

Should South Sudan parliament ratify Addis Ababa agreements?

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By Luka Biong Deng

October 8, 2012 - On 27th September, President Salva Kiir and President Omer Al Bashir penned in Addis, Ethiopia, the Cooperation Agreement between the Republic of South Sudan and Republic of Sudan. This Agreement was witnessed by President Thabo Mbeki of the AU Panel and the Prime Minister of Ethiopia Haile Mariam. It reaffirmed the commitment of the two countries to ensure full implementation of the nine (9) previous agreements including Abyei June 2011 Agreement and the newly concluded eight (8) agreements. These agreements were reached after a painful and bumpy facilitation process by the AU Panel.

The AU Panel headed by President Thabo Mbeki, General Abdusalami Abubakar and President Pierre Buyoya are to be congratulated for the remarkable success not only in averting war between South and Sudan but also in renewing hope for building good relations between the two countries. It has not been at all an easy exercise as the stakes were so high after the bitter divorce of the two states. Africa must make more use of its leaders such as the former heads of states for nurturing peace and stability in the continent.

As President Salva and President Bashir signed this Cooperation Agreement, there is now a renewed hope for establishing two viable states with peaceful relations and security commitment to renounce any resort to war or violence in the conduct of their relations. If this agreement is fully implemented, the people of the two countries and continent will greatly benefit from the stability and good relations between the two countries. The costs of strained relations between the two countries have been quite high.

While these agreements are to be ratified by the parliaments of the two states before their implementation, the real question is whether they meet the aspirations of the people of the two countries. The international community has unanimously welcomed these agreements with the hope of putting the two countries on the path of peace and stability. For the regime in Khartoum, these agreements have greatly improved its tarnished image and provide opportunity to prolong its power. I was impressed by the way the Head of the Sudan Negotiation Team Mr Idris Abdel Ghadir defended these agreements, particularly the agreement on the four freedoms. Knowing him and his previous position on the four freedoms, I was surprised that he even wished the four freedoms with the South to be increased to 40 freedoms. In fact Sudan has diplomatically, politically and economically gained a lot from these agreements. The Sudanese pound gained strength after the signing of these agreements. We need, however, to see how Sudan will implement these agreements given its incredible records of dishonouring agreements.

For the South, these agreements may require more efforts to be explained to the citizens. Generally one would say that the South, during the negotiation of these agreements, has diplomatically regained the trust and confidence from the international community. The people of the South should give credit to the well-done job by the negotiation team headed by a credible and shrewd negotiator Comrade Pagan Amum. In terms of cost-benefit analysis, one would say that the South will lose in the short run but it has a chance of transforming these losses into enormous benefits in the medium and long-run if these agreements are fully implemented in good faith.

Certainly, these agreements cannot be termed as ideal, particularly as the South was negotiating with such a bad neighbour that controls the critical oil infrastructure that is detrimental to its oil industry. One would term what the South might have lost in these agreements as the cost of having a bad neighbour, being a land-locked country and dependent entirely on oil. The period of 3.5 years of this agreement will give time for the South to put its house in order and to build a diversified economy that is not dependent on one source and one neighbour. With the resumption of oil production, the South is expected to receive oil revenues totaling not less than \$10 billion in the next three years. If it can keep its current austerity budget with more tightened fiscal discipline, then South will be able to save more resources for its strategic sectors such as agriculture, infrastructure and education.

On oil agreement, the people of the two countries will benefit a lot as the oil revenues will help the governments to keep its pro-poor spending, particularly in health, education and water. However, while the two countries have agreed on processing fees of \$1.6 per barrel, transit fees of \$1 per barrel and average transport fees of \$7.5 per barrel for oil entitlements of the government of the South Sudan, Khartoum has the right to set transit fees of \$4 per barrel to the oil companies. In addition to these fees, the South shall pay \$15 per barrel as transitional financial arrangement (not assistance) totaling \$3.028 billion for the period of 3.5 years. In fact Sudan will receive in total \$7 billion with \$5 billion being the cost of processing, transport, and transits fees and transitional financial arrangement from the oil share of the Government of South Sudan and \$2 billion as fees from the oil share of the oil companies operating in South Sudan. One would say that Sudan has managed to get nearly

\$28 per every barrel to be transported through its territory.

On other economic matters, the South Sudanese who served as public civil servants in Sudan will be able to receive their post-service benefits including pensions from the government of Sudan. This will amount to more than \$1 billion and it is not a gift from Khartoum but it is rather a cumulative monthly contribution made by these civil servants during the period of their service in Sudan. Also the South will assist Khartoum in the campaign for \$40 billion debt relief as well as mobilizing international community for more development assistance to Sudan and lifting of economic sanctions. Importantly, the people of the South will be able to access and acquire their archives and cultural heritage properties in Sudan. The South even requested from Khartoum to hand over all properties in the national museums to the South so as to protect them from destruction by Islamic extremists as it happened in Mali.

On the four freedoms, trade and soft borders, the people of the two countries will greatly benefit, particularly the people of Sudan. I was surprised that there are some extremists in Sudan who are against the four freedoms. One would expect the people of the South to resist the four freedoms as they are less likely to make better use of such freedoms in Sudan. However, given the difficulty of transporting goods from East Africa, the people in the states adjacent to Sudan will greatly benefit from soft border and trade with Sudan. In fact the flow of goods from Sudan will greatly improve the living conditions of the people along the border with Sudan and this will positively affect the prices of goods imported from East Africa. Also most South Sudanese who lived in Sudan have acquired properties and houses in all the major towns of Sudan. In Khartoum alone, there are not less than 170,000 houses and plots belonging to the people of the South. Equally, the large number of South Sudanese students who enrolled in various universities in Sudan will be able to continue with their education.

On border security arrangements, it is good that Khartoum has eventually accepted the AU map for safe demilitarization border zone as this will improve security along the border and build trust. The exemption of the "14 miles" border section to be entirely demilitarized and coupled with lack of agreement on the disputed and claimed border areas have created resentment among the people of the South, particularly the people Malual Dinka. This is further exacerbated when Sudan dragged the Rizigat Arab nomads into the border politics as their leaders in Addis Ababa claimed their ownership of "14 miles". Governor Paul Malong and leaders of Malual Dinka have managed over years even during war to build good relations with Rizigat Arab nomads and ensured access of their cattle to water and pastures in their state beyond "14 miles" area which has been under their administration.

By involving the Rizigat Arab nomads in the politics of border as it was done in Abyei for Misseriya Arab nomads, the Rizigat Arab nomads may find it difficult in the next dry season to get the same treatment from their friends in Awiel. However, the people of Awiel know very well that President Salva will be the last person to betray them not only because they are the strongest political base of the SPLM but also as people who exceptionally contributed immensely during the liberation struggle. One expects that our government to explain to the people of Awiel its commitment to "14 miles" as territory of the South and as one of the disputed areas it can only be settled through international arbitration. Meanwhile the demilitarization of the "14 miles" is to be explained as a temporary arrangement that does not imply in any way the ownership of the area by Sudan.

Given the fact that the final status of Abyei and the issue of disputed areas including "14 miles" border and the claimed areas including Panthou are not yet resolved, one would expect that our parliament will conditionally ratify these agreements subject to the resolution of these two critical issues. Alternatively, our parliament may ratify these agreements after the meeting of the AU Peace and Security Council scheduled on 21st October that will endorse the proposals of the AU Panel on the final status of Abyei and the disputed and claimed border areas. It is only when the final status of Abyei and the issue of disputed and claimed areas are resolved, then there would be a comprehensive agreement, a position maintained by the South and the AU Panel. Without resolving the final status of Abyei and the disputed and claimed areas, the implementation of these agreements will extremely be fragile and the two countries may risk the renewal of a large scale war.

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