

Sudan before the referendum

INTERVIEW

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On 9 January 2011, the South Sudanese population will decide in a referendum whether the South will remain part of a united Sudan or will become independent. To an extent, the referendum marks the end of the Comprehensive Peace Agreement (CPA) between the central government in Khartoum and the Sudan People's Liberation Movement (SPLM). In 2005, the CPA brought to an end the decades-long civil war between the South and the North of Sudan and will expire in July 2011.

BICC experts Dr. Elke Grawert, leader of the research project "Governance and Social Action in Sudan after the Peace Agreement of 9 January 2005" (Volkswagen Foundation), Wolf-Christian Paes, Senior Technical Advisor Southern Sudan DDR Commission (SSDDRC) and Marius Kahl, researcher and project officer for Southern Sudan, are commenting on the pre- and post referendum situation in Sudan.

Mr Paes, you have been working as long-term advisor in Southern Sudan for nearly a year. How does the situation before the referendum present itself in the country?

Paes: I think the situation in Southern Sudan is actually remarkably calm and peaceful despite the fact that many post-referendum questions, for example on the sharing of the oil revenues or the future of the common currency are not yet resolved. Right now, the mood in Juba is optimistic, even exuberant and many people expect things to become much better for them after the referendum. Unfortunately, they will most likely be disappointed as Southern Sudan's problems will largely remain the same, regardless of the outcome of the referendum. Having said that, I am cautiously optimistic about the immediate future—both sides are dependent on the revenues from oil. Violent conflict would stop the flow of the oil from the Southern blocks and immediately trigger a serious fiscal crisis in Juba and in Khartoum. At the same time, there is no other commercially viable outlet for Southern Sudan's oil in the near future, so both sides are tied together like Siamese twins. Finally, the political elites in Northern and Southern Sudan have a history of making behind-the-scenes deals at the very last moment; I would not be surprised if we saw a solution of some of the outstanding issues—such as the future of Abyei—in the next few days.

Ms Grawert, the main conflicts between the North and the South are about oil, citizenship and future border controls, the security and the keeping of international agreements. How are the chances of finding fair regulations after the referendum?

Grawert: Besides the economic, financial and fiscal regulations mentioned by Mr Paes, there are two things which are crucial for a peaceful post-referendum process: Firstly, the continuation of the current negotiations and fulfillment of the

promises given by the NCP (National Congress Party) and SPLM (Sudan Peoples' Liberation Movement) representatives in the Sudan Framework Agreement of 13 November 2010. The Agreement was concluded upon an initiative of the African Union High Level Implementation Panel (AUHIP) and provides a roadmap to solve the outstanding matters of the CPA: status of Abyei, demarcation of the North-South border, popular consultations in the post-war northern Sudanese states of Southern Kordofan and Blue Nile about the relations between the peripheries and the central government, security arrangements, citizenship issues, oil and water resources, assets and liabilities, currency, economic cooperation and the future North-South relations. The parties have agreed to solve these issues peacefully and in time, to respect the outcome of the referenda and to fix an interim period until 9 July 2011, during which they will establish laws and institutions required in the likely case of independence of Southern Sudan. They have stressed that they aim at a peaceful transition, that citizenship will not change until new laws have been issued, and that cooperation in economic and security issues is in their mutual interest.

And secondly, the inclusion of other political parties, representatives of marginalized groups and civil society organizations in planning post-referenda Sudan (or two Sudans).

Considering the experiences during the post-CPA period, it appears unlikely that such an inclusive process will evolve, but it is likely that the NCP and SPLM will continue to bargain and make deals favoring members of these two state elites in power. Hence they might be able to agree on a mutually favorable (and probably intransparent) deal regarding oil wealth distribution from the oil sources in Southern Sudan and use of the only oil pipelines which run through Northern Sudan. Citizenship might become a problem only after the post-referenda interim period, and only in case of tense relations between the possibly two Sudanese states. In that case, a persecution of southerners in the North or northerners in the South, or of issuing rigid citizenship laws might turn up. A similar scenario could occur for border control and security.

To avoid this, internal and external actors will have to insist on and, if necessary, offer opportunities for, continuous dialogue between the governments of Northern and Southern Sudan, which should be as inclusive as possible. Some international agreements, especially those between the national government and oil companies which are drilling in the South, might be re-negotiated in case of separation. It is unlikely that these agreements will not be adhered to, but likely that the GoSS will have to be included in some agreements pertaining to the whole of Sudan.

Which preconditions are necessary in case of an independence of South Sudan to guarantee a peaceful transition after the referendum?

Grawert: The main danger comes from the complex conflict at Abyei. It has its origin in conflicts of the North and the South over the oil fields, which were finally settled by the Permanent Court of Arbitration in The Hague in July 2009. However, an overlapping conflict of the Dinka Ngok and the Misseriya about safe access to land and the emergence of parallel structures of authority between government and ethnic-based powers against the backdrop of a strongly militarized local society have kept the situation tense in Abyei. A process which creates well-legitimized institutions to solve the contradictions and overlapping problems in this area is required, for which a transitional period might be needed. A solid agreement between the Government of Sudan and the Government of Southern Sudan about how to deal with the entire Abyei issue in the long run has to be concluded before the referendum in Abyei can take place.

Secondly, international recognition of the results of the referenda and equal treatment of Northern and Southern Sudan as sovereign states will be most important. As many CPA stipulations as possible should be implemented before the referenda, and a procedure of fulfilling remaining issues in the post-referenda interim period will have to be agreed upon by the presidents of Sudan and Southern Sudan before 9 January 2011.

Thirdly, the popular consultations in Southern Kordofan and Blue Nile States will have to be prepared in a transparent manner. At the same time, procedures of how to respond adequately to the will of the population have to be developed.

Fourthly, the Government of Sudan and the Government of Southern Sudan will have to provide a visible peace dividend to the Northern and Southern Sudanese societies. This must include clear steps towards investment in marginalized rural and border areas and towards clear regulations about control over land and access to water resources. Demilitarization and integration of ex-combatants in building the economy has to be seriously undertaken. Not only will communities, local and state governments have to be involved in this, but also civilian, military and government institutions in the border areas. This implies that the governments of the neighboring countries will have to be included in a larger sub-regional process towards economic cooperation, based on the recognition of the already intensive interaction between neighboring societies. Upon request by the sub-regional and the new Sudanese governments, this process should be supported and facilitated by international organizations and investors.

The Intergovernmental Authority for Development (IGAD) and the African Union (AU) and possibly the successor of the United Nations Mission in Sudan (UNMIS) should take over the task of checking agreed deadlines for fulfilling the remaining CPA issues and eventually new agreements for the post-referenda period. At the same time, Sudanese and transnational civil society organizations including the media should monitor and accompany the transitional period until 9 July 2011.

The African Union is one of the guarantee powers for the Comprehensive Peace Agreement. How do they act in view of the referendum?

Grawert: The African Union (AU) has been hailed as providing African solutions to African problems but the record of successful activities of AU institutions is still very low. In Sudan, the most recent activity of the AU has been the African Union High Level Implementation Panel (AUHIP) on Sudan, which led to the Sudan Framework Agreement of 13 November 2010.

Different from many non-African supranational organizations, the AU is respected not only by the SPLM/A, but also by the NCP. The main reason is that the AU instructed its member states not to cooperate with the International Criminal Court who has issued an arrest warrant for Sudanese president Omar al-Bashir. Nevertheless, the AU will only have a meaningful impact if it turns from late high-level and personality focused mediation between state elites to early conflict prevention measures which focus on peace and safety in society, reconciliation, and a transparent constitutional process. Besides its hierarchical, rigid and leaders-centred power structure, a low financial basis hinders this necessary turn.

Mr Paes, you consult the Southern Sudanese government with regard to the disarmament and reintegration of former combatants as foreseen by the CPA. How is the process advancing; what are the main stumbling blocks and, more importantly what are its main successes?

Paes: Since the start of the DD&R process in February 2009, more than 31,000 former fighters from the SPLA, SAF and PDF, as well as children and women associated with them have gone through the process. About two-thirds of them have been demobilized in the transitional areas of Southern Kordofan and Blue Nile, the remaining 10,000 in Southern Sudan. Obviously, we are still far away from the target of 180,000 ex-combatants defined in the CPA, but with the program starting with a delay of four years this is to be expected.

What concerns me more is that in many ways we have the wrong program for the current caseload. For example, one focus of the DD&R program is to provide the ex-combatants with food and other basic materials (blankets, buckets, etc).—this would have made sense in 2006/07, but now the ex-combatants have settled down with their families and have received regular military salaries for the last few years. Another concern is the quality of the reintegration support: despite the fact that the donors have already provided more than US \$105 million, some of the ex-combatants only receive five weeks of training for a mere total of three hours per day. The Government of Southern Sudan feels that this is not sufficient to provide the former fighters with the necessary skills to find a civilian job, and that the bare minimum should be six months of full-time training. One of the tasks of the next months is that we need to re-design the program to deal with these challenges.

What influence is the referendum going to have on the DD&R process?

Paes: The Government of Southern Sudan has publicly reaffirmed its commitment to the continuation of the DD&R process, regardless of the outcome of the referendum. Obviously, the DD&R process will stop for the weeks immediately before and after the referendum, but in principle this process will need to continue. The basic problem for Southern Sudan is that it has too many men and women in uniform, whose salaries are a massive drag for the state budget. At the same time, many of them are too old or too sick to be re-trained, so the current security sector produces precious little security for the majority of the population, but at a very high cost. In the absence of a government pension scheme, DD&R remains the only feasible solution for many of these soldiers. If the referendum passes peacefully, I think we can expect quickly growing numbers in the DD&R program in Southern Sudan, not least because some of the current members of the so-called Joint Integrated Units will have to join the DD&R process. The overall numbers in Southern Sudan could be as high as 100,000 to 130,000 ex-combatants in the next three to five years. Having said that, it is less clear whether and how the DD&R process in the North will continue after the end of the CPA period—so far the focus has been on the transitional areas, with most participants coming either from the SPLA (Sudan People's Liberation Army) or the PDF (Popular Defence Forces). Few, if any, regular soldiers of the SAF (Sudan Armed Forces) have been demobilized so far.

Mr Kahl, what are the preconditions for the successful reintegration of former combatants? How can this process be supported?

Kahl: Sustainable socio-economic reintegration is indeed the most challenging part of the DD&R process. You have to imagine an economy which is characterized by poverty, a weak infrastructure and mostly subsistence farming and pastoralism. Medium and large private enterprises in Southern Sudan are the exception. Transport infrastructure and general infrastructure remains rudimentary. It is clear that successful DD&R cannot happen in isolation. But the economic reconstruction is of critical importance. From my point of view, economic reconstruction and DD&R should be better synchronized. If you know that some thousand combatants will be released from the military in a particular state in the South, economic reconstruction efforts should be executed here in due course to provide opportunities for these former combatants. The ongoing review of the current DD&R approach indicates that exactly this would be a good idea: also strengthen the absorptive capacity of communities where the former combatants will resettle. The DD&R commission also intends to draw up a strong individual case management of each ex-combatant to really accompany and support his or her transition to a civilian life. These are positive signs for the road ahead but the amount of support required from the international community must not be underestimated.