



USIPEACE BRIEFING

SIX IMPORTANT ISSUES FOR SUDAN AND ITS FUTURE

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INTRODUCTION

Over the past few months, much of the international attention devoted to Sudan has focused on “CPA implementation.” Within that focus on the Comprehensive Peace Agreement (CPA), most attention is paid to the status of Abyei, if and when nationwide elections will happen, border demarcation and, above all else, the 2011 referendum on the status of southern Sudan. But there are other aspects of the north-south dynamic deserving of discussion and strategic thinking that don’t receive their due. This Peace Brief describes six of those issues and questions that, while they get some attention, could use a little more as decisive events in Sudan’s political history approach.

POPULAR CONSULTATION

While the “three areas” – the Abyei area and the states of Southern Kordofan and Blue Nile – are often highlighted as being particularly volatile and important, there are fundamental differences between Abyei and the two states. Foremost among them is that while the CPA entitles Abyei to a referendum in 2011 on whether it should be part of the north or south, Southern Kordofan and Blue Nile are granted only a “popular consultation,” vaguely defined in the CPA as “a democratic right and mechanism to ascertain the views of the people...on the comprehensive agreement reached.”¹

There appears to be a poor understanding at the grassroots in the two states of what popular consultation entails. In a series of focus group interviews, the National Democratic Institute found that “the term [popular consultation] is still largely unfamiliar to the general population of those two states. Most participants say either that they have not heard of popular consultation or they do not understand what it means.”² Some people in the two states, including community and traditional leaders, believe that popular consultation involves a choice of joining the south, remaining with the north, or becoming independent of both.³ While there is little clarity on what popular consultation is, the process clearly does not grant the two states this degree of latitude.

It is also unclear whether national legislation is required to govern the popular consultation process; as part of the recent agreement brokered by the U.S. special envoy to Sudan, General

¹ The Comprehensive Peace Agreement between the Government of the Republic of The Sudan and The Sudan People’s Liberation Movement/Sudan People’s Liberation Army, 2005, pg. 74

² Traci D. Cook, “Losing Hope: Citizen Perceptions of Peace and Reconciliation in the Three Areas,” http://www.ndi.org/files/Sudan_LosingHopeReport_2009Mar.pdf, pg. 39.

³ USIP interviews in Sudan, July 2009

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Scott Gration, the ruling National Congress Party (NCP) and the Sudan Peoples' Liberation Movement (SPLM) agreed to determine whether such legislation was necessary by July 30, but missed that deadline. If legislation is required, the agreement sets an ambitious goal of September 15th for introducing such legislation to the National Assembly (which is currently in recess and scheduled to return in October). If legislation is required, it will clearly be a lower priority than legislation governing the referendum on southern secession currently being debated by the NCP and SPLM.

Given their location in the center of the country, Southern Kordofan, and to a lesser extent Blue Nile, have historically been central battlegrounds between north and south. Especially in Southern Kordofan, there is a palpable sense of anxiety concerning how they will be affected by the 2011 referendum. Fortunately, the NCP-appointed governor, Ahmed Haroun (who is wanted by the International Criminal Court for Darfur-related charges) and the SPLM-appointed deputy governor, Abdel Aziz, appear to be working effectively together, even jointly developing a "Southern Kordofan State Reconciliation and Peaceful Coexistence Mechanism." But it is unlikely that they will continue to occupy these roles after the 2010 elections.

Developing greater clarity of what popular consultations will be (and what they will not be) sooner rather than later will be important to avoiding a return to large-scale violence in the two states. There are models of such consultative processes from other countries, such as Shura councils in Afghanistan, which may be applicable and useful in Sudan. International experts on such processes can provide examples and ideas that can be adapted to Sudan.

When there is consensus on how the process will operate, generating greater public understanding of popular consultations will be critical (it seems probable that political leaders have been reluctant to tell constituents what they are and are not entitled to through popular consultations because of the lack of clarity on the issue and for fear of being blamed for the absence of an Abyei-like referendum for the two states). There may be initial disappointment at the grassroots that a referendum is not part of popular consultation, but better to address that now rather than in 2011. Sudan, however, has a long history of not addressing pending problems, such as confusion surrounding popular consultations, until the very last minute.

SOUTHERNERS IN THE NORTH (AND NORTHERNERS IN THE SOUTH)

It is generally agreed that the recent census estimate of approximately 500,000 southerners living in northern Sudan is an underestimate. Regardless of the real figure, which many insist is

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in the millions, the rights and safety of southerners living in the north (and of the lesser number of northerners living in the south), will need to be a matter of increasing attention as the 2011 referendum approaches. Recent conversations suggest that there is a wide array of views concerning how southerners in the north, especially around Khartoum, will be treated if the outcome of the referendum is a vote for secession. Some anticipate the potential for a violent backlash against southerners in the north, as southerners in general may be held accountable for dividing the country in two, and point to the violence immediately after the death of former Sudan People's Liberation Army leader and First Vice President John Garang in 2005 as evidence of the potential for north-south violence in Khartoum. There could then be reprisal attacks against northerners living in the south. Others expect that the mutual dependence and understanding that has developed between southerners and northerners in the north over time will prevent attacks against southerners. Either outcome is possible, but neither is certain.

Post-referendum citizenship rights are an important factor in this dynamic: if the referendum results in southern secession, will southerners living in the north have citizenship rights there? Related to this is the question of how many southerners will return to the south before and after the referendum. Responses to this question vary widely. Furthermore, how will southerners in the north travel to the south, voluntarily or otherwise? There are concerns about the safety and security of the few roads linking north and south. In addition, does the south have the capacity to absorb a large influx of returning southerners, especially in the states bordering the north in which they would initially arrive?

It remains to be seen whether protection of southerners in the north and northerners in the south will be a priority for the NCP, SPLM and international community. There exists a mechanism to address protection of southerners in the north – the Commission for Rights of Non-Muslims in the National Capital, established by the CPA – but it maintains a low profile. It is not too early to begin preparations for precautionary protection of these communities in 2011 and beyond.

A SPLM PRESIDENTIAL CANDIDATE?

One of the hot-button political questions in Sudan is whether the SPLM will field a candidate for president in the (twice postponed) national elections, now scheduled for April 2010. SPLM officials insist that they will, consistent with their national political ambitions. Others doubt those intentions, suspecting that the SPLM is more focused on the referendum than on change through the ballot box. One point on which most agree is that the president of the government

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of Southern Sudan (GoSS), Salva Kiir, will not be a candidate for president, as he would not be allowed to run simultaneously for national president and president of the GoSS. Speculation is that the SPLM could put forward as a candidate one of its northern, Muslim members who may have appeal in both north and south.

Unless the elections are postponed again, the answer to this question could come fairly soon. If the SPLM does put forward a candidate that could suggest that some influential elements within the movement consider unity to be a viable option, or it could indicate that they are interested in having more “friendly” leadership in a neighboring northern Sudan if the referendum results in secession. A decision not to put forward a candidate will be interpreted by many as an admission that re-election of President Omar al-Bashir is acceptable as long as it does not impede the path to the 2011 referendum.

The answer to this question will also shed some light on differences between the SPLM’s northern and southern sectors, which clearly have divergent interests concerning elections and the referendum. The presence of a SPLM presidential candidate – especially a northerner – will suggest that the northern sector maintains influence within the party, while the absence of a candidate will be seen as confirming suspicions that Juba has a near-monopoly on decision-making within the movement.

SOUTHERN DECENTRALIZATION

The general lack of a “peace dividend” in southern Sudan is widely discussed, as are the GoSS’ struggles with service delivery and dependence on international non-governmental organizations to deliver essential services. A less frequently told part of the story, though, concerns efforts to decentralize within the GoSS. Upon its creation in 2005, the GoSS was a centralized entity, understandable given that no formal southern government immediately preceded it. It was logical to set up and strengthen the GoSS before doing the same for the state-level governments. But it may also have been assumed that the GoSS in Juba could effectively deliver services, which has not been the case.

GoSS President Salva Kiir declared 2009 “the year of decentralization.”⁴ Delegation of responsibility and, most critically, funds to state governments in the south has been slow due to

⁴ James Gatdet Dak, “South Sudan Governors’ Forum concludes with urge to decentralize,” Sudan Tribune, October 10, 2008, <http://www.sudantribune.com/spip.php?article28808>

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the current budget crisis and lack of state government absorptive capacity and qualified personnel, among other factors. Given the GoSS' newfound post-CPA authority, there is a tendency towards centralization of resources and control. For the most part, citizens have not held state governments or the GoSS accountable for service delivery, which has diminished incentives to decentralize.

A key question concerns how long citizens will continue to give the GoSS and state governments a free pass on service delivery? It is easy to see how this could continue until after the 2011 referendum, but anecdotal evidence suggests that many southerners have high expectations for quality-of-life improvements after the referendum. Such expectations can only be met through improved government-driven service delivery led by state and local governments.

However, decentralizing too quickly -- before state and local governments are prepared to responsibly spend funds and deliver services -- could be harmful to their local reputation and confidence. How the ongoing decentralization process proceeds will be an important indicator of the GoSS' commitment to service delivery and ability to provide a "peace dividend."

POST-REFERENDUM NORTH

Policy-makers and prognosticators spend significant time speculating on the nature of a southern state if the 2011 referendum results in secession. However, less attention is devoted to the nature of the other state born out of secession: a new northern Sudan. The general assumption seems to be that this new northern state would essentially be the current Sudan minus the south (and some of the south's oil revenue). But is this necessarily true?

The north clearly has substantial influence on the south; answering the question above requires understanding how much influence the south has on the north, which is harder to discern. With little or no southern representation in a new northern parliament, is that body likely to pursue more conservative, restrictive legislation? Under the current CPA arrangement, is the south a moderating influence on the north? Some SPLM politicians in the north have been among the most vocal proponents of individual freedoms, but their voices may not be as prominent in a post-secession north.

How will a new northern Sudan state, likely more Arab and Islamic in its outward appearance (but still populated by a highly diverse array of people and cultures) relate to its neighbors? It

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would still border six countries, some of them largely African in character. How would it engage with the rest of Africa, and how would it balance relations with Africa against relations with the Arab world? And how would it relate to the US, especially if the US is seen as facilitating the break-up of Sudan through support for southerners' right to self-determination?

Any answers to these questions are likely little more than speculation. But that doesn't mean they should be avoided, especially given the questions being asked, publicly and privately, about the south post-referendum.

SOUTHERN CIVILIAN DISARMAMENT

The increasing violence in southern Sudan in recent months has been well-documented, with the U.N. acknowledging that there have been more violent deaths in southern Sudan than in Darfur in 2009.⁵ While there are often divided opinions within the GoSS on many issues, southern officials are remarkably consistent in attributing much of this violence to two causes: meddling by Khartoum and the proliferation of small arms among civilians in the south. Those arms are so prevalent that some in the south believe that "if the SPLA fought the people, they would be outgunned."⁶

In response to this proliferation, the GoSS recently accelerated its civilian disarmament campaign, with GoSS President Salva Kiir authorizing forceful disarmament if necessary.⁷ Intermittent disarmament campaigns have been implemented in the south by both the GoSS and UN agencies since soon after the signing of the CPA, but have been troubled from the outset. As noted by Small Arms Survey and others, GoSS disarmament efforts have often been perceived as biased ("some communities have perceived disarmament as being targeted along ethnic lines, which has exacerbated inter-communal divisions"⁸) and asymmetrical (communities fighting each other have not been simultaneously disarmed, placing the community disarmed first at a disadvantage and leaving it vulnerable to attack). With small arms so prevalent in the south, an additional challenge is that even if an individual gives up a weapon through disarmament he may have several more elsewhere.

⁵ Skye Wheeler, "U.N.: South Sudan violence more deadly than Darfur," Reuters, June 1, 2009. <http://www.reuters.com/article/worldNews/idUSTRE5502O520090601>

⁶ USIP interviews in Sudan, July/August 2009.

⁷ James Gatdet Dak, "Salva Kiir orders to forcefully disarm South Sudan civilians, Sudan Tribune, June 18 2009. http://www.sudantribune.com/spip.php?page=imprimable&id_article=31533

⁸ "Conflicting Priorities: GoSS Security Challenges and Recent Responses," pg. 4, Small Arms Survey. http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan_pdf/SIB-14-conflicting-priorities-GoSS.pdf

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Equally concerning, many communities have doubts about the SPLA's capacity to protect disarmed communities, despite increasing SPLA efforts to address community-level violence (after previous reluctance to engage in such internal issues and a preference that they be handled by police, who are badly in need of additional resources and training). In addition, disarmament efforts don't seem to be coupled with economic development initiatives or other programs to help disarmed individuals and communities generate income to feed themselves, as some previously depended on their arms for hunting or stealing food from others.

Even a well-executed civilian disarmament campaign may not be enough to offset the continuing flow of arms into the south, especially as both north and south appear to be rearming ahead of the 2011 referendum. But how disarmament proceeds in the south, and whether it is conducted by force, may be a barometer of civilian trust in the GoSS and SPLA and a preview of challenges that could be faced by an independent southern state.

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