 79.5% of all ministers came from the northern region, which is dominated by Ja'aliyin, Sha'giya and Danagla Arab groups, between 1954 and 1964 (Anonymous 2002). Moreover, they claimed that this region, with only 5.3% of the country's population (1993 National Census), produced all the leaders of the country and continue to be over-represented in the central government to the present day. Not surprisingly, the western, southern and eastern parts of the country, whose inhabitants are Black Africans, were relatively backward in developmental terms. As the late Dr. John Garang pointed out, the minority Arab and Muslim elites employed Arabism and Islam as a means to exclude the majority of Sudanese from the governance of the country (De Mabior 1987).

One consequence of the marginalisation of parts of the old Sudan was political fragility. In the case of the eastern region of old Sudan, for example, "[one] of the most recurrent complaints quoted by communities, local and political leaders and external observers alike as a cause of conflict is the socio-economic marginalisation of the people in eastern Sudan, particularly the Beja, and the feeling of social exclusion which is so pervasive within the communities" (Pantuliano 2007: 2). Views about the political instability in Darfur and the South did not diverge very much from those expressed about the situation in eastern Sudan. It was arguable that the marginalisation of communities at North-South border areas, in which some of Sudan's oil is found, was even more pronounced.

The discovery of oil in the 1970s, and its subsequent exportation for the first time in the late 1990s, did not make matters better for the marginalised communities. Actually, it worsened the conditions of many as the disparities in the distribution of resources from oil became more skewed in favour of the relatively better-off parts of the country. While Khartoum, for example, was transformed into a modern city in recent years, sporting spectacular high-rise buildings as a result of the petrodollars flowing into the country, most rural communities saw no, or only limited, positive change. Consequently, Khartoum and other relatively prosperous locations, where the political elites live or originate, became what James Ferguson

termed "enclave economies" (Ferguson 2006). Their affluence stood in stark contrast to the squalor of many rural communities.

Instead of generating happiness and unity, the oil-fuelled prosperity in Khartoum and other favoured parts of the old Sudan fuelled anger and resentment in the areas left behind, compelling the marginalised people to turn to armed struggle. South Sudan was engulfed in war and later Darfur and the eastern part also rebelled. The political elites then used the newfound wealth to acquire deadly weapons to suppress the armed dissidents, and also win some support within and outside the country in order to entrench themselves in power.

The new states that succeeded the old Sudan inherited the legacy of uneven development as well as the associated conflicts. South Sudan can learn from this legacy and follow a different path, which leads to equitable development and peace. In particular, border communities should not be neglected for the sake of peace and justice. Importantly, their voices should be taken into account as the borders of the new states are being discussed. This seems not to be happening, at least according to some border communities. Indeed, one of the complaints of communities inhabiting the border areas concerns their exclusion from talks pertaining to the borderline (Concordis International 2010). This could only fuel disappointment and hence conflict. The next section focuses on the nexus between the grievances of the local communities about unfair sharing of vital resources and violence.

Competition over Natural Resources and Violence

It is a known fact that the presence of valuable natural resources, in particular oil, in locations where borders are contested can turn good neighbours into enemies or escalate traditional tensions to dangerous levels. Tensions are most likely to escalate where political elites are keen to exploit bad inter-group relations so as to further their narrow interests in resources and power.

The search for, and exploitation of, oil often causes or worsens disputes among local communities, who frequently are themselves economically and politically marginalised by elites in the Central Government. In the oil-producing areas of Nigeria, for instance, conflicts among farmers in different villages and regions

over borderlands and fishing waters rose to unprecedented levels because of the acquisition of land by petro-businesses which created land hunger and degradation (Ibeanu 1999: 171). These conflicts have been compounded by the partisan involvement of Nigerian ruling elites, who are more concerned with promoting their class and ethnic interests than with the broader interest of the wider community in the Niger Delta (1999: 167).

Similarly, inter- and intra-communal conflicts have gone up in the resource-rich Sudan-South Sudan border area mostly due to the actions of oil companies and political elites in Sudan. Determined to bring under their control valuable resources, particularly oil, gum Arabic and arable land, Sudan elites stealthily shifted this border southwards in locations where the resources are located. The result has been escalation of tensions among local communities as well as political elites. Abyei got embroiled in violence in part due to the resources, particularly oil, which political elites in Sudan are determined to control.

Part of the strategy to redraw boundaries so as to place oil and other valuable resources on the Sudan side is to exploit traditional animosities among border communities. As oil development progressed, elites in Sudan incited Baggara nomads[3] , whose relations with South Sudanese inhabiting the border zone is not always peaceful, to attack and displace local people in the oil-rich areas and lay claim to the "empty" lands. Some of the Baggara and other nomadic Arab groups had come under pressure in their areas of origin in the North due to the expansion of agricultural schemes in the 1970s and 1980s and, as a result, were prone to manipulation by the political elites who were bent on incorporating oil-rich Southern areas in the Sudan. As a consequence, the border zone has become a hotbed of conflicts; some of them could drag the opposing groups to broader economic and political confrontation. In fact, this is taking place.

In 2007, for instance, the movement of barges and steamers between Kosti in Sudan and locations in South Sudan was brought to a standstill by leaders in White Nile State, allegedly as retribution for SPLA's encroachment on their areas (BBC 2007). The leaders in South Sudan, however, claimed that the SPLA

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3   These are transhumant Arabs from the North who bring their cattle to South Sudan areas during the dry season.

soldiers were operating within South Sudanese territory. Without doubt, both sides had different views about where the border was.

The disruption of movement of barges and steamers, which are crucial for the local economies of Malakal and other South Sudan towns that depend on goods from Khartoum and other towns in Sudan, lasted seven days, during which traders suffered losses and the inhabitants of Upper Nile faced significant shortages of essential goods. The then second Vice President of the old Sudan, Osman Taha, ordered the authorities in White Nile State to lift the blockage.

This disagreement reflected the tense security situation in the eastern parts of the South Sudan-Sudan border. Increasingly, the original line decided by the British colonial officials before Independence has been undermined, mostly by Sudanese leaders keen to incorporate border areas endowed with valuable resources into Sudan and nomadic groups in Sudan forced to seek new places after coming under pressure by changing environmental conditions and government policies in their original areas.

Determined to protect South Sudan territory, the SPLA has been assertive in the border zone in order to counter actions of the political elites in Sudan. The Sudan Armed Forces (SAF) also has a significant presence in the area, particularly in the northern parts of the Shilluk Kingdom, Upper Nile State. Behind the tension over this area is a scramble over fertile arable land as well as locations where acacia, the trees that produce gum Arabic, are in abundance.

The struggle over gum Arabic has resulted in a significant level of fighting and human displacement in recent years. The WFP reported violent clashes between Arab nomads and Shilluk civilians in Kaka in December 2005 that caused the death and displacement of many people. Poignantly, a UNICEF report warned that the contest over gum Arabic has turned the border between Upper Nile (particularly Renk and Manyo Counties) and Southern Kordofan into a threat to the stability of the whole region. After South Sudan seceded, fighting flared up in the area between SPLA and rebels, who are allegedly supported by the Sudanese regime.

Places along the border of Unity State with Southern Kordofan have also suffered serious conflicts over oil resources as well as grazing land and water points. Some of the particularly grave conflicts concerned the control of oil-rich locations. One of the epicentres of the scramble is Heglig, which the local Dinka of Pariang County call Aliny. Both Southern Kordofan and Unity State have laid claim to this area, from which many people were violently displaced during the war years. The displaced sought refuge in other parts of South Sudan under rebel control or in the North.

Many of the displaced who returned after the cessation of hostilities have not been able to reclaim their ancestral lands, in part because of the actions of oil companies. Huge oil works, including wells, pipes, base camps and roads, have deprived many local people of places to settle or farm. Moreover, the negative repercussions of oil development, especially environmental pollution, have compounded the difficulties faced by local people. Furthermore, the lack of basic services, particularly water, health centres and schools, has compelled some returnees not to settle in certain locations. Some of them ended up in towns where some basic services are accessible. Not surprisingly, some local people view oil as a curse, even though it is the lifeblood of the government in Juba. About 98% of the Budget of South Sudan is based on oil revenues.

Another location that faced violent conflicts during and after the war is Kharasana, which lies along the yet-to-be-demarcated border between Pariang County in Unity State and Nuba areas in Southern Kordofan. In recent times the confrontation concerned the excavation of soil and gravel (murram) for road works. Most parts of Upper Nile and Unity States have clay soils, which are unsuitable for road works. Control of Kharasana implied control of taxes paid by oil companies for the soil and gravel.

The tension has simmered on, boiling over into violence at times. At the root of this tension are the actions of President Omer al Bashir's National Congress Party, which has been manipulating the Bagarra nomads to attack SPLA positions. In 2008, SPLA forces based in Kharasana came under intense and sustained attacks from armed Baggara, forcing the governor of Unity State to order them to relocate to positions to the south while the violation was being dealt with at the very top.

To date, the SPLA have not been able to return to their old positions. In effect, the border has been shifted southwards because of the violence. Nonetheless, some people in Pariang still hope that they will recover this and other "occupied" areas when the border is eventually demarcated by the competent authority.[4]

To the west of Pariang County, peace is also elusive. The local Dinka and Nuer people in Abiemnom and Mayom have faced serious difficulties, which are caused by the activities of the Baggara. Visiting these areas in February 2010, I heard local leaders repeatedly complain about the activities of the Bagarra. The local SPLM Secretary claimed that the Baggara were keen to force local people southwards so as to settle in places owned by the Dinka or Nuer.[5] The same complaint was expressed by chiefs from the Abiemnon and Mayom counties. They recounted in detail the displacement of their people from the border areas since the 1960s. It has been a consistent and deliberate shifting of the border south by the Baggara with the help of successive leaders in the central government.

According to chiefs and other local leaders, the group that suffered disproportionately as a result of the tensions, and sometimes violence, in the border zone are returnees trying to reclaim their original home areas after years spent away in exile in Sudan or foreign countries. Their plight is often described as a calamity of huge proportions. Beside the risk of attacks from the marauding Baggara, the returnees find it very hard to settle down and re-establish shattered livelihoods. Basic services, such water points, schools and clinics are lacking in many the areas. Like other border areas, the South Sudan-Sudan border zone is socially and economically neglected by leaders in both countries. It is only remembered when valuable resources are discovered.

Thus the chance that these local conflicts can be solved without taking into account the interests of elites based in the capitals of the two countries is remote. Indeed, local people always emphasise that local attempts to defuse tensions have not borne fruits because elites sabotage them. The commissioner of Abiemnon, for example, pointed out that there are reconciliation meetings between Dinka and Baggara nomads but the problem is that agreements are not implemented.

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4   Interview with an administrator in Pariang Town on 9 October 2010.
5   Interview with SPLM Secretary of Abiemnom County on 24 February 2010.

Leaders in Khartoum have been blamed for working aganist the agreement. So, conflicts are not resolved despite holding meetings.

It is therefore clear that peace endeavours, some carried out by NGOs, may not achieve much even if the interests of the various parties are recognised. In particular, it is important not to overlook the crucial role elites play at the local level through their representatives. Recognising their interests and involving them in any activities will likely lead to success of efforts aimed at promoting, or sustaining, peace at the local level. Unfortunately, efforts to lessen tensions have not been successful of late. In fact, conflicts have been widening since the split of the country, as will be made clear in the following section.

Violent Conflicts after Secession

Since South Sudan gained its Independence, violent conflicts have been escalating in both countries. Abyei, Southern Kordofan and Blue Nile have been worst-hit by fighting as the Sudan Armed Forces (SAF) intensified their activities in these areas. In several states of South Sudan, rebel forces have been active. The result of the mounting violence has been the souring of relations between the two countries, who accuse each other of stirring up the problems within their territory. The Abyei problem is an old one, and essentially concerns rival territorial claims by the local Dinka Ngok and Arab nomads from Sudan. The 2005 CPA stipulated a framework for resolving the problem, but the National Congress Party (NCP) aborted its execution. Then the dispute was referred to the International Court at The Hague, which passed a ruling that the Dinka Ngok accepted but the Arab nomads rejected. Thus, the disagreement persisted, torpedoing a referendum that was supposed to be held in Abyei at the same time South Sudanese held their own referendum on 9 January 2011.

As tensions mounted in Abyei, the SAF moved in on May 21, 2011, and occupied the area, forcing tens of thousands of the Dinka Ngok to flee south. The African Union High Level Implementation Panel, led by former South African President Thabo Mbeki, persuaded South Sudan and Sudan to withdraw their forces from the area and allow the deployment of 4,200 Ethiopian troops under Chapter Seven of the UN Charter. Although these troops have taken up positions in the area, the SAF continue to occupy the area, prompting senior officials from South

Sudan to accuse Sudan of reneging on the agreement (Kuol 2011).

Compounding matters, on June 5, the SAF began waging war against forces in Southern Kordofan which fought alongside the SPLA during the war (*Sudan Tribune* June 5, 2011). Several days prior the action, the Government of Sudan issued an ultimatum to the SPLA to withdraw these troops from Southern Kordofan and the Blue Nile regions. South Sudanese leaders rejected the demand, arguing that those troops were Sudanese and hence could not move to South Sudan.

The fighting has been fierce and led to the displacement of some 70,000 people from their homes in Southern Kordofan. Moreover, people have been fleeing their homes in Blue Nile, which has also witnessed severe violent conflict between the SAF and local forces. As a result, the FAO has reported that the food situation in the two areas is fast deteriorating, and that at least 235,000 people need assistance (*Sudan Tribune* October 6, 2011).

The government in Khartoum has been blaming the government in Juba for inflaming the situation in these areas. However, leaders in Juba deny the charge. Probably to punish South Sudan, the SAF has dropped bombs on the border areas. Refugees have been hit as well as local South Sudanese inhabiting the border zone. For example, Jaw Payam in Pariang County, Unity State, suffered severe bombardment by Antonov planes, forcing civilians to flee into Pariang Town and other areas along the border. According to the Unity State Minister of Information five persons were killed and about 851 displaced as a result of the SAF bombardment (*The Juba Post* June 13-16, 2011:5). IOM puts the number of displaced at 3,700 from Pariang and neighbouring areas (*The Citizen* October 26, 2011:16). The SPLA spokesperson, Colonel Philip Aguer, was reported to have said the bombardment by Khartoum sought to "control the area and create a de facto border to control our oil fields" (*The Juba Post* June 13-16, 2011:5).

The woes of South Sudan are compounded by the activities of guerrilla groups. During the declaration of Independence on 9 July, General Salva Kiir offered amnesty to South Sudanese who had taken up arms against his regime. Some of them decided to give up rebellion in response to the amnesty. However, others

did not heed the offer and continued fighting. Worryingly, the most powerful insurgency, led by General George Athor, is among those bent on fighting. South Sudan has repeatedly accused the government in Khartoum of supporting these rebels, some of whose actions are focused on the border area. The next section sheds light on a possible border arrangement which lessens conflicts.

Future Border Management

Despite gaining its Independence on 9 July after a peaceful referendum, South Sudan's border with the Sudan is still unsettled, and continues to fuel distrust. Thus, the challenge now is for the political elites not only to complete the demarcation, but also to reach a consensus on a border management regime that generally fulfils the wishes of the majority of their people, especially those living along the border. Most of the border communities favour a soft border that permits a high degree of freedom of movement of people and goods (Concordis International 2010). Unfortunately, the desire for a soft border is increasingly being jeopardised by recent steps adopted by political leaders as well as rising violence in southern parts of the Sudan.

After the split, leaders from the Sudan have imposed restrictions on movement across the border, compounding the difficulties that South Sudanese have been experiencing as prices of basic commodities are becoming expensive and unaffordable. Speaking to the media in Juba on Wednesday, October 5, 2011, the South Sudan Minister of Humanitarian Affairs and Disaster Management, Mr. Joseph Lual Acuil, complained that a combination of poor rains and rising prices worldwide have left close to 1.3 million South Sudanese in need of food aid (*Sudan Tribune* October 6, 2011). Some of the worst-affected people are residents of the border zone. In normal times, their goods come from Khartoum and other towns in Sudan.

Since March this year, the smooth flow of goods from Sudan to South Sudan has been interrupted by the government in Khartoum, resulting in shortages of basic goods and steep price hikes. Many families in the border zone have been suffering acute food scarcity as a consequence. The worsening shortages of food and other basic commodities have compelled some people in Upper Nile State

to ask for international intervention so as to resolve the dispute over the border (*Sudan Tribune* August 12, 2011).

It seems local people along the border are not alone in calling for involvement of the international community in the border confrontation. In fact, leaders of the GoSS, including the President, also appear to favour international intervention as South Sudan is now an independent state. In his speech before the UN General Assembly, President Salva Kiir reportedly said:

> "We urge the Government of the Republic of Sudan to consent to a speedy demarcation of the border between the two states with the help of the international community . . . We would like to plead with the Government of the Republic of Sudan to agree to the submission of our dispute over the ownership of a number of border areas to international arbitration" (*New Times* November 26-October 3, 2011:15).

So far, however, pressure brought to bear on the authorities in Khartoum by South Sudanese leaders as well as Western countries for a speedy resolution of the border dispute and subsequent reopening of the border have produced promises but not concrete steps. The Thabo Mbeki-led African Union High Level Implementation Panel managed to convince leaders from both South Sudan and Sudan to agree to a border security solution and the Joint Security Mechanism (JPSM) was signed in Addis Ababa on Thursday June 30, 2011. Within 10 days of signing of this agreement, forces from the Sudan and those from South Sudan were supposed to be "redeployed from the Safe Demilitarised Border Zone (SDBZ), an area 10 kilometres either side of the common border" (*The Citizen* June 30, 2011:1). Also, an international monitoring and verification mission is to be established and unarmed observers from both sides will work with UN observers. So far, the agreement has not been executed.

In September 2011, Sudan and South Sudan reached a deal on monitoring of the common border and opening of 10 crossings during the visit of President Salva Kiir to Khartoum for the first time since the split (*The Citizen*, October 18, 2011:2). However, the government in Khartoum recently cast doubt on the

implementation of that agreement, and insisted that free trade across the border will happen after the insecurity in its southern part, for which it blames South Sudanese leaders, has died down.

Conclusion

The Sudan has split into two states, South Sudan and Sudan. Nonetheless, the relations between these successor states are far from friendly. Many disputes carried over from the 2005 CPA continue to divide them. Important among the issues fuelling mutual distrust is the difficulty of agreeing a border between the two states, which is linked to other disputes such as those over oil sharing, Abyei and popular consultation in Southern Kordofan and Blue Nile.

Even though a border demarcation committee is in place and has done some good work, the border has yet to be clearly and amicably defined. The committee has failed to complete its job because of differences between South Sudan and Sudan leaders. These differences are fuelled by divergent, and sometimes conflicting, interests in oil, gum Arabic and land as well as competition among border communities over pasture and water sources.

Unfortunately, the differences between the leaders of the two countries have been deepened recently as a result of an upsurge in fighting in Abyei, Southern Kordofan and Blue Nile as well rising violence in South Sudan linked to guerrilla groups. Both countries accuse each other of stirring up troubles on their territory.

Since the secession of South Sudan matters have worsened for border communities as movement across the common border is restricted by the leaders in Khartoum. Scarcity of basic goods and resultant price hikes has impacted negatively on the South Sudanese who live along the border. Their situation will only get better when there is an improvement in the relations between the two countries, and free border trade is allowed to flourish again. Hence, it is vital for leaders from both countries to consider border governance options that facilitate freedom of movement as well as joint exploitation of resources that fall along the border. This is a win-win solution that lessens opportunities for conflict and enhances peace.

References

Anonymous (2002) *Black Book of Sudan: Imbalance of Power and Wealth in Sudan* (translated from Arabic by Dr. Altom Abdullahi). Available from: <http://www.sudanjem.com/english/books/blackbook_part1/book_part1.asp> (accessed 23 April 2005).

Asiwaju, A.I. and Adeniyi, P.O. (1989) *Borderlands in Africa* Lagos, University of Lagos Press.

(1989) 'Borderlands: Policy Implications' 63-84 in Asiwaju, A.I. and Adeniyi, P.O. (1989) *Borderlands in Africa* Lagos, University of Lagos Press.

BBC (2007) 'Restrictions on Supplies to Southern Sudan Harming Unity: Vice President', 7 November.

Concordis International (2010) *More than a Line: Sudan's North-South Border*, Concordis.

De Mabior, J.G. (1987) John Garang Speaks, London, Keegan Paul International.

Fakolade, A. (1989) 'Cosmopolitanism vs. Provincialism: The Dialectic of Development of the Nation-State' 353-360 Asiwaju, A.I. and Adeniyi, P.O. (1989) *Borderlands in Africa* Lagos, University of Lagos Press.

Ferguson, J. (2006) *Global Shadows: Africa in the Neo-liberal Global Order*, London, Duke University Press.

Garang, L.A. (2011) 'South Sudan warns food developing into famine', *Sudan Tribune* October 6.

Ibeanu, O.O. (1999), 'Exiles in their Own Home: Conflicts and Internal Population Displacement in Nigeria,' *Journal of Refugee Studies* 12(2): 161-179.

Johnson, D.H. (2003) *The Root Causes of Sudan's Civil Wars* Bloomington IN: Indiana University Press.

Kuol, D.A (2011) 'SPLM accuses Khartoum of Refusing to Withdraw its Troops from Abyei', *Sudan Tribune*, Thursday, August 10.

Momo, C.S. (1989) 'A Critique of Borderland Theories' 51-62 in Asiwaju, A.I. and Adeniyi, P.O. (1989) *Borderlands in Africa* Lagos, University of Lagos Press.

Moro, L. N. (2007) 'Old Habits Die Hard' *Pambazuka News* 01 August http://www.pambazuka.org/en/category/features/42865

Pantuliano, S. (2007) 'Comprehensive Peace? An Analysis of the Evolving Tensions in Eastern Sudan', *Review of African Political Economy* 33 (110): 709-720.

Sudan Tribune (2011) 'UN Agency warns of food crisis in Sudan's border regions', October 6.

Sudan Tribune (2011) 'South Sudan "feels pain" of fighting in S. Kordofan', August 12.

Sudan Tribune (2011) '4,000 S. Kordofan displaced arrive in South Sudan', August 22.

The Citizen (2011) 'Sudan & South Sudan to Resume Post-Split Talks in Juba', October 18.

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Foreign Policy Options for the Post-Independent Government of South Sudan

Mr. Bankie F. Bankie

Background

T he institution of slavery is a matter on which information is either suppressed or unavailable. Both Arabs and Africans are reluctant, unwilling or unable to bring the facts to the common knowledge of the two peoples, either by way of curriculum reform or academic research. The approach has been (Laya 2005) not question the legitimacy of the state; and in the name of 'national unity' reference to slavery is prohibited. Laya affirms that, in the spirit of the African Renaissance, it would be best not to ignore the unhappy period of slavery. In his view, historically, there was a close relationship between the trans-Atlantic and the trans-Saharan slave trades.

Ancient Kush, located in present-day Sudan, was strongly influenced by Egypt for some 1,000 years beginning in 2700 BC. Subsequently, Egypt's power in Sudan waned. In the 16th Century Muslim religious brotherhoods spread through Northern Nubia; together with Ottoman Empire, they ruled the area through military leaders for three centuries. In 1820, Muhammad Ali, who ruled Egypt on

behalf of the Ottomans, sent 4,000 troops to Sudan. This invasion resulted in the Ottoman-Egyptian rule of Sudan from 1821 to 1885. Slavery in the Sudan took hold during this period, when it was made state policy. Slavery became a cash commodity when the Europeans started making incursions into the continent to procure slaves. In the Western reference and Sudanese context, *Mulatto* means white. *Jallaba* means of mixed race from the North of the Sudan. The Jallaba were the procurers of slaves who led raiding squads backed by formidable armies. As Egyptian rule faltered, the *Jallaba* hoped to inherit the governance of the Sudan.

Garang de Mabior (2008) refers to the *Jallaba* as Afrabians, a hybrid of different races and nationalities, including black Africans, immigrant Arabs, Turks, Greeks and Armenians; that first evolved during the 15th Century and have since chosen to identify themselves as Arabs, even though many are black. Hashim states that the political right, descendants of the *Jallaba*, has ruled the Sudan since self-government in 1955. While the Sudan might have been expected to join Africa, it chose to join Arabia as a second-class member. When the Northern elite was installed in power in Khartoum by the departing Anglo-Egyptian Condominium, they considered the Sudan as consisting of their fellow noble Arabs of the centre North area; the Muslim Africans of the periphery (with possible Arab blood) undergoing rapid Arabisation; and the slaves, being Blacks with no authority to rule.

Looking at the socio-cultural structure of Sudanese society, Hashim (unpublished paper) refers to the development of a new ideological consciousness of race labelled 'Arabised Sudanese'. Skin colour defined racial relations. In the context of Sudan, a light-brown person was an Arab and a Black African was seen as a slave. The stigma of slavery and blackness meant marginalisation.

This type of alienation has been in place in the Sudan for over five centuries and continues to this day. In the Middle East the Sudanese Arab is considered too dark and is treated as a second-class Arab. The Blacks of the Sudan, who have completely assimilated Islamo–Arab culture and religion (such as the Darfuri) are discriminated against by the Arabised *Mulattos* and are seen as slaves; too African and thus worthy of being dehumanised by genocide.

In a paper on the impasse of post-colonial relations, Simone (2005) refers to the legacy of Afro-Arab slavery as having distorted the relations between two major nationalities in our world, the African and the Arab. This, he explains, is because the descendants of the slavers have never publicly condemned or even admitted the abuses of the past to the descendants of those who were abducted and whose lands were raided. This is a major factor in explaining why slavery continues today. Despite the adoption of the Arab Charter on Human Rights by the Arab League in September 1994, slavery abides. In December 2005, the Organisation of the Islamic Conference (OIC) adopted a Ten-Year Program of Action, promoting issues such as tolerance, moderation and human rights. This has not affected the lives of the people living in Islamic states such as the Sudan and Mauritania. The issue of slavery cannot be divorced from that of reparations and restitution, as stated in the Declaration of the Conference on Arab-Led slavery of Africans, held in Johannesburg on February 22, 2003 (CASAS Book Series No. 35, Cape Town).

Objectives of the Paper
In a nutshell, the issue which this paper seeks to address is the foreign policy ramifications encapsulated in the conundrum as reported in the *Sudan Tribune* and stated by President Yoweri Museveni as ". . . that the problem in Sudan was that some groups were trying to run the state as an Arab country and disregarded Africans while Sudan was an Afro-Arab country". Given this reality, South Sudan, in the interim, is a country seeking an African identity, after centuries of forced Arabisation and Islamisation, en route to a new federated and united Sudan, which will be an Afro-Arab Borderland state. This complex history informs the foreign policy of the new state, the Republic of South Sudan.

Policies Today and Tomorrow, Predicated on the Future, not the Past
At this moment in its history, as it has been in the short-to- medium-term past, but was not in the ancient past, those ruling in Khartoum wish to impose Arabisation and Islamisation on the country and in neighbouring countries. Gregory A. Pirio, in his book *The African Jihad – Bin Laden's Quest for the Horn of Africa*, provides some background information on what your author describes as the "Arab Project in Africa", by defining some basic terms in Islam, in Africa or elsewhere. The term 'Islamist' is used to describe those groups, such as the National Congress Party

(NCP) ruling in Khartoum, that seek the establishment of an Islamic state, which theologically promotes a Wahabist or Salafist version of Islam.

'Islamisation' is a set of political ideologies that hold that Islam is not only a religion, but also a political system that governs the legal, economic and social imperatives of the state according to its interpretation of Islamic law. Islamists, such as those ruling Sudan, advocate that Sharia, a legal system based on the Koran and the Islamic tradition of jurisprudence, should determine public and some aspects of private life.

Pirio explains the term Jihadist as describing those Islamists who espouse violent action, whether military or terrorism, to achieve their aims. Jihadists see themselves as waging war against '*Kafirun*' or unbelievers. They see their struggle as a just war legitimised by religious, political and military interpretations of the Islamic concept of Jihad. Jihadists often see their actions as part of a local and global struggle to decentre the West in world affairs, in order to establish '*Hakimiyyat Allah*' or 'God's rule' on a global scale.

In Islam, Jihad refers to peaceful inner spiritual striving, which is a widely respected Islamic ideal. Jihadists have misappropriated the word Jihad to sanction the use of violent struggle against non-believers and Muslims who disagree with their version of Islam. Terrorism is the anti-thesis of the real meaning of Jihad. Sudan under the leadership of the radical Pan-Arabist Omar al Bashir's National Islamic Front (NIF)/NCP government gave rights of residence to Bin Laden the al Qaeda leader and promotes Islamic fundamentalism both within and outside its borders. Nial Bol in his piece of April 15, 1998, entitled 'Religion- Africa: Countries of the Horn Urged to Apply Sharia', states:

> "An ideology of expansionist Islamic fundamentalism, which sought to 'Arabise' all of Sudan and the Horn, underpinned Sudan's regional aggression".

It is precisely the forced imposition of Arabisation /Islamisation that the South fought against. As such the domestic policy will determine foreign policy options of South Sudan. This will be the anti-thesis of the causes of the liberation struggle.

Foreign Policy Concerns of Juba

Due to the past South Sudan will take a stand in conformity with its long-term interests. Formerly, South Sudan, as an integrated part of Sudan, was consequently a member of the Arab League. Sudan historically had been ruled from the centre, Khartoum, oppressing all the marginalised in the periphery, in places such as Darfur and Nubia on the border with Egypt in the north.

The contradiction of Sudan as a member of the Arab League and its membership of the African Union Commission (AUC) is well illustrated by the statement of Omar Hassan al Bashir, President of the Sudan, in his address to the Organisation for Islamic Unity (OIC) in Abuja, Nigeria (November 1989), when he declared that the destiny of Islam in Africa is to win. This statement represents a direct challenge to the members of the AUC and a calculated threat of interference in the internal affairs of all the states of Africa. In 1998 Bashir introduced an Islamic Constitution in the Sudan, making the Sudan a de jure Islamic Republic. Sharia Islamic codes became applicable to non-Muslims. Islam was used to Arabise all the people of the Sudan. Al Bashir stands indicted by the International Criminal Court (ICC) for crimes against humanity and war crimes in Darfur, in Western Sudan, a region of some seven million people. The conflict in Darfur has left some 200,000-450,000 black Africans dead and over 2.5 million displaced. The resolution of the Darfur conflict, like that in South Sudan which preceded it, and upon which it was modelled, represents a challenge not only to Africans, but to humanity.

The ascension, career and fate of persons such as Musa Hilal and Haruna, Sudanese government officials indicted by the ICC, provide a graphic illustration of the nature of Khartoum society and its distorted and racist manipulations of Islam. Similar societal problems are manifest across the Borderlands from Port Sudan on the Red Sea, between the Beja and Khartoum, through Tchad, Niger and Mali, to Mauritania. Indeed Mauritania has a caste system that dates back centuries, which successive governments since self-government have been unable to uproot with families inherited as slaves from one generation to another. Foreign Minister Nahe Mint Ahmed Ould Mouknass in 2009, living at Tevragh-Zeina in Nouakchott, was reported to have many slaves, both in her house and in her farms.

A classic example of the volatility of the Borderlands is found in the Northern areas of Mali and Niger, a region inhabited across borders by the Touareg, a Black Negroid people who were Arabised and who enslaved their neighbours. In the scramble to decolonise and balkanise, they had been given reason to hope that they would be accorded their own state. But they were divided between the new states that were created. As a result, they found themselves administered by African political leaders, some of whom were the descendants of their former slaves. Libya funded several armed Touareg groups dedicated to fighting the governments of the new states. Together, in the 1960s, they called themselves the Azawad United Front (Diakite 2006). The Touareg have been found in recent years settled in the burnt villages abandoned by the Fur, Massalit and Zaghawa in Darfur. Their rebellion, mediated by Algeria, continues to this day. The Arab League has not been able to end this long-running Borderland conflict, which receives little-to-no- coverage in the Western media.

There is emerging consensus that the events in Afro-Arab Borderlands are not a product of chance. They are the calculated result of forces from within and without the region that see it as an area that is off-limits to public scrutiny. There are few attendant risks of exposure, which allow the Borderlands to be utilised for human trafficking and smuggling, the testing of new weapons systems (including nuclear) and other inhumane practices in complete disregard of the welfare of the inhabitants. Of late, the place has become an area for international hostage-taking by groups, one of which goes by the name of Al-Qaeda, a product of the Salafista armed rebellion from Algeria.

At the 7th Pan-African Congress (PAC) held in Kampala, Uganda, in 1994, without doubt the heavy Sudanese attendance (including the Sudan's former Ambassador at the United Nations, Abdulmahmuud Abdulhalim) was not explained by any affection for Pan-Africanism/African nationalism, as Sudanese owe their loyalty first to their Arab identity and the Arab League. Rather, they were there because the Congress offered the unique opportunity to update their own understandings of the trends and concerns of the Africanist movement (Bankie 1995).

This conclusion and the need for Pan-Africanists to come to terms with the ulterior motives of Sudanese in matters affecting African unity, supports the thesis for Afrocentric social and human sciences, seeking to redefine and to reposition African people in the new world, "to reclaim African heritage that had long been denied, stolen and plundered" (Nabudere 2007, 8). Dani Nabudere goes on to spell out that in the past the production of knowledge in the African context was done for purposes of control, which had been the overall historic aim of European scholarship in Africa. Colonial scholarship needs to be archived and replaced by knowledge based on sound research done by Africans in the context of African realities.

The Sudanese political situation resembles apartheid in South Africa and Namibia, and qualifies as a case of "internal colonialism". As South Africa had, so the Sudan has its "black spots". The Nubians are a case in point. The situation of the Nubian Sudanese, living near the Egyptian border of the Sudan, is a matter of concern due to Khartoum's implementation of policies aimed at marginalising the Nubians. First, by impoverishing their region and driving them from their historical homelands (Hashim 2007); second, by resettling Arab groups in the lands left behind; third, by pushing the Nubians into Arabisation through biased educational curricula, at the expense of their own languages and cultures; and, fourth, by nursing a culture of complicity among Nubian intellectuals to help facilitate these policies. Based on statements by Khartoum officials, the scale of demographic engineering in Sudanese Nubia is programmed to re-settle hundreds of thousands of Egyptians in the area.

The key external issue for Southern Sudan has been, in the contemporary era, Islamisation and Arabisation coming from the North. Whereas in a previous time slavery had encroached on the South, resulting in many of its sons and daughters being taken out; today the Sudan propagates its post-Bin Laden Jihad by aggressive anti-African actions through proxies such as the Lord's Resistance Army (LRA) and assorted militias.

The consolidation of South-South relations by South Sudan is part of a natural ongoing process of gaining strength through struggle. Khartoum has sustained a policy of interference in all the neighbouring states, not only those to the South,

again due to its Arabisation and Islamisation project. In Uganda, Khartoum supported the LRA. In the Central African Republic, the LRA remains active, as well as other insurgencies supported by Khartoum. In Tchad, after being attacked numerous times by 'rebels' supported by Khartoum, the government accepted Arabic in the schools and a *modus vivendi* with Khartoum. In Eritrea, Khartoum supported cross-border interventions into Eritrea by the Eritrean Liberation Front. In Ethiopia, Khartoum has long sought to break the resistance of Ethiopia to Islamisation and Arabisation. Khartoum has supported the Islamic Party of Kenya (IPK).

Logically, South Sudan's foreign policy will be the anti-thesis of Khartoum's policies until such a time as the late John Garang's vision of a New Sudan, united under a democratic constitution, is realised. The problems of Sudan are rooted in history. For example, the Anglo-Egyptian Condominium, which administered Sudan pre-Independence, installed a minority in office in Khartoum in 1956, which elite remains in office today, whereas on August 18, 1955, in Torit in South Sudan, the people of the South had begun the long war against Khartoum, led by Anya-nya.

The South, rather than being aggressive towards its neighbours, has every interest in consolidating South-South relations with its neighbours. Some random media snapshots of the post-Independence interactions of South Sudan with its neighbours include:

The East African Community: *Gurtong Focus Monthly*, Juba/Nairobi, Page 40, September, 2011: 'It is true, Bashir is courting the East African Community'.
Kenya: *Daily Nation*, Nairobi, Page 18, 20 September, 2011: 'Lokichoggio gets a new lease of life'.

Darfur: *Southern Sudan Today*, Juba, Page 8, 12-18 September, 2011, "Chad-Sudan armies prepare to launch military operation in Darfur – rebels".

Uganda: *The Citizen*, Juba, Page 8, 21 September 2011, 'Kajo-Keji-Moyo border issue needs international attention: Commissioner' (border demarcation).

Uganda: *The Hero*, Juba, Page 3, 25 September 2011, 'Kampala blames S. Sudan for high prices in Uganda'.

In a nutshell, South Sudan needs to integrate into the East African community. Indeed it is said that the English had in mind to sever South Sudan from Sudan and to join it with the East African countries of Kenya and Uganda.

South Sudan, Negotiating its Interests with Africa
The Organisation of African Unity (OAU) came about at the end of a long historical process which saw the realisation of Pan-Africanism/African Nationalism, supposedly within a continental framework, as the core objective of Africa, both North and South of the Sahara. This historical process began with the abduction of African slaves from Africa to the Western hemisphere, where the incubation of Africans in the 'new world' was built on the elimination of the indigenous people of America and the harnessing of Black labour for development. This led to a conscientisation around common experiences of enslavement, racism and exploitation (Sibanda 2008), culminating in the Garveyist 'back-to-Africa' movement and the Pan-African Congress series organised by the African American scholar W.E.B. Du Bois.

In some measure, the trans-Atlantic slave trade replicated the experience of Africans – especially women and children – who were victims of the trans-Saharan slave trade and those taken into Arab bondage. The fundamental difference was that the Europeans, apart from attempting conversion to Christianity, did not succeed in denationalising Africans taken to the Western Diaspora (Caribbean, North/South America or Europe). In contrast, as seen in the Sudan today and graphically illustrated in Darfur (where the conscientisation around African identity is recent and its future uncertain), Africans in the Eastern Diaspora ceased to be Africans and became Arabs.

It is this loss of identity under the Arab system which renders reconnection with the African Eastern Diaspora in the Gulf, Arabia, a major cultural challenge with deep psychological implications. The late John Garang, one of the founders and leaders of the Sudan People's Liberation Movement/Army (SPLM/A), in his paper to the 7th Pan-African Congress (PAC) in Kampala in 1994 made the

connection between the lessons from the Pan-African movement in the Western Diaspora and the ongoing liberation/decolonisation struggles in South Sudan, North-East Africa, against Arab hegemony and racism.

Within Pan-Africanism, it is Esedebe who noted that after the 1945 5th Pan-African Congress there was a shift:

> "Up till then, the Pan-African movement concerned itself with the problems of Africans and their descendants in different parts of the globe. But despite the adjective Pan-African, the movement driving this period was not truly Pan-African in membership. For every practical purpose Arab North Africa remained outside the pale of Pan-Africanism (Esedebe 1994, 229).

This shift was largely due to the influence of Nkrumah, who served as Secretary General of the 5th Pan-African Congress. Under his leadership the Pan-African movement became 'continentalist' and geographic by definition. North Africa was admitted into the movement, without a quid pro quo of sub-Saharan Black Africa being admitted into the Arab League. Nkrumah's emissaries attended the Roundtable Conference in Khartoum in March 1965, on peace in South Sudan. At Sirte, in Libya, at the 4th Extraordinary Summit of the OAU in September 1999, Gaddafi, Head of State of Libya, presented a draft charter proposing the establishment of the United States of Africa, with one government, one leader, a single army, one currency, one central bank and one Parliament, aimed at putting in place unifying laws for the entire continent by 2000. What was adopted was a compromise outside the Libyan leader's hopes.

South Sudan as it joins the ranks of the African Union Commission (AUC) will have to determine what role it will play within the organisation. Going by the low levels of African support in the past to the struggle of South Sudan, one expects it to keep a low profile in the organisation going forward – to speak only when spoken to.

One of the major problems of the OAU/AUC has been the non-payment of dues by member states. In order to keep the organisation afloat, some members have paid more than others. There are many reasons for the arrears. One reason

is a lack of commitment to African Nationalism/Pan-Africanism, to which the organisation owed its creation. The OAU/AUC has generally failed to invigorate Pan-Africanism/African Nationalism. This may be due to the perception of the organisation as a neo-colonial institution peopled by neo-colonialists. In any event, it is clear that OAU/AUC has failed to meet the aspirations of Africans at the grassroots level both at home and abroad, for strong unity, international status, respect and auto-development. Too often it was a sideshow with the real decisions being made elsewhere.

One sees the discomfort of the African states within the AUC, unable to show solidarity with kith and kin in places such as Southern Kordofan and Blue Nile in Sudan, as well as during the recent anti-Black African xenophobia in Libya. These represent the continuation of the past practice of the African states of turning a blind eye to the goings-on in the Afro-Arab Borderlands. Another strategy used by Arabia to determine events in Africa has been the division of Africa from its Diasporas. It was the Diaspora that originated Pan-Africanism. An Africa severed from its Diaspora would be weakened. This is tantamount to dividing the African Nation, constituted by Sub-Saharan Africa and its Diasporas. Arabia never wanted the African Diaspora in the OAU/AUC and still resists the integration of the Diaspora as the 'Sixth Region' of the AUC. The Western Diaspora in the Americas, etc., is well known. However, there is an Eastern Diaspora in Arabia and the Middle East.

South Sudan and its Implications for Africans

Although it is widely conceded that Africa is at its lowest point since the formation of the OAU; the solid Pan-African foundations of the unity movement will ensure the onward progress, however slowly, of African integration, or what the author prefers to call the Unity of the Africans at home and abroad, in the Eastern Diaspora, in the Gulf states, Arabia, North Africa and Australia, and in the Western Diaspora – in the Americas and Europe.

Cultural solidarity within the Arab League stresses the concept of a single Arab nation. This nation looked back to the ancient Arab empires of the Umayyads and the Abbasids, noting that Arabs had 'civilised' Europe in the Middle Ages. A federated cultural collective for sub-Saharan Africa was promoted by Cheik Anta

Diop in his work on the cultural unity of black Africa. Indeed, it is astonishing that little serious effort has been made to research the establishment of a culturally-based African League/Nation, given the respect accorded Diop and his conclusions, the basic premises of which had been advanced by 1885, if not earlier, by the Haitian Antenor Firmin in his book published in 1885, entitled *The Equality of the Human Races*.

The premise in this paper for the creation of an African League is axed on the inability of either the Arab League or the OAU/AUC to resolve issues affecting those of African descent within its membership in North Africa. This was clearly seen during the long years of war in South Sudan, that there was no interest in the Arab League to resolve the issues of South Sudan. Given this reality, the logical progression is towards the creation of an African League.

This League would be a culturally-based organisation, first and foremost acting in tandem, where necessary, with the Arab League, to realise the unity of the Arab and African nations, on a basis of mutual respect. It is proposed that the AUC subsist as a forum for the Afro-Arab civilisation dialogue. At present, Africans in their millions are exposed to brutal Arab racism in the Borderlands, in the form of genocide, without remedy by way of official solutions from the OAU/AUC, to the age-old problems of marginalisation, slavery and their consequences, which have persisted for over a millennium, which constitute the 'Arab Project' in Africa. Presently, the AUC finds itself unable to guarantee the safety and security of its African constituency in North Africa, as distinct from its Arab constituency in North Africa. Arab North Africans do not depend on the AUC for protection and instead turn to the Arab League. The Sudan is an illustration of a situation which is glaringly inequitable for its marginalised African population that is dependent on the largesse of Khartoum. There has been little fresh thinking on how best to achieve the unity of all Africans, both within and without Africa, in these times. What reflections there have been tend to critique the existing situation and seek to innovate the same. What is required now is new 'thinking outside the box', not grasping for old straws and soft options. For the first time, the issues of the Borderlands must be addressed from the African point of view. The realities on the ground, such as the war in South Sudan which began in 1955, were not addressed by the Founding Fathers of the OAU. In rethinking that situation, new

dynamisms should come into play. Too many lives have been lost to permit the area to 'go back to sleep'. Some wish to impose the old approach that the area should be 'off limits' and not discussed.

There is much information available *in situ* about what has happened in South Sudan. Developments in Darfur can be tracked daily, as can those in other parts of the Sudan, such as Nubia. Because of the distortions and silencing of history, Africans have, in the past, chosen to not interest themselves in the problems of this part of Africa. Indeed, it was only in February 2009 that the AU appointed its High-Level Panel on Darfur, which concluded that "Africa has no choice but to assume a leadership role with respect to the Sudan, it being 'a bridge' between North Africa and sub-Saharan Africa".

The High-Level Panel declared that the Sudan "is Africa's crisis and, as such, Africa has a duty to help the people of Sudan to achieve a lasting solution". It took the body dedicated to continentalism some 35 years to arrive at a conclusion Southern Sudanese nationalists, such as the late Aggrey Jardan, had reached, through blood, before the OAU was born (*The Sudan Mirror*, September 10, 2007, 21).

Conclusion

It is not only South Sudan which challenges inherited wisdom about how we have handled Pan-African relations in the past. Recent events in Misrata in Libya have laid bare the racism in North Africa against those of African descent born in North Africa. The Afro-Arab Borderlands throw up new challenges, which some will pretend do not exist. Others will adjust to realities which those of South Sudan know all too well.

The late John Garang de Mabior (2008) opted for a 'New Sudan' with its place in Africa and the world, coming out strongly for a unity of Africans South of the Sahara. His African Nation concept was to be an ideological weapon to arm the African youth. He asked:

> "Are all parts of continental Africa parts of this African Nation? Arabia has its own Nation incorporated in the Arab

League. Do we want in our African Nation people belonging to another Nation? The time has come for the African youth to determine who will lead the national movement" (Bankie and Mchombu eds 2007, 214).

Prah (2006, 230), in his discursive reflection on nationalism in a substantial work about what he terms 'The African Nation', defines this as follows: "I speak of and mean nationalism, based on the unity of Africans as a whole – Pan Africanism". Prah is of the view that the states in Africa are stillborn and will never be viable. He refers to the work of the Egyptian Samir Amin, towards the achievement of the Arab Nation, which organisational framework is represented by the Arab League. Prah opts for a unity of Africans based on the African Diaspora, plus sub-Saharan Africa. This paper promotes the African Nation based on the Black cultural foundations of Africa South of the Sahara, plus the African Diaspora in the East (Gulf States, Arabia, etc) and the African Diaspora in the West (America, Caribbean, Europe, etc).

Having attended the South Sudan Referendum in January 2011 with its large turnout and its 98.83% vote for secession, Independence Day on the 9 July was more of a formality. Neither of these events, in the opinion of the author, changed the overall intent of Khartoum to 'call the shots' throughout the old Sudan. Nothing has changed in Khartoum's tactic to rule by the sword, when unable to manipulate by peace agreement. To think otherwise would be an exercise in self-deception and a break with historical precedent.

In Southern Africa and Africa in general, as well as its Western Diaspora, such is the level of collective amnesia about the Borderlands in general that many believed the Independence of South Sudan marked the end of violence in Sudan. There is a virtual blackout on news from Sudan in South Africa. State secession is a sort of taboo. It required hard work to explain the Sudan realities. Some persons in the area, who know better, did nothing to dispel expectations of peace and a negotiated settlement in Sudan. Nothing could be further from reality. Indeed, informed opinion is that, within the coming year, war will become more generalised in Sudan than in living memory.

What we have seen since the flag went up in Juba is Khartoum actively assisting the installation of the Transitional government in Libya by supplying troops; its attempt, with United States of America assistance, to escape the isolation of sanctions by negotiating its removal from the list of states sponsoring terrorism; attempts to ingratiate itself with the African community so that the International Criminal Court (ICC) warrant is waived and desperate attempts to conclude any peace agreement on any terms in Darfur, even by way of internal consultation within the captive community in the Darfur camps.

From the Republic of South Sudan we witnessed the visit of the Israeli Likud Parliamentarian, Danny Danon to Juba and were informed that South Sudan would position its Israeli embassy in Jerusalem. The South announced the establishment of embassies around the world commensurate with what it perceives as its status as a sovereign nation.

Continuous observation of Western actions on Sudan indicates that although the country suffers pariah status, none are ready for regime change in Khartoum. US Sudan envoys had wavered on the South Sudan secession, but in the end respected the will of the South to be 'free'. On security co-operation – and this is where best to make real assessment of real interests – the US is working well with Khartoum.

In the Sudan theatre, all actors, be they from the North, South, East or West, are locked into a struggle without any end in sight. There should be no illusions. This paper sought to develop understanding of the long-term foreign policy implications for Africans at home and abroad of the ongoing events in Sudan. It is not possible to discern any changing attitudes amongst the African governments vis-à-vis Sudan. Traditionally, the policy had been to 'let sleeping dogs lie'. Many came to Juba to pledge their alliance with the new state on 9 July 2011. It may be too early to draw conclusions. The fatigue induced expectations of peace after 9 July 2011 were expectations devoid of foundation and indicate that many have yet to come to terms with Sudanese realities. Seen from the vantage point of the GoSS, the best course of action might well be to 'let sleeping dogs continue to sleep whilst we finish the unfinished business'.

Ultimately the majority of the Sudanese will determine their destiny; how much assistance they will receive from the rest of Africa remains to be seen. The absence of the Sudan experience in Pan-African policy formation leaves the rest of Africa much the poorer. The experience from the Afro-Arab Borderlands represents the 'missing link' in the logical framework for unity.

References

Bankie, B.F. 1995. *Pan-Africanism or Continentalism?* African Opinion Series Number 4. Cape Town: Harp Publications.

Cire, M.H.O. 2009 *La nomination de Nahe Mint Ahmed Ould Mouknass comme Ministre des Affaires Etrangeres et de la Cooperation de Mauritanie (MAEC). Le Cri Du Hartani,* No 18 du 15 Aout 2010, AHME, Paris, France ahme@haratine.com

Diakite, S. 2006. 'Racial Prejudice and Inter-ethnic Conflicts: The Case of the Afro-Arab Borderlands in the Western Sahel'. In *Racism in the Global African Experience,* ed. Cape Town: CASAS.

Esedebe, P.O. 1964. *Pan-Africanism: The Idea and Movement,* 1776–1991. Washington, DC: Howard University Press.

Firmin, A. 2002. *The Equality of the Races.* Urbana and Chicago: The University of Illinois Press.

Garang, J. 2008. 'Pan-Africanism and African Nationalism: Putting the African Nation in Context – the Case of Sudan'. In Pan-Africanism/African Nationalism: Strengthening the Unity of Africa and its Diaspora, ed. Trenton, NJ: Red Sea Press.

Hashim, J.M. 2004. 'To Be or Not to Be: Sudan at the Crossroads'. Unpublished paper.

Hashim, J.M. 2007. 'The policies of de-Nubianisation in Egypt and Sudan: An ancient people on the brink of extinction'. *Tinabantu Journal of African National Affairs* 3(1). Cape Town: CASAS.

Laya, D. 2005. *Soudanais 'sans Dieu ni maitre'; Esclavage et traite trans-Saharienne dans le Soudan Senegalo-Nigero-Tchadien, avant 1800.* In Reflections on Arab-led Slavery of Africans, ed. Cape Town: CASAS.

Nabudere, D.W. 2007. Cheik Anta Diop: 'The social sciences, humanities,

physical sciences and trans-disciplinarity'. *International Journal of African Renaissance Studies*, Pretoria: UNISA.

Nyaba, P.A. 2007. 'What is African liberation?' South Sudan Post, November 2007. Juba: Centre for Documentation and Advocacy.

Nyaba, P.A. 2002. 'The Afro-Arab conflict in the 21st Century. A Sudanese viewpoint'. Tinabantu *Journal of African National Affairs* 1(1). Cape Town: CASAS.

Pirio, G.A. 2007. *The African Jihad - Bin Laden's Quest for the Horn of Africa.* Trenton, USA. The Red Sea Press.

Prah, K.K. 2006. *The African Nation: The State of the Nation.* Cape Town: CASAS

Schomerus, M. 2007. *The Lord's Resistance Army in Sudan: A history and overview.* Geneva, Small Arms Survey.

Sibanda, S. 2008. 'Pan-Africanism and Afrikan nationalism: Putting the Afrikan nation in context'. In *Pan-Africanism, African Nationalism: Strengthening the Unity of Africa and its Diaspora*, ed. Trenton, NJ: Red Sea Press.

Simone, S. 2005. 'Addressing the consequences of Arab enslavement of Africans: The impasse of post-colonial cultural relativism'. In *Racism in the Global African Experience*, ed. Cape Town: CASAS.

Sudan Tribune, 12 October 2011, '*Sudan accuses Uganda's Museveni of plotting to topple its government*'.

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