

A stylized map of Sudan composed of a grid of grey dots. Several dots are highlighted in red, indicating specific regions or points of interest on the map.

The Party is Over

Sudan between euphoria and a hangover

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- While independence helps the government in South Sudan to consolidate its position, the North is facing an endurance test in its domestic policy.
- None of the outstanding issues between the North and the South have been settled. The South will now be able to be more assertive in the ongoing negotiations.
- It remains to be seen whether the current currency conflict is part of a lasting phase of a »war without weapons« or will soon give way to a North-South policy influenced by political interests.
- How to implement the Comprehensive Peace Agreement once it expires: the regions South Kordofan, Abyei and Blue Nile on the border will bear the consequences.
- The problems in North and South Sudan are similar, but since 9 July 2011 they have chosen different ways to resolve them.

The festivities on the occasion of South Sudan's independence were in many ways representative of the current (and future) situation of the newly established state. The youngest member of the community of African nations, South Sudan has been in the limelight of international attention and will continue to be so into the foreseeable future. The guest list and seating arrangements gave a clear indication of its most important strategic partners. Presidents Mugabe and Zuma were just as welcome as representatives of European countries. International recognition went smoothly too. South Sudan did not unilaterally rely on the peace agreement which stipulated a referendum on independence. During many delegation visits abroad and preliminary discussions and by opening up representations in strategically important regions, the government of South Sudan gathered promises of recognition in advance. The alliance between President Omar Bashir from North Sudan and President Salva Kiir Mayardit from South Sudan manifested itself through Bashir's gesture of being among the first to congratulate Kiir on independence. This alliance of convenience is characteristic of the past. Its future development, however, is unclear now that independence has resolved the question of the survival of the Sudanese People's Liberation Movement (SPLM). The two presidents demonstrated accord between the North and the South, but shortly before President Bashir's speech was to be announced there was a dispute between SPLM Secretary General Pagan Amun and Vice President Riek Machar. Pagan Amun had been moderating the programme (contrary to the original plan scheduling the Minister of Information to do so) and Riek Machar apparently intended to prevent him from announcing the President of North Sudan. He did so successfully; at the same time this openly showed the power struggle within the leadership. The new country's official name Republic of South Sudan and its only slightly altered flag finally won among other (much more divergent) proposals. Both signal: we see ourselves as South Sudanese but we have not stopped being Sudanese. It is a policy of symbols, but in view of the ongoing tensions it is a pragmatic approach.

The end of the Comprehensive Peace Agreement (CPA)

South Sudan's independence has put an end to a peace agreement unique around the world: the CPA, a piecemeal agreement consisting of six protocols and chapters

successively signed by the government of the North and the SPLM/A rebel group in Naivasha between 2003 and 2005. The world breathed a sigh of relief: Would this be the agreement to end more than twenty years of civil war? Or would it fail just like its predecessor, the Addis Abeba Agreement of 1972? The CPA has now been officially terminated without in fact having been fully implemented. Fundamental milestones such as national elections and the referendum have been implemented; the ceasefire between the North and the South has been sustained. But what about the rest of the document comprising 240 pages in total? The CPA provides for »popular consultations« through which a committee appointed by the elected parliament is to find out in »a survey among the population« whether the CPA takes adequate account of people's needs. The lack of a clear-cut procedure is one problem and the fact that the findings are not binding another. The federal state of Blue Nile carried out the planned referendum in January 2011, but the results have yet to be published. The Carter Center and national observers report massive interventions by both the ruling National Congress Party (NCP) and the SPLM. The CPA stipulates similar participation by the citizens in South Kordofan. Tensions welled up again when the elections were postponed, and they escalated into the worst battles since the CPA was signed. This has led to the »popular consultation« being suspended until further notice. The same is true for the referendum in Abyei in which the population was to determine whether they wished to be part of the (Southern) federal state of Bhar el Ghazal. SPLM and NCP were not able to agree on which groups of society were entitled to vote. It is not by chance that issues concerning the transitional areas have fallen by the wayside. None of the signatory parties represent the interests of the regions as they were war allies of the SPLM but have a North Sudanese identity and their own centre-periphery conflict with Khartoum. It is therefore not surprising that violent clashes are erupting here.

The CPA's termination also means the end of an important frame of reference which served the two Sudanese governments as well as the international community. Despite frequent political action to the contrary, none of the two signatories wanted to be blamed for disregarding the agreement. Such accusations were a frequent element in rhetorical power struggles. This gave the CPA a much more significant role than for example that of the interim constitution. Once it was concluded,

it stopped being a subject of political dispute. A peace agreement cannot go on forever. It is now time for laws and the constitution to provide the necessary frame of reference. The question is, however, how those protocols which have not yet been implemented can remain binding despite the CPA's termination.

A new state arrives, the problems remain

None of the urgent issues to be resolved once the two countries are separated were clarified before 9 July 2011. Following the referendum, North and South commissions were established to discuss ›outstanding issues‹ such as how to apportion foreign debt and allocate the oil, and currency and border issues between North and South. These commissions convene in Addis Ababa. The population has not been informed about any interim results. Problems in domestic policies are primarily responsible for the stalemate situation in the negotiations between the North and the South. Having achieved independence, the South Sudanese government displays equanimity: we trust in dialogue and should it not be possible to come to an agreement, we will continue to find alternative ways to export oil. South Sudan says it is not willing to succumb to the ›resource curse‹ and wishes to focus on a productive economy rather than rely exclusively on oil revenues. Is this political common sense or peacefulness in order to please international donors? Nobody knows, but it is clear that at present the South proves the more rational partner in the negotiations while Bashir is caught up in factional infighting within the NCP. Independence has led to more clarity and composure on South Sudan's part. The people's euphoria (›free at last‹) will carry the government for quite some time. The problems have not vanished: they were there before 9 July and they are likely to accompany both Sudans for several years to come.

In North Sudan the President will see whether his own party will pass the endurance test it is facing or collapse. Only rarely is its fragmentation as obvious to the outside world as it was at the end of April when the head of the Secret Service Salah Gosh was dismissed, a person who seemed to be irrefutably a member of the ruling clique since their coming into power. The excessive deployment of military troops in South Kordofan shows that Bashir needs to show his muscle domestically and put his opponents in their place. This makes the military intervention less of an attack on South Sudan, although it is often

portrayed as such, and more of a domestic cleansing action and marking of the territory of North Sudan. It remains to be seen whether unrest is to be expected in Blue Nile. Unlike the political forces in South Kordofan all political forces (NCP and SPLM) in Blue Nile support the SPLM governor Malik Aggar.

The absurd ›currency war‹ one week after independence, launched by the introduction of new currencies in both countries practically over night, is not a result of action influenced by political interests but rather a defiant demonstration of power. Something similar can be seen in the way the South Sudanese are treated in the North: instead of finding a pragmatic solution (e. g., dual citizenship), already in June the Labour Ministry declared all South Sudanese foreigners as of 9 July. As a consequence every one of the 20,000 South Sudanese civil servants was laid off. Once the transitional phase of nine months is over, every South Sudanese employee will be a foreigner under the law according to which a foreigner can only be employed if no Sudanese citizen can be found for the job. From a North Sudanese perspective such a move may bring relief to the over-strained labour market, but in economic terms doing without these employees, some of them highly qualified, will be extremely problematic. North Sudan is currently betting on its ›war without weapons‹ against the South.

They do not, however, seem to have any qualms about using weapons against their own population. This will apparently also be true for the Darfur region in the future: on 14 July the Justice and Liberation Movement (JLM) signed an agreement with the Sudanese government. Despite a great deal of participation of civil society and other players relevant to the Darfur conflict in the debates prior to the agreement, this piece of paper will remain a farce unless at least the Justice and Equality Movement (JEM) and the Minnawi faction of SLA sign it. Unlike JLM, they have military might in Darfur. The signing of this agreement is a repetition of a mistake made in Abuja in 2006 when only one rebel group signed a peace agreement which in turn consequently did not show any effect. Many attempts to reach an agreement in Darfur have failed and there is reason to fear that only a military impasse and battle fatigue will put an end to the armed conflict.

Additionally, the economic situation has become more and more acute. The government uses the impending losses in the oil sector as justification for extensively

raising taxes and levies. The next wave of price increases is to be expected. The economy is now feeling the adverse effects of years of focus on oil revenues while neglecting productive sectors and education. The dwindling income from oil will become the final death blow for an already collapsing economy. The government in Khartoum has been closely following the developments in the Arab world and knows what the slogan »bread for the people« entails. It has every reason to start feeling nervous.

The general political mood is aggravated by the frustration several high-ranking government representatives expressed about the international community's lack of acknowledgement of North Sudan's goodwill in letting the South go (President Bashir pointed that out in his speech on independence). The North was hoping for acknowledgement in terms of lifting US sanctions or a concession regarding the President's indictment at the International Criminal Court. Should the international community have made concessions in the immediate aftermath of the referendum? One thing is clear in any case: the military intervention of the North Sudanese government in South Kordofan is costing them their last shred of credibility. After years of trying to gain international recognition, North Sudan has again arrived at the crossroads towards becoming a pariah state.

UNAMID in Darfur will be the only UN mission left in the northern territories. The North-South mission will be withdrawn or rather relocated to Juba. It was to be expected that the government in Khartoum would not be interested in continuing with the mission and apparently international pressure was not strong enough to push for an extension. UNMIS, in particular, has made significant contributions in the North, above all in the civil auxiliary programme such as human rights monitoring in the North, something the government always considered a thorn in its side. It at least provided, however, for a minimum of reporting and documentation. UNMIS' military role has become as tragic as UNAMID's at the latest since the battles in South Kordofan. The execution of prisoners right in front of a UN camp illustrates the mission's helplessness. For Abyei the two Presidents agreed on an Ethiopian deployment of 5,000 soldiers under a UN mandate. It remains to be seen what they will be able to achieve which the UNMIS troops stationed there could not.

South Sudan: a one-party state or federal democracy?

Prior to the referendum, the position of the South Sudanese government was clear: there will be new elections. At present, the government has succeeded in implementing a four-year transitional phase for the government elected in 2010. Furthermore, an interim constitution was adopted which grants the President significant powers. These include proclaiming a state of emergency requiring only a posteriori approval by the Parliament and the unconditional dismissal of governors and the dissolution of regional parliaments »in case of (...) imminent danger for the country«. The draft constitution was prepared by a constitutional commission dominated by the government/SPLM and was reportedly adopted by the Parliament under considerable pressure. Civil society was not consulted at any point. Was this done to establish power or was it a necessary stabilisation measure? In volatile states such as South Sudan the two are very close to each other. South Sudan is still far from being defined as stable. Renegade SPLA generals are its biggest security risk: they gather militia around them and sometimes engage in local power struggles or claim resources from the parent army SPLA. The number of victims has soared to thousands in recent years. The killing of Colonel Gatluak Gai on 23 July 2011, three days after he signed a peace agreement with the SPLA, is the most recent demonstration of the rule of violence. A case in point are unorganised, marauding gangs without specific demands. They consist of SPLA soldiers who have not been demobilised and whom the civil war deprived of any understanding of how to earn a living as a civilian. This type of war mentality can also be found among the formal SPLA state army and the emerging police forces. South Sudan is nowhere near a state monopoly on the legitimate use of force. Everywhere the state does use force, e.g., in battling the renegade General George Athor, it acts excessively. This even led to an official letter of complaint from the UNMIS at the beginning of the year, exhorting the army to stay clear of civilian victims during their interventions.

South Sudan thus has a sufficient number of its own problems and tries to avoid additional military intervention, in other words: no intervention in South Kordofan (neither by the military nor in the negotiations) and in Abyei (only negotiations). Darfur too seems to be a taboo for South Sudan: the government is aware that

South Sudan needs a stable North for its development. This is why they pursue a policy to stabilise the North. To date it seems they are succeeding with this.

Speaking in pragmatic terms, the South Sudanese government has already been in power for six years: it reached its official sovereignty on 9 July 2011, but many policy areas were already in the hands of South Sudan due to its semi-autonomous status. No matter how the government's performance may have been rated before, independence has brought an »end to any excuses« as President Kiir elaborated in his speech on independence. The date, 9 July 2011, is the immediate point in time when South Sudan's period of grace expires. Shortcomings in state services, faulty economic concepts, a lack of security, corruption – all this will now redound upon the government immediately and the people will be able to hold the government accountable for them. The years of »independence discipline« when any other interests had to take second place to independence are now over. In the North, the population has virtually turned its back on the government and does not expect anything from it, but in the South a majority of the people still identify themselves with their representatives from the liberation struggle.

The returnees from the North could help with this. According to the Office for the Coordination of Humanitarian Affairs (OCHA), 304,000 people returned to South Sudan between October 2010 and May 2011, including civil servants and national MPs. Most of them have good qualifications and have come to know a developed state apparatus. If these people are employed according to their qualifications, they can contribute to improving the public services. However, such restructuring will not be possible without competition.

In the minds of many South Sudanese people, the SPLM and the government are still one. Due to the absolute power this will not change any time soon. Should the SPLM develop into a party with a party programme and leave behind its history as a rebel group and movement, there would no doubt be a stronger separation between party and state. There are only foggy notions about possible scenarios of a multi-party system in the South. Existing traditional opposition parties lack members and organisation; no new parties have yet been founded. The fact that the SPLM also accepts former NCP members in its ranks illustrates its ongoing strategy of in-


tegration, of finding strength in unity. Factions of the opposition parties already joined the SPLM at an earlier stage. One scenario might be that these factions return to their parent parties. The most realistic scenario, however, indicates that there will be (further) secessions from the SPLM should it at some point become too big. SPLM – Democratic Change, the only party splintering off SPLM permanently in June 2009, is far from being an alternative to or risk to the SPLM. Nonetheless, it tries to take a political stand with the few parliamentary seats it has. The prospects for a multi-party democracy are rather bleak in general.

Democratic economic development remains a challenge despite intensive (foreign) investments in the capital Juba. If the announcements of the government are to be believed, it is relying on agriculture as the most important sector to alleviate poverty and intends the soon-to-increase oil revenues to support that and other productive sectors. There is no discussion about the fact that a major share of the public budget is still spent on national security. Nor is there any explanation as to why the government did not save up reserves over the last six years for bridging crises such as the current fuel scarcity. Even if Khartoum did not always transfer the correct amount of the oil income allocated to the South, considerable sums have entered the state coffers of such a poor country as South Sudan. According to estimates (Global Witness), this was about 6.5 billion US dollars in total between 2005 and 2009. After 9 July it is now high time to ask critical questions about the whereabouts of the money.

A one-party state, conflict between the central government and the periphery, oil revenues versus underdevelopment, immensely diverse societies: North and South Sudan have very similar problems, but since 9 July at the latest they have different ways to resolve them.

Sudan's loyal partner: the international community

South Sudan without the presence of the international community – be they private investors, humanitarian aid workers and development aid, World Bank creditors or providers of UNMIS troops – will remain unimaginable for the foreseeable future. Their support is justified bearing in mind the humanitarian situation in South Sudan



and comparing it to other countries in the region which, despite a higher level of development, still receive considerable support. The South Sudanese government's absorption capacity will grow, and the coordination of international aid has already been improved. UNMIS will grow and is in a much better position than in the North due to the goodwill of the government. Further decentralisation will become necessary, not only with regard to the government, but also international aid. Those who only provide aid to Juba exacerbate the existing centre-periphery conflict. It is important to keep a watchful eye out for issues of democracy: standards for democratic and federal structures should not be abandoned because of alleged stability. This mistake was made when it came to the implementation of the CPA. This entails that agreement contents not be shelved. Even though the CPA is formally expiring, the problems described in it have maintained their relevance: fair distribution of political power and resources between the federal states, and the protocols on Abyei, South Kordofan and Blue Nile.

The international community is also needed in questions of future membership in regional and global organisations. Swift integration into the Eastern African Community (EAC) needs to be critically reviewed. A membership in the EAC would make South Sudan lose important customs revenues which are currently crucial for it as the only source of state revenue not dependent on oil. Honest and critical advice is necessary. Any advice should be free of national interests in South Sudan as a sales market.

While the development industry is booming in the South, the North is experiencing a withdrawal. The most obvious one is the termination of the UNMIS mission, but other organisations are also withdrawing from the North (for completely different reasons). This results not only in less aid for the North, but also less observation of the situation in the North. International attention has contributed to ensuring that many actions of the government or the security forces did not go unnoticed. The euphoria of the South and the openness of its government towards international cooperation are in contrast to the pariah in the North regaining its strength. This puts the North at risk of losing international support – at a time when the people need it more than ever. The international community should not make the mistake of punishing the population for the actions of its government.



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