

# The United States and South Sudan: A Relationship Under Pressure

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On September 4, 2013, President Obama appointed Ambassador Donald Booth as the US Special Envoy for Sudan and South Sudan. Booth is the sixth such envoy, over the Bush and Obama Administrations, reflecting the enormous interest the United States has had in the peace process between these two countries. Not only diplomacy but resources have been invested in this process. Since the Comprehensive Peace Agreement (CPA) of 2005, the United States has spent more than \$10 billion on peacekeeping, humanitarian assistance, and development aid in these two countries. The fundamental reason is that a return to war would not only create even more humanitarian chaos than in the past, but send ripples of instability through North Africa and the Horn. Over this long engagement the United States developed deep ties with South Sudan and played a major role in enabling it to achieve its right of self-determination and ultimately independence. But that friendship is now under strain and Americans both in and out of government are concerned over the direction of this, the world's newest state.



*Source: The World Factbook, 2013.*

## Early Affinity

Sudan had been at war with itself almost from independence in 1956.<sup>1</sup> The most serious wars were between north and south. Two civil wars between them cost more than three million lives. Twice there was an effort to patch up the differences but both times these efforts failed to reconcile the two competing views of Sudan's identity. For the ruling

<sup>1</sup> Historical accounts can be found *inter alia* among the following: Mansour Khalid, *War and Peace in Sudan*, New York: Routledge Press, 2010; Francis Mading Deng and Kevin M. Cahill, *Sudan at the Brink: Self-Determination and National Unity*, The Institute for International Humanitarian Affairs, Fordham University Press, 2010; Majak D'Agoût, "Understanding the lethargy of Sudan's periphery-originated insurgencies," *Small Wars & Insurgencies*, Vol. 24, No. 1, 57.

elite in the north, Sudan was seen as a largely Arab, Muslim country. For those in the south, non-Arab African, and mostly Christian or animist, Sudan if it was to remain unified had to be a recognizably diverse country, with religious freedom and with significant degrees of federalism or local autonomy. The CPA brought an end to the second of these wars, and provided for a period of six years in which the two sides would be in a government of national unity, after which South Sudan would have the right to vote on whether to stay in Sudan or secede. In January of 2011, South Sudanese voted overwhelmingly for independence and seceded that July.

Well before South Sudan's independence, American public sentiment had gravitated toward the plight of the south. During the first of the north-south wars, 1955-1972, American humanitarian workers grew to know and sympathize with southern freedom fighters, some traveled with them on their long treks through the south, and one, Alan Reed, produced a video, broadcast on BCC, documenting their struggle. In American eyes, Khartoum appeared to be the more brutal, the less accommodating, and the more nefarious of the two sides. The second war broke out in 1983 when the Sudan government revoked the South's autonomy and sought to impose sharia law on the entire country. In the early days of the George W. Bush Administration, evangelical groups urged the president to take action to stop this attack on religious freedom. They were joined by the Black Caucus in the Congress angered by reports of Arab northerners enslaving southerners. President Bush appointed former Senator John Danforth as the first of the US special envoys for this region and Danforth played a major role in helping bring about the CPA and South Sudan's right of self-determination.

Americans' antagonism toward the north was further aggravated by the uprising in the Sudanese state of Darfur, which occurred just as the negotiations over the CPA were concluding. In Darfur, the uprising came from largely African Moslem tribes objecting to their long standing marginalization.<sup>2</sup> Sudan responded by arming and backing Arab militia that burned villages, raped, and killed people from these tribes. As many as 300,000 people died and two million people were displaced. The International Criminal Court would indict Sudan's president, the current Minister of Defense, and another senior official for genocide, war crimes, and crimes against humanity in Darfur. Promises of normalization of relations between the United States and Sudan, as an anticipated outcome of the CPA, disappeared in the wake of these events and a host of Congressional enacted sanctions against the Sudanese regime. Among the public, there were now two sources of sympathy for the South and others oppressed by Khartoum, those dedicated to an end to the civil wars and oppression of the south, and those opposed to genocide. Together, with similarly inclined members of Congress, they have created a formidable advocacy concerning Sudan, the peace process, and US relations with South Sudan.

#### Neutrality versus Advocacy: 2011-2013

Unfortunately, South Sudan's independence did not bring more than a fragile peace. Border clashes, economic reprisals, broken agreements, and support for rebels in the other's country have all marked the situation between the now two countries. The US role

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<sup>2</sup> Julie Flint and Alex de Waal, *Darfur: A New History of a Long War*, Zed Books, 2008.

during this period has thus been focused on keeping the parties from going back to war and gradually normalizing their relations. That has meant walking a fine line between being active in negotiations between the two countries and at the same time being clear about the balance of blame for the failures in the process.<sup>3</sup> General sympathy with the south has made this at times more difficult. Advocates in the public and the Congress have been quick to attribute almost any criticism of South Sudan as engaging in the fallacy of “moral equivalency,” i.e. seeing whatever self-interested acts of South Sudan might be taking that block progress as equivalent to the horrific history of actions and obstructionism by Sudan to which South Sudan is defending itself. As one advocate put it to me in a private message, the United States abandoned “advocacy for neutrality” as early as its diplomacy with the North to secure the South’s referendum and subsequent independence, thus betraying the friendship with the South.<sup>4</sup> South Sudan has made no secret of its readiness to mobilize its “friends” in the United States or threaten to do so, when it disliked some of the positions of the Administration.

There is of course no moral equivalency in the history of the wars between Sudan and South Sudan. And Sudan often made unrealistic demands on South Sudan in the course of the CPA and post-CPA negotiations as well as engaged in military attacks across the border. But it is also true that in the intricacies of negotiating peace between the two, South Sudan has from time to time broken agreements, been dishonest, and undermined the process. Failure to recognize these incidents would make US negotiating efforts less credible. More difficult for supporters of South Sudan to accept, indeed for the government of South Sudan to accept, has been US pressure on South Sudan to agree to certain accommodations to Khartoum for the sake of peace. Most painful of these was the agreement, now in place, that provides substantial compensation to Khartoum—\$3 billion over five years—for losing 70 percent of its oil to the south. Secretary of State Clinton personally persuaded President Kiir to accept this agreement when it was understandably very unpopular in the south. Yet this agreement secured South Sudan’s export of its oil through Sudan’s pipeline infrastructure, which provides South Sudan with 98 percent of its budget.<sup>5</sup>

However, the most serious disagreement between the United States and South Sudan with regard to the peace process has been over South Sudan’s material support to rebels fighting the Government of Sudan in Southern Kordofan, Blue Nile and Darfur, rebels who have united as the Sudan Revolutionary Front (SRF). From the moment of South Sudan’s independence President Obama objected to South Sudan doing so, seeing

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<sup>3</sup> Sudan-Sudan negotiations are led by the Africa Union’s High-Level Panel on Implementation (AUHIP) chaired by former South African president Thabo Mbeki. The United States is a formal observer in these negotiations but is also active bilaterally, but with one major caveat. Following the ICC indictments, the United States has no official contact with the president of Sudan or the other indictees.

<sup>4</sup> This was alleged despite the fact that securing the referendum and independence were the highest priorities of the South Sudanese at that time. See Princeton N. Lyman, “Negotiating Peace with Sudan,” *The Cairo Review of Global Affairs*, August 2013.

<sup>5</sup> For most of 2012, South Sudan had shut down its oil production in a dispute with Sudan over fees and other charges demanded by Khartoum for exporting the oil through Sudan’s pipeline infrastructure. This standoff came close to bankrupting South Sudan. Secretary Clinton told President Kiir, “Something is better than nothing.”

South Sudan at the very beginning of its independence in violation of international law and aggravating its relations with Sudan. President Kiir's stubborn denial of such support, in the face of rather overwhelming evidence, has hurt the personal relationship between the two leaders.

All of these matters have nevertheless been manageable and would not, on their own, seriously harm US relations with South Sudan. The United States is the largest aid donor to South Sudan, with programs of \$500 million a year, including non-lethal military assistance. South Sudan recognizes that the United States is South Sudan's strongest ally on the international scene and was singularly instrumental in the achievement of its independence. But now there arises more fundamental differences that do seriously threaten this relationship.

### The Bloom is Off the Rose: South Sudan and Human Rights

In the Fall of 2012, alarming reports surfaced of South Sudan government harassment of human rights workers, journalists, and even American NGOs working in the country. In December a prominent journalist, Isaiah Abraham, who had written critically of the government, was assassinated, and the government's security apparatus was suspected. South Sudan rejected a US offer to allow the FBI to assist in the investigation. More harassment has taken place since and more murders have been rumored since then. One of the journalists who left the country concluded, "As far as freedom of expression is concerned I don't think you can separate now South Sudan and Sudan."<sup>6</sup> Appeals to leaders of the Southern Sudan Liberation Movement (SPLM), the ruling party, to reign in such practices have had no success. Indeed it appears, in the wake of a recent government purge of cabinet members and leaders of the SPLM, that the party as such is not the determinant force in government decision-making. There is only an interim constitution in place, which gives the executive extraordinary power. The process for developing a permanent constitution, with the promise of widespread public participation, is stalled.

At the same time, growing ethnic violence has raised concerns about the human rights practices of the South Sudan Army (SPLA). In particular, massive violence in the state of Jonglei, where rival tribes have traditionally fought over cattle, land, and children, appears to have led to significant human rights violations by both the SPLA and the Nuer tribe that it is supporting. There are reports of rape, murder, theft, and destruction of property. Unfortunately copying a practice of Sudan with regard to the UN/AU peacekeeping force in Darfur, South Sudan has kept the UN peacekeeping mission in South Sudan from investigating and kept humanitarian organizations from helping many of the victims. Repeated demarches from high level American officials have not stopped this situation.

All of these factors, and others related to the overall state of governance and development, led the Fund for Peace to rank South Sudan this year near the top of its list of states in danger of failing. These developments have also now alarmed South Sudan's long standing supporters in the United States. Four prominent long-time supporters recently sent

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<sup>6</sup> Mike Thomson, "Fear stalks South Sudan, the world's newest country," BBC News Africa, 22 February 2013.

a public letter to President Kiir stating their deep concern over the reports of serious human rights violations. Mirroring the conclusion of the Fund for Peace, they stated that without significant changes and reform, the country “may slide toward instability, conflict, and a protracted governance crisis.” Members of Congress have written to President Kiir along the same lines. The Obama Administration has made these concerns a major matter in our relations.<sup>7</sup>

### Stopping the Bleeding

What Americans wanted to believe was that those in South Sudan who suffered so much in their fight for dignity, freedom, and ultimately independence were also dedicated to democracy, human rights, and transparency of government. Many are so dedicated. But it is not built into the governance system of the country, which still resembles more that of a liberation army than a modern civilian government. The SPLM had little experience during the war in administering territory and developing political institutions. Most of the government’s current officials are former generals. The army is meanwhile a coalition of mostly ethnic militia which affects its ability to address ethnic conflict fairly and objectively. The leadership’s continuing confrontation with Sudan has also strengthened “securicrats” who see in dissension only disloyalty and subversion and who advance their personal positions on that basis.

But South Sudan is a young country and there are many in the country, its churches, the party, and the people who want something better. There is time, time to help South Sudan arrest this slide into autocracy and the danger of ethnic unraveling. First, Americans must be honest about the situation with South Sudan. Second, the United States should strongly encourage South Sudan to extricate itself from the confrontation with Sudan, including ending the support to the SRF that exacerbates that situation. Third, South Sudan must be urged to give highest priority to both political and economic development at home. Aid programs as well as diplomatic efforts need to make this the focus. And finally, democracy and human rights must become a major preoccupation and condition of our friendship and support.

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<sup>7</sup> “Letter To President Kiir From Long-time Friends Of South Sudan,” which can be accessed by following this link: <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/11953/Letter-To-President-Kiir-From-Long-time-Friends-of-South-Sudan.aspx>; Letter from the Chairs and Ranking Members of the Senate Foreign Relations Committee and the House Foreign Affairs Committee to President Kiir, 8 August 2013.