

Mile 14 : Failure, arrogance or lack of popular understanding

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By Martin Garang

October 21, 2012 - South Sudan politics is beginning to move along the line of the customary of realpolitik. Just recently, the populace living on the new country's borders voiced their misgivings over land issues in the government's agreement with Khartoum. Their grievances appear to have been ignored without proper explanations and the political latitude tilted towards religion. South Sudan is now sending her first independent black Muslims to Mecca on a presidential sanction to cast their pebbles at kaaba al musharraffa (the black stone) in a ritual move that will define one of the SPLM's premises of the New Sudan built on equality of all races and favouring freedom of religion. As many South Sudanese do not hold any bad feelings towards those who have fought to have their freedom of worship recognised in the theology of colour-blindness, expectations are that the same support the president extended to potential black sheikhs, where they must travel to Saudi Arabia without having to go through any religious medium, be also extended to those who fought for so long to gain the land and oil resources within it.

Two days after South Sudan legislative assembly ratified nine bilateral agreements including mile 14 in a near unanimous vote, the Minister of Petroleum and Mining, Stephen Dhieu, ordered oil companies to commence operation with immediate effect through Sudan's oil infrastructures. The timing could not be any perfect for the petrified and internationally cornered government of South Sudan that saw the first ever peaceful demonstrations by the citizens against it. The people of Northern Bahr el Ghazal and other citizens who disapproved of the oil agreement did not see the security arrangement relating to Mile 14 as just a pen and paper temporary arrangement as mediators would want all to believe, but in terms of land and the legal backdrops attached to it.

Unlike the 2005 Comprehensive Peace Agreement (CPA) between the two Sudans - A model of accomplishment that should have been adopted for peaceful deliberations by South Sudan's ruling party (The SPLM) with Sudan - which was first communicated to the citizens from grassroots to diaspora by late Dr. John Garang - the already missed savviest negotiator and architect of peace in the Sudans - oil agreement becomes visible to have been a shove down the throat to the citizens. If there is anything that South Sudan government must be credited for, it is the sincerity and easy lending of its sensitive documentations, classified or otherwise. The nine bilateral agreements instantaneously hit the web the moment they were signed in Addis Ababa on the 27 September, 2012 and by the time president Kir and his mediators arrived in Juba, South Sudan capital, the populace had already gurgled the contents of the agreement and were waiting to hear from their face-down heroes. When this awareness took a little longer, mile 14 people, Abyei people and the people of Panthou, Karsana and other contested areas made no concealed articulation of their fears. They demonstrated on the streets of juba and around South Sudan parliament amidst gunfire in the air. Inside the parliament the president was not substantively convincing the lawmakers to make the right decision but coerced them to ratify the agreement through his hard language and denigration of the protesters outside the building.

But what exactly is in the security arrangement involving Mile 14 between Sudan and South Sudan that warranted mediators and president's arrogance in communicating with the South Sudanese affected by the agreement?

The agreement was actually simple. A high school student and a sophomore dropout without difficulty could understand it. It is this simplicity that the people quickly understood it. And in simple summary, it can be stated that the security arrangement over mile 14 deviated from the CPA path and the essence of fighting for the land and the negotiators, under pressure, created by admission of a problem from out of the blue thereby subjecting the land of Dinka Malual to future legal contest. It had further exposed and compromised the security of the people in area who had for ages battled for their survival singlehandedly in the hope that a future nation in which they would be part of would not kowtow under any stress but to stand with them.

This summary has no nonsensical legal jargons that need consultancy. It is therefore surprising that South Sudanese mediators and the president would dare question intellectual capability of millions who read the document in totality and who felt it was a game of oil flow but in a wrong calculations that will eventually haunt them.

I remember sitting a few meters from the SPLM's negotiating panel at Kenyatta International Conference Centre in Nairobi, Kenya in 2004 where Dr. Garang gave a lengthy deconstruction of the Machakos protocols and the intricate arithmetic of oil sharing. When asked about the reason behind equal oil quota allocation in wealth sharing agreement, his argument was fairly simple. He urged his people to accept fifty percent and use their referendum vote to get the other fifty percent. It is therefore the leader that must have the propensity to make complex agreements clear before adopting them in a binding agreement rather than gloating in a manner suggestive of a reverse of an argument.

South Sudan negotiators, including president Kir might have a completely different interpretation of the security arrangement about mile 14. This is not a new obsession in the Sudanese politics where the truth is often absurdly entrapped in the opposite plane in order to cause confusion, delay, suffering and domestic and international frustration. The Comprehensive Peace Agreement, negotiated by Dr. Garang, the then sage negotiator for the Sudan People's Liberation Army, SPLA, and a soft spoken but powerful vice president of the Sudan, Ali Osman Taha, whose portfolio went to John Garang immediately after the implementation modality went into effect, referred to Abyei referendum participants in two words: Ngok Dinka and others. Legal experts during the Sudanese peace talks should have known that the word 'other' was the only ambiguous word that any enemies would find any peace with. Abyei referendum is today held hostage by the simple, yet politically loaded term, other. And the word is dragging the Sudans into each other every minute of every day and putting the Ngok Dinka of Abyei and 'other' proper in the abyss of the politics of survival.

It is this assigning of absurdity, double dealing, and what Eric Reeves, a Smith College professor with special interest in Darfur and now the Sudans calls a 'moral equivalence' that differentiates, complicates and sets the parallels in the citizens' understanding of the bilateral agreement and president Kir's and mediators' uncommunicated intention of the oil flow first.

The Sudanese and South Sudanese politicians seem to have been misled by past colonial agreements. However, colonial and condominium agreements in the Sudan were not right. Had they been fair, there would have been no wars? The 1924 Munroe-Wheatley agreement described by Douglas H. Johnson in his book; When boundaries become borders: The impact of boundary-making in Southern Sudan's frontier zone seems to have induced a campaign of the border between Sudan and South Sudan and with Rizeigat copying the notoriety that Messeriya Arabs play in Abyei's referendum exercise. We must remember that Munroe-Wheatley agreement initially built on other grazing and hunting rights arrangements of the citizens between Sudan, where Dinka Malual were subjects and Rizeigat, who were citizens of Darfur Sultanate, later annexed to Sudan in 1916. In fact, and much to the chagrin of South Sudanese who were not at ease with the current security arrangement involving Mile14, the book, published in 2010, has hinted on page 45 that GoSS had earlier considered demilitarisation of mile 14. The predetermined demilitarisation will therefore leave many to question whether recent Addis Ababa oil agreement was a pre-emptive ratification of government policy regarding Mile 14 by the negotiators, and if so, what then were the security guarantees for the people living in the area?

Dissimilar to the Sudanese mediators who sometimes admit guilt and shed tears, their South Sudanese counterparts have no nonsense in the politics of apologies. Once confronted, as was the case of Mile 14, they beat their chests in a gorilla-style show of force and swing any blame back to the people in a new bag stamped on as lack of understanding and failure to read the agreement. President Kir had been on records where he is seen to have taken side in the row but took matters to a higher level. He boasted to the demonstrators outside the national assembly for the length of time he spent fighting for the land, which he was accused of surrendering to Sudan through admittance of contention over it. Little was he aware that in the crowd were SPLA veterans who, in 1982 had already joined the Anya Nya Two and fought for the land while he was still speculating whether to take to bush or not. Logically, if arrogance and wealth were to be awarded in South Sudan based on the length of time in the service, then the lion's share still has not found the right consumers.

Actions of South Sudan government following disagreement with the Sudan over oil transit fees are indeed a conjecture that should allow people to question the par excellence of SPLM political negotiations skills and gun-wielding bluffs. The recent agreement that fits a relationship of commensalism with Sudan have raised doubts among the majority of the people, with some introspecting if late Dr. Garang were to be alive, whether he would have been threatened by a leak on oil pipeline, his nation's vital artery to the point of summarily shutting it down without arrangements in place, or whether he would, as a consequence of oil theft during export, encourage South Sudanese, through adding more lands to the contest, to enter a post CPA relationship of commensalism with Sudan? Even nobody knows what other leaders would do in a similar situation, proper imagination is that the nation's house of law would implement the codes of democracy bequeathed upon it.

As for the legislative assembly of South Sudan, we are yet to witness its democratic independence where the power to ratify an agreement for oil flows has equal measure with the power to order a shut down.

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