

JOURNAL OF SOMALI STUDIES:

**Research on Somalia and the Greater Horn of African
Countries**

Indexed by: SCOPUS, IBSS, EBSCO, COPENICUS, ProQuest, J-Gate and
SABINET

Volume 9, (Number 1), April, 2022

Pp 125-141

Interrogating Identity and Nationality in Post-Independent South Sudan

DOI: <https://doi.org/10.31920/2056-5682/2022/v9n1a7>

Dr Lucky Igohosa Ugbudian¹

*Department of History and Strategic Studies,
Alex Ekwueme Federal University Ndufu-Alike, Ebonyi, Nigeria
lingbudian@gmail.com
<https://orcid.org/0000-0002-8370-7516>
+2347068412152*

Dr Uchenna S. Ani²

*Department of History and Strategic Studies,
Alex Ekwueme Federal University Ndufu-Alike, Ebonyi Nigeria
uchennaani05@yahoo.com
+2348056644495*

Dr Emmanuel C. Alaku³

*Department of History and Strategic Studies,
Alex Ekwueme Federal University Ndufu-Alike, Ebonyi, Nigeria
immanence2013@gmail.com
+2348054237945*

Okonkwo C. Eze , Ph.D⁴

*Department of History and Strategic Studies,
Alex Ekwueme Federal University, Ndufu-Alike, Ebonyi State, Nigeria
E-mail.okochriseze@gmail.com
+2348036867099/+2348081821149*

Dr Bright E. Nwamuo⁵

*Department of History and Strategic Studies,
Alex Ekwueme Federal University Ndufu-Alike, Ebonyi, Nigeria
brightnwamuo@gmail.com
<https://orcid.org/0000-0002-1375-4640>
+2348127767355*

Ukaegbu Uduka Nmaju⁶

*Department of History and Strategic Studies,
Alex Ekwueme Federal University Ndufu-Alike, Ebonyi, Nigeria
princeuknmaju@gmail.com
+2347037469044*

Abstract

The paper examines the question of identity and nationality following the independence of South Sudan from Sudan in 2011. The fallout was the stripping of 500,000 South Sudanese residents in Khartoum of their Sudanese citizenship after a nine-month grace and over eight million residents in communities in South Sudan remained in legal limbo until insurance of citizenship slips. Data for the paper were generated from newspapers, journals, and books analysed qualitatively using the historical approach. The results showed that the 2011 Sudan Nationality Act that abrogated the 1994 Act, which had provisions for dual nationality for both countries, and the 2005 agreement made it the fundamental right if either parent shared either nationality. At the same time, South Sudan adopted its Citizenship Act of 2011 and these laws enacted by both countries introduced ethno-identity into Sudanese nationality. In the same vein, the constitution of South Sudan gave certain preconditions for the acquisition of its citizenship, with emphasis on birth and naturalization. The logistical and manpower needed to carry out the processing of the citizenship documentation were slow and in short supply and complicated by discriminatory acts against some ethnic groups, making most people to adopt measures to avoid statelessness. The paper further revealed that the March 13, 2012 agreement on documentation of citizens included freedom of residence, economic activity, property rights and movements for citizens of the other party living in their territory instituted a platform for addressing the gaps in the nationality and identity question of the people of South Sudan.

Keywords: *Sudan; Conflict; Identity; Nationality; Independence; South Sudan*

Introduction

The paper interrogated the dynamics of identity and nationality in post-independent South Sudan. Identity and nationality often assume a very narrow and sometimes broad definition. However, the defining characteristics remain the same. While identity involves common historical and cultural trajectories that bind a group of people, nationality assumes wider geographical and legal contexts which enable individuals to claim citizenship of an independent state(s). The question of South Sudanese nationality and identity climaxed following the Comprehension Peace Agreement (CPA) signed by leaders of the Republic of Sudan and South Sudan in 2005, which made provision for a referendum on the independence of the latter. Section 1.3 of the CPA stated 'That the people of South Sudan have the right to self-determination, through a referendum to determine their future status.' This was one of the most significant articles that culminated in the conduct of a referendum in Southern Sudan in 2011. The outcome of the referendum, held between January 6 and 15, 2011, revealed that the people voted overwhelming for the creation of an independent country. This consequently set the pace for the formal declaration of South Sudan as an independent country in 2011. It must be said that the unanswered question after the formal declaration remained the definition of who is a citizen of South Sudan. Since 1957, there has been Nationality Act of the Republic of Sudan which prescribes the qualification and conditions for citizenships. Some of the vital provisions of the Act, amended in 1974, include citizenship by birth, naturalization, and, by 1994, permitted dual nationality. Coupled with the foregoing was the need for a form of group belongingness and identity that often served as proof of origin from a Sudanese community known to the leaders of the community or families. Belonging in this context involved socio-cultural and historical experience and ties that are commonly shared by the people within and outside a geographical area. A very good example is a group of people that share common cultural values, geographical or strong historical ties traced to a similar origin. It is pertinent to note that the issue of identity is not captured in the constitutional provision for citizenship. However, in practice, it is often required for identification and proof of village or town of origin.

The 2011 Nationality Act of the Republic of Sudan replaced the 1994 Act and abrogated the provision for dual nationality, further compounding the status of South Sudanese living in Sudan. Given the lack of a systematic process in the provision of identity cards and

citizenship slips for the people of South Sudan, the abrogation of the dual nationality provision in the Sudanese Nationality Act exacerbated the identity and nationality question in South Sudan. The consequence of the foregoing was the creation of stateless South Sudanese that have lost their Sudanese nationality and are yet to be issued their country's citizenship slips, especially those living in neighbouring states like Khartoum and its environs. This paper interrogated these dynamics and the measures taken to address the challenges.

Literature Review

Nationality

The debates on nationality can be understood when a cursory look into citizenship is done. Formal national citizenship is just one of several configurations of socially constructed collective subjectivities. For most people, several political bodies are relevant for different aspects of life (von Benda-Beckmann, 1997). Kruma (2013) conceived nationality as a term that is closely knitted with the concepts of state and sovereignty. Kruma sees nationality partly as a product of the rules and regulations guiding the people that are amplified and codified in international law (Kruma, 2013). Kruma stated that the rules and principles existent in international law would allow the conclusion that a 'concept' of nationality exists in international law. Human rights norms are integrated in this charter along with the general international law approach to different concepts related to nationality. International law contains certain set of rules and principles which apply independently from municipal law. Therefore, a concept of nationality exists in international law, albeit a limited one. It includes but does not derive from human rights. Kruma's view is apt, but nationality first and foremost is inherent in the local laws and rules of the any country. Nationality is basically acquired through birth, descent, or naturalization, which invariably bequests recognition to the individuals under international laws. This entails that for you to have a nationality, you must belong to a state. The implication of the foregoing and in line with international laws is that no individual should be denied or deprived of nationality.

The nationality of South Sudan was laid in the liberation struggles that were fought for several decades and which drew global attention. The nationhood of South Sudan was popularized by the strong support offered by the international community to the liberation war through

Western media narratives on the humanitarian disasters that confronted the South Sudanese. The Western narratives can be traced to two factors: the issue of self-determination and the anti-western disposition of the Sudanese government. The seeming socio-cultural differences between the northern and southern Sudanese was factored for the discriminatory policies of the government led by the former against the latter. Northern Sudanese are largely Muslim while Southern Sudanese are non-Muslims. In addition, the leadership of the government of Sudan rebuffing various attempts by Western governments to have certain influence over it strained their relations. The foregoing played a critical role in the Western media giving broad coverage to the suffering of Southern Sudanese, which drew the attention of regional and international organisations, such as the African Union and the United Nations.

The dynamics of the identity and nationality of Sudan prior to the separation of South Sudan in 2011 manifests in Southerners enjoying *de jure* citizenship as nationals of the Republic of Sudan. The Nuer people from Western Upper Nile have had a long-standing historical relationship with Khartoum, either as slaves, traders, labour migrants, students or conflict-displaced (Kameir 1980; Sikainga 1996; Hutchinson 1996; Grabska 2014). For several decades, the changing historical, political, economic and social climate, the Nuer population in Khartoum have negotiated their multiplicity of belonging, identities and everyday livelihoods, and navigated the protracted uncertainty of their lives. The situation changed dramatically in 2011 with the creation of a new state, the Republic of South Sudan. Consequently, the bitter separation led to growing political squabbling between Khartoum and Juba while South Sudanese became foreigners in the Republic of Sudan (Babiker 2015; Vezzadini 2014, Assal 2011, 2014; Sikainga 2011; Hovil 2014).

Identity

It is instructive to note the psychologists aver that identity explains personal identity and the dynamic values that represent the defining parts of a person or group. Sociologists believe that identity can be described by using social identity, which according to them deals with the “collection of group memberships that define the individual”. The uses of these disciplines perspective alone may be sufficient hence there may be a need for a combination of these views for broader understanding. The attempt to represent individuals or groups has always been an

exceptional task because various disciplines and scholars conceive it through a narrow lens.

Weinreich viewed identity as "a structural representation of the individual's existential experience, in which the relationships between self and other agents are organised in relatively stable structures over time ... with the emphasis on the socio-cultural milieu in which self relates to other agents and institutions" (Weinreich, 2003: 1)

Weinreich further defined identity as: the totality of one's self-construal, in which how one construes oneself in the present expresses the continuity between how one construes oneself as one was in the past and how one construes oneself as one aspires to be in the future. This allows for definitions of aspects of identity, such as one's ethnic identity, defined as that part of the totality of one's self-construal made up of those dimensions that express the continuity between one's construal of past ancestry and one's future aspirations in relation to ethnicity (Weinreich, 1986a).

Weinreich and Saunderson (2003) stated that identity is a combination of several factors, including religion, occupation, ethnicity, race as well as the ideas and nature as regards oneself and the others. Identity therefore is a process of belonging and exclusion. Weinreich and Saunderson (2003) assumed that identity is creative but can also be destructive, depending on how it is applied. At the same time, identity can be deduced from personality, appearances, beliefs, values, qualities and even languages that create differences and uniqueness. Leary and Tangney (2003) described identity as self-reflection awareness of self. Identity is also a systematic process that could arise from formal and informal learning of social roles in the form of personal experiences. This view, according to the sociological perspective of identity, often leads to identity negotiation which involves someone's interactions with the larger society on its identity. Harré analysed the components of self/identity – the "person" (the unique being I am to myself and others) along with aspects of self (including a totality of attributes including beliefs about one's characteristics including life history), and the personal characteristics displayed to others. A very defining and vital aspect of identity as a group is the existence of community, which helps to project and promote the values, culture and interest of such groups. These give members of such community a sense of belonging, communality and self-esteem.

The identity of the South Sudanese people was not a deliberate project, but the rather result of longstanding interactions and

engagement among the diverse group that later formed the new country. This was amply demonstrated by Jok who submitted that “the main glue that binds the country’s multiple ethnicities together is the history of their struggle for freedom and collective opposition to the north” (Jok, 2011). This collective struggles invariably culminated in “shared southern identity (as) a product of a history of integration into and exclusion from a nation-state dominated by northerners and Islamists who considered them primitive unbelievers” (Akot, 2006).

The seeming lack of collective cultural and linguistic identity made South Sudanese use Christianity, African race or Western culture as a means of identity. The point in emphasis is that in the attempt to build an inclusive platform for promoting South Sudanese identity, different cultural values were adopted. Put differently, the proponents of South Sudanese identity relied on religion and western culture as most appropriate to separate them from the Arab and Muslim cultures in the north. Identity could also be seen in the classification of South Sudan as a “melting pot of ethnicities, religions and languages” and that it is a diverse country with several nations, a “multiethnic, multi-cultural, multi-religious and multi-racial entity” co-existing peacefully (Zambakari, 2013).

It is instructive to state that nationality and identity are relatively different but are instruments for promoting unity and collectiveness. Identity is fundamentally a socio-cultural platform helps bind a group of people that shares historical trajectories. On the other hand, nationality tilts towards a legal construct that defines issues regarding citizenship. Given the role nationality plays in identity, it could safely be said that nationality reinforces identity.

Methodology

Data for the study were generated from newspapers, journals, books, unpublished essays and online platforms. Online and print newspapers, including Sudan Tribune and Reuters, and articles published in highly rated journals both print and online were consulted. The data captured and analysed the history and political development in Sudan and South Sudan regarding the issues of identity and nationality as well as the efforts to address the situation between the two countries. The collected data were analysed and evaluated qualitatively using a historical approach, which involved subjecting the data to contradiction and corroboration validity. The deployment of the diverse sources created a platform for

balanced analyses and understanding the inherent biases and perspectives of the authors.

The Dynamics of Nationality and Identity Question in South Sudan

The decades of civil war in Sudan, spread-headed by the Sudanese Peoples' Liberation Army/Movement (SPLA/M), deescalated following the 2005 CPA (Manby, 2012). The CPA took into cognizance the issues of discrimination and exclusion in the socio-cultural, political and economic space in Sudan. The major item that was seen as pivotal in sustaining peace among the people was the insertion of the self-determination clause in the CPA.

The CPA also set up a transition programme that included power sharing through the formation of the Government of National Unity (GNU) between the government in Khartoum and the SPLA/M while Southern Sudan was granted autonomy. It must be said that the six-year transition period was intended to create a peaceful atmosphere for both parties to reflect and plan for the development of the countries. In January 2011, the referendum was held and majority of the Sudanese in the southern part voted for separation from the Republic of Sudan. In line with the provision of the CPA, on 9 July 2011, South Sudan was declared an independent country. It must be noted that the independence of the country was a series of a peaceful processes that commenced in 2005 with the signing of the CPA, which truncated and ended endless and intermittent civil stifles (1955-1972; 1983-2005) that confronted the Republic of Sudan from 1956 (Zambakari, 2013). In other words, the independence of South Sudan changed the status of the people of South Sudan worldwide. However, the Sudan Republic was the most defining place that the independence had most impact. This is due to the fact that millions of people live on both sides of the divide. The need for mutual negotiation and understanding became imperative. However, the events that unfolded subsequently revealed that the old wounds were yet to be healed.

In August 2011, the Republic of Sudan, apparently reacting to the Nationality Act of the newly independent South Sudan, abrogated the dual nationality clause that was incorporated into the country's legal system in 1993. The amendment of the 1993 Nationality Act implied that any person that acquires the nationality of South Sudan will lose the citizenship of the Republic of Sudan. The South Sudan government had

on July 9, 2011, enacted a Nationality Act in line with the provision of the 2005 Interim National Constitution, and adopted dual nationality and gender equality. The provisions in the South Sudanese Nationality Act included that any person with either parent, grandparent or great parent born in South Sudan to persons that has root in any of the 'indigenous ethnic communities of South Sudan'. It also stipulates that nationality would be attributed to those whose foreparents had been customarily residents in communities in South Sudan since 1956. 1956 was chosen because it was when the Republic of Sudan obtained statehood. A comparative analysis of the Nationality Acts of the Republic of Sudan and South Sudan revealed divergent positions. The Act of South Sudan is inclusive while that of the Republic of Sudan is exclusive, which would create challenges for over 500,000 South Sudanese who had largely lived their lives in the Republic of Sudan (Frahm, 2015).

The implication of the Republic of Sudan's 2011 Nationality Act is that South Sudanese, estimated at between five hundred thousand and seven hundred thousand, will be stripped and denied Sudanese citizenship (Manby, 2012). The dimension of the new law raised the possibility of South Sudanese residents in the Republic of Sudan being stateless, creating fear, anxiety and tensions that have further compounded the adversarial relations between leaders of both countries. It was in this state of uncertainty that backroom diplomatic channels of communication were exploited by regional powers to address the issues.

A careful analysis of the treatment of each citizen by the two countries revealed that the South Sudanese government is liberal while the Republic of Sudan was rigid. For instance, the Republic of Sudan sacked South Sudanese in its employment and harassment was rife. On the other hand, the Sudanese were not harassed except for isolated cases of scrutiny of travelling papers. Mohamed Suleiman, who had lived in Juba, South Sudan since 2009 claimed he has not been discriminated against by the people or government of South Sudan despite being from the north. He relocated to Juba from Sennar in search of employment. According to him, "we are not afraid of being made to go back to the north. Their difference is political... Not a single person has asked me where I'm from" (Ulf and Bayumy 2012).

This view was shared by Yaber, who had lived in Juba for almost four decades. He submitted that the people of the north and south live peacefully and as a family, without any form of molestation based on his ethnicity, origin or faith. Yaber said he and his children, including son Diyaeldine, who were born in the South, had no plan of leaving Juba.

According to him, “we are very happy. We’re the same people, the same family. We share the same life, there is respect” (Ulf and Bayumy 2012). One of the business men in Juba from the Republic of Sudan, Saeed Zakariya, however claimed that his papers were not accepted while trying to catch a flight to another city in South Sudan. According to Zakariya, “I tried to book a ticket to fly to Malakal in South Sudan), but my papers were not accepted” (Ulf and Bayumy 2012). The non-acceptance of his travel papers made him abort his trip, but he continued to live and transacts business in Juba without molestation. He expressed surprise over the actions of the airport officials because he had been travelling with the same documents. Zulfid from the Republic of Sudan, who sells mobile phones in Juba, is however afraid because of the harassment South Sudanese living in Sudan are facing. She said “we are scared that one of these days, they’ll ask us for identification papers”. Zulfid also said there is higher level of bribery and corruption in Khartoum than Juba, which made her relocate to the South. “The government confiscates your goods. There’s bribery. In Juba, taxes are less, the dollar is cheaper. Life and business are much better than in the North” (Ulf and Bayumy 2012).

However, the experience of most South Sudanese living in the Republic of Sudan is harsh and bad. Sultan Kwame, a civil servant in Khartoum, was sacked in 2011 by the Sudanese government because he was classified as a foreigner. It must be said that he was among thousands of South Sudanese in the North that were fired from their jobs following the referendum. According to Kwaje, who now live in Wad al-Bashir camp, one of several slums on the outskirts of Khartoum. “I just want to leave. I am still owed all my severance pay but I just want to leave now. Life is bad. We don’t have jobs, no food, don’t get medical treatment” (Ulf and Bayumy 2012). It is instructive to state that Kwaje lived in Khartoum for over 30 years before the referendum and is now a foreigner without work permit. Another South Sudanese, Moussa Majok, said he has faced harsh harassment by security operatives. However, his efforts to process South Sudanese nationality papers have not been successful. He said “I am still waiting for my travel permit from the embassy. I went there to register but I still haven’t got the papers. They don’t care about us” (Ulf and Bayumy 2012).

There is no gainsaying that the negotiation over the status of nationality gave the Khartoum government an advantage because most of the affected people are South Sudanese. The Khartoum government, mindful of this, called off a scheduled summit to deliberate on the logjam

in protest against border fighting. The government blocked traffic through the Nile in March 2012, mutual suspension of direct flights, and ordered not less than twelve thousand South Sudanese who had waited for several months in the Kosti Port for barges to vacate the premises within one week. The state-owned media, SUNA, reported that “May 5, 2012 is the last day for southerners to stay in Kosti Port. Authorities have taken measures to expel them to another place” (Ulf and Bayumy 2012). It must be noted that the government cited security, safety and environmental concerns for the actions.

In the same vein, the government of South Sudan also declared all citizens of the Republic of Sudan living in its territories as expatriates, but did not impose new regulations for resident permits. Although Khartoum gave April 2012 as the deadline for South Sudanese to obtain resident permits or leave the country, the challenges of the South Sudanese were compounded by the inability of their country to establish a functional and working embassy in Khartoum. The embassy of South Sudan in Khartoum offered principally skeletal services due to unskilled manpower, lack of fund and administrative bottlenecks. Given the plight of the people of South Sudan, the existence of an efficient embassy would have helped to ameliorate the sufferings of its citizens by issuing necessary papers such as passports for identification and citizenship as nationals of the country.

Dimensions in Managing the Nationality and Identity Challenges

The aftermath of the declaration of South Sudan independence on July 9, 2011, coupled with the alteration of the Nationality Act of the Republic of Sudan presupposes that the over 500,000 South Sudanese living in Sudan would be stateless (Manby, 2012). This was made more realistic because the young country, due to series of challenges, cannot document and issue citizenship identification to its citizens. It must be said that the Republic of Sudan after a nine-month window began to strip South Sudanese of its citizenship in 2012. Among these set of people were those born, bred and have lived in the Republic of Sudan. It is instructive to note that given the fragile situation, both governments had in February 2012 agreed on the modalities for voluntary return of each country's citizens.

The emotive importance attached to the nationality question culminated in further engagements between both countries. These interactions culminated in the March 13, 2012 accord that involved the

protection of the rights and freedom of movement, to own property, residence and to engage in economic activity of nationals resident in another's country. This agreement no doubt was pragmatic and timely in addressing the nationality issues between both countries. The longstanding hatred and animosity between both countries made the formal endorsement of the agreement impossible. The earlier date of April 2012 for the signing of the agreement in the South Sudanese capital, Juba, was postponed indefinitely without cogent reasons. The failure to formally sign the agreement by both countries further alarmed the South Sudanese and the international community on the status of South Sudanese resident in the Republic of Sudan. This culminated in further intervention by the AU and led to the expansion of the areas of discussion. The four-freedom agreement became part of a broader deliberation that included defence and security, trade and economic borders. The negotiation had a major breakthrough when the Presidents Omer Al-Bashir of the Republic of Sudan and President Salva Kiir Mayardit of South Sudan met in Addis Ababa, Ethiopia on September 27 2012. After several hours of deliberation, both leaders signed a comprehensive cooperation agreement subject to ratification by both countries' parliament. According to the negotiating teams of both countries, the agreement was signed following marathon talks between Sudanese President Omer Al-Bashir and his South Sudanese counterpart Salva Kiir Mayardit. It was signed along with other seven deals covering resumption of South Sudan oil exports via Sudan, security arrangements by establishing a demilitarized buffer zone along the common borders, banking, post-service benefits, trade and economic matters, border demarcation and the four freedoms which grant citizens of each country the freedom of movement, ownership, work and residence in the other country (Sudan Tribune, 2012: 1-2).

The agreement was subsequently forwarded to the parliaments of Sudan and South Sudan for ratification. It is important to state that the sensitivity and longstanding animosity made some hawks in the leadership cycles in both countries oppose the agreement. This was demonstrated by the level of opposition the agreement received when it was tabled before the parliaments of the Republic of Sudan and South Sudan. At the same time, some groups, especially those in border communities, organised protests against the clause on demilitarization and creation of buffer zones along the borders of both countries. The parliament of South Sudan met on September 16 for clause-by-clause deliberation on the agreement before votes will be taken. In the course of

the deliberation, about 50 lawmakers vehemently opposed the ratification of the agreement hinging their position on border and security. However, most of the members of the parliament voted in support of the agreement and it was consequently ratified by the South Sudanese parliament on the same day. The following day, the Republic of Sudan's parliament met to deliberate on the agreement. Far right groups, including the Just Peace Forum, vehemently opposed the ratification of the agreement. At the same time, members of parliament, led by Ragab Mohammed, were also against some aspects of the agreement, particularly, the four freedoms dealing with the nationality of both countries. Ragab Mohammed described the agreement relating to the four freedoms as "a deadly poison" aimed at bringing South Sudanese back to Khartoum under legal protection. He argued that "we cannot advocate Islamic values and allow poison to spread in the country" (Sudan Tribune, 2012: 1-2). However, a joint report by the Sudanese parliament's committees on foreign affairs, national security and defense, legislation and justice, human rights, financial and economic affairs, energy and industry, labor and public grievances adopted and recommended the agreement for ratification and consequently presented it to the whole house for deliberation. The report however stressed the need for relevant authorities to judiciously monitor the process of implementing the agreement. It also emphasized that the dynamics in the implementation of the cooperation agreement should be closely tied to the substantial progress in the security platforms on the ground (Suna 2012; Sudan Tribune, 2012).

Speaker Ahmad Ibrahim Al-Tahir, the head of the parliament, admonished the members to be circumspect and pragmatic during the debate. He advocated the importance of constant interfacing and communication between both countries in the attempt to overcome decades of animosity and hatred. Speaker Al-Tahir also pleaded with the media to partner with the government to bridge relations with South Sudan and stop criticizing the agreement and hauling insults on supporters of the deals and south Sudanese. Given the importance attached to the agreement, Al-Tahir invited Idris Mohammed Abdel Gadir, the head of the government negotiating team, to address the parliament. Gadir submitted that they would continue to communicate with mediators of the AU High-Level Implementation Panel and South Sudan in order to reach an agreement over outstanding issues. Idris said that Sudan rejected AUHIP proposal to hold a referendum in Abyei saying they prefer a political solution. Khartoum said the proposal will

not allow members of the Al-Missrya nomadic tribe to vote in the plebiscite (Sudan Tribune, 2012)

Sudanese Foreign Minister Ali Karti appealed for the all measures to be taken to protect the agreement. He admonished activist groups in the South to refrain from trying to poison the atmosphere in order to scuttle the agreement, and requested the South Sudan government support the implementation of the agreement and prevent domestic attempts to abort it. The parliament, after listening to various contributions, voted overwhelming to approve the agreement. The agreement became effective and the stay of South Sudanese in Republic of Sudan was restored. To further strengthen the relations between both countries, President Omer Al-Bashir and President Salva Kiir Mayardit met in Khartoum on September 3, 2013, to examine the implementation of the 2012 agreement, especially on the movement of goods, services and citizens. In a follow-up meeting held in Juba, the Ministers of Interior Ibrahim Mahmoud Hamid and Aleu Ayieny Aleu led the concretizing of the agreement to include humanitarian assistance and custom support. Indeed, the agreement proposed the mutual cancellation of entry visa for diplomats, government officials and delegates on trade missions. According to Ibrahim Mahmoud Hamid, the visit to Juba was to follow-up on what was discussed during the September 3 summit held in Khartoum between leaders of the two countries. The visit, he stressed, was to advance bilateral relations Sudan and South Sudan in regard to the free movement of goods and citizens across borders, as stipulated in the

27 September 2012 Cooperation Agreement signed in Addis Ababa, Ethiopia. The framework agreement allows citizens of both countries the freedom to move between the two nations, as well as reside, work, and own property in accordance with the laws and procedures in the two states. Sudanese president, Omer Al-Bashir, had the month before invited his South Sudan counterpart for a summit aimed at strengthening further ties between the two former war foes (Sudan Tribune, 2013: 1-2).

Given the positions of the two countries parliament in ratifying the cooperative agreement, with the issue of nationality occupying focal point, the question and status of the large population of South Sudanese was largely addressed. The agreement regarding the four freedoms demonstrated the triumph of wisdom and mutual co-existence over hatred and animosity. The display of statesmanship by the leaders of the Republic of Sudan and South Sudan helped to move the countries from adversaries to promote peaceful relations.

Conclusion

The independence of South Sudan after over two decades of violent struggle was received with great joy and fulfillment by the people. The referendum conducted between January 6 and 9, 2011 with absolute yes votes was seen by most South Sudanese as a way out of long years of limited socio-economic and political opportunities as well as untold discrimination. The nascent country however faced some challenges that placed some citizens on the brink of statelessness. This was largely because the country was unable to address the process of issuing national identification documents to its citizens in several countries, most especially the Republic of Sudan. It is pertinent to state that tens of thousands of South Sudanese work and live in the Republic of Sudan. Given the adversarial relationship that existed between the Republic of Sudan and South Sudan, the former decided to amend its Nationality Act to abolish dual nationality. Although it was within its power to amend its laws, it went against the interim agreement enshrined in the CPA.

The new Nationality Act of the Republic of Sudan and the threat to declare South Sudanese who failed to acquire its relevant documents or leave by April 9, 2012. Coupled with the fact that the South Sudanese government was struggling to establish a functional embassy in Khartoum compounded the situation. The countries engaged in a number of meetings to resolve the logjam leading to the agreement on four freedoms with regards to movement, property ownership, residency and economic activity however the failure to sign the derailed the process. The intervention of the AU and other international organisations restored confidence in the process and led to a negotiation that covered wide areas of their relations with the status of their nationality occupying the centrepiece. By September 2012 both countries finally concluded the negotiations and ratified by the parliament in October 17 2012. It must be said that the platforms provided by the international community helped the two countries to arrive at an agreement that finally resolved the issues of the status of the nationality of South Sudanese in Sudan. it is hoped that the South Sudanese government would design quicker and more robust ways of issuing its citizens with the nationality identifications and documentation.

References

- Akot, D. A., (2006). The imperative of decentralization. In M. Simmons & P. Dixon , eds. *Peace by Piece: Addressing Sudan's conflicts*. London: ACCORD Conciliation Resources, pp. 76-77.
- Christian, L (2016) Rule and Rupture: States Formation Through the Production of Property and Citizenship. *Development and Change*, 47, 6. November
- Frahm, O., (2015). Making borders and identities in South Sudan. *Journal of Contemporary African Studies*, 33(2), pp. 251-267.
- [https://thelawdictionary.org/nationality/Legal Dictionary | Law.com](https://thelawdictionary.org/nationality/Legal%20Dictionary%20-%20Law.com)
- <https://www.economist.com/the-economistexplains/2017/07/09/what-is-the-difference-between-nationality-and-citizenship>
- J.Rex and D.Mason (eds). "Theories of Race and Ethnic Relations". Cambridge: Cambridge University Press.
- Jok, J. M., (2011). *Diversity, Unity, and Nation Building in South Sudan*, Washington D.C.: United States Institute of Peace.
- Kristine kruma (2013) concept of Nationality in International Law Brussels: EU, DOI: 10.1163/9789004251595vht_005 Pp 29- 36
- Leary, M. R. and Tangney J. P. (2003). *Handbook of Self and Identity*. New York: Guilford Press.
- Mahmood, M. (1996) Citizen and Subject: Contemporary Africaand the Legacy of late Colonialism. Princeton: Princeton University press
- Manby Bronwen (2012) The Right to A Nationality and the Succession of South Sudan. Open Society Initiative for Eastern Africa, April 16.
- Margaret R. Somers *Genealogies of Citizenship: Markets, Statelessness and the Right to Have Rights*. Cambridge, Cambridge University Press, 2008
- Sudan Tribune (2012) Sudan parliament ratifies cooperation agreement with South Sudan despite objections <http://www.sudantribune.com/spip.php?mot2143>
- Sudan Tribune (2013) Juba and Khartoum agree to open trade borders <http://www.sudantribune.com/spip.php?article48169>
- Sudan Tribune (2013) Sudan parliament ratifies cooperation agreement with South Sudan despite objections <http://www.sudantribune.com/spip.php?article44255>
- SWL (2017) What is the difference between nationality and citizenship? | The Economist
- Toward Crystallized Organizational Discourses and Identities. Communication Theory. 15 (2): 168–180.*

Tracy, S. J.; Tretheway, A. (2005). *Fracturing the Real-Self-Fake-Self Dichotomy: Moving*

Ulf, L. and Yara, B. (2012) Sudan and South Sudan Questions of Nationality in Reuters

Weinreich, P and Saunderson, W. (Eds) (2003). *Analysing Identity: Cross-Cultural, Societal and Clinical Contexts*. London: Routledge.

Weinreich, P. 1986a. The operationalization of identity theory in racial and ethnic relations, in

Zambakari, C., (2015). Sudan and South Sudan: Identity, Citizenship, and Democracy in Plural Societies. *Citizenship Studies*, 19(1), pp. 69-82.