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**SOUTH SUDAN: A NATIONAL
PROJECT AT A STANDSTILL**

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SOUTH SUDAN: A NATIONAL PROJECT AT A STANDSTILL

Abstract:

After more than two years of independence South Sudan fails to consolidate a national project that is capable of providing more democracy, more safety and more development to its population. During this time, far from building confidence of society in the new institutions of the State, the Government of Salva Kiir has wasted the unanimous popular support that provoked the desired national sovereignty. Internationally, outstanding disputes with Sudan continue to set the political agenda and should be resolved as soon as possible, but in internal key, restore social cohesion is even more compelling for a young country which still continues seeking its way.

Keywords:

South Sudan, Salva Kiir, SPLM, social cohesion, Constitution, oil.

INTRODUCTION

South Sudan has had its second anniversary as a sovereign state and, still far from a more stable, peaceful and developed future, its situation keeps getting worse without the national authorities doing anything to prevent it. On the 9th of July 2011, South Sudan got its independence after the celebration, in January of that year, of a historical and awaited referendum, in which more than the 75% of the voting population and the cause for the independence received the support of almost 99% of the voters. Five long and cruel decades of armed fighting against the oppressor Jartum, only interrupted by an insufficient truce between 1972 and 1983, were left behind. On the 1st of September 1956, emancipated from the English-Egyptian colonial power and, that very same day, the first civil war (1956-1972) began in the Arab and Muslim north, which exercised a centralised and oppressive power that prevented South Sudan from leading its own future as a sovereign nation.

During this long conflict, and while oil was becoming a relevant source of wealth in the country during the 1990s, national reconciliation between the north and the south was never intended to evolve, neither a political option was explored, especially referred to the administration of the State that would make the unity of Sudan feasible. On the contrary, the South was sinking into poverty, despite the fact that 90% of oil companies were in its territory, and into violence: the civil war caused the death of more than two million people, the displacement of four million people, and left 600,000 refugees in bordering countries like Ethiopia or Eritrea.

At the start of the 20th century, the support of the international community was determinant to stop the conflict and achieve a negotiated solution between the President of Sudan, Omar Al Bashir, and John Garang, the chief of the Sudan People's Liberation Army/ Movement (SPLA/SPLM)¹. On the 9th of January 2005, both parties signed the ultimate Comprehensive Global Agreement² (CPA), which established a provisional period of six years, during which

¹ John Garang –the true and legendary leader of the South Sudan independence movement– died in an helicopter accident on the 31st of July 2005, a few weeks after the ratification of the Comprehensive Peace Agreement (CPA) and having been designated, as a consequence of the CPA, Vice-President of Sudan and President of the autonomous region of South Sudan. During his funeral, strong demonstrations that claimed that the accident had not been a coincidence and that caused the death of 100 people, were carried out. The rapid response of Salva Kiir, second in charge of the SPLM/A, allowed the recovery of the South's stability.

² *Comprehensive Peace Agreement 2005*. Full text available on

South Sudan would reach great autonomy and that should conclude with two popular referendums: one to decide the emancipation of the region of the south, and another to determine the belonging of the oil region of Abyei to the north or south. In addition, this treaty gathered, as the pillar of a stable peace, the necessity of delimiting a common frontier on the base of the "Line 1956"³, with special attention to the states of South Kordofan and Blue Nile, which claim their inclusion for historical reasons in the south of the country. Also, the agreement required fixing the distribution of benefits from oil and also the shared taxes for its production and exploitation, which would stay mainly in the south, in a region of future independence.

However, the great challenge was the only thing achieved: holding the referendum that ratified the independence of South Sudan, and that was reached thanks to the United Nations, European countries, and United States intervention. The disputes on oil production and the use of oil pipelines, the issue of Abyei, and the unfinished delimitation of a real international border are the bigger challenges that are damaging the relationship between both countries, causing continuous military conflicts that maintain the possibility of a new open war, this time, international-wise. Regarding the region of Abyei, where the most important oil companies of Sudan are found, the resolution—approved by referendum by both parties— on the belonging of one of the two countries keeps being the most difficult matter in bilateral relations, especially because of its economic importance. Today, 30th of October, a popular consultation was held in the region and, although both countries have assured that they will not officially express the electoral decision, the results will indeed have a clear effect on the political process⁴.

Nonetheless, apart from the problems with its northern neighbor, South Sudan has other conflictive domestic issues that are discouraging the population and, what is more, they are convincing themselves that the new State led by Salva Kiir's government, in which they put

<http://unmis.unmissions.org/Portals/UNMIS/Documents/General/cpa-en.pdf>. Date consulted: 12/09/12.

³During its colonial governance, the British had fixed the delineation between the north and south Sudan, creating a closed district in the south with an administration and government differentiated from the Arab north English-Egyptian co-ownership. This bordering line was known after the independence of Sudan as "Line 1956" and today it constitutes the most important international dispute between Sudan and South Sudan.

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their hopes at the time of the national emancipation, is not working. Although Sudan's problems are extremely serious and difficult to solve, despite the continuous signed agreements and not accomplished, what is even for the Sudan people is the certainty of being fooled and forgotten after having stood decades of fights and suffering.

The social cohesion that largely prevailed during the conflict has been broken, and thus ethnic rivalries have worsened; security forces do not get to consolidate as the single actor using force; the Constitution keeps being precarious in terms of law transition and the political circles has been regenerated so as to achieve greater social representation; and, lastly, Salva Kiir's government has sunk the economy of the country and the development of its population due to his decision of paralysing oil production for more than a year and a half. Therefore, South Sudan's effort to build the state has deeply failed, and the relations between state and society are getting more distant. Showing the domestic shortages of this young African nation –in terms of security, good governance, and development–is the main goal of this document. The determination of national authorities to deal with this challenge is undoubtedly the only way to establish a peaceful and stable future for its inhabitants.

TRIBAL CONFRONTATIONS AND INEFFECTIVENESS OF THE SPLA

Social cohesion among South Sudan's different populations, as well as its confidence in Juba's government, is almost inexistent. During the conflict, Jartum exploited ethnic divisions –under the new political theme “divide and rule”– so as to subjugate the South's insurgency. In spite of ethnic rivalries and fight for power being constant, the possibility of achieving independence, after ratifying the Comprehensive Peace Agreement in 2005, turned into a unifying factor among the main black tribes: the Dinka, the Nuer, and the Shilluk. However, the frequency and intensity of ethnic confrontations increased since 2009 and sharpened even more after the presidential elections in 2010. The electoral result gave the Dinka people –majority inside the Sudan People's Liberation Movement/Army (SPLM/A)– an almost absolute power in all regional institutions and, since then, the lack of political representation of the rest of the tribes and ethnic groups worsened internal tensions.



Territorial division between Sudan and South Sudan
Made by the author

Throughout the country, armed conflicts are the greater challenge to security, which confronts the centralised government of South Sudan, whose inaction has mainly instigated ethnic violence. The most persistent conflicts are found in Upper Nile and Jonglei States, although they also emerge in Warab or in the bordering Unity, where the Misseriya minority Arab races inhabit. Sometimes the underlying reason is the fight for control of the scarce resources (water, land, and livestock), but, in other cases, rivalries stand for political issues. Currently Jonglei has become the epicentre of ethnic violence in South Sudan and there is also emerging the bigger insurgent group against Juba's power. In January 2012, the locality of Pibor (Jonglei) registered the most serious incident: thousands of Nuer rebels launched reprisal attacks against Murle communities, where hundreds were killed and more than

50,000 people were forced to displace, according to United Nations⁵. As in previous cases, the government reacted with forces of the SPLA (now turned into the regular army of South Sudan), but it was unable to stop the slaughter or punish the people responsible.

In the field of political insurgence fight, the Murle rebel movement, led by David Yau Yau⁶ since 2010 and which counts on 6,000 troops, has become the main enemy of state power. In February 2013, the SPLA launched an offensive against the insurgency in Jonglei, which caused a serious humanitarian crisis with more than 100,000 displaced people and started a serious crisis that increases every day the marginalisation and the isolation of tribes that do not participate in the building of the state. In August, the United Nations Security Council stated, once more, its serious concern about the increase of violence in South Sudan and it condemned the systematic attacks against civilians in the state of Jonglei and the damage of the humanitarian situation in this state, issues that remain unsolved.

This spiral of violence has been exacerbated by the disarmament policy carried out by the government and executed by the still precarious security forces: SPLA, which keeps using tactics from the civil war and is full of constant allegations of human rights violations. Although SPLA has executed various coercive arms embargo campaigns among South Sudan communities; these have only achieved partial success, as they have not been enough to establish security and have caused the return of the arms to the people as the only way to defend themselves from the rival tribes. Today, the confidence of the population in the SPLA –guarantor of South Sudan’s security– is weak among the majority of the population. On the contrary, former rebels that heroically fought for national independence have become, for the Dinka rival tribes, the oppressor actor of Juba’s government and they are even seen as instigators of the ethnic rivalry.

⁵Thousands of people flee from South Sudan because of the tribal conflicts. Euronews.es, 03/01/12. Available on <http://euronews.es/noticias-internacionales/miles-de-personas-huyen-del-sur-de-sudan-por-los-conflictos-tribales/>. Date consulted: 09/10/13.

⁶ David Yau Yau ran for 2010 elections to lead the Regional Assembly of Jonglei and narrowly lost against the SPLA candidate. After denouncing the electoral fraud, Yau Yau began the armed insurgency against Juba’s government, which has caused greater confrontations and the most serious humanitarian crisis since the national independent in 2011.

GOVERNANCE CRISIS: FRAGILITY OF THE NEW STATE

Along with the lack of capacity of Salva Kiir's government to guarantee security in its sovereign territory, the weakness of democratic institutions and administrative structures keeps being a great national problem, and this has made the evolution insufficient during these two years of independence. The serious governance crisis that the country suffers is largely due to the lack of experience of the centralised power and political institutions, as South Sudan achieved the state status after only six years of regional autonomy between 2005 and 2011. Undoubtedly, the challenge of building all the parameters of statehood in a short period of time is a great challenge, but it is also true that the new authorities of the country have not showed any interest in progressing in this field. Today, the gap between the state and society is bigger than in the times of fight against Sudan's authoritarian and centralised power.

In this regard, for the great majority of South Sudan's population, the current government is a repetition of exploitation and abandonment executed since Jartum over the South's population before the independence. After achieving it, the citizens believed that the new sovereign power a new planned route, and that soon would start glimpsing peace: none of that has happened. To his point, political leaders have squandered the unanimous popular support that led to the declaration of independence and, currently, the majority of the population –favoured Dinka people included– is convinced that the government and the country is worryingly drifting. Before this situation, which has turned South Sudan into a new failed state, many in the international community also wondered if all the efforts deployed in the country have been for nothing.

South Sudan's political process started with 2010 elections as part of the compromises achieved with the signature of the Comprehensive Peace Agreement in 2005, even under Sudan's governmental suspicion. At a regional level, the electoral results gave almost absolute power to the SPLM leaders, led by Salva Kiir, at the same time that the losing parties denounced several frauds in the elections, as well as the intimidation executed by SPLM so as to gain the population's vote. With this government, which was regional then, the independence was achieved. From that key moment onwards, little has been done regarding power distribution and social representation: something essential in a country,

with a relevant ethnic and cultural diversity, that needs social cohesion even more, as well as the feeling of belonging to a still incipient national project. Before this situation, Salva Kiir should have reacted and launched inclusion and reconciliation policies among the tribes and population of South Sudan, but, on the contrary, he promoted division and rivalry.

Today, the National Assembly keeps being dominated by the SPLM, which has the 90% of seats, and political opposition is very scarce and it is weakened by the constant intimidation carried out by state authorities. For now, Salva Kiir has not presented any possibility of anticipating general elections that can solve the lack of representation in institutions. The next elections is foreseen for 2015, but the current government –according to the provisional Constitution–can postpone it unilaterally. Maintaining this situation in the state administration, in which forces or associations independent from SPLM are not allowed, could lead to the social chaos of the country and, in the worst case scenario, to violence as the only way to stand against power, almost absolute, executed since Juba.

Furthermore, the Basic Law of the State, South Sudan's constitution, keeps only being a transition law, and the demanded reform process has not started yet. Undoubtedly, behind this political inaction lies the fear of the SPLM to lose its prerogative of absolute and excluding leadership, according to the country's plans. Before the independence, the transitional Constitution of 2011⁷–which substituted the 2005 provisional– gave extraordinary powers to the President, holding powers of the Head of State, Head of Government, and Commander in Chief of the Armed Forces, and whose decisions cannot be contested before any political institution. Thus, in July 2013, Salva Kiir dismissed his entire cabinet⁸ and, among its members, Vice-President Rieck Machar and Secretary General Pagan Amum, biggest South Sudan's negotiator in the conversations with Sudan. Everything suggests that behind this decision lies the goal of the current President of staying in power, once Rieck Machar's policies were dismissed, as he had already announced his intention of running for the leadership of SPLM before 2015 elections. Towards the end of August,

⁷Transitional Constitution of the Republic of South Sudan, 2011. Available on: http://www.wipo.int/wipolex/es/text.jsp?file_id=250715. Date consulted: 27/08/13.

⁸Unión Africana urge al presidente de Sudán del Sur a formar un nuevo Gobierno "rápidamente". Europa Press, 25/07/13. <http://www.europapress.es/internacional/noticia-union-africana-urge-presidente-sudan-sur-formar-nuevo-gobierno-rapidamente-20130725203744.html#AqZ1ja08CmKJVIF>. Date consulted: 09/10/13.

President Kiir appointed a new government⁹, now free from any dissent against his authoritarian policies. However, before this state crisis, it would be convenient that South Sudan's democratic institutions faced, as soon as possible and without further delay, a political process to promote a new and ultimate Constitution that becomes the legal and legitimate base to guarantee democracy and national unity.

WITHOUT OIL, DEVELOPMENT SINKS

After independence, South Sudan kept 75% of the former united Sudan's production, but it needed the collaboration of its northern neighbour to exploit, refine, and export oil: the only existent pipeline crosses the entire Sudan until Port Sudan, and, also in the north, there are the only oil refineries. Thus, it was necessary to renegotiate the agreements to fix the taxes for oil transit throughout Sudan's territory, as well as the payment, on behalf of South Sudan, of the remaining debt because of taking profit of oil infrastructures, that was paid by Jartum in the last few decades. Since then, and despite the continuous disputes with Sudan, oil production should have become an enormous and almost only source of resources for South Sudan: the economic factor that covered the viability of the building of the new state. However, Salva Kiir's decision of closing oil production in January 2012 has practically led the country to bankruptcy, and it has increased even more the levels of poverty and underdevelopment of the population.

The unilateral closing of production enormously aggravated the unstable situation in the bordering region, which reached its peak on the 10th of April 2012 with the attack and occupation of Heglig population, in the Sudan state of South Kordofan, by South Sudan's military forces. During ten days, the possibility of an open war between the two countries was very close and, once again, international cooperation –especially from the African Union–managed to start negotiations between President Al Bashir and Kiir to pacify the conflict and restore oil extraction and its export through the Red Sea. After several meetings

⁹ El presidente de Sudán del Sur nombra al portavoz parlamentario James Wani Igga como su 'número dos'. Europa Press, 23/08/13. <http://www.europapress.es/internacional/noticia-presidente-sudan-sur-nombra-portavoz-parlamentario-james-wani-igga-numero-dos-20130823211206.html#AqZ1tkvfjsPovBYZ>. Date consulted: 09/10/13.

without any agreements, South Sudan resumed production in May 2013¹⁰, although days later, it was Al Bashir who ordered the interruption of the flux of oil coming from South Sudan to protest against the alleged support of the neighbouring country to the Sudan rebels. Although production and exportations are already restored, the situation keeps being very unstable and future decisions that affect this important source of wealth to both countries cannot be dismissed.

Thus, the disputes over the oil exploitation will keep instigating the conflict and this will not be concluded until other litigation issues are finished, such as the delimitation of the border and the resolution of the final status of the region of Abyei, but the dependence of South Sudan of oil economic benefits is greater than the one of its northern neighbour. Thus, in this period of inactivity, Salva Kiir and its cabinet have been forced to govern with an austerity budget, with more negative effects in Juba than in the rest of the country, and they have also exhausted the country's financial reserves. Moreover, the rest of states have not received the benefits that they should have obtained from oil production, which have been delayed due to all development programs. Therefore, this long crisis has become another reason to increase distrust of society, which either sees economic benefit from independence that –according to the new sovereign state– would mainly come from oil. Another evident consequence on the ground has been the lack of development of basic infrastructures –from roadways to water or light pipes–, which is the main body of any state and a key element for the prosperity of its population. President Salva Kiir must solve this dispute with Sudan as soon as possible and definitely, because it is causing irreparable damage to the country that it suffers since its independence in 2011.

¹⁰Sudán del Sur reanudará la exportación de crudo a Sudán a finales de mayo. Agencia EFE, 06/07/13. Available on http://www.ideal.es/agencias/20130406/economia/sudan-reanudara-exportacion-crudo-sudan_201304061659.html. Date consulted: 09/10/13.

CONCLUSION: SET ITS COURSE TOWARDS THE NATIONAL PROJECT

Although solving the remaining disputes with Sudan keeps being a key challenge for Juba's government, regaining the confidence of its population –with more democracy, more security, and more development– must be its main goal. In almost two years, state action has not made de most of the pride of a population that had fought and suffered decades of war so as to achieve their long independence. Now, there is little to point in raising its foreign enemy's flag to unite a population that does not enjoy any promised benefits by their leaders, even more when the dream of achieving an inclusive and viable national project is getting further and further.

Today, relations between population and state are undermined by violence and poverty, and a social disappointment with governmental politics is worryingly increasing, which is being established in corruption and clientelism and about which only the SPLM members have decision-making power. Before this situation, Salva Kiir's government must launch as soon as possible the reform and renovation of democratic institutions based on a new widely agreed Constitution and holding of new general elections; meet a process of national reconciliation and reconstruction of security and, what is more important, boost development through an egalitarian distribution of wealth from oil, which must get to the population as soon as possible. On the contrary, and before the uneasiness of the international community, South Sudan will have future of upheaval as sovereign state, which would have serious consequences, not only for the country, but for the entire region, and for the entire Africa.

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