

DEMOCRATIC INSTITUTIONS IN SUDAN: MORE THAN JUST A PROMISE?

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Does hope have any foothold in Sudan?

It will not be found, in this largest country in Africa, in Western Sudan, in Darfur where at least two hundred thousand people have died, millions have been displaced, and genocide and rape remain common tactics in a proxy war waged by the central government through Arab militias against indigenous tribes that sometimes fight among themselves.¹

It will not be found, in this largely desolate land with remarkable oil reserves, in the east or south, along the borders with Ethiopia, Kenya, and Uganda where rebel bands still pillage across national boundaries and where refugees ignore the same borders to try to find peace.

It will not be found in Khartoum, the capitol, in the country's center where the Nile River divides, which over the last 150 years has seen British rule, a succession of dictators, and now a Muslim autocracy overseeing an economic boom based principally on oil sales to the Chinese through Port Sudan on the Red Sea.²

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¹ Scott Straus, *Darfur and the Genocide Debate*, FOREIGN AFF., Jan.-Feb. 2005, at 123, 124-25 ("The rebels, angered by Darfur's political and economic marginalization by Khartoum, first appeared in February 2003. . . . Khartoum responded by arming irregular militia forces [Janjaweed] and directing them to eradicate the rebellion . . . but mass violence against civilians is what followed."); see also JULIE FLINT & AXEL DEWAAL, *DARFUR: A SHORT HISTORY OF A LONG WAR* (2005).

² "Sudan's dictators [have] c[o]me in the guise of pharaohs, monarchs, sultans, chiefs, foreign generals, and nationalist autocrats. None could exercise consistent control over the entire

And it will not be found in the United Nations, in Washington, D.C., or in any other forum where governments can express outrage or impose sanctions, however well-intentioned.³

If hope has a foothold anywhere in Sudan, it is in the South.

There, in Southern Sudan, after twenty years of civil war and a January 2005 peace treaty between the Khartoum government and the Sudan People's Liberation Army/Movement, democracy has a foothold—however tenuous or, for now, abstract. With the peace treaty and the constitutional development it has triggered, the region has limited autonomy and the prospect of independence based on a commitment to the rule of law.

Now, new national, regional, and state constitutions promise the first basic protections for individual rights and liberties. In a country divided between North and South, among Muslim and Christian and animist, freedom of religion is a constitutional right. In a culture where women have often been abused or ignored, Southern Sudan's constitution mandates their active participation across government institutions. In a country where untold oil reserves are concentrated geographically, more than seventy-five percent in the South, the central government has accepted at least the concept of revenue sharing from its growing petroleum exports.⁴

Through 2005 and 2006 and into 2007, the tragedy and violence in Darfur have defined Sudan. Today, they still define the country and its Islamic government in Khartoum. Yet the stain of Darfur, horrible as it remains, should not lead the world to avert its eyes from demonstrable progress in Darfur's shadow in Southern Sudan. At the same time Darfur has become synonymous with genocide, the Southern Sudanese negotiated a peace treaty with the government, participated in the adoption of a new national constitution that recognized some religious

country." TIMOTHY CARNEY & VICTORIA BUTLER, *SUDAN: THE LAND AND THE PEOPLE* 15 (2005).

³ The enhanced economic sanctions announced by the United States against Sudan in May 2007 "will do little to stem Sudan's oil exports" and, indeed, the Bush administration has conceded that is not the intent of the sanctions. Jad Mouawad, *Oil Wealth May Provide a Way for Sudan to Avoid the Full Pain of U.S. Sanctions*, N.Y. TIMES, May 30, 2007, at C3.

⁴ China now imports at least five percent of its oil from Sudan, with Chinese experts providing equipment and support to Sudan's oil industry and, not incidentally, to its military. David Zweig and Bi Jianhai, *China's Global Hunt for Energy*, FOREIGN AFF., Sept.-Oct. 2005, at 25. The 2008 Olympic Games scheduled for Beijing may have heightened China's willingness to play a positive role in Darfur by leading it to encourage Sudan to accept a United Nations peacekeeping force. Helene Cooper, *Darfur Collides With Olympics and China Yields*, N.Y. TIMES, Apr. 13, 2007, at A1.

rights and other individual freedoms, and adopted a constitution for Southern Sudan. Indeed, in the last year, most of the ten states within Southern Sudan have adopted their own sub-national constitutions in a “remarkable process of constitution-making”⁵ largely ignored by the news media.

Southern Sudan has an illiteracy rate greater than 80 percent. Its population can only be estimated at between nine and twelve million people.⁶ The average life expectancy is about forty-two years.⁷ In 2002, the United Nations said that Southern Sudan had one physician for every one hundred thousand people. It is a remote and arid place, except along the Nile and its branches, Blue and White, that traverse the country for more than 1,500 miles, South to North, Uganda to Egypt.⁸

Beginning in 1983, led by a soldier who studied agricultural economics at Iowa State University, Dr. John Garang, people in the South resumed a sustained armed rebellion against the government in Khartoum.⁹ That struggle continued, killing more than two million people, with pitched battles in towns and villages like Juba and Rumbek and Yei, for more than twenty years—long before the country knew how much oil it had.¹⁰ With the United States playing a significant role, the parties’ agonizingly slow negotiations in Uganda led to a peace treaty and then to a new constitution for the country, as well as a guarantee of an internationally supervised referendum on independence for the South by 2011.¹¹

⁵ See Christina Murray & Catherine Maywald, *Constitution-Making in Southern Sudan*, 37 RUTGERS L.J. 1203, 1204-05 (2006).

⁶ Two years after the peace treaty, more than two million Southern Sudanese living in the slums of Khartoum are only beginning to return. Reuters, *Sudanese Who Fled the South In Wartime Are to Be Returned*, N.Y. TIMES, Nov. 16, 2006, at A14.

⁷ Robyn Dixon, *Starting from Scratch in Southern Sudan*, L.A. TIMES, Mar. 10, 2005, at A6.

⁸ CIA World Factbook, Sudan, <https://www.cia.gov/library/publications/the-world-factbook/geos/su.html> (last visited August 1, 2007); see generally MOHAMED H. FADLALLA, *SHORT HISTORY OF SUDAN* (2004).

⁹ Since 1956, the South has been “in an almost permanent state of rebellion against the Muslim Arab north, demanding a bigger share of the national wealth and a greater degree of self-rule.” *Glittering Towers in a War Zone—Sudan*, ECONOMIST, Dec. 9, 2006, at 27 [hereinafter *Glittering Towers*].

¹⁰ See John Prendergast & Colin Thomas-Jensen, *Blowing the Horn*, FOREIGN AFF., Mar.-Apr., 2007, at 59, 61.

¹¹ The Intergovernmental Authority on Development (IGAD) mediated the peace negotiations, developing a set of principles that included both the separation of church and state and the right to self-determination for the South. These principles provided a basis, in turn, for the 2002 Machakos Protocol between the Sudanese government and the SPLM and, ultimately, a basis for the Comprehensive Peace Agreement.

The foothold for hope and democracy in Sudan can be found, literally and figuratively, under a massive mango tree in Rumbek where last year a group of more than one hundred leaders from across Southern Sudan met to adopt a model constitution to take to their individual states. They spoke and wrote in English, although most spoke Arabic and tribal languages like Dinka, Nuba and Nuer as well. More than six hundred miles from both Khartoum and Darfur, they had a fierce pride in their heritage, their own independence, and their commitment to democratic government.¹²

They met in a state capitol, one of ten, without a capital building or power or paved roads or runways. The remnants of the civil war, like the shell of an armored personnel carrier and the twisted frame of an airplane, were as common as the soldiers carrying automatic rifles who walked along the road passing the unlikely constitutional convention beneath a mango tree. The soldiers belong to an army that serves the dominant political party in the South, the SPLM.

The delegates in Rumbek debated, wrote, and adopted a model constitution to present to the state governors and legislatures in accordance with the new Interim Constitution of Southern Sudan, adopted on December 5, 2005, under the authority of the new Interim Constitution for Sudan. Sudan's Interim Constitution itself had been adopted that summer under the mandate of the Comprehensive Peace Agreement signed on January 9, 2005.¹³ These constitutional steps were the culmination of a civil war and a prolonged peace process.

Today, the national government has a Southern Sudanese Vice-President, who under both the Constitution of Sudan and that of Southern Sudan is the President of Southern Sudan; the SPLM holds more than 125 seats in the 450-seat National Assembly and significant cabinet positions. The first Southern Sudanese elections are scheduled for next year, following a census, with national elections in 2009.¹⁴

It would be naïve to suggest that the Southern Sudanese are full partners in the government of the autocratic Omar al-Bashir and his

¹² It had long been British policy to administer the north and the south separately. By 1930, they were "almost completely isolated" from each other—politically, socially and religiously. CARNEY & BUTLER, *supra* note 2, at 21.

¹³ The "comprehensive" agreement did not address Darfur in any way. Nor did it include parties other than the SPLM and the dominant National Congress Party (NCP) in the North.

¹⁴ INTERIM NATIONAL CONST. OF THE REPUBLIC OF SUDAN § 216 (Draft Constitutional Text, Mar. 16, 2005) available at <http://www.reliefweb.int/library/documents/2005/govsud-sud-16mar.pdf> (this text is readily available online and was formally ratified on July 9, 2005). The last election was in 1986.

ruling National Congress Party (NCP), which seized power in 1989, or that all of the promises of the national constitution will be kept.¹⁵ Indeed, there are already signs that the national government is not fairly sharing either information and technical skills or, more importantly, the revenue from the country's oil reserves that can be found in large part in the South of Sudan.¹⁶ "At present, the southern government is said to be getting half of the net oil revenues from the southern oilfields . . . [b]ut it is the north that provides the statement of the net amount."¹⁷ Indeed, the very border between North and South—hence the territorial location of the oil fields—remains in dispute. All of this has led to growing concern that the peace agreement itself is "in danger of unraveling because of inattention by top U.S. officials and growing tensions between Sudan's government and the former rebels. . . ."¹⁸

In testimony before the U.S. Senate's Foreign Relations Committee, President Bush's Special Envoy to Sudan emphasized both the connection between Darfur and Southern Sudan and the "fragile peace" in the South, threatened by armed militias and Khartoum's refusal to share oil revenues fairly or transparently. "Overall," Andrew S. Natsios testified, there is "more cause for alarm than reassurance." Silva Kiir, Southern Sudan's president, had made precisely the same points a few months earlier in a speech on the second anniversary of the Comprehensive Peace Agreement.¹⁹

Yet the Comprehensive Peace Agreement and the national constitution have provided remarkable authority for the new government of Southern Sudan, including, of greatest significance, the right to an internationally supervised vote on independence by the year 2011.²⁰ On

¹⁵ President Bush met with Southern Sudan's President, Salva Kiir, in Washington, D.C., on July 20, 2006. In light of Sudan's intransigence on Darfur, it was not a meeting easily envisioned taking place with President Bashir.

¹⁶ The Economist's characterization was blunt: "It is hard to find a crueller or more duplicitous government than Sudan's." *Keep Crying Out; Sudan*, ECONOMIST, Dec. 9, 2006.

¹⁷ *Id.*

¹⁸ Glenn Kessler, *Sudan's Peace Deal, Seen as a Bush Success, is Endangered*, WASH. POST, Jan. 28, 2007, at A18; see also Prendergast & Thomas-Jensen, *supra* note 10, at 61 ("The implementation of critical components of the arrangement—notably the demobilization of the NCP's proxy militia in Southern Sudan, the demarcation of borders in oil-producing areas, and the transparent disbursement of oil revenues—is lagging.").

¹⁹ See generally Kessler, *supra* note 18; see also Andrew S. Natsios, The President's Special Envoy to Sudan, Testimony before the U.S. Senate Foreign Relations Committee (Apr. 11, 2007), available at <http://www.senate.gov/~foreign/testimony/2007/NatsiosTestimony070411.pdf>.

²⁰ "At the moment, the best guess is that a huge majority of southerners will vote for their own state when they get the chance." *Glittering Towers*, *supra* note 9; see generally INTERIM CONST. OF SOUTHERN SUDAN (Dec. 5, 2005). "Southern Sudanese participating in focus groups convened

signing the agreement, John Garang described it as a “one-country-two-system model.”²¹ That it is, at the least, although Garang would not live to see its implementation. He died in a helicopter crash just after becoming Southern Sudan’s first president and, simultaneously, by law, Sudan’s first vice-president.

Under constitutional law, Southern Sudan now has real autonomy and the institutions permitting it to govern itself, both as part of Sudan and, if the people vote for independence, as its own nation. The analogies to Iraq are obvious. Within one country—divided by religion, by ethnic origin, by oil resources, by geography itself—one region has the autonomy that the Kurds and others in Iraq want. In addition, that region, Southern Sudan, has a standing army and the constitutionally-guaranteed right to a vote for independence.

The Interim Constitution for Southern Sudan does not suffer from small aspirations. It establishes the basic structure for government and, simultaneously, “legislates” an entire government, ministry to sub-ministry. While parts of the constitution are familiar, at least two features are remarkable: governmental autonomy, guaranteed by the right to secede, and freedom of religion in the face of an Islamic government and the principles of Shari’a.²²

The new Sudanese Constitution, itself based on the Comprehensive Peace Agreement, established the foundation, beginning with its first chapter and its provision for national sovereignty. “Sovereignty of the nation is vested in the people and shall be exercised . . . without prejudice to the autonomy of Southern Sudan and the states.”²³ From that foundation, the Interim Constitution for Southern Sudan provides the South with its own army, its own judiciary, its own bank, and its own institutions of self-government.²⁴ There will be popular elections for the president of Southern Sudan, though supervised by a National Elections Commission, and Southern Sudan’s president appoints both the Council of Ministers and the Southern Sudan Supreme Court.²⁵ The familiar “federalist” components of the national and Southern Sudan constitutions, however, are distinguishable from

by the National Democratic Institute in April 2006 expressed near-total support for independence.” Prendergast & Thomas-Jensen, *supra* note 10, at 72.

²¹ Press Release, United Nations Security Council, SC/8306, Sudan Peace Agreement Signed 9 January Historic Opportunity, Security Council Told (Feb. 8, 2005).

²² *See generally* INTERIM CONST. OF SOUTHERN SUDAN (Dec. 5, 2005).

²³ INTERIM NATIONAL CONST. OF THE REPUBLIC OF SUDAN § 2 (Mar. 16, 2005).

²⁴ *See* INTERIM CONST. OF SOUTHERN SUDAN (Dec. 5, 2005).

²⁵ *Id.*

virtually every “model” by the absolute right to an internationally supervised referendum on independence.

“The people of Southern Sudan shall have the right to self-determination,” the national constitution declares, “through a referendum to determine their future status.”²⁶ The referendum will be organized by a Southern Sudan Referendum Commission, which must be established within three years by the national legislature.²⁷ While the Commission has the constitutional obligation “to make the unity of the Sudan an attractive option to the people of Southern Sudan,”²⁸ the ballot choice established in the constitution for the voters is stark. “The people of Southern Sudan shall either: (a) confirm unity of the Sudan . . . or (b) vote for secession.”²⁹ The Interim Constitution of Southern Sudan provides as well for its own automatic conversion into a national constitution should the referendum lead to secession.³⁰ The clarity of choice provides an unprecedented incentive for the government in Khartoum to honor its constitutional and economic promises and an unprecedented opportunity for Southern Sudan—either a share in Sudan’s new prosperity or self-government with all of its risks and rewards.

The shield from the reach of the government in Khartoum can be found as well in the expansive protection in the Southern Sudanese constitution for freedom of religion.³¹ The national constitution does not declare Sudan an Islamic state. Indeed, it specifically and repeatedly guarantees religious freedom, directing that the “judicial discretion of courts to impose penalties on non-Muslims shall observe the long-established *Sharia* principle that non-Muslims are not subject to prescribed penalties. . . .”³² Yet the Interim Constitution of Southern Sudan goes farther, effectively declaring Southern Sudan a secular state. “In Southern Sudan, religion and state shall be separate.”³³ That declaration reflects decades of history and a justifiable fear of religious repression and violence that still lingers. “All religions shall be treated equally and no religion shall be declared the official religion of Southern

²⁶ INTERIM NATIONAL CONST. OF THE REPUBLIC OF SUDAN § 219 (Mar. 16, 2005).

²⁷ *Id.* at § 220.

²⁸ *Id.* at § 221(3).

²⁹ *Id.* at § 222(2).

³⁰ INTERIM CONST. OF SOUTHERN SUDAN § 208(7) (Dec. 5, 2005).

³¹ *Id.* at § 8.

³² INTERIM NATIONAL CONST. OF THE REPUBLIC OF SUDAN § 156(d) (Mar. 16, 2005).

³³ INTERIM CONST. OF SOUTHERN SUDAN § 8(1) (Dec. 5, 2005).

Sudan. . . .”³⁴ With or without independence, the men and women who drafted this constitution left no doubt that their state would not become a religious state or, for the interim period before the referendum, be governed as part of a religious state.

The comprehensive Bill of Rights for Southern Sudan reflects the concern about religious freedom expected in a religiously pluralistic country where the national government can impose Islamic law. Indeed, the civil war itself reignited when Sudan’s president revoked the limited Southern autonomy established in 1972 under the Addis Ababa Agreement. He simultaneously imposed Islamic law, the “final insult” to the people of Southern Sudan.³⁵ Under the new constitutions, however, Shari’a should hold no fear for non-Muslims in Southern Sudan or for Southern Sudanese traveling or living in Khartoum or the rest of the country. The Southern Sudanese constitution “supplement[s] and complement[s]” the national constitution in a number of other ways as well, language chosen by the framers to reinforce the South’s autonomy on a wide range of issues.³⁶

The significance of the constitutional development in Southern Sudan lies not only in its potential for self-governance and the recognition of individual rights and liberties but in its creation of institutions that recognize tribal customs and tradition without forsaking them. For example, the new judiciary of Southern Sudan will have, to the West, a familiar multi-tiered court system with judges appointed by the executive branch with the approval of the legislature. Yet the new constitution in the South does not abandon the tribal system that, for countless years, provided justice on domestic and property disputes in a far less structured fashion.

From the perspective of U.S. foreign policy, Southern Sudan may seem an unlikely candidate for democratic progress.³⁷ The government in Khartoum tolerated Osama bin Laden until it expelled him in 1996, and the continued tolerance for terrorism through the 1990s led to an American cruise missile strike on a facility outside of Khartoum in 1998 after the bombing of the U.S. embassies in Nairobi and Dar es

³⁴ *Id.* at § 8(2).

³⁵ Randolph Martin, *Peace by Piece*, FOREIGN AFF., Jan. 19, 2005, available at www.foreignaffairs.org/20050119faupdate84177/andolph-martin/peace-by-piece.html.

³⁶ Murray & Maywald, *supra* note 5, at 1216-17 n.71. “The rights and freedoms guaranteed by this Constitution supplement and complement the Bill of Rights in the Interim National Constitution.” INTERIM CONST. OF SOUTHERN SUDAN § 13(5) (Dec. 5, 2005).

³⁷ *See generally* Martin, *supra* note 35.

Salaam.³⁸ Two years earlier, the United States and United Nations imposed economic sanctions that remain in place today.³⁹ The terrorist attacks on September 11, 2001, resulted in some cooperation on intelligence matters between the Bush administration and Khartoum after Sudan condemned the attacks. Not coincidentally, some critics have asserted that cooperation also has resulted in an unwillingness by the administration to be even more forthright on Darfur. Sudan remains on the State Department's list of sponsors of terrorism.⁴⁰

The focus on the war against terror and the genocide in Darfur may well have dominated the Washington, D.C.-Khartoum relationship, even as they have complicated it, but that does not detract from the democratic development in the South—whether or not it was a policy choice or even a specific goal of the United States.⁴¹ “By solving Sudan's worst conflict, the war in the south, administration officials [had] reasoned that the carnage also taking place in the west, which Mr. Bush would eventually call genocide, would come to an end as well.”⁴² While that hope has proven false, an uneasy peace still holds in the South.⁴³

The peace treaty that ended the civil war was very much a priority of the administration, which appointed John Danforth as a special envoy to encourage its completion. Indeed, Secretary of State Condoleezza Rice has cited the peace agreement as one of the more important foreign policy accomplishments of the Bush administration.⁴⁴ The constitutional development simply would not have occurred without

³⁸ Randolph Martin, *Sudan's Perfect War*, FOREIGN AFF., Mar.-Apr. 2002, at 111.

³⁹ The United Nations voted in 2001 to lift its sanctions. The United States abstained.

⁴⁰ U.S. Dep't of State, State Sponsors of Terrorism, <http://www.state.gov/s/ct/c14151.htm> (last visited Aug. 1, 2007). The relationship is also complicated by the pending war crimes investigation of Sudanese government officials involving Darfur by the International Criminal Court (ICC). Notwithstanding the United States' withdrawal from the Treaty of Rome, which established the ICC, the United States did not veto the United Nations resolution referring the case for prosecution. See James Podgers, *Warming Trend*, 91 A.B.A. J. 18 (2005).

⁴¹ In 2003, just as the peace negotiations in the South were making progress, “Darfur blew up,” forcing the United States “to decide whether to continue to press for peace in the south or broaden its effort to also respond aggressively to the escalating crisis in Darfur. It chose the first option. . . .” Prendergast & Thomas-Jensen, *supra* note 10, at 67.

⁴² Lydia Polgreen, *An Incomplete Peace: Sudan's Never-Ending War with Itself*, N.Y. TIMES, May 4, 2006, at A8.

⁴³ Under John Garang, the SPLM developed “strong ties” to rebel groups in Darfur but, with his death, “those relationships languished.” Stephanie McCrummen, *Sudan, in Mud Brick and Marble: Capital's Extremes of Poverty and Wealth Symbolize Nation's Wider Rifts*, WASH. POST, Feb. 26, 2007, at A10. Salva Kiir is trying to re-establish those relationships. *Id.*

⁴⁴ See generally, e.g., U.S. Dep't of State, Briefing En Route to Dakar, Senegal, Secretary Condoleezza Rice, July 19, 2005, <http://www.state.gov/secretary/rm/2005/49814.htm>.

the peace agreement that mandated it and, for that, the United States deserves credit even while, in the shadow of both Darfur and Iraq, it may be reluctant to acknowledge it.

Vast economic disparity always has characterized the relationship between North and South. Oil has widened the gulf, and in that there is both promise and peril. “Across 1,500 acres, at a place called Alsunut, Sudanese and Chinese workmen are working in shifts around the clock to build a new Dubai: a vast complex of gleaming offices, duplexes and golf courses that will turn Khartoum, it is hoped, into the commercial and financial hub of Islamist east Africa.”⁴⁵ Khartoum is “awash” in its own oil money and the five-star hotels and Toyota dealerships it brings. The International Monetary Fund expects the country’s GDP to grow by more than 13 percent this year.⁴⁶ But not in the South.

The economic development in the South, to the extent it can be called that, is of a far different kind. The need is rudimentary: water, paved roads, power, runways, schools, hospitals—any structure, in short, other than the ubiquitous mud and straw *terkls* that shelter virtually all of the people. The South has much of the oil but virtually none of the infrastructure, technology, or training to develop it. Whether or not the South, through the government of Southern Sudan, receives its “fair” share of oil revenues—and the tangible benefits of those revenues—will largely determine the course of the country and the referendum scheduled five years from now. That course will depend as well on the ability of Southern Sudan to manage its new resources efficiently and without the corruption that often accompanies them.⁴⁷

Sudan remains a country starkly divided: by religion, ethnicity, economic resources, and educational opportunity. Yet, virtually

⁴⁵ *Glittering Towers*, *supra* note 9.

⁴⁶ Motivated by the nightmare in Darfur, some state legislatures in the United States are requiring state pension funds to divest themselves from companies that do business with Sudan’s government. See *A Moral Sense, Divestment from Sudan*, *ECONOMIST*, May 10, 2007; see also, e.g., www.SudanDivestment.org; www.FidelityOutofSudan.com. On February 23, 2007, a federal court found the Illinois Act to End Atrocities and Terrorism in Sudan unconstitutional because it “interfere[s] with the national government’s conduct of foreign affairs.” *National Foreign Trade Council, Inc. v. Giannoulis*, No. 06 C 4251 (N.D. Ill. Feb. 23, 2007).

⁴⁷ The Southern Sudanese Government already has been “racked by corruption allegations,” particularly within the finance ministry, leading to significant cabinet changes by President Kiir in July 2007. International Crisis Group, *A Strategy for Comprehensive Peace in Sudan: Africa Report N 160* (July 26, 2007) available at <http://www.crisisgroup.org/home/index.cfm?id=4961&l=1>. “There are a growing number of warning signs,” the report concludes, that the CPA [Comprehensive Peace Agreement] is failing,” blaming “sabotage” by the government in Khartoum, a failure of capacity in the South, and “international neglect.” *Id.*

unnoticed, the South now has a basic framework for government that can permit it, over time, to influence the direction of Sudan and to respond to the desperate needs of the people of Southern Sudan. In closing the state constitutional convention in Rumbek, standing under the mango tree, one of Southern Sudan's new leaders captured his country's contradictions: "We recognize that we cannot solve the problems of Darfur but here, in the South, we can begin to govern ourselves and through that offer some hope to everyone."⁴⁸

The words of any constitution are, of course, only promises and aspirations. The Southern Sudanese fought a civil war to be able to write those words, however, and promises cannot be kept unless they first are made. Without economic development, based on oil, Southern Sudan almost certainly will not succeed either as part of Africa's largest country or independently. Without the constitutional government they have established, however, neither economic development nor hope would have any foothold at all.

⁴⁸ Luka Biong Deng, Minister for Presidential Affairs, Government of Southern Sudan, Address at the Southern Sudan State Constitutional Convention, Rumbek (notes on file with author).