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Southern Sudan: The Role of Minority Rights in Building a New Nation

By Jared Ferrie

Southern Sudan's independence referendum united the region's myriad ethnic groups in a common goal – to separate from the north and form a new country. According to official results, almost 99 per cent of southerners voted for secession in January 2011. The region, which is one of the poorest in the world, is expected to declare independence on July 9. The Government of Southern Sudan (GoSS), with aid from the international community, now has a monumental task ahead of it: to build a functioning state almost from the ground up.

The role of minorities must be a focal point in the nation-building process. Southern Sudan is home to an estimated 56 ethnic groups and almost 600 sub-groups. Competition over access to scarce resources causes tensions between groups; such tensions often explode into violence, undermining development initiatives. There is also a danger that ethnic concerns could hijack the political process even as it develops. This could create a state dominated by the interests of the most populous ethnic groups at the expense of smaller ones.

The government now has a unique chance to capitalize on the political mandate granted by southerners of diverse backgrounds who voted overwhelmingly to form a new nation. The GoSS should build on that spirit of solidarity and take concrete measures to create a national identity that is inclusive of all ethnicities, and ensure equitable distribution of resources among all people.

Southern Sudan has functioned as an autonomous region since the signing of the Comprehensive Peace Agreement (CPA) in January 2005. But Minority Rights

Group International (MRG) has noted perceptions among some minorities that they have been excluded from the decision-making process during this period. It is imperative that the GoSS address such concerns immediately, otherwise the newly independent country could very quickly become engulfed by internal conflict.

During the civil war, some of the worst atrocities were committed by armed factions of different ethnic groups that turned against each other rather than fighting their common enemy in the north. The Sudanese government, based in the northern city of Khartoum, played upon ethnic rivalries, often arming militias to fight against the Sudan People's Liberation Army (SPLA) and fomenting ethnic rifts within the SPLA.

Violent incidents continue to destabilize Southern Sudan, claiming many civilian lives. In early February, for example, attacks by a militia – allegedly backed by Khartoum – reportedly killed more than 200 people in Jonglei state.[1] In the current context of ethnic tension and the ubiquity of small arms, clashes like these will continue to seriously undermine attempts to build a stable country. If such violence escalates Southern Sudan will be born a failed state.

The ruling Sudanese People's Liberation Movement (SPLM), the political entity that evolved out of the SPLA, appears to recognize the danger that ethnic grievances could pose for the nascent country. In October 2010, during the troubled run-up to the referendum, Southern Sudan President Salva Kiir convened a conference for all political parties. During the conference, he granted amnesty to militia leaders from different ethnic groups willing to join the government. The communiqué issued at the close of the conference stated that: 'The parties also wish to confirm their commitment to the unity in diversity of the people of South Sudan, and amongst themselves.'[2]

In February, Vice-President Riek Machar invited parties to meet in Juba with the Southern Sudan Taskforce 2011, a body developing policy on governance in the new state to discuss the Draft Transitional Constitution and schedule elections. Machar said in a press release following the conference that membership in the Taskforce would be expanded to include representatives of political parties, faith-based organizations and civil society groups.[3] However, opposition parties continue to question whether the government's commitment to inclusiveness is genuine.[4]

The Draft Transitional Constitution, released by the GoSS in late April,[5] contains some encouraging passages. For example, its Bill of Rights provides specific protections for the rights of all ethnic, cultural and religious communities, as well as the protection of all indigenous languages. The document also contains a wide array of provisions such as rights to housing and education. There is, however, a difference between promising such rights on paper and delivering them. Southern Sudan will need to overcome serious obstacles in order to live up to those promises.

But few people, if any, expect an immediate transformation of one of the world's poorest regions into a modern, developed democracy. While southerners may not expect instant change, those interviewed by MRG did express high expectations from their new government to show significant progress. There is a danger that citizens may quickly become disillusioned if they do not see signs of progress.

Continuing violence is one of the most visible manifestations of the challenges facing Southern Sudan's development. Much of this violence involves competition among ethnic groups for resources. During a field visit to Southern Sudan in January 2011 on which this briefing is based, MRG found that inter-ethnic tensions are often closely connected to poverty. For example, competition over access to water and grazing land can lead to conflict, especially during the dry season.

But there are concrete ways to create access to resources, thereby helping to alleviate such competition. Development funding may be directed towards constructing more water access points, for example, which would ease the friction between cattle-herding pastoralists. Meetings that bring legitimate leaders from various communities together to negotiate their grievances are also helpful in promoting peaceful coexistence. But the success of such initiatives depends on the equitable distribution of resources among all ethnic groups, as well as their meaningful participation in the political process.

Long road to independence

On 9 January 2011, Southern Sudan erupted in celebration on the first of seven days of voting in a referendum on whether to form an independent nation. Singing, drumming and ululations pierced the air at voting stations in Juba, the dusty but fast-growing outpost along the Nile that serves as the region's capital. Many had queued up early in the morning in anticipation of the polls opening at 8 a.m. Victoria Athou, who had spent hours waiting in line, said, 'It is history in the making. One can wait a whole day as long as one is going to vote for freedom.'[6]

There was little doubt that independence would be the outcome of the vote, and such scenes were repeated at voting stations throughout the region, according to Justice Chan Reec, chair of the Southern Sudan Referendum Bureau. On the first day of voting he said: 'The turnout was equally emotional, the same as it was this morning in Juba.'[7]

The wartime experiences of many voters undoubtedly contributed to their overwhelming enthusiasm at the prospect of independence. Jacob Aleer Deng, who joined the SPLA aged 17, said the referendum proved he had not fought in vain. Immediately after casting his vote at a polling station in Juba he said: 'I was fighting for what happened today, to liberate my country. Now I've succeeded.'[8]

At another polling station, Reuben Taban Gaithony began chanting independence slogans as he waited in line with other voters who quickly joined in. He said he had been a captain in the SPLA stationed in Juba during its occupation by the northern army, tasked with gathering intelligence for the rebels until he was captured and tortured. He said: 'I had internal injuries. They beat me with sticks and broke one rib.'[9]

Many southerners have similar stories, as entire generations have grown up in the shadow of Africa's longest running civil war. The first phase began on the eve of Sudan's independence from Britain, when a group of southern military officers rebelled in August 1955. The mutineers feared that an independent Khartoum-led government would divert power and resources to the Arab and Muslim north at the expense of southerners, who are predominantly black and follow Christianity or traditional religions. They had valid cause for concern. Speaking in Juba two days before the referendum, former South African president and current chair of the African Union Thabo Mbeki recalled:

> *'When, in January 1953, the Sudanese and Egyptian political leaders agreed with the British on Sudan's right to self-determination, no single Southern Sudanese leader participated. When Sudan made the transition from colonial administration to self-government, just a handful of the 800 administrative positions available were awarded to southerners. When Sudan achieved its independence on 1 January 1956, the Southern Sudanese members of the national assembly were unable to enforce the government's commitment to a federal system that took southern concerns into account.'*[10]

The rebels fought for autonomy for the south and first phase of the civil war lasted until 1972. An estimated half a million people died and hundreds of thousands were displaced. An 11-year period of peace followed, but war flared again in 1983 when the Khartoum government abolished the southern autonomous region and attempted to impose Islamic *Shariah* law nationwide. This met with fierce resistance from the country's non-Muslim minorities.

About 2 million people were killed during the second phase of Sudan's civil war, which lasted 22 years. As the SPLA fought the Khartoum government, the war was also marked by clashes between ethnic groups. As part of a 'divide and conquer' strategy, Khartoum played upon ethnic divisions by supporting militias. Khartoum was able to exploit resentment among some ethnic minority militia commanders toward the SPLA, which was dominated by officers from the Dinka, Southern Sudan's largest ethnic group. Militias carried out massacres and destroyed villages, while the military targeted the population through aerial bombardments. This was done against the backdrop of Khartoum's desire to clear the population from areas of the south where oil had been discovered. Once Khartoum was able to establish control in these areas, foreign companies began exploiting oil concessions.

In 1991, the SPLA itself split into two factions, largely along ethnic lines. The main SPLM faction remained under the control of John Garang, a Dinka. A splinter group, SPLA-Nasir, led by Riek Machar was dominated by Nuer, who make up the second most populous ethnic group in the south. Machar's faction received support from Khartoum. The factions signed a unity agreement in 2002.

The civil war finally ended with the signing of the CPA on 9 January 2005. The CPA granted the south autonomy, required oil revenues to be split equally between the north and south, and stipulated that an independence referendum was to be held six years later. But the CPA period was characterized largely by troubled relations between Khartoum and Juba, in part over still unresolved questions about where the border should be demarcated.

Khartoum wanted to delay the referendum until the proposed border was agreed upon. Juba insisted on following through with the referendum, but preparations such as voter registration were delayed until the last moment. Following the opening of polls, the chair of the referendum bureau, Justice Chan Reec, admitted that he was surprised that voting had begun on time. He said: 'We are at that stage today, though it was doubted by a number of people including myself.'[11]

Border tensions rise in Abyei

Unresolved border demarcation issues pose a threat to stability in Southern Sudan. Some observers have warned that border disputes could explode into full-scale war between northern and southern governments. That danger was underscored in May when the northern government of Omar Hassan al-Bashir sent its military into the disputed area of Abyei and occupied it, forcing tens of thousands of people to flee their homes. The Enough Project said it had collected 'visual evidence' through satellite images and reports from field researchers that al-Bashir's soldiers had committed war crimes.

The oil-rich Abyei area is one of three regions that were left out of the January referendum, along with Southern Kordofan and Blue Nile State. The Comprehensive Peace Agreement (CPA) outlined for the latter two areas a currently ongoing process of 'popular consultations' to define their status. In Abyei, a separate referendum was planned that would coincide with the larger vote taking place throughout Southern Sudan. But Abyei's referendum did not take place due to disagreements between the northern and southern governments, and tensions between ethnic groups in the area. Much of Abyei is populated by Dinka-Ngok who would vote for separation. But Miseriya, who are loyal to the north, also lay claim to the area. Miseriya people are nomadic cattle herders and have traditionally spent part of the year in Abyei.

The status of Abyei has been continuously cited as a key issue that needs to be resolved if peace is to prevail between the north and south. If the referendum were to go ahead, and if Abyei were to vote for separation as expected, it would not mean that Miseriya people need lose their rights to the land. In his speech in Juba on 7 January, African Union Chair Thabo Mbeki spoke of a 'soft border' that would allow herders to cross back and forth in their traditional migration patterns. This approach would take into account the interests of competing ethnic groups. Achieving such an agreement will depend upon pressure from the international community, as well as a commitment from both the northern and southern governments to negotiate concrete terms of a deal.

Fragile peace, high expectations

Voters interviewed by MRG expressed expectations that independence will bring improved living standards. Margaret Alela, an unemployed mother of five, said, 'I want my children to live in a free country with education and healthy living. I hope the new government in Southern Sudan will deliver these things.'[12]

Seibit Shanga, a primary school teacher, said: 'We want education, we want good hospitals, we don't want any more bombs from the sky.… We have so many resources here. We know how to use the resources to build our country.'[13] Like others, she blamed Khartoum for enriching the north while leaving the south impoverished. She said:

> *'The Arabs have been cheating us for too long, from 1955 until now. That's why we want to be independent. There is no proper education, no hospitals, no buildings – you can see people are very poor. They are stealing our resources; it's all going to Khartoum, not to the south.'*

But Shanga said she believed such tensions would no longer be a problem in an independent Southern Sudan. She said: 'These Arabs corrupted us, but if we are alone, people will be united and development will come.'

Mr Deng, the former SPLA soldier, also blamed Khartoum for stoking ethnic tensions. He said: 'They used to bring out money to incite insecurity. The north is playing that game, they are still doing that.'[14]

Other interviewees expressed similar thoughts, which are likely indicative of the general sentiment of Southern Sudan's population. The flood of southerners who travelled back from the north, before, during and after the referendum also underscores a widespread belief that they will finally have a government to represent their interests. Southerners have high expectations from their government in regards to bringing peace and development. They will no doubt be disappointed on some counts, given the enormity of the task at hand. As one of the least developed areas in the world, Southern Sudan needs just about everything – schools, roads, clinics – and it needs them almost everywhere.

Many southerners also expect ethnic groups will peacefully coexist if Khartoum is no longer able to sow contention among them. Over this issue, the GoSS has a greater degree of control. If the government demonstrates that all people are treated equally under the new political system, it will go a long way toward defusing ethnicity-based rivalries.

Case study: cattle raiding and poverty in Boma

Boma is a sub-district of Pibor County in south-eastern Jonglei, the largest state in Southern Sudan. The state's population of 1.3 million is one of the most ethnically diverse in the region. Some of Southern Sudan's worst recent outbreaks of violence have taken place in Jonglei. For example, government soldiers clashed with a rebel militia in late April 2011 killing at least 55 fighters and injuring civilians and soldiers.[15] In one of the worst months of violence on record since the end of the civil war, fighting sparked by cattle raiding left about 750 people dead in March 2009.[16] Cattle raiding continues to claim lives, as MRG discovered during a January 2011 visit to Boma.

Boma, which lies about 60 km from the border with Ethiopia, encompasses a main town clustered around a dirt airstrip, along with a few villages in the flatlands and in the surrounding mountains. According to Paul Oleyo Longony, a community leader, the population is about 30,000.[17] Boma is particularly ethnically diverse, and thus provides a window into the relationships between some of Sudan's ethnic groups. Boma was a gathering place for refugees of various ethnicities, returning mainly from camps in Ethiopia. In Boma they received services provided by humanitarian organizations, and, while many moved on to their home areas, some stayed behind. They added to the ethnic mix, which already included Murle, Jie and Kachipo, among others.

Boma is typical of Southern Sudan in its state of underdevelopment. Basic services such as running water and electricity are non-existent, and there is no mobile phone network or secondary school. Prices are high for canned goods and other foodstuffs, which need to be trucked in over punishing roads from Kenya.

Extreme poverty contributes to another problem that plagues the region – ethnic tensions over scarce resources, which often explode in violence. Just days before an MRG visit, for example, a cattle raiding attack killed one man, injured another, and incited an alleged kidnapping in response. At a hospital run by the charity Merlin, MRG interviewed Nainet Locale, who was shot through both legs during the attack. He said:

'I went to see my friend and sat down. We lit the tobacco pipe; we were smoking and eventually we heard firing. He was killed and I was shot.… Since the time when I was shot I have not been able to cultivate any sorghum. That has really affected the family, because there is no grain, no food.' [18]

"It was the Toposa," he added, referring to a neighbouring cattle-herding pastoralist ethnic group.

Locale is from the Jie group, which also herds cattle. The two groups have a history of confrontation, especially during the dry season when herders must venture far from their villages to water their cattle. The lack of water was clear upon approaching the Jie village of Nawa Yapura, about an hour's walk from Boma town. Holes had been dug in a dry creek bed in a vain attempt to strike water. Cows competed instead to drink from muddy puddles on the ground around the village's only borehole. Herders ranging far from the village during this time of year often run into groups of Toposa. Chief Lotabo Amanyang said: 'The point of water is in Taposa land and when the Jie go there, that is when they clash. The Jie need water, the Taposa need water, and the Taposa refuse to let the Jei go and access the water.'[19]

After the recent clash, the family of the deceased man was forced to move into the house of his brother. His mother, Nalar Lokor, said the family now struggled to feed themselves. She said:

'That is the one boy that I have and the Toposa have killed him.… When I lost my boy there was no one to take care of the cows. That is why we moved here, so the brother of my husband will take care of the cows.' [20]

Allegedly, Jie villagers retaliated by raiding a Toposa village and abducting a child and two cows. This was reported by residents of a village populated by another minority group called Kachipo, which sits atop a mountain range that lies between Jie and Toposa territory. Bar Guru Gurang, a village resident, said some Toposa came to the village in search of the alleged perpetrators. Toposa could not venture down the mountain for fear of being attacked by Jie, but they were roaming the area, according to villagers who were fearful of being shot by angry warriors. Gurang said: 'Now we can't go far from the village because we know there are Toposa in the bush.'[21]

In a neighbouring Murle village, Chief Lino Kudumoch said residents of the area had been terrorized for years, as they are caught between the fighting groups. Lino pointed to an overgrown airstrip, left over by the SPLA, which had a mountaintop base here. Last year he said, villagers were clearing the airstrip when one was shot and killed.

Lino said violence occurs mostly in the dry season. He pointed across the mountain range and said there was water in an area beyond it. 'Next week the Jie will move there and the Toposa are already there.'[22] This highlights an issue that is crucial to understanding resource disputes:

Pastoralists move seasonally with their animals along specific routes. In some cases there are agreements between neighbouring communities about these movements; in some cases not. Conflicts break out when communities move earlier than expected (because of shifting climate patterns), or when they intrude into areas normally used by other groups. Often, communities don't agree on who the fertile, water-rich areas belong to.

Other interviewees, including Longony, also confirmed that the number of violent incidents rises dramatically in the dry season.[23] Longony heads the Boma Development Initiative, a community group attempting to resolve tensions between ethnic groups in the area through dialogue. His group holds meetings with leaders of ethnic groups who are invited to raise their grievances and discuss solutions.

Development as a path to peace

But it is development that the region desperately needs, Longony said. He called on the government and international donors to build dams on rivers that flow during the rainy season. Such dams would create ponds that would retain water during the dry season, decreasing competition between cattle herders. Other community leaders told MRG that creating more water access points would also greatly diminish tensions between cattle-herding communities.

But building dams and drilling more boreholes would not be sufficient to end the habitual practice of cattle raiding, according to Baba Mojong, a Murle chief. He said: 'The cause of the problem is poverty; that is why we steal cows from one another. We are taking cows to use as food.'[24]

Cattle raiding is an immediate way of improving livelihoods in an area where jobs are few and far between. According to Longony:

'If you want to marry you have to pay a lot of cows. If you don't have cows this will force you to see raiding as a way to pay. Some use the opportunity of raiding just to get wealth. You get cows and you go and sell them. So it has become a habit.' [25]

Joseph Ngane Cholos, the government administrator for the Boma sub-district, also characterized cattle raiding as habitual. He said: 'The Jie and Toposa and Murle have cattle and they do raid sometimes.... They cannot complete one year without raiding.'[26]

Cholos also pointed to development as key to decreasing cattle raiding. In particular, he said, good roads should be built to link Boma with other markets.

Longony has high hopes that independence will bring development that will ease poverty in the region. He said increased employment opportunities will decrease tension

between ethnic groups as they will not need to be so competitive over resources. He said: 'There are going to be a lot of jobs that this new state will create, both from government and private entities.' Longony expects the government of an independent Southern Sudan to employ locals to build schools, roads and clinics. In the longer term, he said, jobs will come as Jonglei state taps its natural resources, including oil.

The French energy giant Total holds massive but as yet unexploited oil concessions in Jonglei. War has prevented the company from developing the oil fields. The company has not publicly divulged estimates of how much oil may lie untapped beneath the ground in Jonglei. But a western diplomat, who asked to remain anonymous, speculated that the oil concessions are likely quite rich, given that Total held on to them throughout decades of war.[27]

Much of Southern Sudan is rich in other mineral resources. According to Longony, Boma residents sometimes found gold in the rivers around Boma. He welcomed oil and mining companies:

> *'It will help the locals here. Youth will be involved and it will keep them busy and also give them an opportunity to earn something. Such a company will build schools and roads. So it is a good idea to have them come here.'*

Cholos, the government administrator, also expects natural resource development to provide employment for locals.

Other interviewees pointed to tourism as another potential source of employment, noting that Boma National Park is home to animals that could draw visitors from around the world. Wildlife Conservation Society (WCS), an international non-governmental organization (NGO), is providing technical assistance to the Southern Sudan government help improve park management. Albert Schenk, a programme officer with WCS, said: 'It is important to protect this wildlife; it could be a major source of income for Sudan in the future. The wildlife here is interesting enough to have the same kind of interest as Kenya and Tanzania.'[28]

It should be noted that there is a long history throughout the world of local people suffering rather than benefiting from development on their traditional lands. Community rights to land are often ignored or violated. MRG recently supported the Endorois indigenous community in Kenya in successfully contesting their eviction from their ancestral land by the Kenyan government for the creation of a game reserve and for ruby mining. The landmark decision adopted by the African Commission held that the government infringed upon Endorois' right to development by leaving them 'out of the development process or benefits.'[29]

This and other similar cases testify that in Boma, resource development and tourism projects will only ease ethnic tensions if the government develops mechanisms to ensure that all ethnic groups are able to meaningfully participate in decision-making around these projects as well as benefiting from them.

Given these issues, Longony and others believe that agriculture is the most important sector for local development. Boosting agriculture could provide many jobs for locals, as well as bringing down the cost of food through local production. Indeed, goods found in the market in Boma were sparse. Most produce consisted of small piles of mangos carried down from the mountain, as there was little else to harvest during the dry season. The few shops were stocked with canned food and bags of beans and rice. All these goods were brought in by truck over terrible roads that are only passable during the dry season; and all the goods were prohibitively expensive.

Boma resident Elizabeth Kadai said: 'You can see the food prices are very high in the market and most of us don't have jobs. The little money you get, you buy food. We cannot even get clothes or send children to school.'[30]

She called on the government to provide farm equipment, training and irrigation that would allow locals to produce food year round. Kadai said: 'It's extremely expensive, this food that is imported from neighbouring countries. If it was grown locally here and prices would decrease, then life would really be OK here.'

Political representation

However, some residents pointed to ethnicity-based politics as a barrier to receiving assistance from the federal and state governments. They claimed that Boma has been ignored because it is populated by smaller minority communities. Martha Juma, a member of the Murle group, said, 'We don't have a voice in government. It looks like a one-sided government.'[31]

She continued:

> *'Up to now you can't even see a road. You can't access telephone networks. There are no good schools, there's no water. That is because we don't have a voice in the government.… We can't really say what the government is going to do. Even the governor of the state does not come here. We have no way of taking a message to them. I would tell the governor that you must always have equal distribution of resources in the state.'*

Mary Korok, who is also Murle, claimed that her group was under-represented in Parliament. While Boma's population size may make the suggestion unlikely, she proposed a much-discussed potential solution to the problem of under-representation:

> *'The first thing the government should have done is make Boma a county, so we would have our own MPs and our message would go direct to the government. It*

is important if we have representation in government. If there are funds for schools, health care, they will be there and they would bring [funding] *to the community.'* [32]

Longony agreed that political representation was a problem. He said the state government is dominated by Dinka and Nuer, and he claimed that representatives from those groups were channelling development funds to their own communities, while smaller ethnic groups were being ignored. He said:

'If there is no voice in the government, then there will be nothing. The smaller groups don't have representation. The majority group will decide.… The three ethnic groups that live here receive nothing. Why? Because there is no representation in Parliament and even at the county level. There is no high representation in the county.… If it is going to be a fair government they need to involve the minority groups. If they are represented, some of the [cattle] raiding and violent clashes will end.'

However, Longony said that to bring such issues to the attention of the government was risky due to the violence and ethnic rivalry pervasive in politics in Jonglei and throughout Southern Sudan. He said community leaders would prefer to bring their concerns to the international community, which could in turn put pressure on the government to take action. He said that ethnic rivalries, if they are not dealt with, could ensure that the new country of Southern Sudan will emerge into a state of perpetual violence. He said: 'Its effects will create continuous conflict if the government is dominated by ethnic groups that are not considering the rights of minorities. That tribalism that existed before will increase more and more, and conflict will continue.'

Another factor feeding violence in Jonglei, and indeed throughout Southern Sudan, is the ubiquity of small arms. Although there have been attempts to disarm individuals and groups throughout the region, they have met little success. According to the chairman of the demobilization and reintegration commission, quoted in the *New York Times*, only about 400 soldiers from the south and north were integrated into civilian society since the programme began in 2005. That represents about 1 per cent of the total target.[33] But guns are also commonly carried by men who were not soldiers in the civil war. Many of these individuals are reluctant to give up their weapons because doing so could render their communities vulnerable to attacks by rival ethnic groups, Longony explained. While disarmament is of vital importance to peace-building in Southern Sudan, it is a complicated process that necessitates rival groups being disarmed simultaneously while the SPLA provides security.

Confronting the challenges

In November 2010, the UN released a document entitled 'Scary Statistics – Southern Sudan'.[34] It provided data on living conditions, covering topics including poverty, health, education and displacement. For example: 85 per cent of

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adults are illiterate (the figure is 92 per cent for women); one in seven pregnant women die before or while giving birth; and half the population survives on less than $1 a day. These statistics paint a bleak picture of life in Southern Sudan. But the document also points to areas that need urgent attention.

As Southern Sudan declares its independence, the government faces two massive challenges in addressing issues highlighted in the UN document: raising enough funding, and directing that funding equitably among the region's diverse array of ethnic groups. The international community will undoubtedly continue to play a large role in contributing aid, but Southern Sudan must create alternative sources of revenue if it is to develop a sustainable economy that is not dependent upon international donors. Oil is, of course, a key industry, currently accounting for 98 per cent of the southern government's revenue. But many analysts and development workers warn that Southern Sudan must diversify its economy.

William Hammink, USAID mission director said: 'Right now they are almost totally dependent on oil.'[35] He noted that the GoSS felt the negative effects of such a dependency when oil prices tumbled last year. He said: 'They had a budget crisis here. It was difficult to pay salaries.'

Aside from the danger that a country may become overly dependent on oil exports for revenue, in some countries the oil industry has been accompanied by high rates of corruption. Government officials have often enriched themselves with money flowing from the oil sector rather than investing in their countries. In the case of Sudan, the international natural resources watchdog Global Witness suggested in a January 2011 report that Khartoum was under-reporting oil production figures in order to siphon off more revenue for the north, rather than split the profits equally as required by the CPA.[36] The group has called for more transparency to be built into the new oil revenue agreement currently being negotiated. Many analysts have also noted pervasive corruption in the GoSS during the CPA period. Corruption combined with oil wealth could exacerbate ethnic rivalries if minorities see government officials from larger ethnic groups profiting from oil.

In addition to oil, agriculture is often cited as the most important sector for development. Hammink said: 'In the bigger picture agriculture has to be the main driver of economic growth.'

Currently, 80 per cent of southerners depend on agriculture for their livelihoods, according to USAID. In May 2010, the agency launched a $55 million project focused on training farmers and building roads in the south's 'greenbelt', which stretches across the southern areas of Western, Central and Eastern Equatoria states. Such projects are needed throughout Southern Sudan, as our case study in Boma indicates. The GoSS must raise funds through donors, private investment or oil revenues to finance such projects. But the GoSS must be sure to direct funds slated for the development of agriculture and other sectors to areas where they are most needed, regardless of which ethnic group lives in a particular area.

Stephen Pande of Justice Africa, a London-based advocacy organization, said political institutions must be formed in a way that does not favour certain ethnic groups over others. He said: 'When the new political system is set up then it should not take on an ethnic perspective. There is definitely a pronounced ethnocentrism. There is a need to emphasize that nation is greater than ethnicity.'[37]

He said such ethnocentrism stemmed from the war, when 'ethnicity was used as a dividing factor by the [the North]'. But he noted that the referendum saw an outpouring of 'nationalism' that cut across ethnic lines. Pande said a national identity should be enhanced through the political and legal systems.

Pande also noted that the process of drawing up Southern Sudan's new constitution was crucial: 'The constitution should stipulate clearly that minorities have a voice. The laws should follow on that and find the specifics.'

The Draft Transitional Constitution does indicate the importance of including all communities in the government. It states: 'The composition of governments shall take into account ethnic, regional and social diversity in order to promote national unity and command national loyalty.'[38]

But the document does not spell out what policies should be implemented in order to satisfy this requirement. It is expected that the draft will go through a consultative process once the transitional government is sworn in after declaring independence. Pande's suggestion that the finalized constitution should provide minorities specifically with a political voice is an important one. There are various ways in which this can be achieved. For example, by decentralizing political powers to the local level where minority communities can effectively influence decisions; encouraging political parties that advocate for minority interests; reserving seats in legislatures for minorities; or by creating consultative bodies made up of minority representatives which are involved in decision-making on matters affecting those communities.

Whatever system is adopted to ensure for minority participation, it is important that there is an inclusive process whereby each community has a say in methods used, and that such mechanisms reflect the internal diversity of minority communities – particularly women and youth. In the 2003 MRG report, *Public Participation and Minorities*, author Yash Ghai, one of the world's foremost constitutional scholars, makes comment:

> *'Participation by minorities helps to put old policies in new contexts, often highlighting their weaknesses or ethnic bias, and drawing attention to the need for new policies and approaches. Public participation promotes inter-ethnic dialogues, and averts ethnic conflicts borne out of misunderstanding or ignorance.'*[39]

Much depends on the SPLM's willingness to foster genuine democracy by creating space for opposition parties. Already, opposition members are accusing the SPLM of attempting to consolidate its own political power rather than encourage democratic development. When the Draft Transitional Constitution was released, Peter Adwok Otto, spokesman for the main opposition party, SPLM-Democratic Change, said: 'This is an exclusive constitution for the SPLM.… We think it's dictatorial and we reject it.'[40] He complained that the document erased the two-term limit for presidents. He also decried the stipulation that the president would sit for four years commencing with Southern Sudan's declaration of independence. Previously, authorities planned to hold elections soon after that declaration. Otto said the opposition was hoping for elections within 20 months.

Pande suggested during a January interview that the SPLM would likely attempt to concentrate its power and stifle opposition groups. He said this tendency stemmed from the SPLM's past. Despite the party's transition from a military to a political entity, its leaders still maintain a military mindset. He said:

> *'What happened in Sudan is that the elites joined the military. They are the intelligentsia; they are high-level academics. They themselves became militarized and there is a danger that they are no longer themselves. Unless managed, they could become military dictators. There is a possibility that these people might want to cling to power for a very long time.'*

For Pande, civil society participation is essential to creating an inclusive government:

> *'Civil society should not let government be the sole decision-maker in the constitution-making process; otherwise it could become a regime where the government decides everything. The start is very important for the future, and at the start there should be a radical break from the past.'*

Another analyst interviewed by MRG in Juba saw decentralization of government as the key to equitable distribution of resources. Alfred Sebit Lokuji, an associate professor of political science at the University of Juba, said Southern Sudan is in danger of repeating a pattern of centralization that was at the root of many of the issues that led to the civil war. He said resources were funnelled into Khartoum rather than being used to develop rural areas, especially in the south. He said the GoSS should devolve political power rather than concentrating it in Juba, which is expected to be the capital of the new country.[41]

He said: 'The GoSS should be concerned with strategic issues only. There is a need to devolve. For example, shift the responsibility for primary education to states; at the centre retain quality controls, and you don't need a huge ministry for that.'

Lokuji said responsibility for delivering public services such as health and policing should be devolved to the local level as well. Doing so, he said, would provide public sector jobs throughout the country, and it would also give communities a larger stake in the political process. He said: 'If you do that you will solve the ethnic problem.'

The Draft Transitional Constitution does contain a chapter on the Decentralized System of Governance. It begins:

> *'All levels of government shall promote democratic principles and political pluralism, and shall be guided by the principles of decentralization and devolution of power to the people through the appropriate levels of government where they can best manage and direct their affairs.'*[42]

The document states that the federal government will have authority over its people and the states, while the states will provide public services. The system of decentralization continues to the local government level, but the document does not spell out the specific responsibilities of local government.

MRG has highlighted just a few proposals that analysts and community leaders suggest as ways to alleviate ethnic tension and ensure the rights of minorities. There are many more valuable ideas to come out of consultations between the government and civil society. Serious consideration of such proposals is particularly important at this critical moment, when Southern Sudan is developing its political system as well as planning infrastructure and other projects. Minority concerns should be at the forefront of many of these discussions.

In the run-up to independence, Southern Sudan continues to be plagued by ethnic violence. In 2009 alone, about 2,500 people were killed and 350,000 forced to flee their homes due to violence, according to a report released by 10 NGOS working in the region.[43] Much of that violence was due to competition between ethnic groups for access to natural resources, the report said. Such violence will likely continue as long as impoverished people are not able to access resources such as water and grazing land for their cattle. The development of infrastructure, public services and the economy will do much to alleviate such tensions. But development on such a massive scale is likely to take decades. It is extremely important that all ethnic groups see the results of this gradual process in their own communities. For this to happen, the GoSS must ensure political representation for minorities.

Recommendations

To the Government of Southern Sudan (GoSS):

Ensure political participation

- The GoSS should deliver on promises made in the Draft Transitional Constitution pertaining to the protection of minority rights, by ensuring that minorities are represented in policy discussions about the development of the political system and the writing of a new constitution. There should be an informed discussion of the various models available to ensure participation of minorities in decisions that affect them, and a system should be adopted that gives minorities an effective voice at various levels of government.
- Powers which are devolved, including to local government, must be accompanied by sufficient funds to implement them. This can be achieved in part by decentralizing tax-raising powers, but the revenue generated through taxes, given the level of poverty currently, will be very low, so significant budget transfers from the centre, particularly from oil revenues, will also be necessary.
- The GoSS should provide training programmes in public administration for members of minorities.

Protect land rights

- The protection of land and property rights of minority groups and individuals should be a key priority. Leases of land to private companies must be subject to consultations with communities affected. Where leases are agreed, communities should be compensated and given continued necessary access.
- The rights of communities to land traditionally and collectively occupied by them, even where official registration of title has not taken place, should be respected, as mandated by the South Sudan Land Act of 2009.
- The Draft Transitional Constitution should be modified to allow for an independent and impartial process for the appointment of the members of the Land Commission, rather than appointment by the President, as is currently provided for. The same should apply to bodies established at County and Payam level under the 2009 Land Act.

Diffuse local tensions

- The GoSS and donors should improve security and water access infrastructure in areas of competition between pastoralists.
- The GoSS should support leaders to cooperate across communities and promote cultural exchanges, and reconciliation between different communities, particularly through civil society initiatives.

Disarmament

- Disarmament should be carried out in consultation with communities, avoiding coercion and ensuring neighbouring communities are disarmed equally. The GoSS should explore options for providing a more positive, lasting presence in communities to improve security, for example through community policing by representatives of the communities themselves.

Ensure economic participation

- The GoSS and donors should work with local communities to promote sustainable agricultural development which is respectful of communities' traditional livelihoods as the key to addressing food insecurity and creating jobs.
- Ensure economic development does not marginalize ethnic communities or suppress their identity by involving representatives of communities in the design, implementation and monitoring of development policies, and by collecting ethnicity and gender-disaggregated data.

To donor agencies and international organizations:

- Support the GoSS to provide for and facilitate the access to decision-making of minorities and indigenous peoples, for example by sharing expertise and good practice from outside Sudan.
- Support community-to-community peace initiatives to deal with the root causes of tensions between ethnic communities and conflicts over land rights.
- Strengthen the capacity of civil society groups to advocate on behalf of minority groups and to participate in consultations with the government.
- Develop a coherent conflict early-warning system that incorporates indicators of minority rights violations. A system that incorporates and analyses patterns of discrimination and exclusion, such as unequal access to resources, including land, water and livestock, is vital in tracking the rise of tension that could lead to violence.

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