



# THE SUDD INSTITUTE

RESEARCH FOR A PEACEFUL, JUST AND PROSPEROUS SOUTH SUDAN

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## POLICY BRIEF

Septemebr 20, 2013

### An Emerging Diplomatic Row between Uganda and South Sudan

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The recent decision by the Ministry of Interior of the Republic of South Sudan to ban the use of motorcycles by foreign riders as commercial taxis known as Boda Boda has riled up the Ugandan workers in South Sudan who were victims of that decision. The events that followed, i.e. the departure of some of these workers and the way they reported being treated along the way, have also greatly angered some opposition lawmakers and government officials in Kampala, calling for mass expulsion of South Sudanese from Uganda and the termination of trade between the two countries. These decisions and events have also frightened a lot of South Sudanese families who have children and loved ones living in Uganda, as many incidents of attack on South Sudanese by Boda Boda riders in Kampala have been reported. The Sudd Institute has keenly followed these developments in hope of being able to contextualize them as a way to caution both sides against the hazards of hasty action, and to point out areas of mutual understanding, by clarifying the real situation and reminding both sides of longstanding political, social, and economic bonds between the two states. Further, the brief discusses possible, yet more normative paradigms of responding to matters of bilateral importance without generating serious misunderstandings in the process.

Our research indicates that the order by the new Minister of Interior, Gen. Aleu Ayieny, was not an expulsion aimed at Ugandans, but rather a decision made to stop the use of Boda Boda as taxis due mainly to an increasing insecurity associated with this kind of transportation business. The South Sudanese Police Service (SSPS) reports that on average 80 percent of criminal cases committed in the republic's capital of Juba involve the boda boda taxis. To this effect, the Ministerial Order was issued to ban foreigners from operating boda boda taxi only, and not from doing any other business in South Sudan. More specifically, the order was to all foreigners and not particularly Ugandans. Foreigners licensed in other formal economic sectors continue to do business freely in the country. Further, the Ministry of Interior

subsequently convened a conference with representatives of foreign businesses, explaining the merit of the order.

The National Legislative Assembly of South Sudan supports the ministerial order, suggesting that, without prejudice to other nationals, it is in the best interest of South Sudanese. Meanwhile, some Ugandan legislators responded rather radically, calling upon their country to retaliate against South Sudanese by expelling them from Uganda, essentially citing harassment and murder of Ugandans in South Sudan. A consultation with a Ugandan embassy official in Juba shows, however, emerging misunderstandings between the two countries, as the official responded stating that, "we have never heard of Ugandans being expelled from South Sudan. What we know is a ministerial decree banning all foreigners from operating boda boda business, further cautioning that Uganda should not be judged by statements made by one opposition MP in the parliament."

Though the extent to which South Sudan executed this desirable initiative is certainly devoid of formally, courteous coordinated plans, the Ugandan response equally appears less informed, emotional, and overly constituted in opposition politics. The responding party from Ugandan parliament seems to have received biased information from Ugandans whom the ministerial order directly impacted. With little information made available for MPs in Uganda, the order was consequently misconstrued.

Motorcycle transport is one of the largest economic sectors in the city of Juba and perhaps in the adjacent states, particularly Eastern Equatoria and Jonglei. In total, there are 5,000 licensed motorcycles in Juba, with 60 percent or 3,000 bikes operated by foreigners, a majority of them youth from neighboring Uganda and Kenya. This short-term economic arrangement surfaces naturally in part due to high unemployment rates of youth in East Africa, and in part due to a high demand for labor suited for a severely undeveloped transportation infrastructure of South Sudan. For instance, though better educated compared to their South Sudanese counterparts, roughly 60 percent of economically active Ugandan youth loiter unemployed, certainly making the nascent South a destination for young Ugandans' economic prospects (Ugandan New Vision, 2013). Admittedly, the motorcycle transport, albeit its recently emerging security ills, has generated incomes for many of these youth and became an essential means of mobility for ordinary persons living in Juba.

That the infrastructure of South Sudan remains undeveloped makes the motorcycle taxis business rather hazardous for the population. South Sudan's security agencies express concern over increasing robberies, assaults, shootings, and break-ins—all seemingly made easier by the cycles that the criminals often hop on and speed away soon after committing a crime. Alternatively expressed, lack of good roads to allow efficient and effective police's response in pursuing these criminals has only made for virtually worrying circumstances. This criminal use of the motorcycles taxis can be both by arrangement with the drivers, or simply without the driver's knowledge

that the customers are indeed criminals, as any paying customer can order the cycle to zigzag through the neighborhoods in order to escape the law.

Now, the question is whether it is within the rights of a sovereign country to issue orders that it sees as addressing a particular need, regardless of whether this decision will affect local citizens or foreigners. If the answer is affirmative, then the Ugandan lawmakers, who are outraged, misconstruing the order as a deliberate expulsion of Ugandans, will see that this is a story that is more nuanced than meets the eye. The other question, perhaps the most important one, is the manner in which the order was executed by South Sudanese police, immigration, and customs authorities. The claim by the departing Ugandans, which is valid, is that they were not given enough time to decide whether to sell their motor bicycles, switch to another area of labor or exit the country peacefully and orderly, if they so chose. They also claim that they were harassed, roughed up, and money was extorted from them, especially at the border crossing points. These are all very serious charges and presumably plausible in a country with very weak institutions, giving the Ugandan authorities a right to investigate, and demand compensation for any losses or damages the outgoing Ugandans might have incurred in a haphazardly conceived process.

But as a reminder, at the end of last year, the institute published a report on security, in which a growing trend towards harassment and targeting of foreigners was pointed out, asserting that such trends might lead to xenophobia if they were allowed to continue unchecked. This was both to alert the South Sudanese authorities to establish a position that clearly separates the government's policies from isolated actions by disgruntled citizens who might go after foreigners for reasons that do not involve the state. This is concerning because government programs that have not been carefully studied and are poorly implemented can be misconstrued, serving as license to a few citizens who may unleash their personal sentiments, latently shifting the responsibility to the government, and ultimately making such actions appear authoritative.

The peoples and governments of Uganda and South Sudan have a mutual responsibility in amicably clarifying and resolving this qualm. Perhaps the authorities of the two countries just need to sit down and tell each other's side of the story. The South Sudanese government had the right to make this decision, but it also made mistakes in how it was made and executed. Perhaps unstudied, the order was issued abruptly without courteously informing the boda boda business community, the majority Ugandan citizens. It was also announced without prior consultations and proper instructions to the security agencies that were to implement the order. Some police officers heard about it in the news, with some presumably going straight to the streets to carry out the order without the necessary understanding of the merits underlying the decision reached, possibly taking advantage of it to settle their own scores and individual ill feelings towards the Ugandans/foreigners. Lack of an appropriate, prior planning on the part of South Sudan generated unwanted responses from citizens who are readily

frustrated by increasing urban crimes and the developing xenophobic sentiments that we previously warned against. Stated differently, a simple public security decision that needed level-headedness was carried out haphazardly, the consequences of which will now become a diplomatic row between the two countries.

The new minister of interior is the former chairman of the parliamentary select committee on security and public order, a former freedom fighter and a learned citizen who knows both the constitutional procedures that underpin bilateral policies and the sense of gratitude that our country owes to Uganda. The minister should not have taken such a decision without best studying the situation, but in close coordination with the Ministry of Foreign Affairs, as resultant questions from Uganda are likely to be first directed to our Foreign Affairs Minister. We are a nation among nations and our decisions have to be weighted in relation to how they affect others, not just our own security, albeit its importance.

Essentially, both countries have to start viewing this issue with a bit of historical reflection. South Sudan has so far enjoyed really good relations with most of its neighbors to the east and south, relations that have been built upon historical, political and social connections among the leaders as well as the peoples. Millions of South Sudanese had sought refuge in Kenya, Uganda and Ethiopia during the liberation wars spanning over 50 years. The liberation movements had their offices based in these countries, save for times of the usual geopolitical turmoil. This did not always mean that the residence of South Sudanese in these countries was free of abuse, harassment and extortion, but these were often viewed by the refugees and the host governments as isolated cases triggered by usual human moral weaknesses, such that a police officer, an immigration officer, an ordinary citizen, who may have succumbed to the pressures of his own life took it out on a poor refugee or a foreigner. South Sudanese and Somalis remember the dark days of dealing with the ruthless Kenyan Police that bullied them on a daily basis. Unlike Kenya, Uganda was exceedingly receptive and less exploitative, deserving a much better treatment from South Sudan. This is not a suggestion to compromise on South Sudanese strategic interests; instead, any decisions that may negatively affect our neighbors desire a careful assessment and an execution that thoroughly follows appropriate bilateral processes. Only this way can South Sudan's strategic intentions be well understood.

However, despite all that, South Sudanese have always been keen to express their gratitude to their neighbors, brothers and sisters in East Africa. Since the end of the war in 2005, the country expressed this gratitude by opening up its markets to the citizens of these countries, in a way that is still regarded as mutually beneficial. South Sudan needed skilled labor and imported goods, while the East Africans needed a place to sell both. All of that, a longstanding history of social, political, and economic bonds between South Sudan and its neighbors, becomes the basis upon which good relations, diplomacy, commerce, security, and development cooperation are dependent. Stories of state policies by host governments that target ordinary citizens of other countries for expulsion or a unique treatment are quite rare in East

Africa. Dealing with corrupt police, customs officials and others are experiences that all East African citizens have gone through, whether within one's own country or across the border. The time is already here when a Kenyan who gets roughed up in Uganda or a Ugandan mistreated in South Sudan will no longer refer to the fact of their nationality as the basis for their experiences. Instead, these encounters are a reality of a people who share a territory, history and are ruled by governments that do not always live up to the citizen's expectations or aspirations.

The government of Uganda has often come under fire from its local critics regarding the hosting of South Sudanese, especially around elections, often out of the suspicion that President Museveni was keeping South Sudanese in the country so that they can vote for him, a claim that has had no basis, as South Sudanese normally do not even have local identification cards. But even such occasional row has never amounted to attacks against South Sudanese in Uganda. During the war, majority of the South Sudanese refugees lived in the camps, mainly in the north and some parts of southwest. Uganda, however, should not take South Sudanese for granted. Since the war ended, the majority of those who were officially recognized as refugees have returned home. The South Sudanese remaining in Uganda today are school children and women who look after them. These reside in big cities and other urban centers, specifically Kampala and its suburbs, to take advantage of the Ugandan school system, which many South Sudanese deem to be more developed than their own back home. South Sudanese who work in Uganda are very few, if any at all, but they greatly contribute to the Ugandan economy through visa, residential rental, and school fees, becoming a major source of foreign currency for the country. The lawmakers' suggested attempt to expel them or terminate trade with South Sudan, just like the decision against some Ugandans in Juba, seems rushed and may bear detrimental consequences if it goes through. Instead, South Sudan and Uganda should be seen like a couple in love, who are quick to be offended by the words or actions of the other but who deeply know that the other does not mean ill.

Moving forward, the two countries may adopt mutually beneficial bilateral relations, making relevant decisions along these frameworks. The foreign affairs ministries and people's houses of both countries should establish clear systems of communication on matters that concern the two countries. This means that individual officials on both sides are seriously restrained in singlehandedly making decisions of diplomatic importance. These decisions must be thoroughly studied, amply timed, and implemented through appropriate channels so as to guide against possible misunderstandings and their latent, negative consequences.

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## About Sudd Institute

The Sudd Institute is an independent research organization that conducts and facilitates policy relevant research and training to inform public policy and practice, to create opportunities for discussion and debate, and to improve analytical capacity in South Sudan. The Sudd Institute's

intention is to significantly improve the quality, impact, and accountability of local, national, and international policy- and decision-making in South Sudan in order to promote a more peaceful, just and prosperous society.

### **About the Authors**

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