

By Luka Biong Deng

May 11, 2012 — When the Comprehensive Peace Agreement (CPA) was signed in 2005, the Sudanese and the international community were relieved as Sudan would be put on the path of peace and stability. The world was further reassured by the way the referendum for the people of South Sudan was conducted and the acceptance of President of Sudan of the choice of the people of South Sudan to have their own independent state. Consequently, all members of the United Nations unanimously accepted the membership of the newest state with optimism that the two states would work together to resolve the post-secession pending issues.

However such optimism was dashed and to the surprise of international community the two states resorted to the logic of war instead of dialogue to resolve their pending issues. With the closure of oil production in the South, escalation of war along their borders, declaration of state of emergency by Sudan in all states bordering the South to restrict flow of goods to the South and the danger of state of stateless faced by Southerners who are still in Sudan, the two states are virtually in war. The real question is why the two states resort to the logic of war rather than dialogue and will they be able to afford it?

This unexpected and hostile behavior of the two states underlined serious economic fragility faced by the two states as both suffer from the “resource curse” and poor governance, particularly Sudan. The two states depend entirely on the oil revenue and their difference over the management of oil after the secession of the South triggers this antagonistic behavior. It would have been simple arrangements after secession that the South to manage its own oil and pay internationally accepted fees for the use of oil infrastructure in the Sudan. However after the secession of the South, Sudan puts very a high bill to be covered by the South not only for the use of its pipelines (USD36 per barrel) but also to meet the budget deficit (USD10 billion) caused by the secession of the South.

Access to the oil revenue of the South is a matter of economic and political survival of the regime in Sudan. After the discovery of oil, the economy of Sudan moved away from agriculture to oil resource economy and it becomes a victim of the resource curse with oil revenue constituting more than 90 percent of aggregate foreign exchange earnings. Using some indices to assess the severity of the resource curse, Sudan has been among the ten least performing countries in the world on the basis of the index adopted by the World Bank called the Country Policy and Institutional Assessment (CPIA) that assesses aspects related to rule-based governance, quality of budgetary management and public administration. Also Sudan has been among the least five performing countries based on Corruption Perception Index (CPI) adopted by Transparency International. Also on the basis of the two indices adopted by the Freedom House to measure the level of political rights (PR) and civil liberties (CL), Sudan has been scoring the least scores in the region and the world. Besides these indices, the leadership of Sudan is crippled as its President, minister of defense and one of its state governor are indicted by the International Criminal Court (ICC) over genocide and crimes against humanity in Darfur and with such abuses further committed in Abyei, Nuba Mountains and Blue Nile. With these appalling indices, defeat by the South of the military establishment in Sudan and coupled with the secession of the South that took with it more than 75% of the oil revenue, it becomes apparent that Sudan is heading to imminent political and economic collapse.

When Sudan became unreasonable on the use of its pipeline and eventually it becomes a pirate of the oil exports of the South transported through Sudan, the South was left with no any other option but to close its oil production. This decision stunned the international community and

particularly the regime in Khartoum that underrated the ability of the South to take such bold decision because of its reliance on oil revenue that constituted 98% of the budget. While the decision reaffirms the sovereignty and dignity of the people of the South, it vividly exposes the economic and political fragility of the regime in Sudan. Instead of addressing the economic effects caused by the secession of the South, the regime in Khartoum pursued the option of war as the only means to mobilize the people of Sudan and to shift their attention away from the deteriorating living conditions. The fighting along the border with the South was part of this strategy to silence and pacify the voices that called for the regime change. In fact the fight of Sudan over Heglig is less about the territory but more about oil as there are many disputed areas along its border such as Halayib with Egypt. Given its current conditions, the regime in Sudan has no economic and political capability to sustain war with the South.

On the other hand the South faces the same symptoms of the “resource curse” but slightly better than Sudan, particularly in civil liberties and political rights. Given the high expectations from the people of South for better life after independence, the leadership of the South has less to gain from war. In fact one would say that the South was dragged in self-defense into the recent war along its border with the Sudan as the military establishment in Sudan imposed this option of war on the people of the South. The defeat of Sudan Armed Forces by the South in Heglig has profoundly exposed the weakness of military establishment in Khartoum. Despite its military success in defeating Sudan, the South does not have appetite or economic capability to wage and sustain war with the Sudan except in self-defense.

With the defeat of military establishment in Sudan, the unanimous stance of international community against eruption of war and the serious economic hardship caused by the closure of oil production, there will be now pragmatism from the two states. There is now a window of opportunity for finding amicable solution for the pending issues. The seven points roadmap adopted by the African Union Peace and Security Council (AUPSC) provides a framework within a time-bound of three months for resolving holistically all the pending issues between the two states. Also, the unanimous decision of the United Nations Security Council to fully support the AUPSC’s roadmap and to effect the implementation of this roadmap under Chapter VII of the United Nations Charter would encourage the two states to reach agreement on these pending issues and to avoid sanctions.

While South Sudan welcomes the roadmap, it has raised concerns over the mediation and facilitation of the African Union High-Level Implementation Panel (AUHIP), particularly over the role of its chair President Mbaki after his report to UNSC. On the other hand the Sudan welcomes the AU roadmap but not comfortable with referring the issue to UNSC under Chapter VII and this shows the intention of Sudan to continue with its piecemeal and time-buying approach. In fact the two states are assessing the process that would increase their chances for getting a good deal. While the South is uncomfortable with the role of AUHIP, it may not be diplomatically appropriate for the leaders of the South to discuss such issue in the media. The South as a member of AU has the right to officially and in silent diplomacy raise its concerns over the mediation role of AUHIP. The fact of the matter is that UNSC has not only endorsed the mediation role of AUHIP, but it has asked the UN Secretary General in consultation with AUHIP, in case of failure of the negotiations, to prepare report including detailed proposals regarding the pending issues.

It is important for the South to recognize that President Mbaki enjoys overwhelming support from African leaders and international community. Also he has unique and rich wealth of experience and strategic thinking and he stands as one of the few African intellectuals with

righteous and strategic ideas for the future of Africa. As a freedom fighter, he sees himself in the struggle of people of South Sudan and his learning curve about the regime in Khartoum has exponentially improved over the few years. I do not see any reason that would make President Mbaki to be more sympathetic with position of Sudan than that of the South except in the articulation and presentation of the issues. It is a high time for our diplomatic outreach to proactively and objectively engage with AUHIP and UN and to move away from the blaming culture. The failure of the international community to sympathize with our positions is more to do with us than with them. We should not forget that it is the same international community that stood firmly with us during difficult times of our struggle but importantly during peace negotiations and implementation of CPA, particularly the conduct of the referendum.

For this roadmap to succeed it requires a serious diplomatic move, particularly USA and China to encourage the two states to reach solution on the pending issues. Although USA may not have more effective leverage over Khartoum than China, the USA can use its commitment to human rights and democracy to adopt necessary legislations and sanctions against the regime in Khartoum that would expedite democratic transformation and change. China has shown very encouraging diplomatic stance and it is gradually moving towards a balanced diplomatic approach with powerful signal to Khartoum that “things are not the same”. Russia may require a lot of diplomatic work as it may need to be encouraged to realign its strategic interests with those of the South. The South should not also take its neighbors and friends and region for granted as it was well reflected in the surprising and uninformed condemnation of AUPSC of the South for capturing Heglig that it assumed to be a territory of Sudan.

With more realism from the two states and bleak economic future without resumption of oil production and coupled with the close engagement of the international community, the path of war could now be avoided and the two states stand a better chance to be on a track of peace and good relations as prerequisites for their economic and political viability.

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