

The Birth of South Sudan

Lieutenant General Jasbir Lidder (Retd)^{1@}

Abstract

This article records the success of United Nations Mission in Sudan (UNMIS) in implementing the Comprehensive Peace agreement (CPA) between Khartoum and Sudan People's Liberation Movement/Army (SPLM/SPLA), leading to the birth of South Sudan on 09 July 2011 - a unique benchmark by any UN peace operation.

The contents are based on political developments and personal observations as Deputy Special Representative of Secretary General (Political) from 2010-2011, primarily based at Juba. UNMIS mandate operationalisation was achieved through a collaborative effort. Creating a safe and secure environment and political convergence through partnered mediation enabled credible conduct of 2010 elections and 2011 South Sudan referendum. It has been gratifying to recall my association in Sudan in the entire UNMIS cycle - from initial deployment as Force Commander to successful liquidation as head of the mission. Team building and integrated approach stand highlighted as major leadership attributes. Importantly, warm relationships with the host nation proved pivotal in resolution of tricky issues. The situation in Sudan has not stabilised - as sensitive issues of Abyei, 1/1/56 border, oil sharing and ethnic violence persist. Additionally, issues of Nile Dam and internal conflict

[@]**Lieutenant General Jasbir Lidder, UYSM, AVSM (Retd)** was commissioned in 3 Grenadiers in June 1969, the battalion he fought the 1971 War with and later commanded. The officer is a graduate of the Defense Services Staff College Wellington, the Higher Command Course, Mhow and the National Defense College, New Delhi. He has rich UN peacekeeping experience in both military and political spectrum. He was the Military Chief of Staff of the UN Mission in Mozambique (ONUMOZ) in 1994-1995, Force Commander of the United Nations Mission in Sudan (UNMIS) from January 2006 - May 2008 and as Deputy Special Representative of Secretary General (Political) of the same mission from January 2010 to December 2011.

in Ethiopia have aggravated ongoing tensions. These require synergised effort by the UN and international community for meaningful conflict resolution in the region.

Introduction

I was fortunate to be part of Sudan's peace process, resulting in the birth of South Sudan on 09 Jul 2011 wearing multiple hats (*turbans*). In the first tenure as Force Commander (FC) from Jan 2006 to April 2008 in the United Nations Mission in Sudan (UNMIS), we succeeded in maintaining the ceasefire and redeploy major forces mandated in the Comprehensive Peace agreement (CPA).¹ Post military retirement, I got selected as, Deputy Special Representative of Secretary General-Political (DSRSG-P) and was deployed at Juba, effective Jan 2010 – the new turf of political ambiguities. This article records the support – and, at many places, the leads of our political contribution for peace and development in Sudan. UNMIS was established in 2006 through UN Security Council Resolution (UNSCR) 1590 (2005);² to support the implementation of CPA signed at Nairobi in Jan 2005 by the Vice President Ali Osman Mohamed Taha representing the Government of Sudan (GoS) and Dr John Garang of the Sudan People's Liberation Movement/Army (SPLM/SPLA).

The historic agreement ended decades of civil war fought over identity and resources. Both parties, while recognising the right of the people of South Sudan to secede, had sought to make unity attractive. There was an unwritten impression that Taha and Garang were committed to make space for a New Sudan with an autonomous South. Tragically, Garang died in a helicopter crash within three weeks of signing the CPA and Salva Kiir took over his responsibility.³ Post Garang, the promotion of inclusiveness and national sovereignty got diluted – with calls for separation gaining momentum.

The CPA Politics

The CPA was mediated by the Inter Governmental Authority on Development (IGAD), a regional organisation of which Sudan is a member. The CPA incorporated several previous negotiations and agreements termed as protocols. The Machakos protocol (July 2002) covered the broad principles of government and governance.⁴

Multiple agreements signed at Naivasha – on Security (September 2003), Wealth-sharing (January 2004), Power-sharing (May 2004), Resolution of the Abyei conflict (May 2004), and Resolution of the conflict in Southern Kordofan and Blue Nile states (May 2004) formed other components.

The CPA provided a time table for the South Sudan referendum. It provisioned a new national constitution and outlined measures for sharing power, distributing wealth, and providing security in the country during a six-year interim period. During the period, South Sudan was to govern affairs in their region and participate equitably in the national government. Post interim period, the South had the right to vote in an internationally monitored referendum - either to confirm Sudan's unity or vote for secession.

UNMIS was tasked to provide guidance and technical assistance for the national consensus, state and provincial elections, and the referendum in coordination with the Government of National Unity (GNU), relevant UN offices, and international players. A collaborative effort was necessary to create secure environment and promote political dialogue for generating coherent conflict management strategies. The political process proceeded on schedule – though with frequent disagreements on policy-making CPA clauses. Disturbingly, five issues remained critical for resolution – 1/1/56 Border, Abyei, wealth sharing, popular consultations in Southern Kordofan and Blue Nile states, and ethnic conflict.

The 200 kilometre international boundary between North and South follows the broad demarcation done by the British on 01 Jan 1956 – referred to as, Line 1/1/56. Since the demarcation was driven by administrative, land ownership and grazing conveniences, it was imprecise and stood unmarked. Notwithstanding, the alignment had been broadly accepted by both sides over the years - allowing unregulated movement. However, in the absence of any authenticated map, eight areas stood disputed, the major being Abyei.⁵

Abyei's dispute centred around the coveted Heglig oil field and residency rights of Ngok Dinka, the pastoralist tribal group with strong ethnic and cultural ties to the Dinka of South Sudan and Misseriya, a northern nomadic Arab tribe which seasonally

traversed Abyei for cattle grazing. The CPA had accorded special administrative status to Abyei based on the definition of the Abyei areas by the Abyei Border Commission- with specified oil sharing.⁶

A referendum was to be conducted in Abyei in 2011, concurrent with the South Sudan referendum, allowing residents of Abyei to choose between Sudan or South Sudan. Both Dinka and Misseriya tribes claimed residency for voting. The Sudanese Armed Forces (SAF) occupied Abyei through an armed intervention in May 2011, adding altogether a different angle to the conflict. Since the matter remained unresolved devoid referendum, the UN deployed a separate mission for Abyei - United Nations Interim Security Force in Abyei (UNISFA).⁷

Sudan is rich in oil – an economic boon but the curse for conflict. While South Sudan holds majority of the oil reserves, the North has the pipelines and processing facilities along with the port at Red Sea for export. Ethnicity plays a critical role in oil ownership - leading to frequent clashes for physical control and/or preferential allocation. Post South's independence in July 2011, the oil production got interrupted by violence. Though production resumed, major differences remain on royalty and transit issues.

An area of demographic instability comprises two states - Southern Kordofan and Blue Nile - both located north of line 1/1/56. Their populations were heavily involved in the civil war – and though they had no right to decide on separation like the South - the CPA demanded 'popular consultations' on sharing of political power and wealth. This did not happen in earnest.

South Sudan has been mired in resource driven ethnic competition, often getting violent on cattle rustling. Ethnicity has been a dominant factor in the profile and power construct of the SPLA with many tribes having fought against each other in the civil war for the common objective of South's independence. The Dinka, Nuer, and Shilluk form the majority and are located in the oil-rich areas adjacent to Line 1/1/56. President Salva Kirr belongs to the Dinka tribe while the Vice President Riek Machar Tenyis a Nuer.

Sudan Elections 2010

General elections were organised in Sudan in April 2010 to elect the president and national assembly as well as the president and

legislative assembly of South Sudan. A year earlier in March 2009, President Omar al-Bashir had been indicted by the International Criminal Court (ICC) for atrocity crimes in Darfur.⁸ This created international diplomatic and political impasse – but fortunately did not derail the CPA nor dissuade al-Bashir from contesting. UNMIS continued to interact with President Bashir – as also with Ahmed Haroun (also indicted) the governor of Southern Kordofan, on mandate driven political and humanitarian activity.

I flew indicted governor Ahmed Haroun to Abyei in 2010 to build bridges with the Misseriya leadership – an act which came under scrutiny, in parts, of the international community and media. Notwithstanding, our conflict-prevention diplomacy helped to reinforce UNMIS impartiality as also its reach out to multiple voices. There are no red lines in political dialogue - and we should not hesitate to mediate with groups not signatory to the peace agreements.

The elections were a political test. UNMIS used its good offices to work with all concerned in assisting the Sudanese to establish an environment whereby the elections are acceptable to the people of the Sudan. We interacted with known political figures in an effort to make them participate and revive their political relevance. During my meetings, the main opposition parties (including the SPLM) appeared convinced to nominate Sadiq al-Mahdi of National Umma Party (prime minister twice before) as their joint candidate.⁹ Ironically, they decided to withdraw from the contest fearing National Congress Party (NCP) rigging.

UNMIS Electoral Division (EAD) worked with United Nations Development Programme (UNDP) to coordinate support to the National Elections Commission (NEC). This included material, training, logistics, and public information. Warm relations with the NEC Chairman Abel Alier Kwai, along with joint planning and coordination, helped to conduct the elections smoothly. It was ensured that while some heavy lifting may have been done by the UN, the NEC retained ownership and national face of the process.

The NCP won 73 per cent of the seats in the national assembly, while the SPLM won 22 per cent, with others going to smaller opposition parties. Bashir stood and won the elections by 94 per cent votes, which reinforced his claim as a democratically popular leader. Salva Kiir was elected as President of the

South. The SPLM won 160 out of 170 seats in the legislative assembly of South Sudan, making them an effective political force.¹⁰

The elections evoked widespread international attention. UNMIS provided security and logistical support to observers from the Arab League, African Union (AU), European Union (EU), Japan and Carter Centre through a Memorandum of Understanding (MOU). The logistics stretched our capacity to its limit - especially in helicopters and medical support. The overall verdict was that though there were procedural infirmities, the credibility and the election results could not be disputed.

An unfortunate development during the election period was rebellion by General George Athor Dengin Jonglei - after losing his gubernatorial contest as an independent candidate. Athor was a towering figure of SPLA struggle and popular in Bor. We developed contact with the renegade general through satellite phone and made a sincere effort for reconciliation. I met President Salva Kirr frequently on the issue – who appeared amenable to a ceasefire. President Kirr even allowed me to brief the SPLA security body in rare diplomatic gesture to enable amnesty to General Athor. Sadly, the matter got addressed militarily after my departure.¹¹

The Referendum

As stated before, an internationally monitored referendum was to be organised jointly by the Government of Sudan (GoS) and SPLM at the end of interim period for the people of South Sudan - to vote for the unity or secession. Southern Sudan Referendum Commission (SSRC) became the nodal agency for organising and conducting the referendum. The SSRC was chaired by Prof Mohamed I. Khalil with Chan Reec Madut as his deputy and had 10 members representing the military and foreign service.

UNMIS coordinated with the SSRC on the lines of our support for the April 2010 elections. The overall authority rested with Special Representative of the UN Secretary-General (SRSG) Mr Haile Menkerios, while the ground implementation was led by me. The team comprised UNDP Country Representative Mr Claudio Caldarone, the Regional Coordinator David Gressly and UN Country Team resident coordinator Lise Grande – UN professionals of caliber.

Drawing lessons from 2010, it was decided to merge the UN election machinery - comprising EAD and UNDP - into one team termed The UN Integrated Referendum and Electoral Division (UNIRED). UNIRED was a maiden initiative with streamlined reporting and operational structure. It worked closely with the SSRC at both government and county level on the entire spectrum of referendum activity.

There was uncertainty and at times scepticism if the South would be allowed to secede by the North. During the run-up, the political climate appeared conducive. President Omar al-Bashir stated just months prior to the voting that the southern region had a right to choose to secede and that unity could not be forced by power. He had also stated at times that Khartoum would respect outcome of the vote and support the South.¹² Many international pundits felt that though secession was South's legal right, it may not resolve their real issues. There were also fears that a violent South could unstable the entire region.

Referendum polling took place from 09 to 15 January 2011. It was an emotional delight witnessing a sea of drum beating 'South Sudan Oyee' humanity. Many had walked miles to be at the polling stations aspiring to be part of their independence history. Most had spent nights in the open to be a part of the process.

The referendum witnessed a wide cross-section of domestic and international monitoring. The Carter Centre comprising of three members - President Jimmy Carter, ex UNSG Kofi Anan and former Tanzanian Prime Minister Joseph Warionba - played a major role. US Senator John Kerry and Actor George Clooney also visited Sudan during the referendum period. Besides, nearly all international and regional organisations deployed international observers - AU, EU and League of Arab States being the forerunners.

In response to a request from the parties, the UN Secretary General too deployed a 'Referenda Panel' (both for the South and Abyei) to monitor credibility of the process and ensure that the results are accepted by all stakeholders. The panel comprised three senior officials - former Tanzania President Benjamin Mkapa, former Minister of Foreign Affairs of Portugal António Monteiro, and former Chairman of the Election Commission of Nepal, Bhojraj Pokharel.¹³ Though the panel worked independent of UNMIS, we interacted periodically for political conformity.

On 07 February 2011, SSRC published the final results. A landslide majority of 98.83 per cent voted in favour of independence, with well over the requirement of 60 per cent turnout.¹⁴ Nevertheless, the Abyei referendum did not take place for reason of residency identification as mentioned before.

Farewell Sudan

The 09 July 2011 South Sudan independence parade was impressive and emotional, with John Garang's memories dominating the domestic sentiment. The end of the CPA Interim Period brought UNMIS to a close and a new mission - United Nations Mission for South Sudan (UNMISS) got mandated at Juba the same day. However, the situation in Sudan did not stabilise. The Abyei conflict, an unmarked 1/1/56 border, blurred oil sharing protocols, inadequate reforms in Southern Kordofan and Blue Nile states and ethnic competition in the South and Darfur continue to pose challenges for sustainable peace.

I moved to Khartoum on 10 July to head the UNMIS Liquidation Mission mandated through Security Council resolution 1997 and written request of Republic of Sudan effective 11 July 2011 with a deadline for completion by 15 December 2011.¹⁵ The liquidation was uniquely different from other UN endeavours - being conducted amidst continuing conflict. Accordingly, the composition of the Liquidation Team was a typical from past liquidations in that it was headed by senior substantive leadership (self) and a Liquidation FC as part of UNMIS force was in place.

The liquidation effort was wrought with challenges – notably conflict-ridden environment and ambiguous understanding of UN's role. While Khartoum was accommodative on retrieval and relocation of UN assets, many on the ground felt that these were now their property. With committed GoS support, and an excellent support team led by Clark Toes, majority of equipment got transferred to missions in Darfur, Abyei, and the South. A part of the inventory was shifted to UN Regional Logistics Base at Entebbe. The immovable infrastructure created by UNMIS was gifted to Khartoum with green signatures. Additionally, many movable assets like vehicles and generating sets were donated to local authorities.

UNMIS digitised and uploaded required records in the Total Records and Information Management system (TRIM) and shipped

important hard copies to United Nations Archives and Records Management Section in New York (UN ARMS). Hard copies belonging to the offices of the chief of staff and the SRSG were shredded to mitigate the risk of confidential and vital records being compromised. In the opinion Office of the Internal Oversight Service (OIOS), UNMIS had performed satisfactorily in management of the archiving and records management process.¹⁶

UNMIS Liquidation Mission cleared all pending customs - and reconciled payment to the Sudan police as rentals for the premises occupied by UNMIS – a case which had assumed embarrassing legal proportions. The timely-effective liquidation left an amenable impression in Sudan and a range of best practices in UN peacekeeping.

Reflecting, it is gratifying to recall achievements of the UN in Sudan. On a personal level, my association with UNMIS had been through the entire mission cycle - from initial deployment to successful liquidation. It was also a great coincidence that the Independence Day of 09 July happened to be my birthday, which rightly earns extra celebration.



Monitoring the Referendum Polling at Juba

Endnotes

¹ CPA 2005

² UNMISS Closes as South Sudan Becomes World's Newest Country, United Nations Peacekeeping UNMIS -2005-2011

³ Julie Flint, John Garang: Authoritative Sudanese Leader and Former Rebel Commander with a Vision of Secular, Democratic Sudan, The Guardian, 3 Aug 2005 <https://www.theguardian.com/news/2005/aug/03/guardianobituaries.sudan>

⁴ The Machakos Protocol, United Nations Peacemaker, 20 July 2002 https://peacemaker.un.org/sites/peacemaker.un.org/files/SD_020710_MachakosProtocol.pdf

⁵ James Gatdet Dak, Sudan's 1956 North-South Border Map is Non-Existent – Committee, Sudan Tribune, 28 June 2008 <https://sudantribune.com/article27670/>

⁶ <https://reliefweb.int/report/sudan/sudan-protocol-resolution-abyei-conflict>

⁷ UNISFA

⁸ <https://www.icj.org/icc-judgment-in-al-bashir-case-a-victory-for-international-justice/>

⁹ <http://news.bbc.co.uk/2/hi/africa/8481715.stm>

¹⁰ <https://www.globalsecurity.org/military/world/sudan/politics-2010.htm>

¹¹ Gen Athor Rebellion

¹² <https://www.theguardian.com/world/2011/jan/04/bashir-south-sudan-independence-vote>

¹³ <https://reliefweb.int/report/sudan/sudan-un-panel-southern-referendum-expression-peoples-will>

¹⁴ <https://sudantribune.com/article37480/>

¹⁵ <https://digitallibrary.un.org/record/706748?ln=en>

¹⁶ https://2009-2017-usun.state.gov/sites/default/files/organization_pdf/199085.pdf