

SOUTHERN SUDAN – A NEW COUNTRY ON THE WORLD MAP?

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The people of Sudan – including the semi-autonomous region of Southern Sudan – are to vote for a president and parliament in April 2010, after the elections had been postponed several times. The basis for this vote is the peace accord of 2005, the so-called Comprehensive Peace Agreement (CPA). The CPA was made by the two parties involved in the civil war, the Islamic north and the Christian south, ending one of the longest and bloodiest civil wars on the African continent. It has been and still is a long and difficult path to the elections. Not all obstacles to free, fair and peaceful elections in April have been removed. The elections are an important step toward the full implementation of the CPA, which includes the referendum on the future status of Southern Sudan in 2011. The political debate in Sudan, as well as among the international community, focuses on scenarios before and after the referendum, which range from a return to war to a peaceful secession of Southern Sudan.

The organization of new structures for the national government is regulated in the interim constitutions of both Sudan and Southern Sudan (both 2005). The autonomy rights of Southern Sudan are extensive: In the majority of key political issues, the government of the south acts independently, with only minor influence from Khartoum. Even in the sensitive area of security, the south has its own army. Jurisdiction of the central government is limited to foreign policy, air traffic laws, national universities, external tariff, entry and residence requirements.

According to the peace agreement, the contracting parties must form a coalition government, both on the national level and in the south. The parliaments must be composed in accordance with previously agreed coalition percentages. Initially, the contracting parties were to send selected individuals into the parliaments and the different levels of government according to these percentages, instead of holding elections. Elections were planned for a later stage of the CPA. On the national level, the party around Sudan's President Bashir, the National Congress Party (NCP) entered the national parliament with 52 percent of the seats and received a proportionate number of positions within the so-called government of national unity and within the national administration. The SPLM received 28 percent, and the remaining percentages are divided over smaller parties from the north and the south. In the southern institutions, the NCP received 15 percent of the parliamentary seats and the corresponding government positions. The SPLM, as the south's strong party, received 70 percent, while the remainder went to the smaller parties represented in Southern Sudan, in spite of the fact that they

did not co-sign the CPA. Exceptions were made for border regions under dispute, such as the oil-rich region of Abyei, South Kordofan and the federal state of Blue Nile.

The leader of the SPLM, Salva Kiir, was named head of the government in the south (president of Southern Sudan) and first vice president for all of Sudan. General Bashir kept his position as president of Sudan and party chairman of the National Congress Party; however, his rights over Southern Sudan were limited significantly. Through the CPA, the two parties joined in the government of national unity and committed to advocating a peaceful and democratic development of the country. Many of the original good intentions are barely identifiable these days. Rather, it appears that the SPLM is concentrating primarily on the south and its future independence. The NCP, which uses delaying tactics and knows how to play off its strength in government, parliament and administration on the national level, does not make it easy for the SPLM to engage in an honest and convincing quest for unity and national dimension. Thus, the coalition partnership has largely been relegated to a facade behind which both parties fight out their political struggles and focus on their own interests.

The CPA stipulates a transitional period of six years from the conclusion of the agreement to a final peace settlement. After those six years – in January 2011 at the latest – the south is to vote in a referendum on whether to remain part of the Republic of Sudan for good or seek national independence. However, according to the CPA, the contracting parties are supposed to hold elections “upon the end of the first half of the transitional period” in order to provide a legitimate democratic basis for the peace process.

According to the CPA, the Sudan elections are a prerequisite for holding a referendum. After being postponed several times – primarily for logistical reasons – they are now scheduled for April 2010. Even when compared on an international level, they present one of the greatest challenges in recent history. The preparations are ongoing, and two milestones on the way to the elections – the census and the voter registration drive – have already been completed for the most part.

In spite of the many challenges, the country is targeting elections in 2010, and preparations have begun. There are voices – particularly within the international community – that advocate yet another postponement, to shortly before or at the same time as the referendum. The political forces in the south that advocate its secession place importance on holding the elections because the CPA has made them a prerequisite for the referendum. In spite of the fact that the SPLM, according to the official version of the CPA, must work toward a solution that would keep Southern Sudan as part of Sudan,

it is no secret that large fractions of the SPLM favor secession. The south itself is being increasingly disaffected with the SPLM as well. So far, the peace dividend is not apparent to the citizens – five years after the peace agreement, the populace is still lacking adequate, basic public services in areas such as health care, education, security and infrastructure. In addition, corruption and bad governance are proliferating. The government in the south did not always manage to create a political environment supportive of a multi-party system in the south. The security situation is tense, as demonstrated by fire attacks on NCP offices. Furthermore, the SPLM's reservation in public concerning a "yea" for secession during the referendum, imposed by the CPA, does not apply to other, smaller parties in Southern Sudan. With a clear agenda for secession, these parties are now hunting for votes within the traditional SPLM environment.

The elections are of great importance to the NCP, as the regime in Khartoum hopes to gain legitimacy from an election victory. This is particularly significant for President Bashir because the International Criminal Court has issued a warrant for his arrest. An election victory, paired with the implementation of recommendations from a high-ranking Darfur panel by the African Union under the leadership of the former president of South Africa, Thabo Mbeki, could be the deciding factor for a temporary suspension of the arrest warrant. In the end, however, there is little doubt that the NCP will win in the north. Delaying tactics in the legislative process and violations of the freedom of opinion and assembly (such as the arrest of several SPLM politicians, including the secretary general, during a demonstration) indicate that several obstacles remain on the way to elections that can be classified as free, fair and peaceful.

In the national as well as international debate, various scenarios for the time before and after the referendum are being discussed. Most of them are not very hopeful regarding a solution that will bring peace and progress to the region. For example, there is tension around the area of elections. Is the primary goal to ensure their efficient execution or their legitimacy? Another dilemma, which preoccupies the international players as well, is the balancing act between respect for the south's right of self-determination and the danger of the emergence of a fragile country that may be doomed to fail from the very beginning. An escalation, possibly even leading to the outbreak of another war between the north and the south, is not considered impossible and, in some cases, is even seen as likely. Even in the event of a more or less peaceful secession of the south, there is a possibility for significant problems and violent conflicts – in that case primarily in Southern Sudan.

Still, secession does not necessarily have to lead to these scenarios. The overall peace process certainly hasn't been implemented to the letter since

2005. There have been disputes, difficulties, threats, boycotts and armed conflicts. So far, no all-encompassing solution for the Darfur conflict is within reach either. On the whole, however, the road map of the CPA has been largely followed in spite of various setbacks, and it is to be assumed that the elections will take place in a few months.

China, the most important player in Sudan's highly sensitive oil sector, has increased its presence in Juba, probably also with regard to a possible secession of the south. The important oil fields are located in the south. China thus has an obvious interest in a peaceful secession process and could assert its influence in Khartoum accordingly. Affected African nations in the region, such as Egypt, Ethiopia, Kenya, Chad or Uganda, also need stability in their neighborhood, especially since Sudan served as an operational base for rebel groups in the past (e.g. for the Ugandan Lord's Resistance Army) and Sudanese rebels invaded neighboring countries to operate from there. The neighboring states will therefore try to influence both sides diplomatically. If the north and the south, through international mediation, manage to agree on a regulatory framework that would allow a transition to independence – should the referendum lead to such an outcome – to be executed under largely organized conditions, there will be a better chance for a peaceful co-existence and an improved security situation in the region.

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