

The ITPCM

International Commentary



ISSN. 2239-7949

in this issue:

SUDAN SOUTH SUDAN BROADCASTING STATE POWER



Oil & corruption curses in South Sudan

by Brian Adeba, p. 5

South Sudan quest for freedom of expression

by Enrica Valentini, p. 9

Real and apparent causes of the Sudan/South Sudan conflict

by Marshal Olal, p. 13

Neglecting the CPA, impacts on the Sudan/South Sudan relations

by Dagu David Justin, p. 17

The humanitarian dimension of the crisis

by Laura Nistri, p. 21

Sudan: power demonstrations of a failed state

by Amgad Fareid Eltayeb, p. 24

Nubian and land issues in South Kordofan

by Siham Khalid, p. 29

about the ITPCM:

Next Events & Trainings, p. 34

Prosecutor of the International Criminal Court Ms. Fatou BENSOUDA

visiting the Scuola, 22nd October 2012, p. 34

the ITPCM
International Commentary

Chief Director:
Francesco Ceccarelli
Scientific Director:
Andrea de Guttry
Editor in Chief:
Michele Gonnelli

Contributors to this issue:
Brian Adeba, Amgad Fareid Eltayeb,
Dagu David Justin, Siham Khalid,
Laura Nistri, Marshal Olal,
Enrica Valentini

Graphic Design:
Michele Gonnelli

Submerged *landscapes* of the African State

Sudan was until one year ago - when South Sudan eventually proclaimed its independence (9th July 2011) - the biggest African country. Ruling over its huge territory – more than 2,5 millions square kilometres - and scattered population – about 45 million people in total - was a big challenge and ultimately a big failure. The seeds of which can be traced back decades. The Sudanese experience in this respect can be regarded as a significant case-study that could help interpret and understand many dynamics in Africa today. As peculiar as it might be in the given context, a general pattern and similar grounds can be observed and extended to other sub-Saharan countries.

If population movements, migrations and chiefdoms were the normality in the pre-colonial period, the advent of the *colonial state*, with its rigid boundaries and central apparatus had *de facto* complicated matters. Furthermore, in the aftermath of WWII and since its independence – whenever it occurred - the very existence of the new *African state* was not endangered from outside, but rather from inside. Beyond any declaration of principle, constitutional arrangement, power sharing, and alleged political development, reality was far from being entrenched in the given *imported* framework.

If it is true that, in Europe, *war made the state and the state made war*, the African continent seemed to have escaped such a crude training and selection process, or to have postponed it, though just temporarily and according to different patterns. With only few exceptions, power in most African countries was *peacefully* handed over by the colonial rulers to the new leaders of the independence movements. Similarly, at the time of the Berlin Conference in 1885, the African territory was divided along geometrical lines without resorting to armed confrontations, while effective control of vast areas was far from being exercised.

Afterwards and upon independence, all those pending issues would re-emerge with all the brutality and the inadequacies that lay before the eyes of the incredulous and yet often blameable Western observer. The control of the capital town, often claimed by a *nationalist* party or liberation army – supposedly representing the majority of the people - legitimated, in the name of the *uttered* unity, the newly set-up governments. Yet the submerged and intricate socio-political landscape underneath such an enthusiastic claim remained generally unchanged and out of reach.

Later, along the fragile development path, when it came to resource exploitation and sharing, old socio-economic, ethnic and religious partitions and grievances exploded in open conflicts, secessionist movements and quests for self-determination. Inevitably in many African countries, and within the new regimented, fixed boundaries, the central government had to come to terms with the too long overlooked and unattended effective control of the hinterlands. In this respect, land tenure systems, customary land rights and local habits, with their set of rules, ethnic-religious traditions and population movements, suddenly regained importance for their ongoing role.

Sudan/South Sudan civil wars represent unquestionable evidence of all this. Yet, the process at stake is not just that. The *Sudanese issue* includes also Darfur, South Kordofan and Blue Nile states, Abyei and the tribal conflicts in Jonglei, the alleged Dinka domination in Juba as well as the forced Islamisation carried out by the government in Khartoum. For many countries in Africa, what was supposed to be easily achieved on the first day of independence later became an inefficient political body, often sustained by a compliant international aid system that artificially fed it. Here and there, that statehood and its alleged *unity* are now disintegrating into more *defendable* and compact entities, as shown

by the Sudanese example. Those entities are held tightly together by more traditional, stringent and imminent linkages than the supposed supremacy of a central power, often perceived as being corrupt and too distant, if not hostile.

In this issue, we focus on those dynamics, their grounds, and the violent outcomes generated by unjust power sharing and inefficient power broadcasting. Perhaps not surprisingly, what the Sudanese government has been witnessing in the last 50 years seems to be replicated, in some ways, by the brand new South Sudanese experience. If the germs of such degeneration can already be seen maybe the *disease* is innate in the institutional tool adopted. One could conclude that the investigation and the development of other forms of power management, more adaptable to the African *environment* are needed, now more than ever.

Michele Gonnelli

Contributions

pp. 5 - 32



Abyei Town, by ENOUGH project, CC www.flickr.com

by Brian Adeba

Journalist

OIL AND CORRUPTION CURSES IN SS

SOUTH SUDAN'S ECONOMIC CRISIS STEMS FROM THE OIL SHUTDOWN IN JANUARY 2012 AND HIGH-LEVEL CORRUPTION. EXTERNAL AND INTERNAL POLITICAL DYNAMICS CONTRIBUTE TO THIS ECONOMIC *IMPASSE*.

The new baby buckles

As South Sudan marks its first year as an independent state, it faces an unprecedented economic crisis manifest-

ed in a serious fuel and hard currency shortage and skyrocketing prices for basic commodities. This dire eco-

nomie state of the newly established nation has raised the concern of the World Bank and the United Nations.

In May 2012, a confidential report by the World Bank warned that South Sudan's economy was on the verge of collapse.¹ The United Nations has echoed similar sentiments, warning that despite the enactment of austerity measures to address the impact of the crisis, South Sudan will require more relief aid to keep its population alive in the coming months.²

Two reasons are behind South Sudan's economic woes: a decision to stop oil exports through a pipeline controlled by its arch foe, the Republic of Sudan; and rampant corruption among the ruling elite.

This commentary reviews these reasons, situating them within the context and dynamics of South Sudan's socio-political factors with a broader outlook on the residual political hiccups arising out of the split of the Republic of Sudan into two countries in July 2011. Specifically, this commentary argues that although South Sudan's economic problems stem from the inability to reach a fair deal to ship oil through Sudan's pipelines, lack of foresight and planning for alternatives to address potential oil revenue shortfalls has contributed significantly to the current crisis. Additionally, this commentary emphasizes that the emergence of a powerful kleptocracy at the centre that is dependent on the avails of oil, has managed to create a corrupt system that is siphoning off billions of dollars, thus contributing significantly to South Sudan's current economic woes.

Unresolved differences, the curse of oil and kleptocracy

South Sudan's road to secession in July 2011 was plagued by several problems, primarily the failure to implement in full, stipulations of the Comprehensive Peace Agreement (CPA) that ended the war in 2005. Two of these problems are critical to understanding the genesis of the country's current economic crisis. The first problem is the failure to demarcate the 3,000-mile common border between South Sudan and the Republic of Sudan. Extant hurdles in addressing the status of Abyei, a contested enclave, and failure to address outstanding political issues in South Kordofan and Southern Blue Nile States, are other supplementary concerns compounding the border de-

marcation debacle.³

The second problem regards both countries' failure to agree on the amount of transit fees for shipping South Sudan's crude oil through the Republic of Sudan's pipelines and port. South Sudan suggested the conciliatory above-market rate of US\$ 1 per barrel, but Khartoum pegged the price at the exorbitant rate of US\$ 36 per barrel. Subsequently, as a stalemate wore on, Khartoum unilaterally siphoned off a

the crux of South Sudan's economic woes rests in the failure to diversify its economy, which relies solely on oil exports, which account for 98 percent of the national budget

portion of South Sudan's crude flowing through its pipelines to compensate for what it called "unpaid" transit fees. In response, South Sudan shut down oil production and transfers, effectively cutting off the country's sole revenue source.⁴

The stoppage of oil production and transfer through Khartoum's pipelines, however, must be viewed holistically within the context of extant latent political tensions with Sudan and the aura of mutual mistrust this created. The lack of political will by Khartoum to implement the full stipulations of the CPA (The Abyei Protocol, Popular Consultation in South Kordofan and the Blue Nile States, Wealth Sharing) forms the sublime context of this mistrust. This spirit of mutual mistrust is responsible for the failure to reach a deal on oil transit fees. Foot-dragging by Sudan on border demarcation and the decision to withhold a portion of South Sudan's oil in lieu of "unpaid" fees, only served to reinforce previous convictions of "unfair dealing" by the northern neighbour and formed the subtext of the emotions that motivated the oil shutdown in January 2012.

But it is only fair to note that South Sudan's economic woes are partially grounded in its inability to refine its own crude after independence. Such a capacity would have ensured enough petrol is refined for local consumption, a move that would have mitigated the current fuel shortage the country is facing. Nevertheless, a contextual

understanding of how this scenario came to be is useful. Prior to secession, Khartoum ensured – whether by design or accident – that all labour inputs on oil production were connected to the northern Sudanese economy. Consequently, the oil infrastructure – refineries, pipelines, export terminals, airports, roads, and ports – were well-developed in the north, while practically nothing exists in the south where the oil fields are located. This move ensured Khartoum's dominance in the oil sector, even after secession.⁵

However, like many oil rentier states encumbered by the proverbial "resource curse," the crux of South Sudan's economic woes rests in the failure to diversify its economy, which relies solely on oil exports, which account for 98 percent of the national budget. The agricultural sector, which has a high potential as a revenue earner, remains underdeveloped despite the fact that 90 percent of the land is arable and 50 percent of it is prime agricultural land.⁶ Funding for agriculture has consistently been less compared to other sectors. For example, in the 2011-2012 budget, funding for infrastructure development trumped funding for agriculture.⁷ In the 2012-2013 budget, over 60 percent of the \$1.3 billion budget is earmarked for security and rule of law sectors, while other sectors, including agriculture received a total of 17 percent of the budgetary allocation.⁸ Similarly, rampant corruption is a significant factor contributing to the country's economic problems. Corruption has roots in the centrifugal dynamics surrounding the reorganisation of the country's political forces after seces-

The agricultural sector, which has a high potential as a revenue earner, remains underdeveloped despite the fact that 90 percent of the land is arable

sion and the question of resource allocation among political elites. Key in this dynamic is the installation of the Sudan People's Liberation Movement (SPLM) as the dominant political force after the secession. Within the SPLM, new power blocks and allegiances were forged, ostracizing some members and elevating others to positions of influence. Ethnicity and affinity to

the power brokers ensures who gets political power and access to resources. Within this structure, a powerful kleptocracy has emerged at the centre, monopolizing power and resources. In the absence of a viable democratic pluralism and its accompanying modalities for checks and balances, this kleptocracy has had free reign to plunder public monies.

President Salva Kiir confessed in June that the country had lost US\$ 4 billion to corrupt government officials. Subsequently, Kiir wrote letters to 75 government ministers and former ministers, urging them to return the looted money.⁹ Opposition leader Lam Akol however contends that this is a conservative figure when juxtaposed

Ethnicity and affinity to the power brokers ensures who gets political power and access to resources

against US\$ 20 billion earned in oil revenues since 2005.¹⁰

Significance of the economic crisis and implications

As the South Sudan economy buckles under the strain of the oil shutdown, the local currency has declined considerably against the dollar, losing 40 percent of its value. The official exchange rate is 2.95 South Sudanese pounds to the dollar, but on the black market

the rate is 5 pounds. Subsequently, the country has been gripped by a fuel scarcity; a litre of petrol now sells for 6 pounds compared to 5 pounds in January. Long queues for fuel are now a common phenomenon in South Sudan. Annual inflation has risen sharply, to almost 80 percent in June, compared to 29.6 percent in April. This rise is fueled by price hikes in the cost of food and non-alcoholic beverages. The inflation rate may be much higher in northern regions where supply routes were shut down by Khartoum following a brief border skirmish with South Sudan after the latter's capture of the oil-rich Heglig town in April. The rise in inflation is significant because it exacerbates an already fragile situation where more than half of the population lives below the poverty line.

At the moment, there is no end in sight to South Sudan's economic challenges. The 2012-2013 budget presented in June is a painful recognition of this fact. After the oil shutdown, the government relied on oil revenue reserves to finance its operations, but Finance Minister Kosti Manibe cautioned that these reserves will be depleted before the end of the year. Domestic and foreign loans are alternative means of financing the budget, but Manibe warned that there is no guarantee of getting these loans, nor is there a guar-

antee of accessing them at reasonable interest rates.

In essence, the persistence of the economic crisis may potentially lead to inability to pay salaries to the civil service and the armed forces. This is a significant concern because South Sudan's estimated 200,000-strong army still faces challenges as it transforms itself from a guerilla unit into a conventional army. Discipline and respect for the chain of command is still an issue because of the absorption of thousands of former militia soldiers who were a law unto themselves. Four years ago when South Sudan experienced salary delays, sections of the army mutinied in a number of towns. Armed rebellions, insecurity and a breakdown of the law at the hands of unruly soldiers are real concerns if there are delays in dispensing remuneration for the army.

In essence, the persistence of the economic crisis may potentially lead to inability to pay salaries to the civil service and the armed forces

The way forward: thinking outside the box

In the absence of a diversified economy, a rentier state dependent solely on oil export revenues that are governed by the antics of belligerence and



South Sudan Police Recruits at Training Academy, Rajaf, Sudan. UN Photo/Paul Banks, CC www.flickr.com

mutual hostility with a neighbouring country, is a recipe for disaster as the oil shutdown has shown.

Although the quest for an alternative pipeline through Kenya remains a top priority for the South Sudan government, the prospects for this export channel dimmed considerably when China, which was expected to finance the enterprise, declined to do so.¹¹ Furthermore, the 2012-2013 budget acknowledges that even if this option was implemented, it will not generate cash for this year nor for several years to come.

South Sudan needs to wean itself of dependence on oil as its sole revenue earner. The country should invest in

Although the quest for an alternative pipeline through Kenya remains a top priority for the South Sudan government, the prospects for this export channel dimmed considerably when China, which was expected to finance the enterprise, declined to do so

its own oil infrastructure and develop capacities to produce fuel for local consumption to lessen dependence on imported processed fuel. Furthermore, accelerating the development of alternative revenue sources, especially in the agricultural sector, is of crucial importance to future economic viability. Boosting domestic production to ensure a food surplus for export is a possible way to earn cash for South Sudan. Similarly, reviving large-scale industrial agricultural schemes first mooted by

the British colonial administration and its successor Sudanese state to ensure a cash flow through exports is also important.

However, it is important to note that oil will remain a significant contributor to the South Sudan economy. Because South Sudan is a landlocked country, access to external markets through ports in neighbouring countries is crucial. In light of the fact that a pipeline to the Kenyan ports of Mombasa and Lamu is unfeasible, the most viable and cost-effective means of accessing foreign markets is through Sudan's ports. Fostering friendly neighbourly ties with Sudan by building trust is an important factor in this configuration. South Sudan should utilize all the tools at its disposal, including diplomacy, to ensure good ties with Sudan.

As corruption is a major contributor to the country's economic woes, there is need to steer away from the current parochial system of government to a more egalitarian system that is tolerant of democratic pluralism. Democratic pluralism will create institutions for checks and balances that may curb corruption by ensuring government officials are subject to scrutiny and are held accountable for their actions.

Endnotes

1 South Sudan economy on the verge of collapse, World Bank warns. Available on: www.sudantribune.com/EXCLUSIVE-South-Sudan-economy-on-42512

2 Doki, C., 2012. Economic crisis hits South Sudan. *The East African*, No.919, pp.30

3 D'Agoot, M., 2009. Energy politics and the South Sudan referendum: An anatomy of a resource curse. *Middle East Policy*, Vol. XVI (No.4, Winter), pp. 118-130.

4 Laessing, U., 2012. S.Sudan oil shutdown weighs as pound falls, tax hikes loom. Available on: www.reuters.com/article/2012/03/26/southsudan-investment-idUSL6E8EP1EN20120326

5 See Energy politics and the South Sudan referendum: An anatomy of a resource curse, pp. 124.

6 See Agriculture in South Sudan. Available on: www.agfairsouthsudan.org/agriculture-in-south-sudan

7 Government of South Sudan 2011 budget speech, January 2011. The budget for agriculture was 65.5 million Sudanese pounds compared to 628 million for infrastructure development.

8 Government of Republic of South Sudan: 2012-2013 budget speech. June 2012.

9 Salva Kiir's letter dated 3 May, 2012 in which he laments that "most of these funds have been taken out of the country and deposited in foreign accounts."

10 Position of the opposition on the president's letter to corrupt government officials. Letter by Lam Akol dated 17 June, 2012.

11 China non-committal on financing South Sudan pipeline as Kiir cuts short his visit. *Sudan Tribune*, 26 April 2012. Available on: www.sudantribune.com/China-non-committal-on-financing_42395





Naath FM Radio Station Coordinator Lonya Banak Bany live on air during the official opening of the station, Southern Sudan Community Radio Station, Internews Network, CC www.flickr.com

by **Enrica Valentini**

*Director of Voice of Hope Radio
Wau, South Sudan*

SS QUEST FOR FREEDOM [OF EXPRESSION]

THE STILL SHAKY SOUTH SUDANESE FREEDOM OF EXPRESSION SEEMS TO BE THREATENED BY THE NEW MEDIA LAW UNDER DISCUSSION, WHILE THE RADIO REMAINS THE DOMINANT MASS MEDIA WITHIN THE COUNTRY.

South Sudan is a one-year-old nation. After fighting for decades against the northern oppressor,¹ the country has now to learn how to live in peace and freedom. The war left a legacy of hatred, corruption and paternalism, which hardly matches with the country's motto 'Justice, Liberty, Prosperity'. Freedom of expression represents no exception to this situation.

After decades of war and isolation, all acknowledge the need for disseminating and accessing information, but the practice reveals many contradictions. The Transitional Constitution of the Republic of South Sudan grants to every citizen 'the right to the freedom of expression, reception and dissemination of information, publication, and access to the press without prejudice to public order, safety or morals as prescribed by law' (Art 24,1). But can there be freedom when one is not even aware of having rights?

Freedom of the press and media shall also be guaranteed 'as shall be regulated by law in a democratic society' (Art 24,2). But which democratic societies is South Sudan looking at? The teachings of the Khartoum regime seem to

remain a dominant model. The Transitional Constitution also mentions that 'all media shall abide by professional ethics' (Art 24,3). But most media personnel are no professionals at all, and the media sector in South Sudan suffers from an endemic lack of proper training.

while the constitution is under review, most of the population has still no clear understanding of the role of a constitution

Media are also acknowledged as a privileged channel to disseminate awareness about the constitution and shall be constantly informed about its revision (Art 4,4; 201,3,c).

But while the constitution is under review, most of the population has still no clear understanding of the role of a constitution and even less understanding about this reviewing process, from which the civil society struggles not to be excluded.

The transitional constitution also counts media among the channels to promote South Sudan's 'cultural diversity and encourage such diverse cultures to harmoniously flourish and

find expression' (Art 38,1,d). But tribalism in the country has a negative connotation, and people's tribal belonging may still inhibit freedoms.

However, first and foremost, South Sudanese media are still operating in the absence of a legal framework, as no media law has been approved yet. As the country keeps growing and taking shape, it is not yet clear which direction it is taking. All the previous questions are difficult to answer, and it is hard to unravel this situation in such a complex environment.

Moving ahead from what is written on paper, it does not take long to realize that the situation on the ground does not look better.

Several episodes of harassments and summary detentions of journalists have been recorded since last year's independence, and censorship and brutality are still common practice in the

tribalism in the country has a negative connotation, and people's tribal belonging may still inhibit freedoms

government relations with media personnel. Journalists are often denied access to information for the sake of na-

Northern Sudan Minister of Interior Ibrahim Hamid, flanked by Unity State Governor Taban Deng Gai, speaks to the media following a security committee meeting to discuss tensions arising from recent attacks along the border. Photo by Tim Freccia, Enough Project, CC www.flickr.com



tional security; they are still perceived as spies attempting to undermine the country's safety and often fall in the hands of untrained security personnel. Journalists self-censor their own work, and citizens hesitate to report and collaborate with the media, because they fear retaliation from government and armed forces.

Journalists self-censor their own work, and citizens hesitate to report and collaborate with the media

A thirst for information

In a country where about 80% of the population is illiterate,² where there is almost no electricity to keep television and mobile phones running, and where a poor road system and high costs for printing prevent newspaper distribution, radio is the most common and affordable channel of information. The first public opinion survey in the country carried out in September 2011 revealed that 61% of the South Sudanese interviewed considers radio its primary information and news source. In the list of primary sources, word of mouth follows with 16%, community meetings get 7%, television 4%, while newspapers, internet and mobile phones were only mentioned by 2% of the sample population.³

People access radio more often and more regularly than all other sources. 73% of the interviewed never got information from newspapers, 82% never got information from internet, 69% never got information from television and 62% never got information from mobile phones.⁴

Though other sources than radio are used, the perception of their importance and reliability is that they are almost irrelevant. According to a survey carried out in December 2008, radio is considered the most important source of information by 71% of the respondents and the most reliable source of information by 66%. As far as importance is concerned, newspapers, television, internet, mobile phones and word of mouth scored 3%, 7%, 1%, 5% 7% respectively, while regarding reliability they got 5%, 6%, 0%, 6%, and 10% respectively.⁵

People are mainly looking for news. Many years of war, a vast territory, the lack of proper communication infrastructures led people to live in isolation, therefore radio represents the

only channel that allows them to know what is happening in the world, in the country and in the neighbourhoods.

In spite of the low literacy rate, people know how to recognise reliable, relevant and consistent news. Listeners know exactly what time news programmes are broadcast on each radio station and are ready to switch from one station to another to follow the best bulletin.

People also look for all other kind of information that can improve their life conditions: peace building and reconciliation in the country, health, human rights, education, agriculture, business.⁶

The first public opinion survey in the country carried out in September 2011 revealed that 61% of the South Sudanese interviewed considers radio its primary information and news source

Media overview

Since the signing of the Comprehensive Peace Agreement in 2005, media have been growing in South Sudan and are contributing to the development of the country.

Government television and radio stations were already present in almost each of the ten states of South Sudan, though not always functional. Some of them are owned and funded by the national government, other by the local government; other have mixed structure and fall partially under the state and partially under the national responsibility.

Most of them are facing challenges in terms of limited financial resources, unqualified human resources, and out-of-date equipment.⁷

The past six years also witnessed the proliferation of independent media; several private radios have been funded all over the country. Commercial radios are mainly distributed in Juba, while community radio stations are present all across the country. Some of them are faith-based, both Catholic and Anglican, others are supported by international NGOs.

Speaking out the truth

Being the only organization remaining in the country and close to the people, providing aid, education, moral and physical support throughout the war period, the Church gained a high cred-

ibility. Communities and institutions could rely on the Church, and the population felt its voice represented.

Churches have been a privileged channel to convey information, both inside and outside the country, and Sunday celebrations or catechetical meetings often brought along civic and social teachings, as promotion of human development, attention to the most vulnerable groups and standing for the truth are their core values.

During all relevant social and political occasions in the recent life of South Sudan (signing of the CPA, election, referendum, independence, constitution review process), the Church was always in the front line in the effort of raising awareness.

The Church has an amazing capability to reach remote areas through a network of chapels and prayer centres, to know people needs and to speak the communities' languages, and even relevant international NGOs, which usually refrain from partnering with faith-based organisations to guarantee their independence, are now collaborating with the Church to carry out their programs.

During the election and referendum periods, civic education programs were produced and broadcast by catholic radio stations, church leaders were trained on how to carry out voter education in the rural areas, and priests kept encouraging the faithful to assume their duty as citizens.

Ways forward

Improving media professionalism and approving the media law would improve South Sudan freedom of expression. But while the media sector is already engaged in several initiatives, the government seems to have different priorities.

A consortium of different national and international organisations has already been working at strategies to strengthen the media operators' capacities. Training sessions have been carried out in several locations in the country. A code of conduct and ethics was developed for journalists to be aware of their duties and responsibilities. Debates and seminars have been organized in order to allow media and institutions to discuss their respective roles as far as information is concerned and to try to pave the way for a positive collaboration.

A draft of media bills was first prepared in 2005, and initially the Government of South Sudan positively contributed to its revision process. After several amendments, the draft was presented to the Ministry of Legal Affairs and Constitutional Development in 2008, and it was passed by the Council of Ministers to be presented to the Assembly only at the end of 2009.

Media representatives kept appealing for more inclusive revision procedures and for a quick approval, and the President of the Republic, while opening the second session of the National Legislature last May, called on the members of the parliament to pass the media laws, but the discussion shall only take place in August 2012.

The three bills approved by the Cabinet and submitted to the National Legislative Assembly include: the Right of Access to Information Bill, regulating the public's right to access state-held information; the Broadcasting Corporation Bill, transforming South Sudan Radio and Television into a public service broadcaster; and the Media Authority Bill, creating a media regulatory body.⁸

AMDISS, the Association for Media Development in South Sudan, is among the main promoters of the media bills and raised concerns about the approval of the present draft.

Paola Moggi, director of the Catholic Radio Network and member of AMDISS Executive Board until April 2012, identified some worrying contradictions: while the Media Authority Bill advocates for independent media, the Media Authority falls under the Ministry of Information and Broadcasting's direct control and is exclusively accountable to the Government. The Right of Access to Information Bill introduces unspecified fees to access

the Media Authority falls under the Ministry of Information and Broadcasting's direct control and is exclusively accountable to the Government

public information and defines the timeframe to access requested data up to 20 working days.

As long as freedom of expression are just words to impress the international community, no real freedom will be there.

Endnotes

1 Khartoum's government has always been considered oppressive and discriminating towards the Southerners, who focused the campaign for independence on the fight for freedom and the end of all forms of oppression.

2 Reporters Without Borders, *South*

Sudan: World's youngest country yet to embark on road to civil liberties, July 2012. Available at: http://fr.rsf.org/IMG/pdf/report_rwb_south_sudan.pdf <http://en.rsf.org/soudan-du-sud-report-world-s-youngest-country-03-07-2012,42933.html>, accessed 8 July 2012.

3 International Republican Institute, 2011. *Survey of South Sudan Public Opinion*, p.75.

4 International Republican Institute, 2011. *Survey of South Sudan Public Opinion*, p.76.

5 Consumer Options Ltd, *South Sudan Media Survey*, 2008, p.12. Available at http://pdf.usaid.gov/pdf_docs/PNADR807.pdf, accessed 6 July 2012.

6 Voice of Hope radio Audience research findings. May 2011.

7 Article 19, *Mapping the Void: a State-by-State Media Assessment Report on South Sudan and Selected Northern States*, August 2009. Available at: <http://www.unhcr.org/refworld/docid/4ae957152.html>, accessed 8 July 2012.

8 Reporters Without Borders, *South Sudan: World's youngest country yet to embark on road to civil liberties*, July 2012. Available at: http://fr.rsf.org/IMG/pdf/report_rwb_south_sudan.pdf <http://en.rsf.org/soudan-du-sud-report-world-s-youngest-country-03-07-2012,42933.html>, accessed 8 July 2012.

Spirit FM 99.9 Yei, South Sudan, photo by Werner Anderson, Norwegian People's Aid,, CC www.flickr.com





UNAMID Officials Meet Arab Nomads, UN Photo/Stuart Price, CC www.flickr.com

by Marshal Olal Johnson Limong

*Professor for Ethnic Studies, University of Juba
Centre for Peace and Development Studies*

REAL AND APPARENT CAUSES OF THE S/SS CONFLICT

DIVISIONS ALONG ETHNO-RELIGIOUS LINES HAVE PLAYED A GREAT ROLE DURING OVER 50 YEARS OF CIVIL WAR. HOWEVER, THE CONFLICT WAS POLITICAL IN NATURE AND SUSTAINED BY RESOURCE DIMENSION.

The role of religion in the sudanese civil wars

The Sudanese civil wars have been routinely characterized as conflict between north Sudan, predominantly Muslims, and South Sudan, predominantly Christians and Animists. The essence of religious conflict started because of divisions between the Christian South and Arab North. The religious differences between the two regions were encouraged by the British Condominium rule. Indeed, the British allowed the entire Arab North to remain Muslim while they encouraged Missionaries to go into the South to convert the Southern natives that followed traditional African religions. As a result, many southerners became Christians while others maintained their traditional beliefs. It is this which defines the religious identity of the two regions.

The successive Islamic governments in Khartoum have always dreamt of making the whole of Sudan an Islamic nation. They received over \$180 million in aid and weapons from the fundamentalist government in Iran in order to fight a war against the rebel movement in the South. This made religion become an important reason for waging war.¹

In 1983, the regime based in Khartoum instituted strict Islamic law in the entire country. This change also applied to black Christians and other non-Muslim in the South. The Islamic government constitutionalised its religious beliefs and imposed them on the whole country. This, not only offended all sections of southern Sudanese society, but also triggered the reaction from the Christians and the Animists in South Sudan. The people were not willing to adhere to strict marginalising Islamic law that had created a sharp division in society. The renewed wave of Islamisation sparked tensions between the North and the South, that culminated in Dr. John Garang and his SPLM/A restarting the conflict in 1983.²

In 1992, a fatwa³ was declared, that gave theological justification to the extermination of non-Muslims. It was publicly supported by the Government in Khartoum.⁴

His Lordship Macram Gassis⁵ questioned the denial of the *holy nature* of the Sudanese war, while the Muslims

kept speaking of a war against the *infidels*. These infidels according to Mr Gassis were Christians and among them the most popular targets were the Christian Catechists. The war, according to him, was an attempt to wipe out every form and prove of Christianity from the land. Indeed, whenever the northern soldiers attacked villages in the south, their first target were the religious people, especially those wearing crosses as sign of their faith.⁶ When the regime in Khartoum denied any flight into South Sudan that was meant to deliver food reliefs, costing some 450,000 lives, most of them Christians and Animists, David Kaggunda, field Program Officer for the United Nations Operation Lifeline Sudan insisted that these people were being starved just because of their religion belonging.⁷

The role of ethnicity and political dimension

Many people also considered the civil war between North and South Sudan as an ethnic conflict because of its ra-

the conflict between Arabs and Africans is more than ethnic but rather racial in a strict sense. Its roots date back to the Turko-Egyptian rule, in pre-colonial times, when the South was massively subjected to slave raiding

cial and political nature. The population inhabiting the South cannot be considered as a monolithic ethnic group, but composed of many different ethnicities. These ethnicities are supposed to be part of an alleged African race, while the Northern Arabs would represent an Arab race. In this sense, the conflict between Arabs and Africans is more than ethnic but rather racial in a strict sense. Its roots date back to the Turko-Egyptian rule, in pre-colonial times, when the South was massively subjected to slave raiding. A practise that was carried out because the *blacks* were considered as inferior race, the traditional justification of slavery.⁸

Although religious and racial issues might have exacerbated tensions and reasons for confrontations, the real cause of the conflict was political. They were socio-economic grievances derived from an imposed marginalisation that led to the outbreak of

the civil conflict. Handed over by the Turko-Egyptian rule, power passed

they were socio-economic grievances derived from an imposed marginalisation that led to the outbreak of the civil conflict

directly in the hand of the Arabs in the North. The imposition of Arabism and Islam became the pillars of the national identity. Those who did not identify themselves with such pillars were marginalised and economically excluded. As British colonial administrators prepared Sudan for independence, the northerners leveraged the Arab-Muslims identity as the sole legitimate background of national independence. Nonetheless the northern nationalists were absolutely firm about their request of annexation of the separately administered south to the newly Independent Sudan.⁹ As a matter of fact, in the early 1950s, the southerners were increasingly concerned about the transfer of power to the Northern Arab Muslims.

During the transition to independence, the *Sudanisation* process, both at national and local level, appeared very clear, and resulted in the political marginalization of the southerners. The northern elites inherited exclusively the political power from the British authorities. They also managed to acquire administrative positions in the south. In 1954, out of 800 administrative *sudanised* posts, only 6 major level positions were occupied by southerners. Arab was also imposed as the official administrative language

In 1954, out of 800 administrative sudanised posts, only 6 major level positions were occupied by southerners

of the South, preventing locals from being appointed in administrative positions. This did not only angered the Southerners, leading to a loss of hope for regional economic development, but also alimented fears of renewed exploitation, economic exclusion and dispossession. Such deep grievances were the makings of further regional instability and emergence of violence.¹⁰

Trying to refer to a punctual event, it was the first parliamentary election that led to the outbreak of the first civil

war, while giving complete political control to the northern elite. By the end of 1954 almost all ex-colonial administrators had been replaced by northern Sudanese. This sharp increase in their presence as administrators, senior army and police officers, teachers in schools and merchants spurred southern fear of northern domination and colonisation. All this made the southerners to perceive themselves as politically excluded.¹¹

The Role of Resource in the Conflict

The discovery and exploitation of oil as well as the fierce competition over

Moving from apparent religious-ethnic grounds the conflict was then driven by mere economic considerations, the struggle for the control of oil fields

resources and revenues has played a major role in shaping the dynamic of Sudanese civil wars. Moving from apparent religious-ethnic grounds the conflict was then driven by mere economic considerations, the struggle for the control of oil fields. The Nimeri's regime played instrumentally with southern political rights in order to gain authority over natural resources located there. With the discovery of oil in South Sudan, president Nimeri

abrogated the Addis Ababa Peace Agreement (1972) that had given the south restricted financial autonomy and the right to collect all central taxes from industrial, commercial and agricultural ventures located on its territory. Such a plan was carried out with a view to directly access the oil fields and resources.¹²

Nimeri also undertook to deepen the political marginalization of the south in three ways. Firstly, in the late 1970s, by disrupting the southern political order through direct interventions and by suspending the regional assembly several times in an effort to appease northern faction that had opposed the Addis Ababa Agreement. Secondly, by replacing southern troops with their proximate northern army units in order to control the oil fields. Thirdly, the Nimeri government proceeded to redraw provincial boundaries curving the oil region out of the southern territory by establishing the Unity State, design to include many of those oil fields that actually were located beyond the border.¹³

Once the oil licensing contracts were signed, the resulting revenues were not handed over to the southern regional government, that was actually supposed to administer them ac-

ording the letter of the Addis Ababa Agreement. At the same time the regime launched big infrastructural plans that resulted in the building of pipelines running all the way from Unity State to Port Sudan.

In order to further secure oil extraction, this time adopting more refined political means, in June 1983, Nimeri partitioned the South along *new* ethnic boundaries in order to diminish its political power and impact. By claiming that the partition was carried out towards meeting the needs of other southern ethnic groups, *de facto* dominated by Dinka, the largest ethnic group¹⁴, the South was actually divided into the three original regions established during the colonial rule period. As planned oil revenues started to play a significant role also in financing civil war expenditures thus alighting it in a vicious circle. Khartoum could count now on strong incentives not to give in to the requests of the southerners for sharing political power and accompanying economic benefits.

The impacts of the civil conflicts

the civil wars between North and South Sudan were not only the longest and the most costly conflicts in Africa but they also had deep impacts

God will Judge Arabs.
for the wrong they do..

This is our mother
Land for ever and ever.

MAJDEHNG
DENG OT ASASS DENG
DENG MAJAK MAJAK

on the Sudanese society. They caused untold sufferings, human misery and material destruction. According to well-investigated figures, more than two million people died as a result of the fighting. This includes victims of direct violence or conflict related starvation and diseases. Half a million refugees had fled in neighbouring countries and roughly four millions people have been violently displaced and driven from their habitual places of resident.¹⁵ The biggest direct impact of the war on the economy resulted in a sharp reduction in the labour force available, injuries and the depletion of

the outbreak of a renewed civil war between the two nations, would result in a cumulative loss for them both, the neighbouring countries and the International Community amounting to over \$100 billion US Dollars

physical capital.¹⁶

Between 1990 and 1996, during a conflict period of high intensity, the national investments fell by two-third and GDP decreased at a cumulative rate of 8%.¹⁷ Strikingly enough it has been estimated that the central government spent instead up to \$ 1 million per day in 2001 in war expenditures.¹⁸ A lot of government resources were diverted away from productive investment to destructive purposes. An additional 2.2 of GDP spent on the military - the typical increase in war times - led to a permanent loss of around 2% of GDP. War has a negative effect on the investment ratio over GDP.¹⁹

Sudan Produces about 0.6% of world oil. This places Sudan 31st among oil producing nations. It represent around 10-20% of Sudan's GDP and 98% of South Sudan government revenue. An interruption in the oil supply as it took place in early 2012 would pose serious problems to South Sudan and have an immediate impact on the Sudanese GDP.²⁰

The *Frontier Economics* warned that the outbreak of a renewed civil war between the two nations, would result in a cumulative loss for them both, the neighbouring countries and the International Community amounting to over \$100 billion US Dollars. This would include \$50 billion for Sudan itself and \$25 billion for the neighbour-

ing countries in terms of GDP losses, plus \$30 billion in peacekeeping and humanitarian costs for the international community.²¹ Aggressive oil pumping in order to finance the war could also have strong side-effects on the coming generations, being oil not renewable and thus posing serious sustainability issues.

The violent conflict has destroyed the education system and left the resident population without the necessary knowledge that is needed to rebuild a nation. More than 1.3 million children in South Sudan, in primary school age, are left out of any basic education. The UNESCO published a report expressing that the country was second to the last one in the world ranking for net enrolment in primary education and at the bottom of the world league table for enrolment in secondary education.²²

Long years of civil conflicts have not only militarized Sudan, they have also shaped a mentality of violence among the people. Legislative, judiciary and law enforcement institutions suffer from capacity deficit and a lack of adequate training, often generating a lack of confidence in the justice system. Small arms continue to circulate massively within the country, along with prolonged low intensity conflicts and criminality in some parts of South Sudan.²³ Increasing levels of militia violence continue to break out in the country, instrumentally exploited as proxies by the Sudanese government to destabilise the situation and weaken the political stability as well as to retain rents earned on oil revenue.²⁴

The religious dimension of the conflict deeply affected the Christians communities from South Sudan. In the past years non-Muslims faced religious persecution: Catholic priests and religious leaders had been arrested and mistreated, churches were closed or burnt down. Non-Muslims were excluded from schools or jobs, or obliged to conform to Muslim codes of behaviour such as the wearing of the chador for women. From many people conversion was extorted. A lay religious leader, Agostino El Nur, was crucified for 24 hours on the Nuba Mountain. He was not nailed but tied to a pole in form of a cross, hands and arms outstretched. He was denied food, water and beaten with a gun butt.²⁵ He lived, to tell his stories.

Endnotes

- 1 D. Michelle Domke. ICE Case Studies: Civil War in the Sudan: Resource or Religion? November 1997. p. 1
- 2 Hercules Alexander Sandenbergh. How Religious in Sudan's Religious War? April, 2006, p. 2.
- 3 A religious decree
- 4 Mark O'Keefe. Religion Inflames Sudan War. 27 October, 1998, p. 3.
- 5 Bishop of El Obeid is sometimes called the "the bishop of the rebels". He heads the (geographically) largest diocese in Sudan, almost three times the size of Italy, and he lives partly in exile, for in fact he divides his time between Nairobi in Kenya and the Nubian mountains.
- 6 Ibid. p. 8.
- 7 Ibid. p. 8.
- 8 Aleksy Ylowen. "Grievances and Roots of Insurgence: Southern Sudan and Darfur," *Peace Conflict and Development: An Inter-Disiplinary Journal*, vol. 7, July 2005, p. 106.
- 9 John Markakis. Resource Conflict in the Horn of Africa. London: Sage Publication, 1998, p.111. Douglas Johnson. The Root Causes of Sudan Civil War, Bloomington, 2003, pp. 24-25.
- 10 Aleksy Ylowen. "Grievances and Roots of Insurgence: South Sudan and Darfur" p. 108, 110.
- 11 Ibid. p. 112.
- 12 Aleksy Ylowen. "Grievances and root of Insurgence: South Sudan and Darfur."
- 13 Ibid. p. 117.
- 14 Ibid. p. 116.
- 15 *International Crises Groups. God, Oil and Country: Changing the Logic of war in Sudan*. Brussels, 2002, pp. 3-7.
- 16 Frontier Economics. The Cost of Future Conflict in Sudan. 2010, p. 13.
- 17 Ali Abdel Gadir, Ibrahim A. Elbadawi and Att El Batahani. *The Sudan Civil War: Why has it prevailed for so long?* p.2
- 18 Aleksy Ylowen. "Grievances and the Roots of Insurgences: Southern Sudan and Darfur" p. 123.
- 19 Frontier Economics. *The cost of Future Conflict in Sudan*. 2010, p. 13
- 20 Ibid.
- 21 Ibid, p. 6.
- 22 Melany Markham. "South Sudan: The Lasting Effect of Conflict on South Sudanese Education System," *Alert Net*, 8Feb. 2012, p.1.
- 23 IRC. May, 2004.
- 24 Frontier Economics. *The Costs of Future Conflict in Sudan*. 2010, p. 11.
- 25 Mark O'Keefe. *Region Inflames Sudan War*. 27 October, 1998. p. 1.



UNMIS Launches DDR Launch Programme, 10 Jun 2009. Juba, Sudan. UN Photo/Tim McKulka, CC www.flickr.com

by Dagu David Justin

*South Sudanese MA candidate
Human Rights & Conflict Management
Scuola Superiore Sant'Anna*

NEGLECTING THE CPA, IMPACTS ON S/SS RELATIONS

THE INAPPROPRIATE IMPLEMENTATION OF THE 2005 COMPREHENSIVE PEACE AGREEMENTS (CPA) RESULTED IN THE RE-EMERGENCE OF CONFLICT AND DISPUTES BETWEEN SUDAN AND SOUTH SUDAN

CPA – background and origin

Without putting into perspective the intractable nature of the conflict in Sudan and without revisiting its history, it would be impossible to explain and understand how the CPA came into being. In one of the most authoritative books written on Sudan, *“The Root causes of Sudan’s Civil Wars”*¹, Douglas Johnson identifies, foremost among the causes of the country’s recurring wars, the presence of a durable political economy monopolized by a central power whose elites harboured expansionist tendencies against peripheral regions. This expansionist ambition has been ongoing since the 18th century through feudal processes of slave raids and cattle rustling. The manifestation of the exploitative nature of relations between the elites of

The manifestation of the exploitative nature of relations between the elites of the centre and the Sudanic peoples of the periphery resulted in massive inequality in the country

the centre and the Sudanic² peoples of the periphery resulted in massive inequality in the country. Colonial intervention by Turkey, Britain, and Egypt introduced a governance system for the Southern part of the country that was known as the “Southern Policy”³. The creation of the Southern policy

cemented and structured unequal dispensation and exacerbated the already precarious conditions in Southern Sudan. It is however important to emphasize that the history of contemporary conflicts between the elites of the centre and the marginalized peoples of the periphery predates colonial interventions. The decision by the colonial powers, the Anglo-Egyptian condominium, to grant independence to a united Sudan on January 1, 1956, before inequalities between North and South could be remedied, was ill founded, and today this can be viewed as a major contributor to the wars and the now seeming perpetual conflicts in the periphery regions of Sudan.

Sudan has a history and precedence of peace-making although it has always hardly respected the terms and provisions. A case in point is the Addis Ababa Agreement, signed after the first civil war in Sudan between the north and south, which lasted for 17 years from 1955 to 1972. The Addis Ababa Agreement unravelled in 1983 leading to the start of the second civil war in Sudan, again mainly fought between the north and south. The Sudan People’s Liberation Movement/Army (SPLM/A), the main protagonist in the second civil war, fought for

23 years until the signing of the CPA in 2005 in Nairobi Kenya. During the war, more than two million South Sudanese lost their lives directly as a result of the war or indirectly as a consequence of the war. Four million others were uprooted and around 600,000 sought refuge beyond Sudan’s borders⁴. The CPA was signed thanks to the political and diplomatic pressure exerted by the Troika: United States, United Kingdom and Norway under the auspices of the Inter-Governmental Authority on Development (IGAD). The CPA was divided into six main protocols: the Machakos Protocol, The Protocol on Security Arrangement, the Protocol on Wealth Sharing; the Protocol on Power Sharing; the Protocol on the Resolution of conflict in Southern Kordofan and Blue Nile States; and the Protocol on the Resolution of conflict in Abyei⁵.

The provisions of the 2005 CPA

The table below summarizes the content of the CPA provisions adapted from the agreement document. It contains all the main elements of the provisions in the agreement. The table is also expected to provide an easy and simplified understanding of all the elements contained in the bulky document - the CPA.

Sudan Comprehensive Peace Agreement (CPA), 9 January 2005

Provision relating to DETAILS OF PROVISION

- | | |
|---------------------------|--|
| 1) Armed Forces | The North and South are to maintain separate armed forces. There is to be the withdrawal of 91,000 government troops from the South within 2 and half years. The SPLA has 8 months to withdraw its forces from the North. The Naivasha Protocol that forms part of the CPA outlines the details of integration: it allows for integrated units of 21,000 soldiers (of which half will be government and half SPLA) to be formed during the 6 year interim period. They are to be deployed to sensitive areas (such as the 3 under dispute). These units will be commonly stationed yet will maintain separate command and control structures. If, after the interim period, the South decides not to secede, both sides will unify into a 39,000 strong force. |
| 2) Autonomy | The South will have autonomy for 6 years, which will be followed by a referendum regarding secession from Sudan to be held in 2011. |
| 3) Oil wealth | To be shared on a 49:49 basis between the Khartoum Government and the southern SPLM-led government. The remaining 2% will be advanced to the oil producing areas on a monthly basis. The oil wealth sharing formula is structured for oil reserves that are extracted from territories within South Sudan only. |
| 4) Economic issues | The country’s currency - the dinar - will be changed to the pound and a dual banking system will be used in the north. Since South Sudan was in favour of running a secular system, it will adopt a conventional banking system as opposed to an Islamic one. Originally, before the war, Sudan had used the pound as its currency, therefore the pound was reinstated during the six year interim period. |

- 5) Administration** Positions in the central transitional government are to be split 70:30 in favour of the government, and 55:45 in favour of the government in the contentious areas of Abyei, Blue Nile and Southern Kordofan States and 70:30 in favour of SPLM in the South. Bashir's position as Head of State is entrenched and Garang is to serve as Vice-President. A government of national unity is to be formed.
- 6) Islamic Law** Shari'a is to remain applicable in the North and parts of the constitution are to be rewritten so that Shari'a does not apply to any non-Muslims throughout Sudan. The status of Shari'a in Khartoum is to be decided by an elected assembly.
- 7) Other** Each territory is to use its own flags. The North will maintain use of the current Sudanese flag and the South is to introduce its own flag.

Implementation Challenges

The CPA provided for the institution of various specialized commissions acting as monitoring bodies. Unfortunately, differences in vision between the two parties – NCP and SPLM - on how the implementation process could be directed, derailed and hampered efforts exerted towards that respect. This generated an atmosphere of suspicion between the two parties as each one of them was afraid its counterpart may achieve an upper hand in the implementation process. From the onset this caused a significant loss of trust, political will and good faith between them. Furthermore the establishment of various important commissions prescribed in the CPA was considerably delayed, thereby jeopardizing the attainment of several milestones such as the border demarcation, Abyei Referendum, Popular Consultation in Southern Kordofan and Blue Nile States, and redeployment of forces to each side's borders.

Not to mention the limited capacity of the SPLM and the general establishment of the South, which greatly hampered the CPA implementation process. The large number of transitional institutions (such as the commissions) represented a challenge to the human and organizational capacity of the SPLM. The enormity of the task of post-war development, combined with the need to form and staff institutions within the Government of Southern Sudan (GOSS) and the Government of National Unity (GONU), was a nightmare.

CPA weakness and neglect

From the above table, oil wealth sharing and all other forms of taxation revenue collected from the South and divided between north and south was one of the fundamental cornerstones of the CPA. However, this arrange-

ment fell short of achieving economic decentralization, on the basis of which the states and local governments would have key roles. This is a central and fundamental problem as it will later be seen that most of the national budget gets exhausted at national (federal) government level with as little as 14% going to the state governments⁶ as a result of the shortcoming.

Another CPA weakness is manifested in the fact that the agreement only recognized two legitimate political actors - the SPLM and NCP - thereby relegating other political groups and actors notably, the many opposition political parties, trade unions and civil society organizations to the periphery, a situation that was to become a big recipe for polarization. This reality effectively made the CPA be perceived as a bilateral arrangement between the SPLM and NCP, towards which most people in Sudan did not

the agreement only recognized two legitimate political actors - the SPLM and NCP - thereby relegating other political groups and actors [...] to the periphery

feel a sense of ownership. Additionally, the CPA is devoid of an inclusive peace-building strategy capable of avoiding state failure. This point is validated by the fact that the mechanism established through the various bodies and Commissions – called to regulate, adjudicate and monitor the CPA implementation - could not manage to rise above the differences and lack of trust between the SPLM and NCP. As a result, the lack of inclusivity in the peace process means that the development of democratic culture conducive to the participation of opposition political parties, trade

unions, civil society organizations and other stakeholders, was not permitted to emerge in both north and South Sudan where security regimes dominate.

In particular and as a matter of concern, the CPA overlooked problematic conflict situations in Darfur and

The media in particular was treated - especially by the NCP - as a threat to the peace process rather than as a partner for the sake of dissemination of information on the same

Eastern Sudan. As such, even if peace was achieved between the north and south, the country continued to be in a state of war as conflict raged on in these peripheral fronts.

Furthermore, the CPA disempowered other important instruments of checks and balances in the system, like the civil society organizations and the media, through the cooptation of their strong members, therefore producing loopholes such as corruption and bad governance. The media in particular was treated (especially by the NCP) as a threat to the peace process rather than as a partner for the sake of dissemination of information on the same⁷.

The non-implementation of the protocol on the resolution of conflict in Southern Kordofan and Blue Nile States is another major case of CPA neglect. This has manifested today in large scale conflict and in the current humanitarian catastrophe ongoing in these two regions. Coupled with that is the non implementation of the Abyei Protocol. The result of these deliberate acts of neglect has been reflected in several armed confrontations between the SPLA and Sudan

Armed Forces (SAF). The latest in this episode of confrontations is the invasion and occupation of Abyei by SAF in late 2010. SAF's pull-out from Abyei was only possible through pressure from the late May 2012 United Nations Security Council Resolution 2046⁸.

Moreover, during the term of the CPA, another big source of conflict between the two parties was the National Pe-

most of the oil wealth resources are interestingly located in the border areas

roleum Commission lack of transparency, with regard to the disclosure of the actual amount of revenue from the petroleum sector. Their activities resulted in huge discrepancies in wealth sharing distribution, thus reinforcing the mistrust between the parties. In 2007, this culminated in the SPLM pulling out its members from participating in the National Assembly and the Government of National Unity. Of course this SPLM action impeded the proper implementation of the CPA as per its timeline.

Of major interest to South Sudan is also the border demarcation between north and south as per the borders as they stood on January 1, 1956. The strategic importance of this aspect rely in the fact that most of the oil wealth resources are interestingly located in the border areas. With no clear boundaries, each side continues to claim encroachment on its side of the border, hence resulting in skirmishes and clashes. Khartoum has continuously obstructed the work of the ad hoc Border Committee that was

charged with the task of demarcation. It has always rejected the committee's reports. The recent clashes in Heglig in April 2012 were directly the result of the neglect of the implementation of this CPA aspect.

In conclusion, weaknesses and neglects of the CPA clearly prove that a re-thinking of the Peace Agreements' implementation process is needed. It should adopt a robust approach characterized by a strong commitment to democratic change. This requires a much wider involvement by all stakeholders towards the achievement of reconciliation and mutual respect for the common interest of peace. Such an approach will recognize that endemic and intractable conflicts, such as those suffered in Sudan are the result of deeply-rooted issues and therefore require a complete structural change.

the conflict has re-emerged once again and has assumed a different dimension – that of an international armed conflict

Although the Troika was viewed as the CPA watchdog, it did not rally the international community enough to ensure that SPLM and NCP implemented the agreement to the letter and spirit. As a result the conflict has re-emerged once again and has assumed a different dimension – that of an international armed conflict. The role of the international community is still important for the pending issues to be implemented, in order to ensure the coexistence of the two countries living side by side as responsible members of the international community. The current ongoing negotiations - under

the chairmanship of Thabo Mbeki and the auspices of the African Union High Implementation Panel (AUHIP) - require support in order to decisively resolve the remaining disputes.

Endnotes

1 The Root causes of Sudan's Civil War is one of those books that emerged and became an authoritative voice of the conflict studies and analysis of the country. The author, prof. Douglas Johnson is a well known scholar of the country and an important expert and commentator on the Sudans

2 www.thefreedictionary.com/Sudanic retrieved on 23/06/2012. Sudanic is a group of languages spoken in scattered areas of the Sudan, most of which are now generally assigned to the Chari-Nile branch of the Nilo-Saharan family

3 <http://countrystudies.us/sudan/16.htm>, retrieved on 27/06/2012

4 <http://unmis.unmissions.org/Default.aspx?tabid=515>, retrieved on 02/06/2012

5 Adapted from the 2005 Comprehensive Peace Agreement signed between the Government of the Republic of Sudan and the Sudan People's Liberation Movement.

6 Finding of a research on www.sudantribune.com, published on 28th May 2012

7 www.sudantribune.com/weaknesses-of-IGAD-mediation-in-25725, retrieved on 26/06/2012

8 This UNSC Resolution was adopted unanimously on May 2, 2012 and it calls for Sudan and South Sudan to immediately halt fighting in all the disputed areas of the border, especially Heglig and the two parties should resume negotiations on all the pending and non implemented aspects of the 2005 CPA.



SPLA soldiers drive through Aniet (Agok) to reinforce a defensive line established after SAF (Sudan Armed Forces) tanks entered and occupied Abyei town. Photo by Tim Freccia / Enough Project, CC www.flickr.com



Abyei Woman Walks Across a Field, by ENOUGH project, CC www.flickr.com

by Laura Nistri

*Head of the Tracking & Monitoring Department
IOM- International Organisation for Migration
Mission in South Sudan, Juba Office*

THE HUMANITARIAN DIMENSION OF THE CRISIS

SINCE GAINING INDEPENDENCE ON 9TH OF JULY, 2011, SOUTH SUDAN HAS BEEN FACING A CONTINUOUS OUTBREAK OF HUMANITARIAN EMERGENCIES: FROM THE ABYEI IDPS, TO THE SOUTH SUDANESE RETURN MOVEMENT AND TO THE REFUGEE EMERGENCIES AT THE BORDER WITH SUDAN.

The 9th of July 2011 was a day celebrated across the world by South Sudanese, for it marked the Independence of the world's newest nation, the Republic of South Sudan.

The journey to independence was long and hard, over two decades of civil war finally led to the Comprehensive Peace Agreement in 2005, whose validity came to an end in January 2011, after the referendum on self-determination for the people of South Sudan. Over 5 days, 3,910,197 South Sudanese marked their ballots to determine whether South Sudan should remain a part of Sudan or become independent.¹

An overwhelming, 98,83% voted in favor of independence which was officially proclaimed six months later.

The Republic of South Sudan was quick to receive recognition from the international community, it was admitted as the 193rd member of the United Nations within a week of the declaration of Independence and later that month, it became the 54th African Union member state (27 July 2011). The challenges for the newly sworn in Government of South Sudan (GoSS) were significant, this included the need to address underdeveloped road and rail networks, non-existent health and welfare services and facilities, unite a nation of ethnically, culturally, and linguistically diverse groups, and respond to the reintegration needs of the hundreds of thousands of returnees that had returned since the beginning of the CPA. The development priorities of GoSS were to take a backseat in the first year of independence as numerous humanitarian emergencies unfolded within weeks of separation from Sudan.

Understanding the complexities of the humanitarian response to the multiple emergencies in South Sudan requires a multi-level approach. Without funding for transition and recovery,

Without funding for transition and recovery, reintegration, and sustainable development programs, the humanitarian community in South Sudan will remain shackled to providing emergency assistance for decades to come

ery, reintegration, and sustainable development programs, the humanitarian community in South Sudan will

remain shackled to providing emergency assistance for decades to come.

Since May 2011, humanitarian and government partners had been providing emergency assistance to 120,000 people displaced from Abyei, a disputed area between Sudan and South Sudan. Entire villages had fled fighting between the Sudan's People Liberation Movement (SPLA) and Sudan Armed Forces (SAF). The Abyei IDPs found shelter with extended family members in the neighbouring states of Warrap and Northern Bahr el Ghazal or sought protection in temporary transit sites established further south in Wau (Western Bahr el Ghazal state). During the fighting, Abyei town was burnt to the ground along with surrounding villages.

The Abyei Temporary Arrangements Agreement stipulated between the Sudan and the Sudan People's Liberation Movement (SPLA) prior to Independence in June 2011 detailed a joint administration structure and called for the establishment of a new peace-keeping force, United Nation Interim Security Force for Abyei (UNISFA). Despite the deployment of the security force to Abyei, the government of Sudan was reticent to withdraw police and army forces from the area until recently. SAF finally withdrew from Abyei town in the first week of June 2012. However, the SAF troops have not moved very far, they have relocated to Diffra, a location in the North of the Abyei Administrative Area which is rich in oil.

Since SAF withdrawal some IDPs have begun to return to their villages, or what is left of them, with burnt out shelters and polluted water sources. Humanitarian actors are trying to determine whether to provide assistance to those returning to Abyei or to those that are displaced in the surrounding region. The response is complicated by the reluctance to create a pull factor to a disputed region where there are outstanding political and security issues which need to be addressed and where resurgence in fighting may create secondary and tertiary displacements.

South Sudan and Sudan have to find a durable solution to a more complex and long lasting humanitarian emergency. During the civil war an esti-

mated 4 million people fled Southern Sudan. Those living in the border states with Sudan generally fled to Khartoum, whereas those living in the Equatoria Region, including Juba, generally fled to the neighboring states of Kenya and Uganda. Many Southern Sudanese moved beyond the region and are scattered across the world. This diaspora can be defined as conflict forced migrants, economic migrants or refugees, according to what kind of assistance and livelihood they have been building up in the countries they have settled in. However one definition is now uni-

During the civil war an estimated 4 million people fled Southern Sudan. Those living in the border states with Sudan generally fled to Khartoum, whereas those living in the Equatoria Region, including Juba, generally fled to the neighboring states of Kenya and Uganda

fying all of those who wish to return, they are referred to as *returnees*. A *returnee* is a South Sudanese that after having fled during the war, from an area falling now within South Sudan, has expressed an interest to return or returned since the signing of the CPA in 2005.

The International Organization for Migration reports that since the signing of the CPA, over 2.5 million people have returned to South Sudan. Between last December 2010 and June 2012 they were over 360,000, the majority of them from Khartoum. Humanitarian agencies working in Sudan estimate that there are still 350,000 -500,000 South Sudanese living in Sudan, despite the fact that the Government of Sudan limits access to these communities and a proper registration exercise could not be carried out.

Access to traditional return routes, roads and railways passing through Southern Kordofan and Southern Darfur States, has been limited in the past year due to fighting in the oil-rich and disputed areas of Abyei and Heglig. The safest route for return, also supported by the humanitarian community, is via White Nile State through Kosti and onto Renk. Renk is the most northern town in South Sudan and has limited ability to provide space and services for large transit

sites. During the rainy season it is cut off from the rest of the country and since October 2011, when the border with Sudan was closed, goods and commodities need to be brought in by road, barge or by boat from Juba and Malakal. Given Renk's isolation and the lacking of other viable commercial transport options, here returnees become stranded without means of proceeding south, this area resulting in a bottleneck. According to the last verification exercise it was determined that there are over 18,000 stranded returnees in Renk, residing in four different transit sites.

Returnee is not an internationally recognized status. Returnees are not protected by enhanced international standards and the national legislation in force to safeguard their journey

Returnee is not an internationally recognized status. Returnees are not protected by enhanced international standards and the national legislation in force to safeguard their journey and reintegration process is scarce and rarely implemented

and reintegration process is scarce and rarely implemented. The Governments of Sudan and South Sudan resolved (Memorandum of Understanding on Returns, March 2012) to work in cooperation with all other parties that work on the return, in order to facilitate and assist in the voluntary return and reintegration in peace and dignity of the nationals of South Sudan. A few weeks before, the two governments had adopted the Framework Agreement on the Status of Nationals of the Other State and Related Matters, whereby they should assume full responsibility for the protection of each other's nationals in line with international principles. However neither the Framework Agreement nor the MoU have been ratified yet, no clear reintegration policy adopted, and thousands of returnees are stranded across South Sudan waiting for land allocation in order to begin their new lives.

Without clear communication on how to legalize their status in Sudan or whether they have the option to remain, hundreds of thousands

of South Sudanese are stranded in Khartoum unable to return to South Sudan without assistance through humanitarian or government organized movements. In May, the Governor of White Nile state, issued an expulsion order to 12,000 stranded returnees living at the Kosti Way Station. Almost 12,000 individuals were moved by humanitarian partners to Juba through an expensive air-bridge operation (it cost \$ 5 million USD and included 79 flights over 24 days).

While government and humanitarian partners respond to the needs of internally displaced communities and to stranded returnees in entry points and bottlenecks in the north of the country, in November 2011 refugees from Sudan's Blue Nile state began to cross over into South Sudan fleeing the aerial bombardment of their villages and the increased scarcity of food across the state. Refugees from South Kordofan State were also crossing over into South Sudan from the Nuba Mountains where they had been caught in the conflict between SAF and SPLA North. Sudan has repeatedly denied access to UN observers to these affected areas. Currently there are over 113,000 refugees in Upper Nile State and 55,000 refugees in Unity State. These areas are located close to the borders creating critical access problem for the humanitarian response and being subject to periodical aerial bombardment by SAF. Humanitarian actors are struggling to provide emergency relief to refugees flooding into South Sudan, Yusif Batil (the newly established refugee camp in Maban County, Upper Nile State) received 15,000 refugees in 8 days and in Yida, Unity State, over 4,000 refugees were reported arriving in a single week.

The emergency response to vulnerable communities rests almost entirely on the shoulders of humanitarian actors as the government's ability to assist its people has been crippled by the serious economic crisis resulting from lack of oil revenues, continuing economic blockade and severe austerity measures affecting South Sudan. The shutdown of oil production alone resulted in a loss of 98% of the government's revenues. In the past, the government has turned to the humanitar-

ian community and relied on donor funding to assist with the continuous emergency situation. However the inability to make significant progress to resolve outstanding issues, both internally and issues with Sudan pending from the separation, has led to hesitancy by donors to be as generous as they have been in the past.

Yusif Batil - the newly established refugee camp in Maban County, Upper Nile State - received 15,000 refugees in 8 days and in Yida, Unity State, over 4,000 refugees were reported arriving in a single week

The UN and other humanitarian partners forecast a deteriorating humanitarian environment within the next six months, whereby the last UN SC res. 2046 (2012) *Calls for Immediate Halt to Fighting Between Sudan and South Sudan, and Resumption of Negotiations* will hardly impact within the unfolding scenario. The assumption is that refugees, IDPs and returnees will keep on growing in number, the capacity of the national government will continue to deteriorate due to the shrinking economic space, war in South Kordofan and Blue Nile State will continue unabated unless there is an intervention, inter-communal conflicts will continue to be the major cause of internal displacement and destruction of property, and food insecurity, due to poor crop production, will fuel tension among communities along ethnic lines.

On the 9th of July the people of South Sudan have celebrated a year of Independence. Unfortunately, the achievements of the past year are likely to be overshadowed by the financial, political, and social challenges that the country is facing, exacerbated also by the multiple and complex emergencies.

Endnotes

1 The "Fifth Population and Housing Census of Sudan", of Sudan as a whole, was conducted in April 2008. Notwithstanding that the final result was rejected by Southern Sudanese government, the census showed the population of South Sudan to be 8.26 million. Since then no other population census has been carrying out yet.



by Amgad Fareid Eltayeb

Abyei citizens leave en masse, by Tim Freccia/Enough Project, CC www.flickr.com

*Sudanese PhD researcher in Life Science
Liverpool School of Tropical Medicine
based in Khartoum*

SUDAN: POWER DEMONSTRATIONS OF A FAILED STATE

THE GOVERNMENT OF SUDAN USES DIFFERENT KINDS OF STRATEGIES AND TOOLS TO STAY IN POWER. SOME OF THESE TOOLS LACK LEGITIMACY, SOME OTHERS ARE CORRUPT, IN THE END, THEY ALL REVEAL A VERY CRUDE FORM OF FASCISM.

The term *failed state* is sometimes loosely defined in political literature. Formal theorists of accused regimes tend to defend their systems by saying that this term lacks concrete definition and is often used as a tool of negative propaganda rather than realistically describing state or regime status. In the case of Sudan, we have all the reasons to believe that this is not the case. In classical political literature, Max Weber defined the *state* as the entity capable of maintaining the monopoly on the legitimate use of physical force. If this is not the case the state's statehood is in doubt, thus becoming a failed state (Max Weber, 1922). The Darfur conflict which is approaching a decade now, and the recent flare up of military clashes in Blue Nile, Nuba Mountains, and South Kordofan clearly demonstrates that the current ruling regime in Sudan is not able to maintain this essential condition.

In Darfur, the International Criminal Court is prosecuting several state officials including the head of state - President Omer Al Bashir - and there is a further list of 51 officers under ICC investigation according to a formal request from the UN (SudanTribune 2006). This prosecution was carried out because of the massive crimes committed in Darfur, not only by the government supported proxy force - known as *Janjaweed* - but also by the regular army troops. Recently, also the Sudanese Minister of Defence Abdel Raheem Muhammad Hussein was added to the list. The official ICC statement accused him of 41 crimes against humanity and war crimes including persecution, torture, as well as murder and rape, occurred during 2003 -2004 (ICC, 2012). Hussein was Sudan's Minister of Interior and President Representative for Darfur at that time. This - and similar other warrants including the one against President Bashir himself - reflect the actual deep involvement of the state apparatus in using immoral physical power in Darfur in the last decade.

In other recent conflicts in Sudan, the illegitimate use of physical power is

A recent Failed-States Index developed by the Washington based Fund for Peace Research Centre [...] ranked Sudan as the third failed state in the world for 2011

even more obvious. President Bashir took advantage of the instability and military fighting which took place in the aftermath of the dubious South Kordofan elections, whose two candidates were Ahmed Haroun (another official wanted by the ICC) and Abdelaziz AlHilu (SPLM-N candidate); there were also attempts to enforce immediate disarmament on the SPLA¹ in May 2011, dismiss an elected governor of another state (Blue Nile state) and appoint an army general as ruler of the state. On 3rd September 2011, Bashir declared a state of emergency in the Blue Nile State and dismissed its governor, Malik Agar, who was elected in April 2011, appointing Major General Yahya Mohamed Khair as military ruler of the state. This was accompanied by mass arrests of SPLM/N members, the irrational destruction of state infrastructure (including the state cultural centre) and the flare up of military clashes in the state, which had not witnessed fighting until this time. This act was opposing the constitution itself and can never be described as legitimate nor have anything to do with political correctness. Legitimacy of the physical power used by the national government in these occasions is of course questionable.

A recent Failed-States Index developed by the Washington based *Fund for Peace Research Centre*, in collaboration with *Foreign Policy* magazine, ranked Sudan as the third failed state in the world for 2011. There were no signs of significant improvement in the ranking of Sudan as it was the number one failed state in both 2006 and 2007 (Kristen Blandford, 2011). The index was created in 2005 and it encounters 12 different social, economic, and political indicators for the evaluation of sovereign states¹ (Fund for Peace, 2012).

Despite all this, the regime is still able to impose its popular control over the society. It is using all the elements of Gramsci's cultural hegemony theory to maintain its power and its populist face. Gramsci hypothesized that a culturally diverse society (as is the case in Sudan) can be dominated - ruled - by one social class, whose dominance is achieved by manipulating the social culture (beliefs, explanations, perceptions, values, morals) so that its

ruling-class worldview is imposed as the social norm (Alan Bullock, 1999). The Islamic front and its successor, the National Congress Party - which conducted the 1989 military coup that brought the current regime to power - do actually represent a social class. This class is mainly composed of educated villagers who migrated to towns and were integrated into the higher middle class of the society as professionals and merchants. They attained strong economic power during the final years of Sudan's second dictatorship (the 1969 - 1985 Nemer

The Islamic front and its successor, the National Congress Party [...] do actually represent a social class [...] mainly composed of educated villagers who migrated to towns

government), when they formed a shaky political alliance with the ruling regime, helping them to succeed in their coup against the third democracy (1985 - 1989) and seize power in 1989.

The regime and its political allies continue to describe their ideology as the only universal, natural, and desired way to rule Sudan. President Bashir announced publicly that after the South secedes he would change the constitution, introduce Islamic laws (Shariaa Laws) containing no *impurities* and adopt Arabic as the only official language of the state (BBC, 2010). On the same day, all mobile phone networks companies sent a text message to every phone in Sudan stating that 96% of Sudanese were Muslim and 95% of them had Arab origins. It was clear that the government decided to adopt the Arab-Islamic notion as the norm for Sudan.

all mobile phone networks companies sent a text message to every phone in Sudan stating that 96% of Sudanese were Muslim and 95% of them had Arab origins

It is a political party headed by Al-tayeb Mustafa, president Bashir's uncle, who was once (and for a long period of time) a federal minister in Bashir government. The platform uses its newspaper *Alintibaha*, which stands for *alertness* in Arabic,

to spread severe racism and hatred. Terms such as slaves, infidels, etc, are commonly used in this newspaper. It even describes women's rights and political activists using socially derogatory terms such as prostitutes. Although there is very strong state press censorship in Sudan, this newspaper is subject to restrictions and its publications are never questioned. This creates an increasing belief that the stance of this newspaper and its platform are actually representing the government and its ruling party. Aiming for a larger ostensible effect, the newspaper describes itself in its

Cultural hegemony serves the realization of another key element of the totalitarian state: it makes the majority of people quietly accept the use of brutal force against dissident minorities

slogan as the voice of the silent majority. On the other hand, the newspaper offers biased justifications for governmental actions.

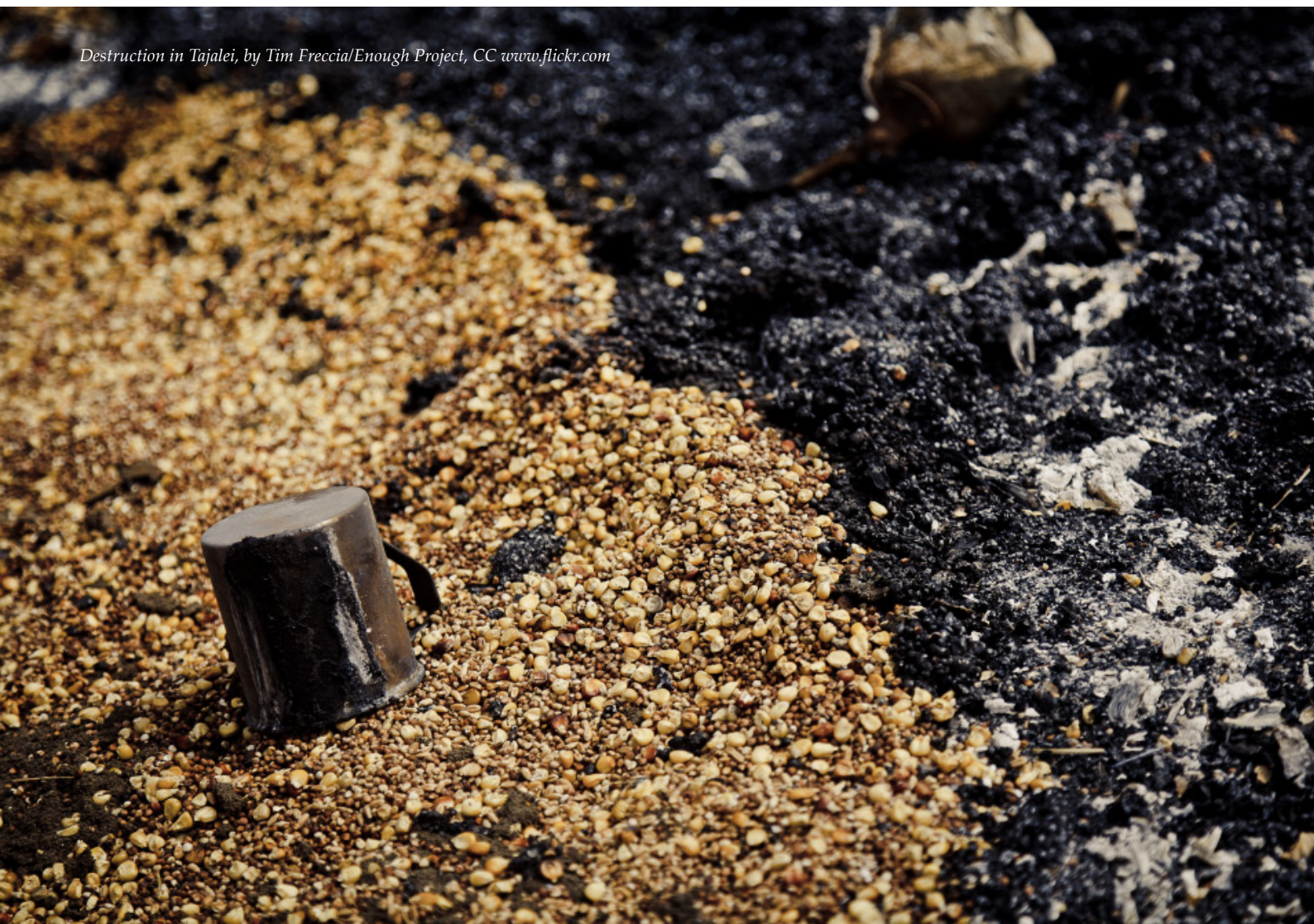
Cultural hegemony serves the realization of another element of the totalitarian state power: it makes the majority of people quietly accept the use of brutal force against dissident minorities. The regime tends to describe any social or political conflict as a battle between good and evil, majority versus minority, in order to create a popular fear among the masses. The social and economical elements characterizing the historical conflict in the south were simplified and transformed into a mere battle between the Arab Muslims in the north and the *infidels* in the South. Darfur is described as an Arab – African conflict, and, as such, ignores all the pending economic and resource-related disagreements between farmers and shepherds. Even the struggle for civil rights is transformed into religious controversy between Muslims and secular society. In addition, these strategies - through the strong state monopoly of the media - continue to have the support of the people.

The case of the Sudanese regime really represents a genuine reflection of

Trotsky's statement about the fascist system's ability to control the country when the police and parliament fail to guarantee stability to the community (Leon Trotsky, 1932). The economic crash which followed the independence of the oil-rich South provoked multiple military conflicts and nationwide popular riots. Once again fascist measures seem to have been the only way for the Sudanese regime to maintain its political domination. The real fascist face of the Sudanese government has been disclosed. This judgement is also confirmed by the work of Lawrence Britt, which studied the fascist regimes of Hitler (Germany), Mussolini (Italy), Franco (Spain), Suharto (Indonesia), and Pinochet (Chile). Britt describes 14 identifying characteristics of fascism (Lawrence Britt, 2003). These characteristics shape the picture of the state in Sudan today:

Powerful and Continuing Nationalism: even in response to internal tensions regarding economic and civic rights issues, Sudanese officials tend

Destruction in Tajalei, by Tim Freccia/Enough Project, CC www.flickr.com



to attribute such difficulties to international collusion against Sudan.

Disdain for the Recognition of Human Rights: detention, torture, beatings, sleep deprivation, electric shock, and other forms of physical and mental abuse, are usual practices of the Sudanese security agencies. Security officials were also implicated in sexual violence and harassment of female activists, including the alleged brutal rape in mid-February of Safiya Ishaq, a youth activist who was forced to flee the country after speaking out against her ordeal (Human Right Watch 2012). Not to mention the systematic practice of rape carried out by the pro-government militias in Darfur. This also reflects another characteris-

Despite the acute economic crisis in Sudan, over 77% of the state budget is dedicated to military expenditures, while less than 4% is spent on health and education

tic, that is to say the **Obsession with National Security**. Members of the NISS, regardless of their rank, enjoy full legal immunity against all laws requiring NISS approval to proceed. Needless to say, such approval had never taken place despite the many cases raised against the police by the legal system.

Identification of Enemies/Scape-goats as a Unifying Cause: The Sudanese government always tries to identify its enemy as a public threat for the community, by using racial, ethnic, or religious labelling.

Supremacy of the Military: Despite the acute economic crisis in Sudan, over 77% of the state budget is dedicated to military expenditures, while less than 4% is spent on health and education. This was true in the past, even at the time of the CPA implementation. Every year the parliament approves a budget having these percentages.

Rampant Sexism: many of the current Sudanese laws are highly sexist and some of them are designed especially against women. The Public Order Act gives police officers considerable power in the interpretation

and implementation of the articles of the law (like *indecent dressing* which is only directed towards women). As a result, court sentences providing for punishments such as lashing are frequent against women. Article 152 of Sudan's 1991 Penal Code states that "whoever ... wears an obscene outfit ... shall be punished with flogging which may not exceed 40 lashes or with a fine, or with both."

Controlled Mass Media: Sudanese authorities have a long history of closing newspapers and silencing journalists. Continuous press censorship is taking place and prolonged court cases against journalists are a common practice. For example, in May 2012 state security agents had prevented distribution of the *Almidan* newspaper - affiliated to the Sudanese Communist party - 13 times, while many prominent journalists face criminal charges for commenting on political events. Journalists are also arrested by the National Intelligence and Security Services laws which give the right to arrest for a period of 40 days without raising charges. The NISS has a list of policy provisions which are changeable and ungoverned by law or judicial order. For example, it demands newspapers to abstain from covering the International Criminal Court, government corruption, human rights violations, Darfur, the war in South Kordofan and Blue Nile, armed movements, and many other topics.

Religion and Government are Intertwined: the government tends to use Islam, which is the predominant religion in the country, as a tool to manipulate public opinion. The Sudan Council of Religious Scholars often issues Islamic judgements (fatwas) in political issues that are of public concern and support the government stance.

Corporate Power is Protected: large industries and businesses in Sudan belong to government officials. Widespread corruption also plays a role, as most of the officials run their own private businesses. For example, the Khartoum Minister of Health is the owner of the 12 largest private hospitals in the country, along with many

other private health care investments.

Labor Power is suppressed: the first order of this regime when it came to power was to dissolve all the elected trade unions. Any labour strike is treated with extreme violence by the NISS. The 2010 Doctors' strike caused the immediate detention of their trade union leader and the public beating of doctors in the streets.

Disdain for Intellectuals and the Arts: It is not uncommon for professors and other experts to be censored or even arrested. Professor M. Zein al-Abidin Dean of the College of Higher Education at the Zaem Al Azhari University was detained for almost 2 weeks during February 2012 without charges being raised, for having commented on Bashir's tv speech on a newspaper. The newspaper was closed for the same reason. In the early 1990s Professor Farouk Moh Ibrahim was arrested and severely tortured for teaching Darwin's theory of evolution.

in May 2012 state security agents had prevented distribution of the Almidan newspaper - affiliated to the Sudanese Communist party - 13 times, while many prominent journalists face criminal charges for commenting on political events

Obsession with Crime and Punishment: the power of the Sudanese police is almost limitless. In March 2012, Awadia Ajabna, a young woman living in Khartoum was shot dead by a Public Order Police officer during a scuffle, after she had accused her brother of being drunk. Although many were enraged by this, there were no consequences for the officer, at least not in public.

Rampant Cronyism and Corruption: since 2004 Transparency International (TI) has ranked Sudan among the five most corrupted countries in the world according the Corruption Perceptions Index.

Fraudulent Elections: the regime tends to repeatedly manipulate the results of elections. In the previous presidential elections of 2010, ma-

major frauds were highlighted. Videos showing election officials stuffing ballot boxes were recorded (BCC, 2010).

since 2004 Transparency International (TI) has ranked Sudan among the five most corrupted countries in the world according to the Corruption Perceptions Index

This cannot continue forever. Sudanese government acrobatics in managing people's lives in Sudan will not succeed as people started to resist it long time and the resistance is spreading day by day. Such resistance continues and shall overcome at last since Sudanese people are fighting and they believe that they are not defeated while they are continue to fight the injustice and fascistic measures of the ruling regime.

References:

- Alan Bullock; Trombley, Stephen, The New Fontana Dictionary of Modern Thought Third Edition, 1999.
- Antonio Gramsci, David Forgacs, Eric J. Hobsbawm, The Antonio Gramsci Reader: Selected Writings 1916-1935. 2000
- BBC, Sharia law to be tightened if Sudan splits, 2010. (<http://www.bbc.co.uk/news/world-africa-12033185>)
- ICC, The ICC issues a warrant of arrest for the Sudanese Minister Abdel Raheem Muhammad Hussein, 2012 (<http://www.icc-cpi.int/NR/exeres/C41F9D16-D6A2-48FF-9A01-5AD2D96DF7B4.htm>)
- Kristen Blandford, J. J. Messner, Sudan country profile, The Fund for Peace Publication FFP : CCPPR11SD (Version 10U), October 2011 (<http://www.fundforpeace.org/global/states/ccppr11sd-countryprofile-sudan-10u.pdf>)

- Lawrence Britt , Fascism Anyone?," Free Inquiry, Spring 2003, page 20
- Leon Trotsky, What Next? Vital Question for the German Proletariat, 1932
- Max Weber, Economy and Society, 1922.
- SudanTribune, ICC: 'No Sudanese official immune from Prosecution', Dec 18, 2006 (<http://www.sudantribune.com/ICC-No-Sudanese-official-immune,19321>)
- The fund for peace, The Failed States Index: Frequently Asked Questions, retrieved June 2012 (<http://www.fundforpeace.org/global/?q=fsi-faq>)
- Human Rights Watch, World Report 2012: Sudan, (<http://www.hrw.org/world-report-2012/world-report-2012-sudan>)
- BBC, Sudan opposition claims video shows election fraud, April 2010 (<http://news.bbc.co.uk/1/hi/8633162.stm>)

A distressed woman in Wunrock. The U.N. estimates 76,000 Abyei area residents fled south when SAF tanks invaded, creating a humanitarian crisis. Internally displaced persons are sleeping in makeshift shelters, many under trees, as the region's rainy season reaches torrential proportions.
by Tim Freccia/Enough Project, CC www.flickr.com





Governor of South Kordofan and indicted war criminal, Ahmed Haroun, and Abyei Chief Administrator, Deng Arop, embrace following a security committee meeting to discuss tensions arising from recent attacks along the border, photo by Tim Freccia /Enough Project, CC www.flickr.com

by Siham Khalid

NUBIAN AND LAND ISSUES IN SOUTH KORDOFAN

*Sudanese MA Candidate, Human Rights &
Conflict Management, Scuola Superiore Sant'Anna*

THE CPA FAILED TO BRING PEACE TO THE INDIGENOUS NUBA TRIBES AND WAS EVENTUALLY RESPONSIBLE FOR THE LOSS OF LAND AND POLITICAL INFLUENCE OF THE NUBA PEOPLE

Southern Kordofan is home to both Arab Muslims and African Christian tribes that speak some 50 different languages. Years of conflict, political and ethnic favoritism, which can be traced back to independence in 1956, have led to the polarization of the area.

The administrative province of Southern Kordofan was first created after the conclusion of the CPA in 2005. The area was further divided by a decision to allow the border areas of the Blue Nile and Southern Kordofan, through popular consultation, to remain with Sudan or join South Sudan after the referendum in the South. The continued mutual distrust between South Sudan and Sudan and the deferred post secession provisions of the CPA threaten to cause a return to war in Southern Kordofan. Should this occur, the population of Southern Kordofan and the Nuba tribes will pay the ultimate price.

Historically, land has been distributed according to social norms that assigned land to families or individuals on the basis of traditions and colonial-era land ownership legislation. Land disputes are normally resolved by consensus through dialogue between tribes

The role of land in the conflict in southern kordofan

The issue of land in Southern Kordofan, inhabited mainly by the Nuba, has been an obstacle for peace and security in the area. Historically, land has been distributed according to social norms that assigned land to families or individuals on the basis of traditions and colonial-era land ownership legislation. Land disputes are normally resolved by consensus through dialogue between tribes.

Soon after obtaining independence in 1956, Sudan confronted a situation of institutional/legislative dualism with respect to natural resources. State elites, aiming to build a unified system of natural resource legislation, made decisions determining land access and user rights that would alter established equilibriums, violate

existing entitlements, and pave the way for unprecedented forms of competition. While there were a number of land-settlement commissions ap-

in the Nuba Mountains, Darfur, southern Blue Nile or South Sudan [...] no individual-private landownership was recognized

pointed in the northern and central districts of Sudan, nothing of this kind was pursued in the Nuba Mountains, Darfur, southern Blue Nile or South Sudan. Consequently, "no individual-private land-ownership was recognized in these regions."

Ultimately, government policy favored investment companies over traditional Nuba farmers, and mechanized agriculture, financed by urban investors, replaced traditional farming. Small farmers facing distorted prices and unfair terms of trade could no longer compete in the domestic market. This exacerbated the poverty among the Nuba, and deepened their sense of marginalization.

Water is another critical factor in Southern Kordofan mainly because it is stored in man-made basins called *Hawafir*. Insufficient water resources in the area remain a challenge for the population due to the fact that these basins rely on the rainy season for replenishment. Through the years these basins have become dry, due to environmental changes and global warming. Continuous conflict and instability have prevented the local population from replacing these *Hawafir*.

water scarcity forced people to abandon their land and seek jobs in Khartoum, and other large towns

This water scarcity forced people to abandon their land and seek jobs in Khartoum, and other large towns, in order to provide for their families.

The Nuba people's grievances towards the Government in Khartoum increased and ultimately brought about their partnership with the Sudanese People's Liberation Movement (SPLM/A).

Oil discovery

Oil was discovered in the south in

1979 in the areas of Heglig (Southern Kordofan) and Bentiu (Northern part of South Sudan). The year 1998 marked the signing of bilateral trade agreements with China concerning large arm deals and training of Military Sudanese officers.

However, resource infringement by the north, the abolishment of the autonomous region of the South, and the introduction of Sharia law in the legislative system as a means to terrorize and humiliate the government's opposition brought about the second civil war that lasted from 1983 to 2005.

On 30 June 1989, Lieutenant-General Al-Bashir and Hassan al-Turabi's National Islamic Front (NIF) staged a military coup and took over the government in Khartoum, thus aborting the peace process and upcoming constitutional conference with SPLA/M. As war escalated in the South and moved towards the Nuba Mountains (Southern Kordofan) in 1998, with the looming danger of the SPLM winning the war with its new alliances with the Nuba people, the government of Sudan armed the Arab tribes against the Nuba and sealed off the Nuba Mountains and started forced relocations of the Nuba tribes towards so-called "Peace Villages".

By the 1990s, oil production began to gather pace after government troops seized large areas in the south from faction-fighting rebels and declared the start of crude oil production in Southern Kordofan. These events caused the civil war to escalate. Soon thereafter, the leaders of Eritrea, Ethiopia, Uganda and Kenya attempted to resolve the conflict in Sudan by pursuing a peace initiative called the Declaration of Principle (DOP) as members of the Intergovernmental Authority on Development (IGAD) that called for autonomy and self-determination for South Sudan.

The adoption of the Islamic Constitution in Sudan in 1997 marked the end of the Declaration of Principle agreement. The conflict in Sudan spiraled out of control once again. A coalition of the National Democratic Alliance and SPLA/M forces opened an eastern front, seized patches of territory between the Red Sea and the Blue Nile,

threatening the Roseires hydroelectric dam near Damazin. Ultimately, this brought about the Khartoum Peace Agreement signed between the government and six splinter rebel groups. However, mainstream SPLA members were absent in the negotiation leading to the agreement. All of this coincided with the commencement of exploration and development in the Sharaf, Tabaldi and Abu Jabra oil fields in Southern Kordofan by China's National Petroleum Corporation. Another DOP attempt was made between May 2002 and January 2005, and many explain this initiative was due to the increasing interest of the US to fight the War on terror.¹ But most of all, the evident interest regarded pressure from the oil lobby upset for being denied access to the lucrative Sudan market because of American Sanctions.

These incidents suggest that the crisis in Southern Kordofan was caused by economic competition surrounding the issue of oil exploitation between the two Sudans.

Comprehensive Peace Agreement

The Comprehensive Peace Agreement in 2005 represents a missed opportunity to bring justice to the Nuba tribes because it failed to give them the chance to address the issues of power sharing and land. In contrast to the peace agreement that they concluded with the government in 2002, the CPA leaves the Nuba to an uncertain future.

Two highly crucial elements of the CPA are (i) the six-year transitional period that led to the referendum and the secession of the South Sudan from Sudan, and (ii) the contested areas between the North and South, namely Blue Nile, Southern Kordofan and Abyei, would decide their fate through popular consultation.

In exchange for the guarantee of a referendum for South Sudan, the SPLM

In exchange for the guarantee of a referendum for South Sudan, the SPLM abandoned the Nuba agenda

abandoned the Nuba agenda. This compromise was reflected in two

major points of the negotiations. The first was the division of Southern Kordofan into two states and the second was the decision allowing the popular consultation in the Blue Nile and Southern Kordofan to take place after the referendum in South Sudan. With this compromise, the Nuba tribes lost a bargaining chip that they were never able to regain.

Mistrust between the SPLM and the National Congress Party (NCP), and the lack of political will display by their partnership government, led to hesitancy. The NCP feared that the popular consultation would lead to the Nuba tribes deciding to join the South, which would lead to the loss of the oil rich Heglig area.

The popular consultation was an attempt to give the Nuba indigenous tribes the political mechanism to determine their future. But the consultation never took place. The NCP made only false promises to Nuba tribes due to pressure from the international community.

Southern Kordofan election

The demarcation and reassignment of areas of Southern Kordofan was a clear attempt of the government to politically marginalize the Nuba and replace them with Arab tribes loyal to the government in Khartoum.

In accordance with the CPA, the general elections were scheduled for 2009 but were held in April of 2010. The main reason for the delay was the disputed results of the 2008 census which led to a new one to be held in June 2010; significantly the number of counts recorded increased from 1,406,404 to 2,508,268 persons. The final voter registry, which was published by the NEC on March 4 2011, included 642,558 voters in Southern Kordofan, out of 1,172,406 eligible voters. The Carter Center noted that the number of registrants was "approximately 100,000 fewer" than during the previous April 2010 elections.

The issue of ethnic and religious identity was of great concern to the opposition party but these two elements were highly downplayed by the Government. The SPLM accused the government of politicizing the

census in Darfur and Southern Kordofan by preventing displaced Nuba

The demarcation and reassignment of areas of Southern Kordofan was a clear attempt of the government to politically marginalize the Nuba and replace them with Arab tribes loyal to the government in Khartoum

from returning to their homes in order to maintain the dominance of the Arab tribes.

The Regional elections of Southern Kordofan were conducted on May 2011, four months after the referendum of South Sudan. Preoccupied with its new found independence the South forsook its allies in the north, the SPLM North. The NCP's priority was to remain in power, and the isolation of the Nuba allowed the NCP to dominate the election process. There was little opposition. The SPLM North's candidate withdrew due to the continuation of the Darfur conflict and elections irregularities. This permitted the NCP candidate, Ahmed Haroun, who is under indictment by the International Criminal Court in The Hague for his role in Darfur, to be reelected as governor in Southern Kordofan. As governor, he can safeguard his party's interests against the Nuba and the SPLM North. His victory essentially marked the beginning of the current conflict in Southern Kordofan.

Disheartened, the Nuba have lost hope for any political change. They have also become skeptical about the SPLM North representing their interests. Consequently, the party has lost popular support from the Nuba in Southern Kordofan. The loss of the South, which produced 70 percent of the oil revenues as well as the weakness of the opposition in the Southern Kordofan, allowed the NCP to reassert control of the area by exploiting the region's religious and ethnic divisions in order to advance their economic agenda.

The unwillingness of the NCP to give the Nuba a genuine chance to decide their fate has created obstacles for peace and reconciliation. There is great danger of a return to conflict

to arise between the two Sudans, and the emergence of a humanitarian crisis in Southern Kordofan.

Conclusion

The discovery of new wealth caused an opening of an eastern front during the civil war that changed the dynamic of the civil war to one of centre vs. periphery rather than one of North vs. South, the Centre represent elites of the Regime and their loyal supporters and the peripheries represented in the Sudanese population of the South, North and the East that have been effected by the economic interest and manipulation of the Regime.

Now, almost a year after the eruption of the present conflict in Southern Kordofan, Sudan and South Sudan, with the facilitation of the African Union, have reached an agreement on oil revenues, transport fees, and transitional financial assistance for Sudan. However, the crucial issue of Southern Kordofan remained unresolved and now threatens the stability of the North Sudan and possible returns of Conflict with South Sudan and Darfur.

Endnotes:

1. IFAD website, "Empowering the rural poor under volatile policy environ-

ments in the Near East and North Africa Region", Report 3rd March, 2003, www.ifad.org/events/nrp/case/sudan.pdf

2. Mohamed Sulieman, *Cultivating Peace: Conflict and Collaboration in Natural Resource Management*, 1999, International Development Research Centre, Ottawa p. 205-220.

3. Habitat International Coalition, Guma Kuna Comey, *Communal Land Rights, Identities and Conflict in Sudan: The Nuba question*, Paper Conference (accessed May 13, 2012) <http://www.hicmena.org/documents/Kunda%20Kumey%20Nuba%20Question.pdf>

4. BBC New Website: "Land Grab or Development Opportunities ", accessed on the 12 May 2012)

5. Sudan News Agency (SUNA): Article by Professor Ibrahim Gambari -Special Representative for the African Mission-United Nation mission in Darfur, "Water for Peace in Darfur "(Accessed on April 18th 2012)

6. UN General Assembly, *Operation Lifeline Sudan : resolution / adopted by the General Assembly., 21 December 1990, A/RES/45/226*, available at: <http://www.unhcr.org/refworld/docid/3b00efe454.html> [accessed 20 June 2012]

7. The guardian Website, last modified 2 October 2001, US Bombing Khartoum Al-Shiffa Pharmaceutical Plant in August 2000 <http://www.guardian.co.uk/>

[world/2001/oct/02/afghanistan.terrorism3](http://www.guardian.co.uk/world/2001/oct/02/afghanistan.terrorism3)

8. Sudan Tribune, last modified 30th May 2007, John Youg, *GAD Peace Process: An Evaluation*, www.sudantribune.com/IMG/pdf/Igad_in_Sudan_Peace_Process.pdf

9. International Crisis Group, October 2008, *Sudan's Southern Kordofan Problem ; the Next Darfur Crisis group Africa report n. 145* www.crisisgroup.org/~media/Files/africa/horn-of-africa/sudan/Sudans%20Southern%20Kordofan%20Problem%20The%20Next%20Darfur

10. Sudan tribune website, Factbox: Southern Kordofan Elections, last modified 11th April, 2011, <http://www.sudantribune.com/Background-briefing-South-Kordofan,38531>

11. Darfur Relief and Documentation (DRDC), last modified 16th June, 2012 report of 2012 on the 5th population consensus in Sudan, southsudaninfo.net/wp.../5th_population_housing_census_sudan.pdf

12. Geopolitical monitor website: last modified April 7, 2012, SPLM to boycott elections in most of north Sudan <http://www.geopoliticalmonitor.com/splm-to-boycott-elections-in-most-of-north-sudan-3660>

13. International Crisis Group website, Alerts: last modified April 18, 2012, Preventing Full-Scale War between Sudan and South Sudan



about the ITPCM

pp. 32 - 33

The ITPCM

Next Events & Trainings

For complete info about trainings, research, evaluation and project design/delivery activities please refer to our website: www.itpcm.sssup.it

Inauguration Ceremony

When/Where

Description



**PROSECUTOR OF THE
INTERNATIONAL CRIMINAL COURT
Ms. FATOU BENSOU DA**

22 Oct 2012
Pisa, Italy

Ms. Fatou BENSOU DA will visit the **Scuola Superiore Sant'Anna** on the 22nd October 2012. She will deliver the key-note speech at the Inauguration Ceremony of the 2012-2013 Academic Year. **OPEN EVENT**

contact: itpcm@sssup.it

Trainings/Education

When

Deadline

Contacts

**COMUNICARE LA COOPERAZIONE E
LA SOLIDARIETÀ INTERNAZIONALE**

25 - 28 October
2012

19 September 2012

a.mezzasalma@sssup.it
www.itpcm.sssup.it

**MASTER OF ARTS IN HUMAN
RIGHTS AND CONFLICT
MANAGEMENT**

January 2013 -
Spring 2014

2 July 2012 - I RD non EU
17 Sept 2012 - II RD non EU
17 Oct 2012 - EU

humanrights@sssup.it
www.humanrights.sssup.it

**PHD IN POLITICS, HUMAN
RIGHTS & SUSTAINABILITY**

21 January 2013
- onwards

17 September 2012 - non EU
1 October 2012 - EU

infophd@sssup.it
www.sssup.it/phd

**INTEGRATED TRAINING COURSE
ON MENTORING AND ADVISING**

18 -22
February 2013

16 January 2013

a.creta@sssup.it
www.itpcm.sssup.it

**HEALTH SYSTEMS THROUGH
CONFLICT AND RECOVERY**

8 -19
April 2013

18 December 2012 - I RD
26 February 2013 - II RD

hscr@sssup.it
www.hscr.sssup.it

THE ITPCM

Staff members & Contacts:

Director:

Prof. Andrea de Guttry
deguttry@sssup.it

Peace Keeping Branch

Emanuele Sommaro
Research Fellow
esommar@sssup.it

Barbara Nicoletti
Research Fellow
b.nicoletti@sssup.it
Annalisa Creta
Research Fellow
a.creta@sssup.it

Alessia Lenci
Project Officer
a.lenci@sssup.it
Rossella Altamura
Project Officer
ro.altamura@sssup.it

Decentralised Cooperation Branch

Annarosa Mezzasalma
Project Officer
annarosa@sssup.it
Serena Rossignoli
Project Officer
s.rossignoli@sssup.it
Luisa Nardi
Research Fellow
l.nardi@sssup.it
Fabrizio Coticchia
Research Fellow
f.coticchia@sssup.it



the ITPCM venue in Pisa, archive photo

Communications

Michele Gonnelli
Communication/Media Officer
m.gonnelli@sssup.it

The ITPCM International Commentary:

Chief Director
Francesco Ceccarelli
Scientific Director
Andrea de Guttry
Editor in Chief
Michele Gonnelli
Graphic Design
Michele Gonnelli

Secretariat & Logistics

Federica Faldella
profile@sssup.it
Pasqualetta Campus
itpcm@sssup.it

Address:

Via Cardinale Maffi, 27
56127 Pisa - ITALY
tel: +39 050 882685
fax: +39 050 882665
itpcm@sssup.it
www.itpcm.sssup.it



International Training Programme
for Conflict Management

