



COMMENTARY



# The Two Sudans at a Critical Juncture

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## 1. INTRODUCTION

This commentary piece focuses on Sudan and South Sudan, however the themes discussed are pertinent to the challenges facing the African continent generally and indeed the international community more inclusively. The theme of reconciling localization and globalization places the subsequent discussion in this inclusive framework, from the local to the global.

An overarching principle guiding this is the quest for constructive management of diversity to address the mounting crisis of national identity, which is both local and global. The argument for managing diversity constructively will be premised on four interconnected normative concepts: identity, dignity, diversity and equality. The first two are inherent in every individual and group. Subjectively and in relative isolation, every group views its identity and related cultural values in idealistic terms as the model of human dignity. The other two concepts are features of pluralistic state and other formations which generate competitiveness and the quest for equality.

The tendency among conflict resolution experts is to dismiss identity as a factor in negotiations because it is intangible, elusive, and not quantifiable like power and wealth.<sup>1</sup> But identity is often the basis for determining the distribution or the sharing of material values. It is therefore a critical factor in the shaping and sharing of values. Although these concepts may sound too lofty and utopian for negotiations, the peace and security of any pluralistic state depends on the realization of these normative principles in the mutual interest.

This discussion builds significantly on my, as the author, experiences in the diplomatic service of my country and my successive UN service as a human rights officer, representative of the Secretary General on internally displaced persons, and special advisor of the Secretary General on the prevention of genocide.

## 2. LESSONS FROM THE UN MANDATES

Crisis of national identity is a global phenomenon that affects countries that are characterized by diversity based on such factors as race, ethnicity, religion and culture, which means virtually all countries.<sup>2</sup>

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<sup>1</sup> Hagg, G. and Kagwanja, P. (2007). "Identity and Peace: Reconfiguring Conflict Resolution in Africa." *African Journal on Conflict Resolution*, 7(2), pp. 9-36

<sup>2</sup> Ariely, Gal. "Globalisation and the decline of national identity? An exploration across sixty-three countries." *Nations and nationalism* 18, no. 3 (2012): 461-482.

Observations from my country missions in the discharge of my UN mandates revealed to me the extent to which citizens are classed and stratified on those bases. The conflicts involved do not emanate from the mere fact of differences, but from the mismanagement of identity characterized by discrimination, marginalization, exclusion and denial of human dignity. Prevention and resolution must therefore aim at inclusivity, equality and dignity for all, without discrimination on any ground.

My UN experience led me to conclude that the United Nations is, in effect, an organization of mostly divided nations who use contested national sovereignty as a shield against international involvement on behalf of their needy populations. During my country missions, I would meet the government leaders, then engage with the affected people and at the end ask them what message they wanted me to take to their national leaders.

Invariably, they argued that those in government were not their leaders. In a South American country, the spokesman of the affected community stated that the government did not regard them as citizens, but as criminals and that their only crime was that they were poor. In a Central Asian country, the response was that no one from their community was in the government and that they did not consider it their government. In an African country, the Prime Minister told a senior UN humanitarian that the food they were giving 'those people', his displaced persons, is killing 'My soldiers'. In a series of articles and in the book, *Sovereignty as Responsibility: Conflict Management in Africa*, which I co-authored with colleagues in the Africa Studies Program at the Brookings Institutions in Washington,<sup>3</sup> which I founded and directed, we recast sovereignty as first and foremost as entailing the responsibility of the state to protect and assist its citizens and not be used primarily as a barricade against external intervention.

The concept of 'Sovereignty as Responsibility' which guided my UN work was elaborated by the International Commission on Intervention and State Sovereignty as The Responsibility to Protect, R2P.<sup>4</sup> Both concepts rest on the three pillars of the responsibility of

the state, international support for the state to be more effective in discharging its responsibility and a more robust international intervention to provide protection in the event of state failure to discharge its responsibility to protect its needy citizens. Sovereignty as Responsibility is appropriately understood as placing priority on the responsibility of the state and is therefore more acceptable to governments. On the other hand, R2P is widely understood as advocating international intervention and is generally resisted by third world countries which feel vulnerable to intervention.<sup>5</sup>

And indeed, while the responsibility is primarily national, the international community is called upon to provide residual remedy in the event of national failure to protect and assist its citizens in accordance with international norms of universal human rights and humanitarian principles. The core of the problem in Africa goes back to the colonial state which centralized power and introduced discriminating policies that benefitted certain groups and regions and marginalized others. The privileged groups inherited state power from the exiting foreign rulers under a centralized domination that was tantamount to internal colonialism.

### 3. THE CASE OF THE TWO SUDANS

The root causes of the chronic conflicts in the two Sudans are grounded in an acute crisis of national identity with deep historical roots going back to slavery and its persistent legacy in today's national configuration and stratification. The evolution of the conflicting identities crystallized in two contrasting formations, identity of Arab-Islamic assimilation in North Sudan and identity of resistance in the South where the African populations adhere to indigenous belief systems with modern Christian converts and a commitment to the separation of religion and state.<sup>6</sup>

British colonial administration centralized power, injected strategies that benefitted certain groups and regions, marginalized peripheral regions, and consolidated South-North dichotomy in its separatist Southern Policy. While the North was generally more developed politically, economically, socially, and culturally, the South was the most neglected;

<sup>3</sup> Deng, Francis M., Sadikiel Kimaro, and Terrence Lyons. *Sovereignty as responsibility: Conflict management in Africa*. Rowman & Littlefield, 2010.

<sup>4</sup> International Commission on Intervention, State Sovereignty, and International Development Research Centre (Canada). *The responsibility to protect: report of the*

*International Commission on Intervention and State Sovereignty*. IDRC, 2001.

<sup>5</sup> Auf, Omar. "Navigating R2P Between Norm and Practice." *The Cairo Review of Global Affairs* 46 (2023): 80.

<sup>6</sup> Deng, Francis M. *War of visions: Conflict of identities in the Sudan*. Rowman & Littlefield, 2011.

marginalized and and grossly disadvantaged. As independence approached, Southerners feared a return to the dark days of slavery as the North was poised to assume control of the country.<sup>7</sup> This triggered the Southern Sudanese liberation struggle which led to two wars that ended in the secession of South Sudan.

The two wars of Southern liberation were waged with contrasting objectives. The first aimed at independence. It broke out in 1955, four months before the declaration of independence on the first of January 1956, and lasted until 1972 when it was ended by the 1972 Addis Ababa Agreement that granted the South regional autonomy. I wrote the article, *Dynamics of Identification: A Basis for National Integration in the Sudan*,<sup>8</sup> as the peace process was underway. In it I analyzed the evolution of the contrasting identities of assimilation in the North and resistance in the South.

As the Addis Ababa Agreement was reached while I was concluding the book, I argued that Southern autonomy provided a framework for peaceful interaction that would evolve into an integrated national identity of inclusivity, equality and dignity for all, without discrimination on any ground. As I had just assumed the position of Ambassador to the Nordic countries, I was tasked by the Minister of Foreign Affairs to write a book about the agreement, which was published under the title *Peace and Unity in the Sudan: An African Achievement*.<sup>9</sup> The President presented the book to the Heads of State of the Organization of African Unity in their 1973 Summit as a symbol of Sudan's appreciation for their contribution to the peace agreement. The main thesis of the book had much in common with that presented in *Dynamics of Identification*.

The unilateral abrogation of the agreement by the government ten years later triggered a return to war in 1983, championed by the Sudan People's Liberation Movement and Army, SPLM/A, with the declared objective of creating a New Sudan of inclusivity of full equality without discrimination on the ground of race, ethnicity, religion, culture or gender. It is obvious that the Vision of New Sudan stipulated by the SPLM/A had

much in common with the thesis advanced in *Dynamics of Identification*, This New Sudan Vision inspired the marginalized regions of the North to join the liberation struggle.

The Washington-based Center for Strategic and International Studies, CSIS, formed the Task Force on US Sudan Policy that was to develop the mediation strategy for ending the war in the Sudan. I was honored to co-chair the Task Force. In an attempt to reconcile the conflicting visions of the Arab-Islamic North and the African secular South, we proposed the framework of One Country, Two Systems for the six-year interim period. This became the guiding principle in the mediation of the 2005 Comprehensive Peace Agreement that ended the war.<sup>10</sup> The interim period was to lead to the exercise of self-determination by the South. I advocated self-determination for the South not because I supported independence, but to pressure the Central Government to create conditions that would make unity attractive to the South. It was my hope that the framework of One which was an optimistic assessment of the prospects for unity. Country, Two Systems could salvage the sustained unity of the country. That was indeed the message of my book, *Sudan at the Brink: Self-Determination and National Unity*, published just before the referendum.<sup>11</sup>

As late as 2010, I published an edited volume, *New Sudan in the Making*, which was an optimistic assessment of the prospects for unity. But just before the book was published, it became increasingly obvious that the country was headed for partition. I therefore revised the title of the book by adding a question mark to the end, and the title changed to *New Sudan in the Making?*<sup>12</sup> Unfortunately, our proposed agenda did not salvage the unity of the country. The South opted for independence and became independent on July 9<sup>th</sup>, 2011.

The independence of South Sudan was a pragmatic compromise that did not address the crisis of national Identity comprehensively and left the marginalized regions of the North to pursue the New Sudan vision. This meant that the Two Sudans would continue to be

<sup>7</sup> Johnson, Douglas Hamilton. The root causes of Sudan's civil wars. Indiana University Press, 2003.

<sup>8</sup> Deng, Francis M. "Dynamics of identification a basis for national integration in the Sudan." *Africa Today* 20, no. 3 (1973): 19-28.

<sup>9</sup> *Peace and Unity in the Sudan: An African Achievement*. Vol. 19. Khartoum University Press, 1973.

<sup>10</sup> Rolandsen, Øystein H. "A quick fix? A retrospective analysis of the Sudan Comprehensive Peace Agreement." *Review of African Political Economy* 38, no. 130 (2011): 551-564.

<sup>11</sup> Deng, Francis M. *Sudan at the brink: self-determination and national unity*. Fordham University Press, 2010.

<sup>12</sup> Deng, Francis M. "New Sudan in the making?: Essays on a nation in painful search of itself." (No Title) (2010).

negatively linked by their internal conflicts that would spill over their borders. Conflicts would be perpetrated by armed opposition groups in both countries, whose rebel activities would cross their borders. My book, *Bound by Conflict: Dilemmas of the Two Sudans*, published in 2016 but concluded earlier, was an affirmation of that prediction.<sup>13</sup>

And indeed, less than two years after secession, South Sudan plunged into an inter-ethnic violent conflict in 2013, in which Sudan was alleged to support the rebels. The conflict was briefly halted by the joint mediation of the Inter-Governmental Authority for Development (IGAD) and the OAU in 2015 but erupted again in 2016. That conflict was ended by the revitalized peace agreement that was signed in September 2018. Although the causes of the South Sudanese conflict do not reflect an identity crisis similar to that of the Sudan, it demonstrates that identity conflicts are relative and contextual and shares the same challenge of management of ethnic and tribal diversity.

Before the outbreak of the current war in the Sudan, the Two Sudans were endeavoring to turn being bound by conflict to being bonded by cooperation in the search for solutions to their internal conflicts. However, the conflict in the Sudan escalated into the current war. This war should not be viewed purely as the generals fighting for power and resources, but more inclusively as a continuation of unfinished liberation struggle for a New Sudan of inclusivity and equality of citizenship, a challenge shared by the Two Sudans. The conflict has become compounded by the involvement of external actors that are adding complicating dimensions to the conflicts.

Historically, and indeed currently, external regional actors in the Sudan have tended to be the Arab-Islamic countries, with the conspicuous absence of the African countries.<sup>14</sup> This is a shortcoming that needs to be urgently addressed. The needed solutions to the Sudanese conflicts must therefore be first internal, supplemented with regional and international support and partnership.

#### 4. COMPARATIVE PERSPECTIVES ON THE CHALLENGE

The Two Sudans' perpetual search for a permanent constitution is a search for an inclusive national identity framework that can also be understood as a quest for an authentic African Constitution and a State that is grounded on distinctive African characteristics. In that sense, the case of the Two Sudans represents a shared African phenomenon and inclusive continental quest for an authentic African state that is freed from the disabling remnants of colonialism.

This is reminiscent of the call of the 'Founding Fathers' of the African independence movement for appropriate normative goals, including Nkrumah's Consciencism; Nyerere's Ujamaa; Kenyatta's Harambee; Kaunda's Humanism; Mbutu's Authenticity; and Senghor's Negritude, all yearning for an authentic African state founded on Africa's fundamental normative concepts. The contemporary continent-wide call for an endogenous African Constitutionalism therefore echoes the calls of the Founding Fathers.<sup>15</sup>

The Vision of a New Sudan can be considered a quest for a model of an African state that is grounded on community-based cultural values and institutions. Such a state would then reach out for an equitable partnership on the international scene.

#### 5. BRIDGING FRAGMENTATION WITH INTEGRATION

The mounting crises currently pervading Africa from Ethiopia to Sudan and several West African countries indicates that the colonial state and its inequitable imposition of centralized power is a foreign body grafted onto the African continent and is now being rejected or at least severely challenged. This is imposing a process in which states are fragmenting into ethnic regions while there is also a demand for integration at the continental level and a call for a more equitable global order in which Africa has an effective voice.

Addressing African identity conflicts requires an authentic African approach to conflict resolution. There are sharp theoretical differences among conflict resolution experts: There are those who believe that

<sup>13</sup> Deng, Francis M. *Bound by conflict: Dilemmas of the two Sudans*. Fordham University Press, 2020.

<sup>14</sup> Al-Anani, Khalil. "The Sudan crisis: How regional actors' competing interests fuel the conflict." Arab Center Washington DC (2023).

<sup>15</sup> Okubasu, Duncan M. "Berihun Adugna Gebeye, A Theory of African Constitutionalism." *VRÜ Verfassung und Recht in Übersee* 56, no. 4 (2024): 801-803.

human beings as individuals, groups or states are normally in competitive and conflictual condition, that it is futile to aim at prevention, and that the most effective strategy is management of conflict. And there are those who believe that the normal state of human interaction is one of harmony and cooperation, that conflict signifies a violation of the normal state of human interaction, and that conflict resolution should aim at restoring the normal state of human relations. I share this latter position which I believe represents the African cultural perspective.

There is also a difference between those who believe in zero-sum conflict for which victory requires total and uncompromising defeat of the adversary and those who recognize that compromise is a critical requirement to conflict resolution. This involves face-saving and the search for a common ground toward consensus, which is a central factor in conflict resolution. I believe there is also a cultural dimension to these conflicting perspectives and that the African orientation leans toward consensus building and reconciliation.

The history of Africa has been one of a long chain of external intervention, destruction, and domination. Generally speaking, domination must in the long run fail and give way to political, economic and cultural independence. This process must now reach down to the local level and promote communal self-administration as a form of internal self-determination.

My UN experience in advocating the cause of human rights, the protection of the internally displaced, and the prevention of genocide are elements of the wider cause of peace, unity, harmony and dignity for all. In pursuing these objectives, it is necessary to reconcile idealism with realism, to aim high but pragmatically settle for the optimum achievable goals.

## 6. THE CHALLENGES OF THE WAY FORWARD

I am a strong believer in the importance of remaining optimistic, for pessimism leads to a dead-end while optimism is a challenge for positive action. I also believe that crises often offer opportunities which require exploring constructive grounds for remedial action.

On the national level, what is required is a peace framework that effectively addresses the concerns of all the parties to the conflict. The root causes of the Sudanese conflicts are now clear to all the stakeholders. The need for face-saving, however, requires a credible mediator with leverage who can call an end to the bloodshed on the credible understanding that the legitimate concerns of the parties will be addressed. There is therefore no need for continuing bloodshed. This requires developing constitutional and administrative frameworks for pluralistic unity, from 'One Country, Two Systems' that ended Sudan's wars between the North and South, to the stipulation of 'One Country, Multiple Systems' as a possible framework for ending the current war.

A similar strategy is also required in South Sudan where ethnic and regional disparities have generated conflicts that, though not identical in the degree of racial, ethnic, religious and cultural divide, are comparable to those of the Sudan, with the two countries still bound by conflicts, as they support each other's armed opposition groups to carry out hostilities across their borders. Once internal conflicts are amicably resolved, the two countries could conceivably negotiate some form of reunification that need not be impaired by differences over constitutional labels.

Some people fear that empowering local communities to govern themselves may encourage disunity and national disintegration.<sup>16</sup> But the experience of the Sudan demonstrates that once people are recognized, respected and granted their freedom, they become receptive to unity on the basis of equality. After the 1972 Addis Ababa Agreement granted the South regional government, Southerners became staunch supporters of national unity. And since the CPA gave the South the right of self-determination that led to independence, South Sudanese are now more receptive to close ties with Sudan.

At the continental level, there is an urgent need to revive and accelerate the Pan-African call toward the Unity of African States (UAS), which is a long-standing vision of the Pan-African Movement. It was more recently revived and championed by the late leader of Libya, Muammar Gadhafi, cosponsored by Senegal and Ghana and supported by several African leaders, but opposed by some powerful countries. The institutions envisaged

<sup>16</sup> Aalen, Lovise. *The Paradox of Federalism and Decentralisation in South Sudan: An Instrument and an Obstacle for Peace*. Bergen: Chr. Michelsen Institute, 2019.

<https://www.cmi.no/publications/6974-the-paradox-of-federalism-and-decentralisation-in-south-sudan>

for the proposed UAS should comprise a limited number of core portfolios: mutual defense; economic integration; defense strategy; social and cultural policy; transport with network of highways; environmental protection; science and technology; and foreign policy.

There is also a need for a comparative cross-cultural approach to global concepts, such as conflict resolution, contrasting the adversarial approach of the West with the reconciliatory approach of indigenous Africa; democracy contrasting the conflict-ridden Western electoral system of winner-take-all majority rule, which is essentially a dictatorship of numbers, against the consensus building, power-sharing African approach; and the individualistic orientation of the West against the communal African approach to the human rights protection normative framework.

Ultimately, what is envisaged is the creation of an African state that builds on endogenous values and institutions and devolves power to the local communities with full equality in the national governance framework, and in full unity and solidarity with other African states, enter global partnership on the bases of shared interests and mutual respect.

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