# CPA ALERT



The State of Sudan's Comprehensive Peace Agreement
Alert No.1
September 2009

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IKV Pax Christi works for peace, reconciliation and justice in the world. We join with people in conflict areas to work on a peaceful and democratic society. We enlist the aid of people in the Netherlands who, like IKV Pax Christi, want to work for political solutions to crises and armed conflicts. IKV Pax Christi combines knowledge, energy and people to attain one single objective: there must be peace!

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Utrecht, 4<sup>th</sup> September 2009

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# **Preface**

IKV Pax Christi sees the CPA as the only available instrument to achieve a transition towards a more democratic and peaceful Sudan.

By issuing this analysis on the current state of CPA implementation, it issues alerts about security, wealth sharing and power sharing that need urgent attention from all actors involved. The report also outlines what a next war may look like.

Following the analysis we conclude that unless southerners can exercise their right of self-determination in a free, fair and credible manner, there is a high probability of a return to war.

The holding of a free and fair referendum in 2011 must therefore be the over-riding priority for all stakeholders, including Sudanese governments, political parties and civil society and the international community.

It is in the interest of the citizens of Sudan that the elections are free, fair and will be conducted in a peaceful environment, which can only be realized if the international community gives it significant support.

However, if the elections are to be held before 2011, they are likely to be neither free nor fair, but rather too chaotic to result in a credible expression of the will of the Sudanese people. As a result, they may well impede the CPA's centre-piece, the referendum, and draw the country into chaos and violence. Thus there is need for a serious discussion on the timing of the elections.

A new civil war between north and south would be a disaster for the people of Sudan and one that would destabilise an already volatile region. All of us must therefore do our utmost to prevent it from happening. Making the realisation of the referendum in 2011 the over-riding policy objective is one way of doing this.

Jan Gruiters
Director IKV Pax Christi

# The Comprehensive Peace Agreement (CPA) in Context

# **Background**

The Comprehensive Peace Agreement signed in January 2005 brought an end to 22 years of civil war in southern Sudan and the marginalised areas of southern Blue Nile, the Nuba Mountains and Abyei.

However, in fact it is not *Comprehensive*, nor *Peace*, nor an *Agreement*.

It is not *Comprehensive* for two reasons: it only dealt with one of the conflicts in Sudan, and it is only between two warring parties, excluding all other political parties and military factions, north and south, as well as civil society.

It is not *Peace*. It is effectively a cease-fire agreement and a framework or road map for peace, which is scheduled for 2011. Of course it was a great achievement to move the conflict from the military to the political sphere, but this should not be confused with "peace".

It is not an Agreement. It was signed reluctantly by the NCP, under intense diplomatic pressure. The final agreement is virtually identical to a draft presented by the mediator, Lt Gen Lazarus Sumbeiywo, about a year earlier which the NCP had rejected undiplomatic outright with suggesting it should be flushed down the toilet. NCP appeared to give away more than they could afford, and the implication is that they never intended to implement it. Northern Sudanese governments arguably not honoured any agreement signed with the south since 1947, so southerners are understandably sceptical about the worth of "Too many this one. agreements dishonoured", to quote elder statesman Abel Alier<sup>1</sup>, and from the outset this showed all the signs of being another one.

The international community accepted the CPA at face value and turned their attention to Darfur. This was a mistake. "The war was not yet over. The Islamists might have lost the battle but not the war".<sup>2</sup>

In light of the above, the main, if unspoken, priority of GOSS is preparing for the next war.<sup>3</sup> "GoSS's security planning continues to be driven by the belief that a future confrontation with the North is likely, and... this orientation constrains its ability to address insecurity and conflicts emerging within the South.... GoSS faces a combination of internal divisions and external pressures from an increasingly hostile National Congress Party (NCP) in the North; numerous violations of the CPA have been left unresolved, and there has been associated violence in a number of areas throughout Southern Sudan."<sup>4</sup>

This overrides many other priorities, such as development, anti-corruption, accountability, good governance, peace-building, reconciliation, justice, etc. It explains why SPLM has been slow to make the transition from authoritarian liberation movement to democratic political party; the conflict has

<sup>1</sup> Alier, Abel, Southern Sudan: Too Many Agreements Dishonored , 1992

<sup>2</sup> Jacob K Lupai, Sudan Tribune, 18 Aug 2009, <a href="http://www.sudantribune.com/spip.php?article32167">http://www.sudantribune.com/spip.php?article32167</a>

<sup>3</sup> Personal conversations, 2009

<sup>4</sup> Small Arms Survey, Conflicting priorities: GoSS security challenges and responses, May 2009, <a href="http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan\_pdf/SIB-14-conflicting-priorities-GoSS.pdf">http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan\_pdf/SIB-14-conflicting-priorities-GoSS.pdf</a>

not finished yet and they feel the need to present a strong front to the NCP while the political phase of conflict continues, and do not want to disintegrate just before the military phase breaks out again. It also explains why certain individuals and groups are favoured; they may not be very good at government, they may even misbehave, but they are proven solid supporters of the movement during war time, or they represent constituencies which must be kept on board. Although there is a hard core of experienced and committed SPLA cadres, in general the SPLA is not a united army, but rather a collection of former militias and ethnic groups, and a constant balancing act is needed to keep them together.

"In order to meaningfully engage with the GoSS on security issues, the UN and donors need to appreciate the GoSS's security dilemmas and priorities, and allow these to inform their approach to supporting the development of security policies and institutions". An effective approach might be to acknowledge the political reality, and then argue that some of the "good things" that we would like to see done would actually strengthen the south during a conflict, eg having more ethnic communities fully on board for the struggle, etc.

However since most of the specific components of the CPA are, on paper, good for the south, SPLM has generally attempted to implement the agreement in good faith. Most of their shortcomings stem either from lack of capacity, or the vested interests of individuals, or from the "security dilemmas and priorities" dynamic which is aimed at guaranteeing the CPA by military deterrent. NCP has consistently attempted to

undermine the agreement, delaying and obstructing most of the key requirements.

On a number of occasions third parties have facilitated new commitments to implement the CPA, most recently in Washington. While this may be a sign that the international community is starting to understand that if the CPA fails there will be no solution for Darfur and a return to war will destabilise the entire region and beyond, nevertheless it risks playing into the hands of those who want to delay implementation. Many would ask why new signed documents are needed when there is already an existing document, signed by both parties: namely the CPA.

#### **Dissemination**

Despite massive efforts by civil society and aid agencies, with the encouragement of GOSS, many people in the south have still never seen a copy of the CPA, nor associated documents such as the Interim National Constitution, Interim Constitution for Southern Sudan and the National Elections Act 2008. In the north, too, it is "hard to find a hard-copy". Anecdotal evidence from workshops suggests that those who have not read these documents include government officials, politicians, intellectuals, opinion leaders and civil society figures. documents have not been translated into local languages and remain inaccessible to ordinary people. Copies printed in English and Arabic are not being circulated widely enough. The information that people do receive, second-hand, is often inaccurate and incomplete.

<sup>5</sup> Small Arms Survey, Conflicting priorities: GoSS security challenges and responses, May 2009, <a href="http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan\_pdf/SIB-14-conflicting-priorities-GoSS.pdf">http://www.smallarmssurvey.org/files/portal/spotlight/sudan/Sudan\_pdf/SIB-14-conflicting-priorities-GoSS.pdf</a>

<sup>6</sup> Reuters, 19 Aug 2009, http://www.reuters.com/article/newsMaps/idUSTR E57I63O20090819

<sup>7</sup> E-mail conversation, Khartoum, August 2009

# Laws to be repealed

A number of laws still need to be repealed or changed in light of the CPA and the interim constitutions. These include:

- National Security Law
- Press and Media Law
- Code of Criminal Procedure Law
- Code of Civil Procedure
- Penal Code
- Workers Trade Union Act

# **Security**

#### **Violence in the South**

In the last few months there has been a significant increase in violence within the south, mostly between different ethnic groups. It has increased in both quantity and quality – cattle-raiding in the past has usually not resulted in huge casualties amongst women, children and the elderly.

"In the Church's opinion, this is the biggest problem in Sudan today... The only conclusion one can draw is that these are ancient disputes that are being deliberately stirred up into something much more damaging for the local people and the stability of our country as a whole. Who is doing this is still largely unknown, but it is evident from local reports received through the Church network that the arms smuggling, re-armament and incitement of tribal violence is being carried out by enemies of the CPA."

There are consistent reports that this is being instigated by elements within the NCP. Senior figures in the SPLM have blamed the north for supplying arms, and there are plenty of grassroots reports of military aircraft being used, and military uniforms and brand new weapons being seen. Archbishop Daniel Deng Bul says of recent violence in Jonglei State, "I have leant from Episcopal Church

sources on the ground that the attackers were well armed with new automatic weapons, dressed in army uniforms, and well-organized appeared and trained. Instead of attacking a cattle camp, this was an attack on a Payam headquarter Consequently in the view of the Church, this was not a tribal conflict as commonly reported, but a deliberately organized attack on civilians by those that are against the peace in Southern Sudan". 10 The NCP "has been arming militia groups to cause instability in south Sudan...(and) has also been arming civilians", according to SPLM Secretary General Pagan Amum. 11 In Rumbek, Governor Daniel Awet Akot said that he caught two officers from the SAF component of the JIU with two boxes of weapons, locally made. 12 "We suspect with some evidence that our partners in the north are still training, arming and sending to southern Sudan the former militia groups who fought alongside them during the war," said General Oyay Deng Ajak. "There is an increase in weapons and supplies coming into southern from the north. Somebody, Sudan somewhere is coordinating this operation and we very much suspect it is our brothers

<sup>8</sup> ECS Archbishop Daniel Deng Bul, APPEAL TO THE INTERNATIONAL DONOR AND DIPLOMATIC COMMUNITY IN THE SUDAN, 04 May 2009

<sup>9</sup> Personal conversations, Juba, 2009

<sup>10</sup> APPEAL regarding the recent atrocities in Jonglei and Western Equatoria States, 01 Sep 2009

<sup>11</sup> New York Times, 22 Aug 2009, <a href="http://www.nytimes.com/reuters/2009/08/22/wor">http://www.nytimes.com/reuters/2009/08/22/wor</a> Id/international-uk-sudan-south-tribal.html? r=1

<sup>12</sup> Miraya FM, Juba, in English, 27 Apr 2009

in Khartoum."<sup>13</sup> "I have seen with my own eyes Antonov aircrafts dropping arms and ammunition to the LRA, as well as helicopters dropping weapons to some tribes in the south."<sup>14</sup>

Southern politicians and former militia leaders are perceived as being involved, using local ethnic tensions for their own ends. When asked who is behind the trouble, local people often answer, "The politicians. The intellectuals. People from the town". There is a strong belief that they are being supported by Khartoum. During the Collo-Dinka conflict in Malakal early in 2009, one Collo leader said, "If the Dinka get arms from their brothers in Juba [ie in GOSS/SPLM], we can get arms from Khartoum." The NCP has a long tradition of "divide and rule".

However not all the culprits can be traced to Khartoum, and some may have links to SPLM. Some violent crime in Juba and banditry in other parts of the south can also be linked to individual SPLA members. It's also clear that in some areas SPLA forces operate independently and are not completely under control, eg recent problems involving SPLA troops along the Kenyan and Ugandan borders.

If the violence is being orchestrated, it serves several purposes:

- To discredit and undermine the CPA.
- To retard development in the south.
- To give the impression that the south cannot govern itself, and that secession will lead to widespread ethnic violence. "They want to make

southern Sudan ungovernable... They want to discredit us and tell the international community 'these people cannot govern themselves and if they become independent, they will be a failed state'."<sup>17</sup> GOSS' failure to contain the violence feeds in to this claim.

 To give an excuse for the north to maintain troops in certain parts of the south, eg the oil fields, to "maintain security".

Initially GOSS was criticised for not using its security forces to defuse some of these conflicts. There was a policy not to intervene in "civilian conflicts". While this may seem strange to those from more stable countries with professional security forces, it must be remembered that not only are protagonists in these ethnic conflicts often from former militia, but many of the SPLA troops stationed in the area are also from former local militia. All of these groups have a history of fighting each other and carry a great deal of baggage. If SPLA were to intervene, they would not necessarily be seen as a neutral representative of government, but merely another player. This could exacerbate the conflict rather than calm it. However that policy has now changed and GOSS is attempting to provide better security, although with limited effectiveness, leading Archbishop Daniel Deng Bul to refer to "violence which is preventable by better use of security personnel". 18

<sup>13</sup> Sunday Telegraph, 16 Aug 2009, http://www.telegraph.co.uk/news/worldnews/afric aandindianocean/sudan/6034690/South-Sudanfaces-new-war-over-oil.html

<sup>14</sup> Martin Tako Moyi, Sudan Tribune, 26 Jun 2009, http://www.sudantribune.com/spip.php?article31631

<sup>15</sup> Personal conversations, southern Sudan, 2009

<sup>16</sup> Personal conversation, Malakal, January 2009

<sup>17</sup> Gen Oyay Deng Ajak, Sunday Telegraph, 16 Aug 2009,

http://www.telegraph.co.uk/news/worldnews/afric aandindianocean/sudan/6034690/South-Sudanfaces-new-war-over-oil.html

<sup>18</sup> APPEAL regarding the recent atrocities in Jonglei and Western Equatoria States, 01 Sep 2009

The recent upsurge of LRA activity is widely believed to be supported by the NCP, which supported the LRA during the war as a tool to destabilise the south. There may have been an opportunity for the LRA problem to be solved if the ICC issue had been resolved, but that is probably now past. Operation Lighting Thunder was initially quite successful at capturing LRA weapons and communications kit, but both Ugandan and GOSS sources believe that Joseph Kony was then resupplied by Khartoum. SPLM reports finding packaging from high-energy foods typically used by SAF and that the bags and packets had Arabic letters. "So, ... it must have been air dropped to LRA by Sudan armed forces." 19 Catholic Bishop Eduardo Hiiboro says, "the people of [Western Equatoria State] feel they are abandoned... The joint operation against LRA is a total failure, and it has brought misery on the innocent civilians of WES. "20 Generally people are disappointed in both UPDF and SPLA security measures, but some seem to think the UPDF are doing slightly better than SPLA.<sup>21</sup>

The Sudan Council of Churches states: "While disarmament is going on in some places, brand new arms are provided in others, by sources apparently connected to those who seem to have no interest in a common peaceful and just future of our people. In addition, those responsible to provide security seem to be unable or even unwilling in some places to do so, for reasons we fail to understand. "<sup>22</sup>

19 Anne Itto, IWPR (AR No. 217, 10-June-09)

# Joint Integrated Units (JIU)

During the IGAD negotiations, the NCP demanded that there should be only one national army, SAF, and that SPLA would be assimilated into it. SPLA, believing along with most southerners that ultimately military power is the only guarantee that the CPA will be implemented, insisted on two armies, SAF in the north and SPLA in the south. The compromise was three armies: SAF in the north, SPLA in the south, and the Joint Integrated Units, comprising 50% SAF and 50% SPLA, in key locations in the south and north (eg Khartoum).

In practice it has not worked. Not only are JIUs not acting under common command, but in many locations they are not able to stay together in the same barracks, and are placed several kilometres apart. There have been cases of violence between the SAF and SPLA within JIU, including Abyei and Malakal.

This is complicated by another element of the CPA which appeared innocuous by itself, namely that all former militia (now described as Other Armed Groups) must integrate into either the SAF or SPLA. This proceeded relatively smoothly.

However the NCP policy of appointing former OAGs as the SAF element of JIU in the south, while technically legal under the CPA as they are now bona fide members of SAF, has wreaked havoc, and it cannot be believed that this is accidental. These are traditional enemies of SPLA, and usually have a great deal of baggage of violence against civilians in their home areas to which they have been posted. Often they remain loyal to their own militia leader, now given a senior rank in SAF, rather than to SAF as such.

The worst example of this is in Malakal, where Nuer militia (now part of the SAF contingent of the JIU) loyal to former warlord

<sup>20</sup> Sudan Tribune, 01 Sep 2009, http://www.sudantribune.com/spip.php?article32303

<sup>21</sup> Personal conversations, Juba and Yei, June 2009

<sup>22</sup> SCC Urgent Appeal Let Us Join Together to Rescue the Peace for Our People , 14 Aug 2009

(now Major-General) Gabriel Tanginya have fought with SPLA on two occasions (2006 and 2009) causing hundreds of deaths and injuries, with widespread looting. Tanks, artillery and heavy machine guns were used. Now there is a discernible SAF-controlled area and an SPLA-controlled area in the town. Both sides have received new armoured vehicles and both are preparing for the next encounter. As usual, the civilians will be the losers. Development in Malakal has slowed down dramatically. Shops, schools and offices close and people run home at the slightest rumour. People are living in fear and openly say, "We are traumatised" and, "Is this what peace means?"23

While SPLA has indicated a willingness to rotate the soldiers involved out of Malakal, SAF has refused, leading to an impasse. SAF has also refused to relocate the soldiers to barracks outside the town — currently they are living in houses in the Malakia area, and have looted and occupied the Sudan Council of Churches office and some university property. If Major-General Tanginya is indeed a general within the SAF, then it seems surprising that the SAF high command cannot control him and his troops, unless this is a deliberate policy to destabilise Malakal.

Some of the SPLA troops are also from former OAGs and this too can lead to problems. During the current budget crisis in southern Sudan, where SPLA soldiers are often not paid properly, SPLA soldiers from former OAGs are defecting and joining SAF.<sup>24</sup>

## The UN Mission in Sudan (UNMISS)

During the IGAD negotiations, Sudanese church leaders were debating the need for an armed UN peace-keeping force with a robust mandate. One church leader stood up and

23 Personal conversations, Malakal, 2009

declared, "Be careful what you ask for! You think you're going to get Canadian, Norwegian and South African peace-keepers. In fact you'll get troops from Arab and Muslim states."<sup>25</sup> He has been proved correct. There are significant numbers of peacekeepers from Muslim states (eg Bangladesh, Pakistan), from states with an interest in oil (eg India, China) and from Egypt, an Arab state which has a vested interest in the Nile water. While one would not want to question the professional neutrality of these armies, it seems strange that, following a war in which ethnicity, religion and oil were major factors, peace-keepers who are perceived as being linked to the enemy have been imposed on the south.

The UN peace-keeping mission in southern Sudan has generally been disappointing. One recurring complaint is their failure to patrol. Linked to this is their lack of knowledge of the context and their inability properly to analyse the situation. In situations where fighting has taken place they have either been absent or unable to intervene effectively. While they have had some successes, there are serious doubts about the cost-effectiveness of this hugely expensive operation.

## **Community security and disarmament**

Disarmament is certainly a priority for many of the victims of the current conflicts in southern Sudan, and armed crime is becoming a major problem in Juba and elsewhere. Some initiatives are taking place. However generally there is little political will for disarmament. If one accepts that the priority in the south is preparing for the next war, then guns will be needed in the hands of people who will support the war effort. Selective disarmament may take place targeting communities who supported the north during the last war and who are

<sup>24</sup> Informants in Malakal, June 2009.

<sup>25</sup> Sudanese church meeting, 2004.

perceived as potential enemies during the next.

There were attempts at disarmament in Upper Nile and Jonglei, but they were carried out in a manner which led to violence. Certain communities were disarmed; their neighbours, with whom they have been fighting for decades, weren't; consequently they were immediately raided by the neighbours. In some cases even the troops disarming them, former militia who had joined the SPLA, were also their former

enemies. This experience has tainted "disarmament".

It may be more useful to explore other avenues of "community security", such as securing guns until they are needed, banning guns from towns, preventing soldiers from carrying guns except on duty, etc. "Community security" is a people-centred approach.

# **Wealth and Development**

#### **Oil and Borders**

Oil creates a number of immediate problems in the south, but a key problem connected to the CPA is where the oil will be after 2011 in case of secession. Most of the oil is in the south, but a great deal of it is along the border. Already Abyei has lost oil fields following the ruling in the Hague, and since Abyei is expected to vote to join the south in anything like a free and fair referendum, that oil is potentially lost to the south. However since the north-south border itself has not been demarcated, GOSS still hopes that some of that oil will find its way back into the south. In successive maps published in Khartoum since 1956, the border has been seen to move southwards. It will be a challenge for the Border Commission to reverse that trend.

The potential loss of oil revenue is a major problem for northern Sudan. While they do not depend as heavily on oil revenue as the south (over 50% of the annual budget<sup>26</sup> as opposed to over 90% in the south<sup>27</sup>),

Thus, if the south secedes in 2011, a new oil compromise between north and south will be needed. An agreement to continue sharing revenue with the north would probably be politically unacceptable to southerners. However, while the south has the oil, the north has the pipeline and refining facilities. Even if a pipeline to East Africa is economically and logistically feasible, it will not happen quickly; meanwhile both north and south will be starved of oil revenue, leading to instability all round. Hence a commercial rather than a political deal whereby the south sells its oil to the north, or "hires" pipeline and refining services from the north at a cost that is agreeable to both but may be higher than a "normal" market

nevertheless it has been a key factor in both economic and military development. Future oil revenue plays a significant role in attracting foreign investment. Loss of this revenue may lead to serious destabilisation in the north. There are fears that Khartoum may wish to annexe parts of the oil fields in the south, either permanently or "temporarily".

<sup>26</sup> International Monetary Fund (IMF). 2008. Country Report No. 08/174, June. Washington DC: IMF

<sup>27</sup> GOSS 2009 Budget Speech, presented to the Southern Sudan Legislative Assembly by Kuol

Athian Mawien, Minister of Finance and Economic Planning, 10 Dec 2008

price, would benefit both sides.

A further issue is whether the government of a newly-independent Southern Sudan will have the capacity to manage the oil companies. Will it be able to match their strength, their vast financial and legal resources, their experience of dealing with governments all over the world? Will it be able to impose, monitor and enforce controls, checks and balances in a wide range of areas including environmental pollution and degradation, compensation for those displaced from their land, and benchmarks for corporate social responsibility?

#### **Nile Water**

Many people fail to consider the River Nile, as it does not explicitly form part of the CPA. However its importance to Egypt makes it a significant factor. The 1929 and 1959 agreements give Egypt and Sudan a veto over changes in the use of the water by any of the Nile basin states. This is now being challenged by those states, and by the beginning of 2010 they are likely to overrule the two objecting states and agree a new treaty by majority vote. Egypt does not want yet another independent nation in the Nile basin, and thus opposes secession of the south.

Egypt not only needs to maintain its current water usage, but desperately needs more. For this reason, the Jonglei Canal, which was designed to save 25% of the water that evaporates from the southern Sudanese sudd swamp, is essential to Egypt. Construction of the canal was halted by SPLA military action in 1984, and southerners are still reluctant to allow a project which will adversely affect southern rainfall and the migration patterns of both domestic and wild animals, although it will have some transportation benefits.

Egypt is reported to have said it would regard any attempt to alter the Nile status as an act of war. Dr Boutros Boutros Ghali, the former UN secretary-general, has warned that a lack of agreement in the future would "certainly" result in "military confrontation between countries in the region".<sup>28</sup>

Egyptian deputy foreign minister for African affairs, Mona Omar, has said that there is "no way" Egypt would allow a reduction of its quota.<sup>29</sup>

## **Government of Southern Sudan budget crisis**

There are differing views on how much of the current financial crisis is caused by GOSS mismanagement and corruption, and how much by the global economic downturn and drop in oil prices. Over 90% of the GOSS budget comes from oil, so that has definitely had a significant effect.<sup>30</sup>

But whatever the cause, it is now a serious problem. It will hinder development in the south, slow down the policy of devolution and decentralisation of government, reduce confidence in GOSS, and potentially lead to further conflict and violence.

It should also be added that donor money has been slow to arrive, and appears to have fallen short of the USD 4.5 billion promised in Oslo in April 2005. In May 2008, GOSS said it had received only USD 550 million, "while funds earmarked for development have been diverted to aid for Darfur". Access to funding has generally become more

<sup>28</sup> BBC, 24 Feb 2005,

http://news.bbc.co.uk/2/hi/science/nature/4274757.stm

<sup>29</sup> Sudan Tribune, 29 Jul 2009,

http://www.sudantribune.com/spip.php?article31967

<sup>30</sup> Joint Donor Team, Juba, Apr 2009, <a href="http://groups.google.co.za/group/sudan-john-ashworth/attach/8e64875c87162e5b/JDT+Economic+Crisis+NGO+(2).ppt?hl=en&part=2">http://groups.google.co.za/group/sudan-john-ashworth/attach/8e64875c87162e5b/JDT+Economic+Crisis+NGO+(2).ppt?hl=en&part=2</a>

<sup>31</sup> http://www.polity.org.za/article/sudan-to-ask-donorsfor-6-bln-at-oslo-meeting-2008-05-05

complicated, especially the much-vaunted Multi-Donor Trust Fund. will remembered that the Sudan Civil Society Forum which took place in Oslo at the same time as the donor meeting raised serious concerns: "The Multi-Donors Trust Funds (MDTF) mechanism risks disempowering civil society. Civil society must have a formal role in the management and disbursement of the MDTF, and also have access to funding independently of government structures".32 They have been proved right. At the same time there is an ongoing perception amongst southern Sudanese that far too much of the funding which has reached the UN and international NGOs is used on overheads and far too little actually has an impact on the ground. For all these reasons, the "peace dividend" is coming too little and too late.

## **Power and Democratisation**

# "Government" as a concept in Sudan

It can be argued that "government" in Sudan has always been disconnected from the ordinary people. The "Turks" of the Ottoman Empire, then the indigenous Mahdist period, then the Anglo-Egyptian Condominium, then the post-independence governments, whether democratic or military, dominated by a small riverain elite, were not owned by the majority of ordinary people. Given the size of the country and the difficulties of communication due to terrain and weather, "government" has been distant from the rural people, something completely foreign, which impinges on them only occasionally when soldiers, police or tax collectors (or all three) appear and then, having done their worst, move on. People do not expect much from "government", which has always been perceived as alien, authoritarian, anonymous, unaccountable and lacking transparency. Life goes on with or without central government, and for many rural communities little changes when governments change. To the extent that there has been any meaningful governance, it has been local government, usually via traditional mechanisms.

The basic problem in Sudan, whether in Darfur, the south or the east, is at the centre — the domination of Sudanese political systems by a small riverain elite, currently embodied in the NCP regime, which seeks to control and marginalise the peripheries whilst also insisting on a particular cultural and religious identity for the whole of Sudan.

Ethnic politics play a role in Sudan, as they did in Kenyan elections. Sudan is still to a large extent a client-patron state<sup>33</sup>, and this too will play a role, with electors being encouraged to vote for the "big man" who they believe can bring benefits to their particular community.

These factors must be taken into account when urging good governance, democracy, elections, etc. They are not a passing phase which can be fixed with a bit of capacity-building or training; they are deep-seated cultural attitudes.

<sup>32</sup> 

http://www.npaid.org/?module=Articles;action=Articles.publicShow;ID=2204

<sup>33</sup> Cf Woodward, Peter, Sudan, 1898-1989: The Unstable State, 1989

# **Government of National Unity (GONU)**

28% of positions in the Government of National Unity have gone to SPLM, as per the CPA. However the SPLM cabinet ministers are isolated and marginalised and are little more than figureheads. Real power sits with the NCP counterpart in each ministry. It is widely believed that national security actively controls all significant ministries. The Civil Service Commission was delayed and SPLM ministers find themselves reliant on civil servants who are NCP appointees.

As one minister said, "They give me a nice office, a big car, police escorts, but I have no power. My civil servants do not brief me nor show me documents, and they don't carry out my instructions".<sup>34</sup>

While SPLM has not articulated a public policy on GONU, it appears that they have given up on it. SPLM ministers in GONU continue to play the game, but the real energy of SPLM is channelled into trying to set up a viable government in Juba in preparation for independent nationhood.

## **Census**

The results of the census are almost certainly not accurate, and southerners have rejected them completely as a basis for power- and wealth-sharing and for elections and the referendum. It is generally accepted that the results have been rigged in favour of the north.

Various conditions made the census in the south difficult, particularly logistics, weather, availability of personnel and census forms, and availability of funding for census personnel. Anecdotal evidence from workshops suggests that more than 40% of the southern population may not have been

34 Personal conversation, Khartoum, 2006.

counted.

GOSS/SPLM made several key errors in the census process, which was always a political rather than a professional or technical process.

- The census did not include questions on religion or ethnicity. Since identity (both religious and ethnic) is one of the main root causes of the conflicts in Sudan<sup>35</sup>, it seems incredible that was omitted. SPLM outmanoeuvred by NCP into allowing the papers to be printed without these questions. One week before the census was due, SPLM dug in its heels and cancelled the census, but by this time it was too late and eventually it had to back down and allow the census to take place a week late.
- After the census, the southern census body freely shared its raw data with its northern counterparts, but those in the north refused to reciprocate. It is generally believed that this is the the point where census was deliberately rigged, with northern statistics being changed in the light of southern figures. The southerners involved were mistakenly treating it as a technical rather than a political exercise.
- After the results were announced, GOSS and SPLM appeared to accept them, and only later challenged them officially. This points to miscommunication or worse within GOSS/SPLM.

<sup>35</sup> Cf Deng, Francis, War of Visions: Conflicts of Identities in Sudan, 1994, and Johnson, Douglas, The Root Causes of Sudan's Civil Wars, 2003

## **Elections**

In hindsight, it was a mistake to have elections during the Interim Period. This is a cease-fire period leading to the final peace deal after the referendum, and it would make more sense to leave the two signatories to complete the transition. Elections would then be held after the referendum, whether in two countries or one. If the Interim Period had been only two years as SPLM wanted, this would have been obvious, but the extension to six years clouded the issue.

During the IGAD negotiations SPLM asked for a two-year Interim Period, while NCP wanted ten years. The compromise was six years, and this might have been the worst compromise that SPLM made during the entire process. Neither party really wanted elections during the Interim Period, but there was pressure from the international community, and it's rather difficult to say no to democracy. There was also pressure from civil society and other parties within Sudan, who did not wish to see SPLM and NCP entrench themselves in power. Many, even in the north, believed that Dr John Garang might win enough votes nationwide to unseat the NCP; in effect many northerners looked to him to solve their problem (which was living under oppressive Islamist military dictatorship, not the war in the south), as they themselves had failed to solve it.

Nobody in the north or south believes the elections will be free and fair. The NCP held two sham elections during the war, and is experienced at rigging them. The conflict in Darfur will make elections there extremely difficult. Discussions among opposition parties in the north over an active boycott of the elections question whether anything resembling free and fair elections can take place in a climate of lack of freedom and the restrictive laws which are still in place. Archbishop Daniel Deng Bul of the Episcopal

Church of Sudan says, "So long as all violence such as that in Jonglei and that perpetrated by the LRA continues... there is no hope of conducting free and fair elections in these areas in 2010 and no hope of a fair referendum on Southern secession in 2011."

As the SCC says, "Elections have been postponed twice, and there are indications that even if they will be held finally as scheduled now for April 2010, they may not be free and fair, based on experiences with the contested results of the recent census."<sup>37</sup>

This will be one of the most complicated elections ever. Electors in the south will vote for up to 12 positions, in the north 9. There are more than 60 parties registered, so potentially there could be hundreds of names on each ballot paper.

Within the south there is a strong perception that the elections have already been rigged as a result of the census, which will be used to prepare the election and particularly constituency boundaries. Given the census claim that only 20% of the population is in the south (instead of the more widely accepted 33%), there is a strong possibility that even in a "free and fair" vote, northern parties would win a large enough majority to be able to change the constitution and potentially derail the CPA. Many in the north oppose the CPA, particularly the option of secession for the south. Although the CPA itself and the interim constitutions state that parties can only participate in the elections if they respect the terms of the CPA<sup>38</sup>, it will he hard to argue against the "democratically-

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<sup>36</sup> APPEAL regarding the recent atrocities in Jonglei and Western Equatoria States, 1 Sep 2009

<sup>37</sup> SCC Urgent Appeal Let Us Join Together to Rescue the Peace for Our People , 14 Aug 2009

<sup>38</sup> Protocol on Power-sharing, 1.8.6

expressed will of the people" if 80% of parliamentarians decide to scrap the referendum.

While SPLM would clearly favour cancellation of elections, the picture within NCP is more mixed. Some might be happy to cancel them; others see it as a chance to legitimise the NCP regime and end the stigma of having seized power by force in the 1989 coup d'état.<sup>39</sup> Opposition parties would in principle like the elections to take place in 2010 but may boycott them due to the fear that they will not be free and fair. The people of Southern Kordofan and Blue Nile might also favour elections to bring in a new might government which be more sympathetic to a renegotiation of the CPA terms for these two areas (see below).

Neither side can be the first to call for postponing the elections. The main danger from postponement or cancellation is setting a precedent for cancelling other parts of the CPA, particularly the referendum. "Soon you would be saying: 'This referendum, we don't need it. There are people trying to see to it that it [referendum] doesn't happen. We are not going to give them an excuse."<sup>40</sup>

A further danger lies in recent statements by the NCP "that any action to stop the next year elections would threaten the political stability in the country and endanger the implementation of the Comprehensive Peace Agreement" in response to calls from opposition parties to boycott the elections. This is a very worrying statement as it could be seen as a precursor to a State of Emergency and other drastic security-led actions in the name of "political stability",

and could be an excuse to put implementation of the CPA on hold "temporarily".

There are claims that Sudan no longer has any legitimate government, as the country is governed according to the terms of the CPA which specifies that elections should take place "by the end of the third year of the Interim Period";<sup>42</sup> now that they haven't taken place, there is no legal basis for governing the country. This claim has been rejected by both signatories to the CPA, who have challenged the objectors to take the matter to the constitutional court.<sup>43</sup> If the referendum were to be delayed for any reason, similar objections might be raised.

If elections do take place in 2010, they will bring in a new government, possibly an unwieldy coalition, with less than one year to organise the referendum. This could result in calls to delay the referendum, which would be very dangerous (see below).

#### Referendum

For most southerners (including southern opposition parties, many of which are more overtly pro-secession than SPLM), the referendum is the ultimate goal of the CPA. They are willing to compromise on many issues, and to overlook breaches in the implementation of the CPA, as long as they get to exercise their right of self-determination in 2011. As the SCC says, "We recognize holding the Referendum in 2011 as being of key significance in the implementation of the CPA."

Tampering with that is extremely dangerous,

<sup>39</sup> Al Ahdath, 01 Sep 2009

<sup>40</sup> James Wani Igga, Daily Nation, 16 Aug 2009, http://www.nation.co.ke/News/africa/-/1066/640814/-/137mbohz/-/

<sup>41</sup> Sudan Tribune, 17 Aug 2009, <a href="http://www.sudantribune.com/spip.php?article321">http://www.sudantribune.com/spip.php?article321</a>
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<sup>42</sup> Protocol on Power-sharing, 1.8.3

<sup>43</sup> Protocol on Power-sharing: 1.8.4 and 1.8.5 appear to give some leeway in this matter.

<sup>44</sup> SCC Urgent Appeal Let Us Join Together to Rescue the Peace for Our People, 14 Aug 2009

and it is worrying to hear that United States officials have hinted to southern President Salva Kiir that the referendum should be delayed. However US Special Envoy Scott Gration subsequently reportedly stated that the USA would work to ensure that the referendum takes place in January 2011. The international community must not play into the hands of the NCP, and must insist that this part of the CPA be sacrosanct, whatever else is sacrificed.

GOSS' Minister for International Cooperation, Lieutenant General Obai, expressed to the AU "its deep concern at the danger coming to Sudan as a result of the NCP's dangerous attempt to sabotage and betray the right of the people of south Sudan to self-determination.... GOSS and south Sudan's people will not entertain any delay of the referendum... which is a clear violation of the CPA."<sup>47</sup> GOSS said that the "signals" coming from the NCP were that it was trying to renege on the deal.

The CPA does indeed say that unity must be given priority. This is interpreted in the south as meaning that unity should be made attractive during the Interim Period so as to encourage southerners to vote for it. The onus for this is on the NCP. However the NCP has singularly failed to do this, and by many of its actions and inactions has in fact made unity *less* attractive.

Thus the latest political battleground is the Referendum Law. During the IGAD negotiations some voices from southern civil society urged that the Referendum Law be

included in the CPA, but it was left and has now become a problem. The NCP is interpreting the priority for unity as meaning that the law must make secession difficult. Hence they are calling for a 75% threshold for secession. Most people in the south want (and expect) it to be merely a simple majority. There is also disagreement on whether southerners in the north should be allowed to vote, where the seat of the Referendum Commission should be, and who should be on it. According to Michael Makuei, GOSS Legal Affairs Minister, the referendum law the NCP and SPLM teams are discussing, "Seems not to acknowledge the provisions set forth in the peace agreement."48

A 75% majority is problematic. The logistics difficulties which have dogged the census will do the same for both the elections and the referendum. Although a huge majority of southerners want secession (over 90%, according to one survey<sup>49</sup>), there still remains time for the NCP to chip away at their confidence in the GOSS/SPLM and the CPA, and to make promises about a united future. The orchestrated violence in the south, and the inability of the SPLA to control it, adds further doubts. Perceptions of ethnic favouritism in GOSS may also alienate some communities. The census has already cast doubts on the true number of voters and where they are. Northern nomads (Mbororo), who have always roamed seasonally in the south with their cattle, now appear to have settled. There is a fear that they will be allowed to vote and skew the results. The failure to set the north-south boundary leads to fears that some southerners might be disenfranchised by suddenly finding themselves in the north. There is a suspicion

<sup>45</sup> Sudan Tribune, 13 Aug 2009,

http://www.sudantribune.com/spip.php?article321 18

<sup>46</sup> Sudan Tribune, 20 Aug 2009, http://www.sudantribune.com/spip.php?article321

<sup>47</sup> Sudan Tribune, 26 Aug 2009, http://www.sudantribune.com/spip.php?article322 49

<sup>48</sup> Daily Nation, 16 Aug 2009, http://www.nation.co.ke/News/africa/-/1066/640814/-/137mbohz/-/

<sup>49</sup> Sudan Tribune, 25 Aug 2009, http://www.sudantribune.com/spip.php?article322 36

that southern leaders will be "bought". A senior SPLA officer said frankly, "They [NCP] will buy us [the intellectuals, politicians and leaders] — we are corruptible. But they can't buy every single person in southern Sudan. So as long as we ensure that the people in the villages get the chance to vote, we will win secession. We only need 51%!" He may be proved right about being unable to buy the villagers' votes, but wrong about the need for 51%.

If there is a vote for secession which passes whatever percentage has been agreed, there are still scenarios which could lead to further conflict. One is that the north might attempt to annexe parts of Unity and Upper Nile States, to keep control of the oil and agricultural projects, having already stationed troops there for "security", and claiming that a majority in those states (bolstered by Mbororo) had voted for unity. Or they may publicly acknowledge secession of the whole south, but argue that they need to maintain "temporary" control of those states to ensure security for the oil fields. Or they may simply refuse outright to grant independence, seeking support from AU states which fear a domino effect within Africa and international community which tends to support the status quo. The international community must resist all these scenarios.

Even if secession does take place peacefully, southerners need to articulate what sort of society they want in their newly-independent state, and to find a way of resolving ethnic tensions. They also need a pragmatic working relationship with their new neighbour in the north – the oil may be in the south, but the pipeline is in the north.

As SCC says, "it is high time to also prepare for the time after the referendums and the popular consultations and to start a process of identifying the implications of the various options, as well as to have a broad based dialogue process on how the future political-social set up shall look like."<sup>51</sup>

Interestingly, Sadiq al Mahdi, the leader of the Umma Party, has warned against any attempts to sabotage the right of selfdetermination for the people of Southern Sudan, as this would "be counter-productive in the national interest". "We want selfdetermination to be a straight forward voluntary decision by the people, or brothers and sisters in the South. And therefore we will work and stand against any attempts to play politics with self-determination". He also expressed the need to discuss establishment of future special relationships between the two newly-independent neighbouring countries: "We are going to discuss the terms of co-existence if our brothers and sisters in the South opt for independence".52

## **Unilateral Declaration of Independence**

If for any reason the referendum does not result in secession for the south, or if it is delayed, there is a strong possibility that the south will unilaterally declare independence.

## Coup d'état

It is not beyond the bounds of possibility that a result adverse to the NCP in either the elections of referendum could trigger a coup d'état. The new regime could abrogate the CPA and cancel the results of the elections and referendum, all in the interests of peace, security and stability. The option of secession is extremely unpopular throughout the north (both for reasons of national pride and oil) and such a coup might, initially at least, gain some popular support.

<sup>51</sup> SCC Urgent Appeal Let Us Join Together to Rescue the Peace for Our People , 14 Aug 2009

<sup>52</sup> Sudan Tribune, 4 Sep 2009, <a href="http://www.sudantribune.com/spip.php?article323">http://www.sudantribune.com/spip.php?article323</a> 41

# **Marginalised areas**

On paper, Abyei gained from the CPA, as they have a referendum. Conflict now is around borders (theoretically solved by the Hague arbitration) and who will be allowed to vote in the referendum. While the immediate level of tension around Abyei has decreased, it could escalate again at any time.

The Nuba Mountains (Southern Kordofan) and Southern Blue Nile, both of which joined the SPLA in the civil war, gained virtually nothing from the CPA. Both are defined as being part of the north, which many of their people would reject. Both have been granted limited autonomy under the Presidency, but few believe that this is meaningful. They have referendum, simply an undefined "popular consultation" about their governance, but without the option of joining the south. Anecdotal evidence suggests that, in light of poor dissemination of the CPA, many of the ordinary people are not yet aware that they do not have a referendum, which may be a further source of conflict when they do finally find out.

Immediately after the signing of the CPA, the most senior SPLM/A leaders in the two areas were asked separately why they accepted the CPA, as it clearly benefited them very little if at all. They replied similarly: that they believed that the elections would bring a new national government to power in which the SPLM would either be a majority or at least have a significant influence. They would then use "popular consultation" as a basis to renegotiate their part of the CPA with this new sympathetic government to allow for a referendum. When asked what would happen if this scenario did not work out, again their replies were similar. One was diplomatic: "We tear up the CPA". The other was blunt: "We go back to war". 53 Sadly, the death of Dr John Garang has ended any realistic hope of SPLM

gaining significant influence in the national government, so the worst case scenario might be approaching.

If the south does achieve independence, it will leave these two states in a very difficult position indeed, and it could easily trigger fresh violence. A senior SPLA military commander from one of the two areas, who had fought all over the south, was asked what he would do if the southerners "betrayed" his area by declaring independence and leaving the marginalised areas in the lurch. He replied that if his area was left at the mercy of the NCP, he might have no choice but to form a military alliance with them in order to protect his own people, and to use his skills and experience in the new war against the south. If that happened, the south should beware: "I know every tree and every ditch in the south".54

Fighting in Darfur has spread to Kordofan. It is not always clear whether it is simply Darfurian insurgents extending their area of operations, or whether home-grown Kordofani groups are involved. Non-Nuba residents of Kordofan are by no means 100% behind the NCP. Many feel that they were used by Khartoum during the civil war and have very little to show for it.

<sup>53</sup> Personal conversations, 2005

#### The Next War

By 2005, southerners were exhausted by war and welcomed the peace. But even as the CPA was being signed, the mantra throughout the south was, "War is better than a bad peace". 55

What constitutes a "bad peace"? The most likely cause is if southerners feel they have been cheated at the time of the referendum - it doesn't take place, or it is perceived as being rigged, or perhaps there is a simple majority for secession but the NCP insists on a higher percentage, or there is a vote for secession but secession is not granted, or if the north permanently or "temporarily" annexes parts of the south. However the war could break out at any time and in any place before then for a number of reasons: tensions in Abyei, resumed fighting between JIU factions in Malakal, the elections, ethnic conflict, disillusion in Southern Kordofan or Blue Nile, etc. One southerner said, "Petrol has been poured all over the south; it's now just waiting for a match."56

Both parties are clearly preparing for the possibility of war. "We don't want war," southern President Salva Kiir says, but "we will be prepared to fight if it comes." "I will not be the one to take this country back to war, but if war was to be imposed on us we can all feel assured that we are capable of defending ourselves". 58

The third southern civil war in Sudan will be more terrible than the first two, and will have some very different characteristics. the northern government controlling the south. The liberation movements began in the bush and had to fight to control territory gradually. The third war will begin with the SPLA in control of virtually the whole south, except perhaps parts of the oil fields which are still occupied by northern security forces.

Both the previous wars began with

- Organised fighting (as opposed to insurgency – see below) will begin on the north-south border. Depending on the scenario, either northern forces will invade, and may quickly capture some of the towns close to the border, or SPLA will attempt to reoccupy southern territory being held by the north.
- SPLA will maintain its hold on most of the south, giving it secure rear bases and an undisputed border with friendly neighbours. It will be able to reinforce its forward bases rapidly and maintain its military logistics flow.
- A limited war to annex the oil fields of Greater Upper Nile and the rich agricultural lands of Renk, Kordofan and Blue Nile may be all that Khartoum wants, but southerners will not rest easy while any of the south remains in northern hands. And next time round they might go the extra mile to secure a referendum for their comrades-in-arms in the contested areas too.
- This time it will be the north which uses insurgents in the bush in the south. These will be made up of ethnic groups and militia such as those who supported the north in the last war, and LRA.
- Southerners have vowed that they will take the third war to the north. Both previous wars were fought in the

<sup>55</sup> Personal conversations, 2004-2005

<sup>56</sup> Personal conversation, 2009

<sup>57</sup> Sunday Monitor, 12 Jul 2009, <a href="http://www.monitor.co.ug/artman/publish/insights/The">http://www.monitor.co.ug/artman/publish/insights/The</a> <a href="invisible">invisible</a> war in Southern Sudan 87862.shtml

<sup>58</sup> Sudan Tribune, 18 June 2009, http://www.sudantribune.com/spip.php?article31538

- south, apart from Abyei, the Nuba Mountains and southern Blue Nile. When Kurmuk, a town which the northerners perceive as northern, was taken in 1987 and again in 1997, there was consternation throughout the north.
- SPLA will have air power during the next war. "Air power" does not have to be very sophisticated. In the second civil war Khartoum found itself unable to make effective military use of its jet fighter bombers and helicopter gunships as they got shot down by ground fire too easily. In fact its air power had very little military value at all. Helicopter gunships were used in support of militias against civilians in various ethnic cleansing exercises, and the notorious Antonovs bombed civilians for several years; both these activities continued in Darfur. The north theoretically has airto-air and ground-to-air interception capability, but in the 2.4 million square kilometres which make up Sudan's air space it is likely that SPLA Antonovs and gunships will have plenty of opportunity to cause panic amongst civilians in the north.
- There are 1,500 SPLA troops in Khartoum in the JIU. If war breaks out, they are unlikely to sit back and surrender their arms. They may be joined by Darfuri SLA forces, and there could be a spontaneous uprising by southerners and westerners in the displaced camps and shanty towns around the three cities. Whatever the outcome, it will be very bloody before it is put down. As the rioting following the death of Dr John Garang demonstrated, it could quickly turn into mass ethnic killing. Blood will run in the streets of the capital.
- In the next war, SPLA has ready-made allies, some already mobilised and

- battle-hardened. The war will probably not start in the Nuba Mountains and southern Blue Nile (the late Yussuf Kuwa used to say that he did not want his area to be responsible for keeping the southerners from peace, and current leaders are likely to follow that philosophy<sup>59</sup>) but these two areas have obtained nothing from the CPA and they will be eager to fight alongside the south again. There are fears that tensions in Kordofan will escalate into open conflict even now; if the southern war starts again, Khartoum may be surprised to find that many of its former Baggara allies have realised the extent to which they have been used, abused, manipulated and marginalised by Khartoum, and this time will fight alongside the south. The Eastern Front is now at peace, but who can tell whether their peace agreement will be honoured or dishonoured? Darfur is a natural ally for the south.
- Since most of the initial fighting is likely to be on the north-south border, these allies will threaten the flanks and the rear of Khartoum's invasion force. One can envisage a conflict zone beginning in Darfur in the west, spreading southwards and eastwards through Kordofan, northern Bahr el Ghazal, Unity, Upper Nile and Blue Nile states, and ending on the Eritrean border, the Eastern Front.
- Both sides are preparing for war. In the two previous civil wars, the south was unprepared, and its liberation armies began from very small ad hoc forces. This time the south will begin with a large standing army and with arms and materiel which it could never have dreamed of before. The

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<sup>59</sup> Personal conversations, 1996-2004

north will probably have more sophisticated weaponry and will have more of everything, but it lacks committed troops. Much Khartoum's front line army consisted of southerners and westerners; it is by no means certain that they will do their master's bidding a third time. "Real" northerners have shown a marked reluctance to get their hands dirty in real fighting. The PDF, a mixture of mujahidiin and reluctant conscripts, has not proved too effective as a fighting force. Much of the real fighting was done by militias, their loyalty cannot guaranteed in the next war. SPLA troops, on the other hand, will be fighting on their home ground to defend their own nation. Their morale will be high.

 In an increasingly globalised world, and with significant tensions and conflict already existing in Somalia, Ethiopia, Eritrea, DRC, Chad and Darfur, the next war is going to have an impact on the region greater than the two previous wars did.

## **Conclusion**

The holding of a free and fair referendum in 2011 must be the over-riding priority for all stakeholders, including Sudanese governments, parties and civil society and the international community. If southerners are not allowed to exercise their right of self-determination in a free, fair and credible manner, then there is a high probability of a return to war.

It is in the interest of the citizens of Sudan (if not all their leaders!) that the elections be free, fair and peaceful, and the international community is preparing to give significant support. However elections held before 2011 will not only be chaotic in themselves but may well impede the all-important referendum. Thus there is need for a serious discussion on the timing of the elections.

Reasons for postponing the elections include:

- to enable full attention to referendum preparations, including border demarcation;
- to enable more preparation time for the elections, which are already way beyond schedule and could conceivably be subject to more piecemeal postponements;
- to allow time to change laws and make other improvements to the political and security atmosphere to allow the elections to be free and fair;
- to allow time to resolve the census impasse;

- to ensure a new government will not want to renegotiate CPA provisions;
- to avoid potential election turmoil disrupting the referendum;
- to ensure that elections will take place in a more conducive atmosphere, whatever the referendum outcome;
- to address the future after the outcome of the referendum;
- elections will need to be held after the referendum anyway, so this avoids the expense and turmoil of two sets of elections within just over a year of each other;
- to allow both parties to accept postponement without appearing to be the one to take the first step.
- opposition parties are threatening to boycott elections in 2010.

Reasons against postponing the elections include:

- setting a precedent for cancelling other parts of the CPA, particularly the referendum;
- most opposition parties want elections in principle;
- Southern Kordofan and Blue Nile would potentially benefit from a new government more sympathetic to a renegotiation of CPA terms for these two states.

This discussion is urgent. It must be broadbased and open process, and must of course be driven by the Sudanese.

# **Glossary of abbreviations**

AU African Union

CPA Comprehensive Peace Agreement

ECS Episcopal Church of Sudan
GONU Government of National Unity
GOSS Government of Southern Sudan
ICC International Criminal Court

IGAD Inter-Governmental Authority on Development

JIU Joint Integrated Unit
LRA Lord's Resistance Army
MDTF Multi-Donor Trust Fund
NCP National Congress Party

NGO Non-Governmental Organisation

OAG Other Armed Group
PDF Popular Defence Force
SAF Sudan Armed Forces
SCC Sudan Council of Churches
SLA Sudan Liberation Army

SPLM/A Sudan People's Liberation Movement/Army

UN United Nations
UNMIS UN Mission in Sudan