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Beware Khartoum Government! Those are Northerners, not Southerners!

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On 22nd June 2011, the Ministry of Labour has issued a general directive to all government departments to enforce retirement on any Sudanese of Southern origin as a direct consequence of denationalizing them, i.e. stripping them of their Northern Sudanese nationality. Another similar directive was sent to all private sectors. Accordingly, tens of thousands of Northerners of South origin have been purged from Civil Service. To add hurt to insult, official farewell parties were made at the altar of this civil genocide. Many of these infamous parties were televised and broadcast. These cynical parties were made in honour of those whose majority have never seen the South and who have been living in the North for most of their lives. 21 thousand soldiers were purged from the army overnight; those were the same soldiers who have fought with the Sudanese army against the Sudan People Liberation Army (SLA) for years and years. Now they are demanded to go to join the army they have spent their lives fighting against for no reason other than the fact that their origin goes back to the South. More than 4 thousands police members were also purged. The number this civil genocide is far more than that of the disciplined forces in the various sectors of the Civil Service.

Nothing can be more erroneous as those people are not Southerners by all respects; those are simply Northerners of South origin in the same way as the Minister of Interior (Ibrahim Mahmoud, who is responsible of the Civil Registry and nationality) is a Northern Sudanese of Eritrean origin. In his days of university studentship in Egypt, he used to preside on the Eritrean Student Union.

Below, the argument and discussion that show how wrong this decision is, in all respects, is offered:

Who can tell that I am not a Southerner?

The Khartoum government lacks the legal ground to identify any of its subjects as being of so and so ethnicity as it has dropped off the question of ethnicity in its last census. So, the Khartoum government is not in the place to say how many Dinkas or how many Nuers or Shilluks exist in the Sudan, North and South as well. Likewise, it cannot prove that a particular person is a Dinka or Nubian or Fur. It is true that in the nationality application forms there is a question about the ethnicity of the applicant (the tribe in particular); however, those who have got their nationality document in this way do not exceed 12 million since independence (including the deceased). Furthermore, all the documents that go before 1995 have been damaged. Having counted the population as being 40 million in the last census proves that the nationality document is redundant in deciding who is a Sudanese and who is not. At least 28 million, out of those 40, do not have nationality document but nevertheless are considered as Sudanese by the government.

What does the Nationality Law says about this?

The nationality law states that any foreign person who stays in the Sudan legally for 5 consecutive years becomes qualified for Sudanese nationality. The sliding majority of those Northerners of South origin have been living in the North for more than 20 years. So, if they were foreigners, they would have been qualified for nationality. In the Sudan we have many ethnic groups of foreign origin, such as those whose origin goes back to Egypt, Saudi Arabia, Chad, Nigeria, Ethiopia, Eritrea etc. How come that we cannot have ethnic groups such as the Dinka, Shilluk, Nuer etc whose origin takes them back to Southern Sudan? It further legalizes dual nationality, i.e. it is legal for any Sudanese to have the nationality of another State. This means that a person who has qualified for North Sudanese nationality does enjoy the right to have the nationality of another State without having this situation resulting in alienating him from his North Sudanese nationality. This is how millions of North Sudanese all over the world now hold passports of other nations due to staying there long enough to have the nationality of those States. The Sudanese law clearly states that nationality is inalienable, i.e. it cannot be withdrawn arbitrarily. The law states the cases where withdraw of nationality can take place.

This means that even those Northerners of South origin who had registered for the referendum could have retained their Northern nationalities let alone those who have refrained from registering preferring to be Northerners only.

What does the CPA says about this?

The CPA has set forth a clear criterion of those who are eligible to claim Southern identity, consequently establishing a sufficient definition of who is a Southerner. It clearly states that those of Southern origin and who have come to the North from the South in so and so period, or those who have either parent from the South, can claim the Southern identity and consequently can register to vote in the then upcoming referendum. However, those who are qualified to claim Southern identity, but have been living long enough in the North and

accordingly have qualified for citizenship can remain anywhere in the North if they opt for this, i.e. it is optional. The objectivity of option is that those registered in the referendum have made their decision to be Southerners; those who have not registered, even though they are qualified to do so, have also made their decision to remain as Northerners.

The measures taken by the government of Khartoum come as direct violations of the Mekelle (Ethiopia, 21st-22nd June 2010) Memorandum of Understanding between the NCP and SPLM on post-referendum issues and arrangements. In accordance with that memorandum of understanding, a meeting was held on 15/11/2010 in Khartoum under the sponsorship of the African Union High Level Panel (AUHLP, headed by President Thabo Mbeki) upon which the two parties concluded the Sudan Framework Agreement (hence called the Framework Agreement). According to the statement of AUHLP, which was released the same day to the press, the two parties met to discuss the "... outstanding CPA issues [that] include the resolution of Abyei question, the North-South border, Popular Consultation in the Blue Nile and South Kordofan States, and security arrangements between the North and the South. The Post Referendum issues include citizenship, oil, water resources, assets and liabilities, currency and economic cooperation. Under the heading bearing the title: People's Linkages and Citizenship Issues, we read: "The parties agreed that decisions taken on nationality and citizenship will not adversely affect the wellbeing and rights of ordinary people". Further it puts it crystal clear that "In the event of any change in nationality and citizenship laws, the parties agreed that the two States would ensure that the rights of the people are not adversely affected and that they can continue to reside in either country, in accordance with law, should they wish to continue to do so and that sufficient time would be given to enable individuals to adjust their issues." This is what the government of Khartoum signed with the SPLM with President Mbeki and the all members of AUHLP standing as witnesses. However the facts on the ground show that the government of Khartoum is just doing the opposite, abrogating an agreement they signed six months ago.

What do the International Laws say about this?

All international laws and conventions pertaining to nationality clearly state that everybody is entitled to enjoy a nationality. Article 15 of the Declaration of Human Rights clearly states that "every one has a right to a nationality"; it further states that "no one shall be arbitrarily deprived of his nationality". This is further supported by the International Covenant on Civil and Political Rights and the UN Human Rights Committee The 1961 Convention on the Reduction of Statelessness, which entered into force in 1975, makes it a specific duty of states to prevent statelessness. Article 1 reads that "A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless." The convention forbids stripping of nationality (denationalisation) "on racial, ethnic, religious or political grounds." Even in cases of State Succession, no citizen of either the succeeded or successor State should be deprived of the nationality they have acquired through lawful means. Article 1 in the International Law Commission, Draft Articles on Nationality of Natural Persons in

relation to the Succession of States, with commentaries, 1999, clearly states that “Every individual who, on the date of the succession of States, had the nationality of the predecessor State, irrespective of the mode of acquisition of that nationality, has the right to the nationality of at least one of the States concerned.” Other articles provide that States must take “all appropriate measures” to prevent statelessness resulting from State Succession, and that persons shall not be denied the right to retain or acquire a nationality by being discriminated against on any ground.

The Apartheid State of North Sudan

There are at least 4.5 million Northerners of South origin who have nothing to do with the unfolding situation of cession as they have not participated in the referendum. The cession of Southern Sudan has been brought about by two factors; the *first* is the growing sentiment of anti black, anti African, and anti Southerner among a certain sector of Northern Sudanese who are ready to die in order to win the badge of Arabism. There has been a surge of this trend that started gaining momentum with the wake of the fanatically Islamist and Arab-chauvinistic regime of al Ingaz. This is the major factor that has created the conditions of cession. In such a state it was inevitable for any people to opt for cession, in particular the Southerners who have been living under the yoke of racism for centuries. The *second* factor is merely technical, i.e. the polling, which has been exercised by about 3.5 million representing the 8 millions of Sudanese citizens living in the South plus about 160.000 who lived in the North and who had registered as Southerners for the referendum. This proves that the 4.5 millions of Northerners of South origin have nothing to do with either the referendum or its result. To take those 4.5 millions as accountable for the cession of the South by either the government of Khartoum or its ranks and media institutions of hatred is merely racist. To have this measure taken by the government of Khartoum means that the North Sudan is simply undergoing through a phase of an Apartheid State. The Islamo-Arabists of the Khartoum regime want to project their own failure to maintaining unity on the Southerners, but having no such Southerners within its boundary has made them to target those Northerners of South origin. The 4.5 millions of Northerners of South origin cannot be used, victimized, and sacrificed for the sake of saving the culprits to answer for their responsibility when the day of reckoning comes.

The President who threatens his People

The regime of Khartoum is working hard to deepen the rift between Africanism and Arabism in the identity awareness of Sudanese people by not only enhancing this discourse of anti Africaism, chauvinistic pro Arabism, but further by initiating it through its top echelon officials. The fiery words of the President of State (who is indicted by the International Criminal Court for alleged crimes against humanity and genocide) in one of his late public speeches where he vowed to chase out any Southerner who dares remain in the North after July 9th, still resonates in the ears of Sudanese people. In that ill-welcomed speech, the

President of the State did not bother to give any definition of who is a Southerner. To the public, a southerner is defined by the racial complexion, a criterion no State that respects itself or its subjects can use without being racist. The two parts of the Sudan now are in need of strengthening the ties that bring them together more than ever. The keyword today for the two parts of the Sudan is "interdependency" where the existence of Northerners of South origin (and Southerners of North origin) will surely pave the way to good developmental relations and will serve as a bridge between the shores of the two parts of the country. All other aspects of interdependency, whether cultural or economical, comes after this humane and material bridging. The regime of Khartoum is fully aware that the Sudanese people will very soon awake to face the grim fact that their beloved country is no more the same and that they will understandably be held responsible for this.

Action needed!

The national, regional and international NGOs and civil societies institutions, and the free Pan African elites and intellectuals worldwide cannot maintain their ethical and moral integrity if they allow this state fascism and apartheid orientations in the Sudan to blackmail them so as to relinquish and capitulate. We have all to stand up and face this new wave of state racism. Who is a Northerner is that Sudanese person who has lawfully qualified for Sudanese nationality and who has chosen to live in the North; who is a Southerner is that Sudanese person who has lawfully qualified for Sudanese nationality and who has chosen to live in the South. The foreigners are those who do not fall in either groups. The Sudanese Northerners of Southern origin are being officially discriminated against by the government of Khartoum. This is taking place as part of a process of demographic engineering plans upon which African people in Darfur are being replaced by Arab groups brought over from the Niger; African Nubas are being replaced by Arabised groups in Southern Kordufan and Abyei; the Beja of Eastern Sudan are being replaced by fanatically Islamist groups from over Eritrea and Egyptian peasants; the Nubians in the far North are being replaced by Egyptian peasants brought from over the delta. The current slogan that resonates all over the region: "the people want to change the Regime!" is being turned by the Islamist regime of Khartoum into: "the Regime wants to change the People!" For people to change their bad regimes is commonplace; but for a detestable corrupt regime to decide to change its people is a matter that cannot be achieved without those retched people get killed in cold blood as what has happened in Darfur and what is happening right now in Southern Kordufan.

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