

SOUTH SUDAN

Challenges and Opportunities
for Africa's New Nation



GLOBAL
POLITICAL
STUDIES

Paul F. Hartley
Ronald Bland
Editors

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CHALLENGES AND OPPORTUNITIES
FOR AFRICA'S NEW NATION

PAUL R. HARTLEY

AND

RONALD BLAND

EDITORS



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PREFACE

In January 2011, South Sudan held a referendum to decide between unity or independence from the central government of Sudan as called for by the Comprehensive Peace Agreement that ended the country's decades-long civil war in 2005. According to the South Sudan Referendum Commission (SSRC), 98.8% of the votes cast were in favor of separation. In February 2011, Sudanese President Omar Hassan al-Bashir officially accepted the referendum result, as did the United Nations, the African Union, the European Union, the United States, and other countries. On July 9, 2011, South Sudan officially declared its independence. This new book examines the opportunities and challenges for Africa's newest country; The Republic of South Sudan.

Chapter 1- In January 2011, South Sudan held a referendum to decide between unity or independence from the central government of Sudan as called for by the Comprehensive Peace Agreement that ended the country's decades-long civil war in 2005. According to the South Sudan Referendum Commission (SSRC), 98.8% of the votes cast were in favor of separation. In February 2011, Sudanese President Omar Hassan al-Bashir officially accepted the referendum result, as did the United Nations, the African Union, the European Union, the United States, and other countries. On July 9, 2011, South Sudan officially declared its independence.

Chapter 2- We're privileged to welcome Ambassador Princeton Lyman back to the Committee. He's the President's Special Envoy to Sudan and a tireless public servant. He's here this morning to discuss the remarkable and rare event that took place last week: the birth of a new nation, the Republic of South Sudan.

Six months ago, when the referendum set this event in motion, I had the honor to be in Juba. Millions of Southern Sudanese stood in line for hours to

cast their votes for independence. Person after person told me that they did not mind the wait. They had been waiting, they said, for over 50 years—what were a few more hours? Last Saturday, five and a half decades of waiting came to an end. And today, South Sudan becomes the 193rd member of the United Nations.

Chapter 3- Thank-you Mr. Chairman. I join you in welcoming back to the Committee our distinguished witness, who has a long record of service to our country and an unsurpassed depth of experience in African affairs. On July 9, 2011, the Republic of South Sudan was declared by its elected government to be independent of the Republic of Sudan. This is a rare modern milestone and one that follows decades of violent oppression and conflict. The people of South Sudan have realized their dream of independence and deserve recognition for the sacrifice and commitment they made to achieve it in the face of enormous odds. The people of the United States, from government officials to religious and academic communities, to young citizens, have had a profound impact in elevating the importance of resolving this deadly conflict. There is a prospect for new life and economic and social development in South Sudan.

Chapter 4- Chairman Kerry, Ranking Member Lugar, Members of the Senate Foreign Relations Committee, thank you for the opportunity to be here to discuss the historic achievement symbolized by South Sudan's independence and the opportunities and challenges ahead as Sudan and South Sudan seek to define their future relationship with each other and the international community.

I will discuss below the many tasks and challenges that lie ahead. But first we should recall that a fundamental objective of the 2005 Comprehensive Peace Agreement was to provide the people of southern Sudan a choice whether to continue within one country or to separate. The people made that choice in January, voting for separation, and the independence of South Sudan was achieved July 9 without major conflict and with the recognition of the Government of Sudan. All those, in the Congress, among the many public organizations and advocates, the government entities and individuals over two administrations, all those who worked for this over many years should take pride and joy in this achievement.

Chapter 5- Chairman Smith, Ranking Member Payne and Members of the Subcommittee, thank you for inviting me to testify on this important issue. I have appeared before this Subcommittee or its predecessors many times over more than two decades, primarily discussing conflict in Sudan. It is my greatest wish that peace will prevail in all of what is now Sudan. However, I

believe the widely-shared aspiration for peace in Sudan is at risk, primarily because of the actions of the Khartoum government.

Having begun my work in and on Sudan in 1981, I was fortunate, first as the Executive Director of the nonprofit U.S. Committee for Refugees, then as Assistant Administrator of USAID and subsequently as the State Department's Special Representative on Sudan, to be a member from 2001 to 2006 of the U.S. team that worked on the Comprehensive Peace Agreement and the failed Darfur Peace Agreement. As a result, I have seen the effects on the people of Sudan of the brutal, self-serving, violence-prone Bashir government for more than two decades. From these experiences, I would like to make a few key observations on the South, the so-called 'Three Areas' (Abyei, South Kordofan/Nuba Mountains, and southern Blue Nile), and our and diplomacy on Sudan.

Chapter 6- Good afternoon Chairman Smith, Ranking Member Payne, and members of the subcommittee. Thank you for inviting me to speak with you about foreign assistance support to Sudan. I want to also thank Ambassador Princeton Lyman for his dedicated efforts in serving as the current Special Envoy for Sudan, and in particular for helping to facilitate ongoing discussions between both CPA parties on critical outstanding issues. He has been an important advocate and partner for USAID in Sudan. We have worked to ensure that diplomatic and development efforts are coordinated to best accomplish U.S. foreign policy goals.

Sudan is a priority for the Obama Administration—a country where we need to provide humanitarian, development, and stabilization assistance all at the same time. While we respond to the needs of those displaced by conflict in places including Abyei, Southern Kordofan, and Darfur, we must also work with the authorities to consolidate peace throughout Sudan, and lay the foundations for long-term development of both north and south. As members of this Subcommittee are aware, it is critical for the stability of the East Africa region that the United States continues its strong commitment and reinforces our efforts to stabilize all parts of Sudan. Helping to bring stability and economic growth to Sudan is vital to our own national security. Our continued assistance to Sudan helps to stabilize the region, and that is needed now more than ever.

Chapter 7- South Sudan is currently drafting its new petroleum policy and law, both intended to be completed before the 9th of July. The development of this new legal framework is a critical opportunity for an independent South Sudan to demonstrate its commitment to the responsible governance of its most important revenue source.

With more than 98% of its budget derived from oil, an independent South Sudan will be the most oil- dependent country in the world. Many analysts are suggesting that for this reason, and because of limited capacity, weak institutions, and alleged widespread corruption, the country will be born a failed state. Global Witness has repeatedly documented how this happens elsewhere---In states where natural resource wealth is not managed in a transparent and accountable way, the results can be not only entrenched poverty and failed development efforts, but political instability and even large-scale internal conflict.

Chapter 8- : TBD sq. km. (TBD sq. mi.); Negotiations between the North and South over borders continue. This information will be updated upon conclusion of those talks. South Sudan is comprised of 10 states; Western Bahr el Ghazal, Northern Bahr el Ghazal, Warrap, Lakes, Eastern Equatoria, Central Equatoria, Western Equatoria, Upper Nile, Jonglei, Unity and is estimated to be the 7th largest country in Africa

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Chapter 1

THE REPUBLIC OF SOUTH SUDAN: OPPORTUNITIES AND CHALLENGES FOR AFRICA'S NEWEST COUNTRY

Ted Dagne

SUMMARY

In January 2011, South Sudan held a referendum to decide between unity or independence from the central government of Sudan as called for by the Comprehensive Peace Agreement that ended the country's decades-long civil war in 2005. According to the South Sudan Referendum Commission (SSRC), 98.8% of the votes cast were in favor of separation. In February 2011, Sudanese President Omar Hassan al-Bashir officially accepted the referendum result, as did the United Nations, the African Union, the European Union, the United States, and other countries. On July 9, 2011, South Sudan officially declared its independence.

The Obama Administration welcomed the outcome of the referendum and recognized South Sudan as an independent country on July 9, 2011. The Administration sent a high-level presidential delegation led by U.S. Ambassador to the United Nations, Susan Rice, to South Sudan's independence celebration on July 9, 2011. In August 2011, President Obama nominated Deputy Assistant Secretary of State Susan Page as U.S. Ambassador to South Sudan.

South Sudan faces a number of challenges in the coming years. Relations between Juba, in South Sudan, and Khartoum are poor, and there are a number of unresolved issues between them. The crisis in the disputed area of Abyei remains a contentious issue, despite a temporary agreement reached in mid-June 2011. The ongoing conflict in the border state of Southern Kordofan could lead to a major crisis if left unresolved. The parties have yet to reach agreements on border demarcation, citizenship rights, security arrangements, and use of the Sudanese port and pipeline for oil exports. South Sudan also faces various economic, government capacity, and infrastructure challenges (see “Development Challenges”).

The United States maintains a number of sanctions on the government of Sudan. Most of these sanctions have been lifted from South Sudan and other marginalized areas. However, existing sanctions on the oil sector would require waivers by the executive branch. The U.S. Congress is likely to deal with these issues in the coming months.

RECENT DEVELOPMENTS

In late August 2011, President Salva Kiir formed a new government. The new government retained most of the former ministers. The new government has 29 ministers and 27 deputy/assistant ministers. Nhial Deng Nhial was appointed Foreign Minister, while former foreign minister Deng Alor was named as minister of cabinet affairs.

In late June 2011, the United Nations Security Council unanimously approved the deployment of a 4,200-member Ethiopian peacekeeping force, the U.N. Interim Security Force for Abyei (UNISFA). Ethiopian forces began to deploy in July, while Sudan and South Sudan forces have pulled out their forces from Abyei. The parties are negotiating to reach a final agreement.

On September 1, 2011, Sudanese Armed Forces (SAF) attacked the official residence of Blue Nile State Governor Malik Agar, who is also the Chairman of the Sudan People's Liberation Movement-North. The attack triggered major confrontations between SAF and the SPLM-North forces. More than 20,000 people have fled the state to Ethiopia. President Bashir declared SPLM-N as an illegal party and ordered the closure of SPLM-N offices and the arrest of its members and supporters. In early September, President Bashir appointed an interim military governor, Yahia Mohamed Kheir. In late June 2011, the SPLM-North and the government of Sudan

signed a Framework Agreement in Ethiopia, although a few days later President Bashir rejected the agreement.

INTRODUCTION

On July 9, 2011, South Sudan officially declared independence. In January 2011, South Sudan held a peaceful and transparent referendum on Southern secession or unity, as called for in the 2005 Comprehensive Peace Agreement (CPA).¹ An estimated 3.9 million people were registered to vote, including those residing in other countries. An estimated 3.8 million people, or 97.5%, voted in the referendum, which was deemed peaceful and transparent by international observers. According to the South Sudan Referendum Commission (SSRC), 98.8% voted for secession, while 1.1% voted for unity. In early February 2011, Sudanese President Omar Hassan al-Bashir officially accepted the result of the referendum. The international community endorsed the result of the referendum.

In February 2011, shortly after the announcement of the result of the South Sudan referendum, President Obama stated that “on behalf of the people of the United States, I congratulate the people of Southern Sudan for a successful and inspiring referendum in which an overwhelming majority of voters chose independence. I am therefore pleased to announce the intention of the United States to formally recognize southern Sudan as a sovereign, independent state in July 2011.”² The Obama Administration sent a high-level delegation led by U.S. Ambassador to the United Nations, Susan Rice, to South Sudan’s independence celebration in July 2011.

Many Members of Congress welcomed the vote for independence. Over the past two decades, the U.S. Congress has been actively engaged on Sudan. Numerous hearings have been held and legislation has been passed on a wide range of issues related to the crisis in Sudan. There have been multiple visits to liberated areas by Members of Congress since the late 1980s. In November 1993, the U.S. House of Representatives passed H.Con.Res. 131, recognizing the right of the people of South Sudan to self determination.

In the coming years, Congress is likely to remain active on issues related to South Sudan. U.S. assistance to South Sudan will be an important issue for Congress in light of the fact that South Sudan is one of the major recipients of U.S. assistance. The Obama Administration has requested \$518 million for FY2012. The United States has maintained sanctions imposed on Sudan but removed them from South Sudan and other marginalized areas. However,

there are current sanctions on Sudan that will have an impact on South Sudan even after independence. Congress is likely to deal with this issue in the coming months.

South Sudan faces serious challenges in the coming years. There are a number of unresolved issues between the governments of Sudan and South Sudan, which could pose a serious threat to peace and stability in both countries. South Sudan lacks the capacity to deliver basic services to its people and demands are likely to increase in the coming years. There are also a number of new rebellions, often backed by the government in Khartoum, against the Government of Southern Sudan (GOSS).³ In 2010-2011, more than 1,500 people were killed and over 200,000 people displaced as a result of these conflicts in the South, according to United Nations and South Sudanese officials. As an independent country, South Sudan will also assume additional responsibilities currently managed by the Government of National Unity. South Sudan also lacks the infrastructure and institutions necessary for governance and delivery of basic services.

Over the past six years, the GOSS has taken a number of steps to address these challenges. The 120-mile Juba-Nimulie road, funded by the United States, is the first major highway and is likely to boost trade between South Sudan and Uganda. The project is expected to be finished by early 2012. In addition, South Sudan is seeing expanded trade and business activities locally and with the neighboring Central African Republic (CAR) and the Democratic Republic of Congo (DRC) due to the new 167-mile road in Western Equatoria. A number of towns, including Kapoeta and Maridi, now have electricity, thereby increasing business activities in these towns. The GOSS has also taken steps to expand primary school enrollment, especially for girls, over the past several years. The GOSS is also spending more funds in recent years in education and health care sectors, although expenditure on defense is much higher than the two sectors combined. In the 2010 budget, the GOSS provided \$120.6 million for education, \$70.6 million for health care, and \$373.6 million for defense.⁴

Abyei, a disputed area located between the North and the South, was also expected to hold a referendum on January 9, 2011, to decide whether to retain its current special administrative status or to be part of South Sudan. However, the referendum did not take place, in large part due to the government of Sudan's rejection of agreements on Abyei. In late December 2009, the Sudan National Assembly passed the South Sudan and Abyei Referendum Act. However, the Abyei Commission was never established, as called for in the act, and residents of Abyei were not registered to vote. In February and early

March 2011, government forces and their allies attacked several villages in Abyei and many residents fled the town of Abyei in early March 2011. On March 3, 2011, the U.S. State Department, in a press release, condemned the violence in Abyei. In May 2011, Sudan Armed Forces (SAF) invaded Abyei, dissolved the Abyei Administration, and displaced more than 100,000 people. In June, the government of Sudan and the Sudan People's Liberation Movement (SPLM) reached a temporary agreement on security and governance, as described below. In June 2011, the United Nations Security Council unanimously approved the deployment of a 4,200-member Ethiopian peacekeeping force, the U.N. Interim Security Force for Abyei (UNISFA). Ethiopian forces began to deploy in early July 2011.

PREPARATION FOR INDEPENDENCE

The GOSS has been actively engaged in addressing a wide range of issues in preparation for independence. The Political Bureau of the SPLM decided in February 2011 that the new country will be named the Republic of South Sudan, created a Constitutional Review Commission, and announced that an inclusive new government will be established in July 2011. Post-independence elections are not expected to take place, as South Sudan held presidential, parliamentary, and regional elections in April 2010, during which Salva Kiir was re-elected as president.

As part of the government's reconciliation efforts, the SPLM invited opposition and armed groups to talks and reached agreements with most of those present. However, it is likely that political infighting within the ruling party may develop after independence. The GOSS is also assisting returning refugees and internally displaced persons, and in January 2011, President Salva Kiir assured Sudanese nationals from the North that they could stay in South Sudan as long as they wish.

NORTH-SOUTH RELATIONS

Post-Independence Relations between Sudan and South Sudan

During the Interim Period (2005-2011), relations between the SPLM and the ruling National Congress Party (NCP) were poor at times, but the two sides

have managed to implement key provisions of the CPA and avoid an all-out war. In October 2007, the GOSS suspended the participation of its ministers, state ministers, and presidential advisors in the Government of National Unity to protest measures taken by the NCP and to demand full implementation of the CPA. The SPLM urged the Sudanese government to implement key provisions of the CPA and to consult First Vice President Salva Kiir on key issues (during the Interim Period, President Salva Kiir served concurrently as president of GOSS and as first vice president in the National Unity Government). In response, President Bashir accepted a number of Government of South Sudan demands in late October, except those related to the Abyei issue. President Bashir accepted a new list of ministers submitted by the first vice president, and in December 2007, the new ministers were sworn into office. After that crisis, the SPLM and the NCP worked together, despite differences on a wide range of issues.

The ruling NCP in Khartoum has been pressing the SPLM to end its relations with and support to political groups in the North, including to Northern members of the SPLM. The SPLM has made it clear on a number of occasions during the CPA negotiations and the transition period that it would not enter into a political alliance with the ruling NCP. Northern members of the SPLM are likely to form a new party opposed to the NCP. The SPLM leadership in Juba has assured the NCP that its primary objective is to maintain good relations with Khartoum and that a peaceful and democratic Sudan is in the interest of Southern Sudan. The Bashir government has been providing assistance to armed elements opposed to the GOSS over the past several years, and the SPLM is accused of providing assistance to Darfur rebel groups, according to U.S. officials. If the Darfur, Southern Kordofan, Blue Nile, and Abyei crises are resolved, prospects for better relations between the NCP and the SPLM are good.

The Crises in Abyei and Southern Kordofan

Abyei

On May 20-21, 2011, the SAF invaded Abyei, displacing an estimated 100,000 people, according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). Among the displaced are an estimated 3,800 children. President Omar El Bashir dissolved the Joint Abyei Administration, asserting that the decision was taken after consultation within the presidency, and appointed an administrator for Abyei. The first vice president of Sudan