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### **About the Author**

Anjana Varma is currently pursuing an M.A. in Law with a specialisation in Law, Development and Globalisation at SOAS, University of London. She previously worked as a Research Assistant in the Africa Programme at the Observer Research Foundation. Her areas of interest include subaltern studies, governance and political institutions in post-colonial states, and understanding globalisation through the contemporary legal framework. Specifically, she plans on writing a dissertation on multinational enterprises and the legal dimension behind their natural resource extraction in developing countries.

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# **The Creation of South Sudan: Prospects and Challenges**

## **Introduction**

On July 9, 2011, South Sudan achieved independence by separating from the northern state of Sudan to become the youngest nation in the world. The redoubtable challenge it faces is the continuance of the violent conflicts, mainly in the north, that is frustrating any attempt to bring about peace so necessary to get on with the first task of any new nation—socio-economic development. After nearly five decades of struggle, two civil wars and the deaths of nearly 2.5 million people, Sudan has reached a pivotal moment in its history. The dictates of its present circumstances emerge from its long history of oppression and the need now to find its own identity, as also the confidence of being an autonomous state. South Sudan's complex and interdependent relationship with Sudan will have a definitive impact in its trajectory as a nation, and on the prospects and challenges it currently encounters. This paper seeks to assess the present challenges that exist for South Sudan through an understanding of the historical narrative of the Sudanese state prior to the independence of the southern state. A crisis of national identity has been the key to the Sudanese state's history of violence and has manifested itself through recent ethnic conflicts such as in Darfur and in the Nuba Mountains. A history of interdependency and tensions over resource ownership has led to the heightened standoff in the oil-rich Abyei region, raising questions regarding the way ahead for the two warring regions. Sudan and South Sudan's dependency on oil, the strategic importance of countries (like India) investing in the region, and the long-term issues of sustenance will play a vital role in ensuring a future of peace, progress and prosperity for both the Republics.

## **The Historical Premise: Pre-independent Sudan**

Sudan's historical links with the religions of Islam and Christianity date as far back as the 6<sup>th</sup> century. The Christian Nubia kingdoms held a strong hold over the fertile southern region of southern Sudan and achieved great prosperity and military power by 9<sup>th</sup> and 10<sup>th</sup> century.<sup>1</sup> However, the invasion of Muslim Arabs through Egypt posed a great threat to these kingdoms. The invaders built successive kingdoms and expanded their rule, isolating the Nubia Christians into a small community in the south of Sudan. Kingdoms such as the Funj and Darfur sultanate played the key role in the Islamisation of governance and identity of Sudan and its people. As Douglas H. Johnson notes,

“In the 1820s, when Egypt invaded northern Sudan, the Sudanic kingdoms—Sennar on the Blue Nile and Darfur in the West—had established concentric circles of power and coercion around a central state authority. The authority of the state was strongest around the court of the ruler, with those living nearest to it subject to taxation, and diminished the further it moved from the centre into the hinterlands, ending in a slave-raiding frontier, beyond which the power of the state ceased.”<sup>2</sup>

The sheer size of the terrain was a challenge to governance, as is evident from the significant amount of autonomy given to the various ethnic tribes to govern themselves. With the arrival of the British, a power sharing system was established where sovereignty over Sudan was shared through a British-Egyptian condominium from 1899 onwards.<sup>3</sup> Yet within this framework, the colonial powers gave a high amount of autonomy to the region, especially to the vast backlands in the South where traditional set of laws continued to be

in vogue. As Mamdani aptly notes: “The colonial state was a two-tiered structure: peasants and tribes were governed by a constellation of ethnically defined Native Authorities in the local state, and these authorities were in turn supervised by white officials deployed from a racial pinnacle at the centre.”<sup>4</sup> As a result, governance was not tight-leashed and gave certain autonomy to the various tribes.

Despite the fact that the north and south of Sudan were being administered separately under colonial rule, with the advent of decolonisation, Britain planned on giving independence to Sudan as one homogenous state. However, the country had been effectively separated with a rule in 1922 that prohibited northerners from being allowed to travel south (over the 10th Parallel) and southerners north (over the 8th), ensuring that Muslims were stopped from spreading their faith southwards while the British were able to openly support the influx of Christian missionaries to the South.<sup>5</sup> This effectively divided the region into two cultural paradigms and ensured that these two regions had a low or nil degree of interaction. This lack of cultural cohesiveness has been integral to the strong division that presently exists between the north and the south.

### **Civil Wars and Oil Fields**

In 1955, a year before it was to be proclaimed independent, Sudan slipped into a civil war that continued till 1972 and resulted in nearly 500,000 deaths.<sup>6</sup> The two warring sides were the north Sudanese, who had been bestowed greater power in the run-up to the independence and the southern Sudanese, who felt largely neglected and divorced from the decision-making processes at the centre. As Francis M. Deng notes: “At independence the dualistic administration was reversed into a unitary system in which the North dominated and began to implement a policy of Arabisation and Islamisation

in the South. By then, the South had consolidated not only a legacy of resistance to slavery, Arabisation and Islamization, but also to the separatist colonial policy. [Also] the influence of Christianity and elements of Western culture had reinforced a distinct Southern identity.”<sup>7</sup>

Perhaps it was the failure of the British to provide an equitable power-sharing paradigm for both the sides that led to the intransigence of the north to give up power and provide greater autonomy to the south, forcing the latter to rebel. But it was the residue of this particular colonial legacy that has perhaps been detrimental to Sudan's emergence as an independent state. The sense of disenfranchisement within the South and the need to fight for greater regional autonomy led to the first 17-year civil war. During this time, there was no single homogenous rebel force. There were, instead, small factions dispersed all over the south which the government tried to suppress. Through the first civil war, the south was able to fight and gather a certain amount of regional autonomy, as is evident from the Addis Ababa accords which guaranteed autonomy for the southern region composed of the three provinces of Equatoria (present-day Al Istiwai), Bahr al Ghazal, and Upper Nile (present-day Aali an Nil). A limited autonomy of governance was put in place, such as the appointment of a regional president who would be under the national president on the recommendation of an elected Southern Regional Assembly. The provision for recognizing Arabic as the official language of Sudan, and English as the South's principal language were the other main points of the agreement.<sup>8</sup> With the signing of the accord on March 27, 1972 an 11-year ceasefire period began.

However, the violation of certain points in the Addis Ababa accords led to the eruption of a second civil war. In violation of the accord, Sudan leader General Ja'afar Mohamed Numeiri carried out a series of acts that instigated the Southern rebel forces to realign and restart the war. Aside from the fact

that Numeiri sought to institutionalise the sharia as 'the sole guiding force behind the law of the Sudan', he also sought to re-define the boundaries of the regionally autonomous south Sudan in order to gain access to the newly discovered oil deposits.

Substantial oil deposits were discovered in the Bentiu region (a border area between the north and south) in 1978, South Kordofan and Upper Nile in 1979, Unity in 1980, Adar in 1981 and Heglig in 1982,<sup>9</sup> leading Numeiri to try to redefine the boundaries in order to secure these revenue generating regions. The discoveries led to the heightening of tensions in north-south relations and the mass displacement of the border inhabitants. As Johnson notes,

“Khartoum attempted 'outright confiscation' on a grand scale in November 1980, when the National Assembly, under the influence of then attorney-general Hassan al-Turabi, attempted to redraw the boundaries of the Southern Region. This contravened the Addis Ababa Agreement, the Regional Self-government Act of 1972, and the Permanent Constitution of 1973. The areas the National Assembly attempted to exclude from the Southern Region were Kafia Kingi and Hofrat en-Nahas (which had been part of Bahr al-Ghazal province in 1956) and areas deemed culturally and geographically part of 'the Southern complex' by the Addis Ababa Agreement, such as Abyei in Southern Kordofan and Chali el-Fil in Blue Nile.”<sup>10</sup>

These specific attempts at redrawing the boundaries and including the regions which historically, culturally, ethnically, and religiously owed allegiance to the southern region movement indicate a chronic incapability



of the state to resolve these issues and it was no coincidence that these were the areas that became flashpoints in the on-going conflicts.

Tension that had been intensifying with the Islamist north was increasingly infringing upon the Christian south's autonomy. One such act was the expulsion of Christian missionaries in 1962. The final straw that broke the camel's back was the Khartoum Government's declaration that Sudan was an Islamist state, effectively terminating the southern regions status as an Autonomous Region.<sup>11</sup> Guerrilla warfare increased and the rebel forces found a greater purpose to unite and fight the government forces. The second civil war, in which an estimated 1.5 million people died, began in 1983 and ended only in 2005. The death toll, which the UN regards as the highest civilian casualty figure since WWII, was accompanied by malnutrition, drought and famine. Under the auspices of the Inter-Governmental Authority on Development (IGAD), a historic agreement was signed between the Government of Sudan and the Sudan People's Liberation Movement called the Comprehensive Peace Agreement (also known as the Naivasha Agreement) in Kenya in 2005. Through a series of six agreements with different protocols, the CPA sought:

- 1) An immediate ceasefire, withdrawal of troops from South Sudan and demobilization of child soldiers deployed by the insurgent army.
- 2) The formation of a new Government of National Unity and an interim Government of Southern Sudan and called for wealth-sharing, power-sharing, and security arrangements between the two parties.
- 3) A six-year interim period starting in 2005; and through a referendum (to be held in January 2011) South Sudan would vote whether to secede from the Republic of Sudan.

Other provisions of the CPA included the formation of the National Legislature, appointment of Cabinet members, establishment of the Government of South Sudan, as also the signing of the interim South Sudan Constitution, and the appointment of state governors and adoption of state constitutions. The electoral law paving the way for national elections was passed in July 2008, and elections were held at six levels in April 2010. Laws governing the Southern Sudan and Abyei referenda and the popular consultations in Southern Kordofan and Blue Nile were passed in December 2009. The parties agreed in February 2010 to begin the demarcation of the north-south border.<sup>12</sup>

### **SPLA/M and its factions**

It is important to note that while the goal of the rebels in the first civil war was to achieve autonomy, the second war, “championed by the Sudan People's Liberation Movement and Army, was to restructure the country into a New Sudan that would be free from any discrimination due to race, ethnicity, religion, culture, or gender.”<sup>13</sup> The consolidation of the southern insurgency through the SPLA/M from 1983 to 2005 was mainly led by Lieutenant Colonel John Garang. Moved by the radical changes that were taking place, Garang, who had originally been sent to curb the mutinies taking place among the southern troops, ended up joining the rebellion and strengthening it.

It is estimated that by 1986, the SPLA was estimated to have 12,500 adherents organized into twelve battalions and equipped with small arms and a few mortars. By 1989 the SPLA's strength had reached 20,000 to 30,000; by 1991 it was estimated at 50,000 to 60,000.<sup>14</sup> However, despite the SPLA/M's strength in numbers, it fell short of staying as one cohesive body of rebellion throughout the years and, in fact, broke up into smaller factions—

one of which was the South Sudan Independence Movement/Army (SSIM/A) headed by Peter Gadet.

### **An ethnic war – the survival of the Nubians**

The name of Sudan originates from the Arabic term *Bilal al-Sudan*, or Land of the Blacks,<sup>15</sup> as it emerged on the fringes of the Arab world as one of its slave trade conquests. Out of this slave trade, there grew a sense of Arab assertiveness and dominance over the indigenous, black African tribes. The hegemonic principle of racial, moral, and cultural superiority imposed over a diverse, animistic African population led to a discourse on development and governance that was entrenched in discrimination and marginalisation.

Perhaps one of the most integral issues that inhibited Sudan from working as a harmonious nation-state is the decades of ethnic tension that reached a high level of intolerance, often manifested through violent clashes between the peoples of the two races. Arab-origin Sudanese comprise 48% of the population,<sup>16</sup> and are mainly settled in the north, whereas the rest of the South is home to a myriad of ethnic Africans, including the Dinka, Nuer, Azande, Bari, Shilluk, as well as racially mixed peoples.<sup>17</sup> As can be seen in the ethnic map (Map 1)<sup>18</sup> in the Appendix, the Arab population mainly occupies the northern territory whereas the South is occupied by a diverse range of ethnic communities, with the majority being the Dinka group (11%).

It is important to note that, more than merely the religious strain that exists between Muslims and Christians (who are only 5% of South Sudan, mainly the political elite) or Muslims and animists (majority of the tribes in South Sudan), the ethnic identity and the significance of land as a part of that identity has been fundamental in the escalation of ethno-violence. With

reference to the Khartoum Government's targeted attacks against the Nuba people in June 2011, Gettleman writes,

“Land is often code for identity and the Nuba see this as a fight for their cultural survival. The mountains are an outpost of traditional beliefs and Christianity (though there are Muslim Nuba, too) in northern Sudan. Many people here did not wear clothes until the 1970s, when the government passed laws forbidding nudity. Anthropologists have celebrated the Nuba for their singing, dancing, ferocious wrestling tournaments and dizzying number of languages, with nearly every major set of hills having its own tongue. Their land is among the most fertile in all of Sudan.”

The Nuba people comprise only 8% of the Sudanese population and, as is indicated in the map, are mainly settled in the Nuba Mountains in the central state of South Kordofan that straddles the north-south border, as also in north of Sudan bordering Egypt. Although currently settled in what will be north of South Sudan, the Nuba people have long held allegiance with the southern rebellion and many have historically fought in the SPLA. This makes them 'defectors' in the eyes of Khartoum. The Nuba Mountains have also been a safe haven and a stronghold for the SPLA insurgency and have been heavily attacked by Omar al-Bashir's troops.

### **Present Challenges**

Given such a past, it is no surprise that the Khartoum government has started a new campaign of attacking the Nubians hiding out in the Nuba Mountains in hopes of crushing the last of the insurgents within its boundaries. According to media reports, since June 2011, the Nuba

Mountains have been heavily air-bombed and thousands of Nubians are hiding in the caves and crevices of the mountains. Yet bombs continue to be dropped indiscriminately “on huts, on farmers in the field, on girls fetching water together, slicing them in half with buckets in their hands.”<sup>19</sup> As of early July 2011, approximately 70,000 people have fled the region and have become internally displaced.<sup>20</sup> Local leaders estimate that at least 20,000 people have taken shelter in the mountain range.<sup>21</sup>

Al-Bashir, who came to power in 1989 through a bloodless coup, has been the architect in the creation of a state that has carried out a number of ethnic-cleansing campaigns. In the early 1990s, the Nuba Mountains were a target for genocidal acts, such as starving the people to death by blocking their food and fuel routes, besides just shooting them down. The campaign of violence in Darfur, where al-Bashir tried to wipe out the non-Arab tribes of Fur, Masalit, Zaghawa and where nearly 300,000 people died within seven years, indicates that the recent June 2011 Nuba killings is not an isolated event. Similar to how Darfur saw the emergence of a state-sponsored militia (the Janjaweed, which massacred the indigenous African tribes), the Nuba killings are a strong pointer to the larger issue, the increasing prevalence of ethnic and state-sponsored violence in Sudan.

The historical North-South divide of the Sudanese state—with the ruling north for long renegeing on its promise of federal autonomy to the south—was a tailor-made situation for breeding deep distrust and hostility between two distinct polities. This led to the state's increasing use of violence to control the rebellious fragments of its population in the South. The rule of force, the imposition of the *sharia* on a country where the non-Islamic minorities (which together make up a majority) would be disallowed from living according to their traditions and religious beliefs and the failure of the dominant Arab polity to assimilate the African masses have all been factors that have contributed to the volatility and instability of the state.

The Khartoum regime and its authoritarian leader al-Bashir have ruthlessly employed highly coercive measures to bring about socio-religious changes that suit the state's purpose. The Nuba killings reiterate this fact, as pointed out in an analytical article in *The New York Times*: “Khartoum may feel it has to send a signal that even after the south breaks off, the result of decades of struggle for liberation, it will not tolerate other secession movements.”<sup>22</sup> With South Sudan's independence, Khartoum sees a greater need to “to stamp its authority on rebellious areas left on the northern side of the border.”<sup>23</sup> It is a power struggle within a given space to assert ethnic legitimacy. Essentially, the state has taken on a didactic and tutelary role in imposing a set identity that almost reflects the colonial project in which the colonial state sought to 'civilise' and shape the natives within a narrow framework.

### **Oil, ethnicity and co-dependency**

On June 9, 2011 Omar al-Bashir stated in a cabinet meeting: “The situation in South Kordofan is under the control of the Sudanese Armed Forces (SAF), which are now clearing the state of the remaining rebels.”<sup>24</sup> Approximately, 82% of Sudan's oil production stems from the southern oil fields.<sup>25</sup> The state of South Kordofan (which will remain a part of the North) has strategic importance for al-Bashir, as it is one of the major oil-producing regions in central and south Sudan.

However, significant border issues and ethnic clashes are occurring with the Khartoum government taking an intransigent role to get rid of the 'remaining rebels'. If South Kordofan was to become part of the new southern state, along with the areas of Abyei and Blue Nile, the North would lose 95% of its oil production.<sup>26</sup> Given the importance of oil as a source of revenue, one must ask to what extent it is a fundamental factor in the ongoing

conflict and, more importantly, a factor in the North's domination of the South. Resource ownership along with the overlapping of ethnic divisions creates a complex relationship between the two sides and is integral to any reconciliation process.

One cannot ignore the fact that Sudan is heavily dependent on oil. With a capacity to produce 500,000 barrels of oil per day and proven reserves of 5 billion barrels with the bulk lying in the south, Sudan is the 6<sup>th</sup> biggest oil producer in Africa.<sup>27</sup> According to Global Witness, oil revenues accounted for 50% of domestic revenue and 93% of Sudan's exports in 2009.<sup>28</sup> South Sudan has an even higher level of reliance, with 93% of its revenue coming from oil.<sup>29</sup> Most of the oil may be in the south, but the oil refineries, pipelines and infrastructure are in the north. One of the most important oil ports is the Bashiir Marine Terminal at Port Sudan in the Red Sea state in the north that connects the oil to the rest of the world. The landlocked South has no port of its own.

Paradoxically, the dependency on oil for both regions and the crucial role of both in its expropriation and gains is perhaps one of the major driving factors for violence and, as a corollary, the fundamental driver for reconciliation. If oil stops flowing due to war, both regions will face devastating economic losses. So far, the sharing of the oil revenue is administered through the framework of the CPA (Comprehensive Peace Agreement) which was signed on January 9, 2005. The agreement stipulates that two per cent of the net oil revenue would go directly to the oil producing states to compensate the inhabitants for the disruption caused by production, with the rest to be split on a 50-50 basis between the GoSS (Government of South Sudan) and the GoNU (Government of National Unity).<sup>30</sup> However, these provisions within the CPA, which are specific to the southern oil fields, have as of July 2011, expired. These settlements worked

during the 6-year interim period in between, but are not legally binding anymore. There are now various factions within the GoSS. Some would like to continue the current revenue sharing system, while others are vehemently opposing any sharing with the North. There has been a proposal to build a pipeline through Kenya and a refinery in the south, but as of now, the South continues to depend on the North to let the oil pass through. This co-dependency in a sense guarantees the need for cooperation and peace building for economic gains.

### **Crisis in Abyei**

The oil revenue sharing framework brought in a relatively peaceful period between 2005 and 2010. However, since the beginning of 2011, the Khartoum government and the SPLA-established government in Juba have found a major flashpoint in the oil-producing region of Abyei. On May 21, 2011, Sudanese President Omar al-Bashir sent troops to the Abyei region located on the border of the northern state of South Kordofan and South Sudan, sparking off violent clashes, causing the death of 116 civilians, and the displacement of 150,000 people. With both sides laying claims on Abyei area, it is an important issue in the long-term peace-building initiatives.

A small area of 10,460 square kilometre on the border, Abyei is a formative link between the Arab north and a Christian and ethnically diverse south, and the CPA had given it a 'special administrative status'. Khartoum has refused to accept the provisions of the Abyei protocol, which calls for a referendum to join the North or the South. As of now, the referendum has been postponed indefinitely. With the weeks progressing towards South Sudan's independence, heightened clashes between al-Bashir's troops and the local insurgent forces fuelled fears of a full scale war. However, on June 20, 2011, the two governments signed a ceasefire agreement brokered by the African Union and the subsequent deployment of 4,200 Ethiopian peacekeepers.<sup>31</sup>



The interplay of oil and ethnicity becomes most evident in Abyei. Mainly claimed by a southern ethnic group, the Dinka Ngok, Abyei is claimed by many to be an oil-rich region. However, the oil productivity of this region itself has diminished greatly and declined from 25% of total oil revenue in 2004 to only 5% by 2009.<sup>32</sup> Despite this, Abyei still has a substantial amount of usable oil. The region is also extremely fertile and “...the significance of the River Kiiir (in Dinka)/Barh el-Arab (in Arabic) to the sustenance of life here cannot be overstated. This river continues to flow throughout the harsh dry season, meaning it is the only place to graze livestock for many months of the year. Without it, the nomadic population could not survive.”<sup>33</sup> During a part of the year, an Arab nomadic tribe, the Misseriya, come down from the north to graze its cattle in the greener pastures of Abyei.

The Misseriyas thus further complicate the ownership problem, as they identify themselves with the Arab North. The National Congress Party government puts them in a hostile interface with the South-supporting Dinka Ngok. The CPA's dilemma over the Abyei issue is exacerbated by this ethnic dichotomy, as it is not able to determine who should be the participants of the referendum. The CPA defines the Abyei region as one of the nine former Ngok Dinka chieftaincies, but makes it a point to note that the nomadic Misseriya people have certain rights in the area. It is noteworthy that delineating an artificial administrative and political boundary restricts the lifestyle of the free spirited nomads who have for ages recognized no boundaries.

The southerners have very little tolerance for this community, as they believe that it is no more than a tool of the Khartoum government to oust the Dinka Ngok. What is now the problem is the massive migration—nearly 150,000 people of Dinka Ngok ethnicity have fled the region due to violence, and are steadily being replaced by the Misseriyas. According to a UN report, the

Sudanese armed forces are trying to change the demographic structure of the region through migration, so that the Messariyas who have settled in the region would vote to be a part of the North if and when there is a referendum. UN officials have added that, "this attempt to alter Abyei's demography by force must be condemned by the Council in the strongest terms."<sup>34</sup>

This encroachment of land and the subsequent violence upon the Dinka Ngok by the Sudanese troops and Misseriyan militia questions the very basis on which Sudan's identity is being defined. Francis M. Deng describes the Misseriya as being "the prototypes of the identity crisis the country is experiencing. Although they are closer to the black African race and culture, they are paradoxically among the proudest of their Arab identity."<sup>35</sup> They are the most ferocious of fighters for Arab pride and the staunchest of believers of Islam. Thus, in this prism of antagonism, the self-identification of the Misseriya with the Arab identity pegs them as deeply hostile to any other non-Arab group different from them.

### **Sanctions and India's stakes**

External stakeholders in Sudan's oil, such as China, India, Malaysia and others quite naturally desire peace and stability in the new country. Since western oil companies have been barred from investing due to public pressure as also because of the sanctions imposed on Sudan by the US in 1997,<sup>36</sup> over state-sponsored terrorism, al-Bashir's government can only look to the East to attract investors. The presence of China and its state-owned enterprise, China National Petroleum Corporation, is playing a significant role in the oil sector, with Sudan supplying 5% of China's demands. "The CNPC is the biggest equity partner in all but one of the currently productive oil fields and China is Sudan's leading oil and non-oil export partner."

China plans on staying for a long time, and has made it evident by its recent 20-year multibillion-dollar production-sharing contract for exploration rights in northern Sudan.<sup>37</sup>

As the main exporting partner, China holds a great leverage over Sudan. For many years, lobbies against Sudan's human rights violation have been telling China's CNPC to divest out of Sudan and take a firm, moral stand against the heinous crimes perpetrated by the Khartoum regime, particularly in the Darfur conflict. Since Sudan's oil revenue is funnelled into strengthening the military and procuring arms and equipment, the CNPC has been accused of indirectly supporting Sudan's human rights violations. This issue has been the bone of contention between China and the West. China continues its policy of non-interference in internal matters and Sudan's right to preserve the nation's territorial integrity. Thus to Beijing, the conflict in Darfur, however horrendous it may be, is Khartoum's internal business. China made its stand quite clear by inviting al-Bashir to Beijing a week before South Sudan claimed independence. Western nations lambasted China for not arresting al-Bashir, against whom arrest warrants were issued by the International Criminal Court in 2009 and 2010.<sup>38</sup> This cannot be considered as a defiance of any international law, as China is not a signatory to the ICC convention.

India's relations with Sudan, though minimal, have their links in recent history. In the early 1950s, India's election commission helped organize Sudan's first general elections. India helped Sudan gain entry into the WTO in 2005 in exchange for Sudan support to India's efforts to become a permanent member of the UNSC.<sup>39</sup> India has adopted a policy similar to China, that is non-interference in Sudan's internal affairs, but wants the AU to play the mediatory role in helping the Sudan government to bring the conflict to an end.

The advantage for the Asian countries is that Sudan is one country where they do not have to compete with or bid against US oil companies. In 2003, India joined the Greater Nile Petroleum Company, a consortium of CNPC, Petronas and Sudapet. India's ONGC Videsh Limited has a stake in several wells in Sudan. Their output estimated at 160,000 barrels per day, of which 100,000 barrels per day comes from oil wells in the South.<sup>40</sup> India has been actively pursuing diplomatic and business relations with the new state, having established a consulate in Juba in 2007, signifying the extent of its strategic importance. India was one of the first nations to recognise South Sudan and sent its Vice President, Mr. Hamid Ansari, to attend the Independence celebrations on July 9, 2011.<sup>41</sup>

### **Challenges confronting South Sudan**

The new Republic, as it enters the world as Africa's 53<sup>rd</sup> sovereign state, faces serious challenges. The gravest among them is its ongoing conflict with the northern state in which, since the beginning of the year, nearly 2,300 people have died, 270,000 people have fled and have become internally displaced persons (IDPs), according to UN figures.<sup>42</sup> Since October 2010, more than 300,000 South Sudanese from the North have voluntarily returned to the South hoping to get citizenship. This has created an immense pressure on the new government and aid agencies, as most of those who have arrived are homeless.

Besides this gigantic problem of refugees and IDPs, the fledgling state faces multifarious challenges of development, as is obvious from the fact it is ranked as low as 154<sup>th</sup> from the bottom in a list of 169 nations on the UN's 2010 Human Development Index.<sup>43</sup> There are just a few hundred doctors in the country. More women die of childbirth here than anywhere else in the

world and as for the infant mortality rate, the situation has been best described by a British politician: “A child in Sudan or South Sudan has a higher chance of dying in infancy than attending primary school.”<sup>44</sup> As shown in Map 2 in the Appendix, the level of education<sup>45</sup> in the south is the lowest in the entire Sudanese region, with only 5% of the children completing primary education. As for the women, 84% are illiterate.<sup>46</sup>

Its primary task, human development, stares at the face of the new nation—the bottom line being, among many other things, to put in place sound health, sanitation and basic educational facilities, besides building the infrastructure, such as roads.<sup>47</sup> Area wise, South Sudan is a little bigger than France, yet it has only 50 kms of paved roads. Of equal importance for the country is to work towards self-sufficiency in food and fuel, an area in which it is heavily dependent on trade with northern Sudan because, being a landlocked nation, it has no other access to sea-imported goods. Hostility with the North has in the past led to dire shortages in these vital necessities of life—the most recent incident having been in May 2011, shortly after the Abyei conflict re-erupted.

### **Threat of Insurgency in the New State**

An internal political problem that is certain to cripplingly hamper the onerous task of nation-building is the ongoing feud among the factions in the SPLA/M. Created through a conglomeration of small rebel groups, there are some insurgent groups within it that are, instead of putting up a common front against the North, fighting the Southern forces itself. The South Sudanese Liberation Army led by General Peter Gadet (who defected from the SPLA) is one of the most violent factions that have steadily fought against what it considers the tyranny of the Dinka majority in South Sudan.

The SPLA/M has been under fire for spending more than a quarter of South Sudan's budget on itself, an amount that is three times the money spent on health and education combined.<sup>48</sup> The SPLA, which has fought with the SSLA in a series of areas including the Unity state, claims that the Khartoum regime is instigating these smaller factions.<sup>49</sup>

In April 2011, Gadet's forces attacked two of the region's ten states and killed nearly 179 people.<sup>50</sup> There are seven active rebel groups in South Sudan and making them join the nation-building process may be very difficult, but an imperative for the nation. On the eve of independence, President Salva Kiir rightly said: "You may be a Zande, Kakwa, Lutugo, Nuer, Dinka or Shiluk, but first remember yourself as a South Sudanese. There will be equal access to existing opportunities for all."<sup>51</sup> It remains to be seen to what extent these violent groups will be successful in weakening the SPLA. Also, one asks, is the SPLA capable of transforming itself from a militant movement to an institution of stable, civilian governance?

## **Conclusion**

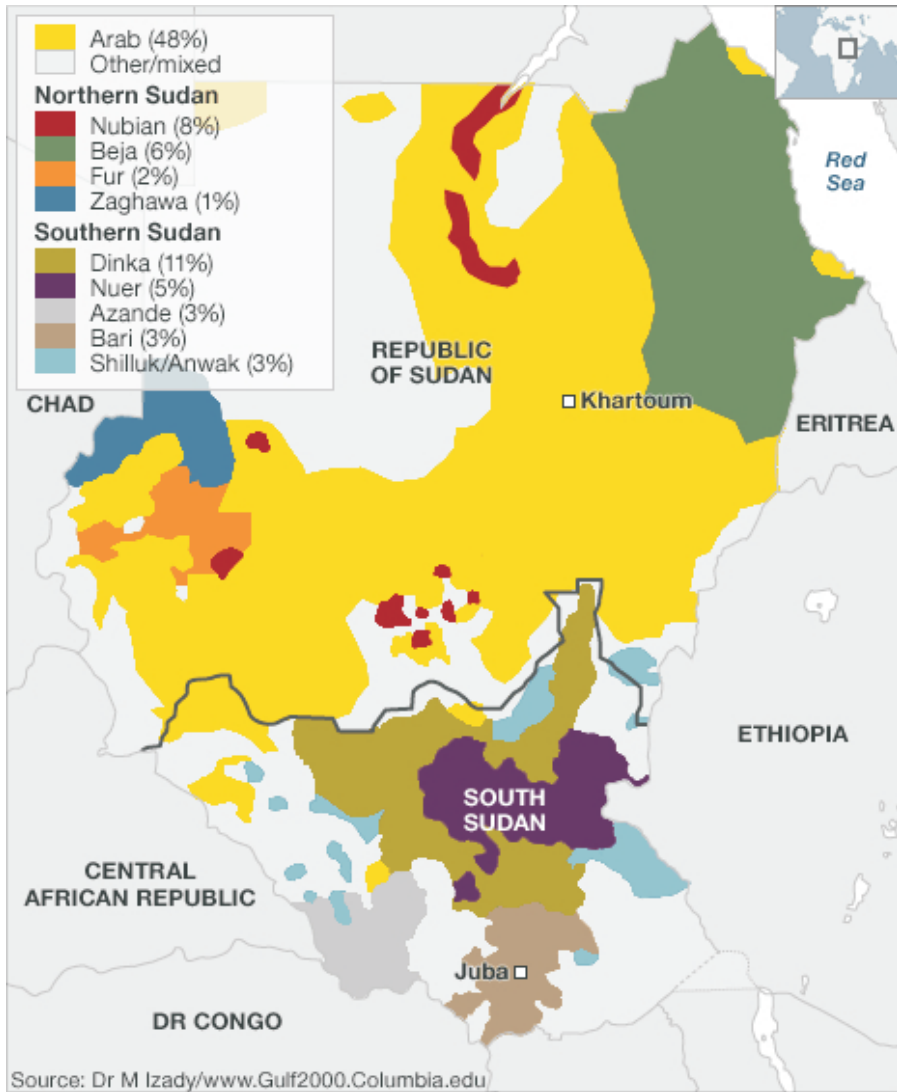
The colonial legacy of keeping the North and South divided through a normative framework in which "a person who was a Muslim, Arabic-speaking, culturally Arabised, and could claim Arab descent was elevated to a position of respect and dignity, while in sharp contrast, a non-Muslim black African was deemed inferior, a heathen, and a legitimate target of enslavement,"<sup>52</sup> created fundamentally antagonistic identities with very disparate attitudes regarding the task of nation-building. The objective of creating an Arab-Islamic state is in stark contrast to the secular black African vision of a state. It resulted in a futile and costly war of identities that has seen the perpetuation of intra-regional and regional violence. The assertion of a Southern identity through self-determination and the subsequent

creation of a South Sudan beg the question: is it the beginning of the end for Sudan as a formative state? Is the legitimisation of ethnic legitimacy pushing Sudan towards the formation of mini-states of sub-nationalistic orientation, where the citizen owes allegiance not to the greater state but to one's ethnic clan or tribe? One cannot help but wonder if a post-colonial state such as Sudan is sustainable for any length of time. One feels the leaders of the state needs to redefine their very concept of nationality, boundaries, and statehood. As things stand now, one can foresee the unravelling of the Sudanese state and a move towards a fragmentation into autonomous regions, or a loosely bound entity of federally-administered areas. The answer to the challenge the new nation faces is to urgently work for the all round improvement in the basic living condition of its citizens, who today live in a space ravaged by war, famine, drought, besides having lived for ages in the throes of a violent authoritarian state. Lifting the masses out of poverty, building the proper infrastructure, sharing of important resources like oil and water with its neighbours (especially the Republic of Sudan) have to be the priorities for the new state. And, as one of the first steps, the intra-state agents of insurgency will have to be won over to join the mainstream struggle for basic development in an atmosphere of peace.

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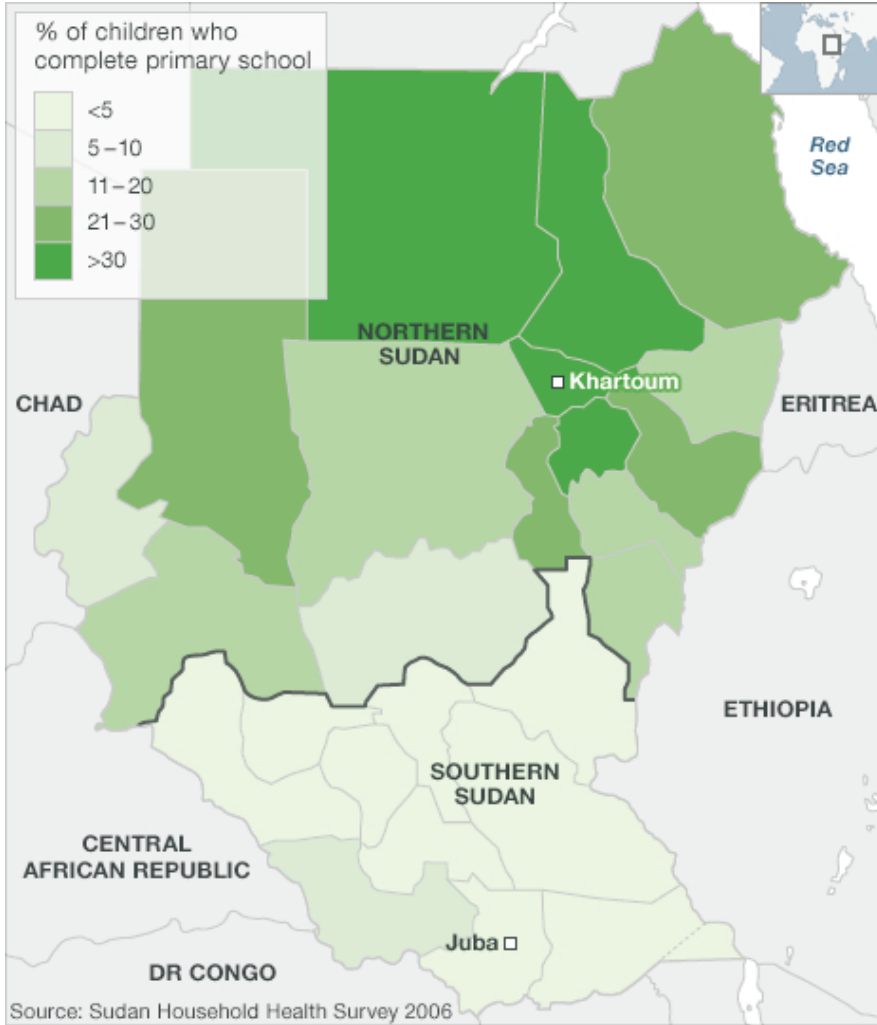
**Appendix**

Map 1 - Ethnic Map of Northern and Southern Sudan





Map 2 – Education Map of Northern and Southern Sudan



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