

‘The Future of Sudan: challenges ahead’

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Preliminary findings

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On 9 December the EUISS held a seminar entitled ‘The Future of Sudan: challenges ahead’, gathering around 70 African and European experts, policy makers, diplomats and NGOs in Brussels. The expected outcome was to identify key priorities for the EU and the international community to consider in the remaining four weeks leading to the referendum planned for 9 January 2011 and in the months following it. The seminar was organised around three key themes:

1. *Is Sudan ready for the referendum and its aftermath?*
2. *Future scenarios for governance and conflicts.*
3. *The role of regional and international diplomacy, including the EU.*

Is Sudan ready for the referendum and its aftermath?

Field research conducted by analysts and NGOs converge in forecasting a vote for secession in the South.

The referendum will affect all Sudanese, challenging among other issues citizenship-related rights – including in those areas that are not at first sight affected by the referendum, i.e. the East and Darfur. The existence of two Sudanese states will also have serious regional implications. As for state structures, many issues will be at stake if the South secedes: water resources, assets liability, debt, border demarcation and territorial integrity.

There is a strong feeling that foreign aid in Southern Sudan (particularly in areas outside Juba) has hardly been effective to date. Similarly, the NCP and the GOS, together with a small number of experts, tend to see the West as responsible for failures in the implementation of the CPA. However, the majority of analysts consider that it is primarily the NCP (GOS?) that has done very little to make unity attractive and to foster



CPA implementation. The readiness of the parties seems to differ substantially, at least at a rhetorical level: while the NCP appears to prioritise unity and the formula of ‘one Sudan, two systems’, the Government of South Sudan’s position seems to take secession as a non-negotiable objective.

The EU is contributing to the UNDP basket fund for the referendum. It provides technical assistance to Southern Sudan and technical experts to the referendum commission in Juba, as well as experts on citizenship, border demarcation and minority rights based in Khartoum.

While it seems there is a consensus among observers that the preparation of the referendum is technically going pretty well, it was acknowledged that its credibility still depends on a range of unpredictable factors requiring close monitoring: the smooth termination of the registration process in the South but also in the North and abroad; the logistical aspects of ballot printing and distribution; the vote counting, collection, compilation, the publication of the results and its acceptance; a sufficient degree of credibility in the eyes of all

stakeholders at all levels; and strong international mentoring for the institutions in charge of results publication.

Close coordination between observation missions (UN, EU, Carter Center) will be key to ensure coherent external communication about the process and the results.

At the time of the seminar, the EU had already deployed 6 long-term teams (2 in the North and 4 in the South). The latest Elections Observation Mission (EOM) report stated that the mission had been in contact with 90% of the polling centres in the South and 50% in the North. As of 5 December, 2.8 million voters had been registered in the South, and around 90,000 in the North, and 47,000 abroad in 8 countries. The registration process was supposed to end on 7 December. As of 9 December, 237 centres were observed, of which 69% were located in urban areas and the rest in rural ones. The EOM has assessed the registration process as 13% very good, 63% good and 18% average. Tabulation began on 8 December. Preliminary voter's registers will be public in December for complaints until 17 December. Printing of ballot paper stopped on 5 December. This was opened to witnessing by observers from the EC, UNDP and UNMIS. This process was extremely sensitive and seen as the last technical problem that could affect the date of the polling.

On 25 December, ballots will be distributed in Juba and then in the rest of Southern Sudan. The distribution should finish 3 days before the beginning of the polling. The voting itself will expectedly last 7 days. While this duration has been criticised, it is felt it will allow a very good sample for the observation. The Head of the EOM is expected to arrive in Sudan in December to launch the mission which will comprise 120 members in total (including long and short-term observers, the core team, European Parliament observers and local EU observers from Member States).

On the basis of this data, elections experts consider that the country is technically ready for the referendum, notwithstanding possible political obstacles. However, the schedule towards 9 January remains tight and there are still serious risks that the process could be derailed for political reasons but using technical faults as a pretext.

What is of deeper concern perhaps is the fact that the voters themselves will go to the polls with a very misinformed and blurred vision of the consequences of their choice. In a sense, the Sudanese people are not ready for the referendum. This context of imperfect information among the population (not specific to Sudan but rather common in most voting processes, including the West) will certainly create a potential mismatch between peoples' current expectations and fears and what will be delivered by political elites in the North, the South and

also Darfur, after the referendum. In the North, there is a mixture of 'desperation, bitterness and fear'. In Southern Sudan, there has been some campaigning about the advantages of secession but not genuine civic education to help voters make an informed choice about the consequences, advantages and disadvantages of their decision. This is explained by the fact that for the SPLM, ensuring a credible referendum is currently a matter of survival and consistency, as its internal unity will be immediately challenged after the referendum, leading to probable instability.

There is still a lot of uncertainty regarding the possibility of holding the referendum in Abyei on 9 January, as announced by the US and UN officials. The Dinka Ngok had a meeting around 17 November and issued a statement according to which they would organise their own referendum if it does not take place and they would not allow Misseriya groups to use grazing lands. In parallel, the Misseriya have decided to set up their own government. These developments were described as very worrying. Similarly, it was feared that a separate resolution or agreement between the parties on the referendum in Abyei outside of the CPA would create a precedent to deal with other CPA items separately (for instance popular consultation in Southern Kordofan and Blue Nile).

In a similar vein, analysts noted that there were other negative signals in other border areas (Southern Kordofan and Blue Nile) where popular consultations are supposed to be held. The (SPLM) governor of Blue Nile recently sent a letter to the international community expressing concerns about the holding of the popular consultations and complaining about the lack of information about how this process should be organised. Worries were expressed by some participants about the parties' decision to consider dealing with certain aspects of the CPA that are controversial (like Abyei or popular consultation in South Kordofan and Blue Nile) in the post referendum period and outside the CPA itself.

These potential tensions will require close monitoring and contingency planning by the EU early warning bodies – even though the EU will probably not play a leading role in crisis management – in close coordination with relevant regional and international bodies to ensure early warning and early action, might it be humanitarian, security, technical, political, or economic.

In Darfur, which has become less of a priority for the international community (seen by some participants as unable to work simultaneously on both Darfur and North-South issues), the relationship with the SPLM has reached a critical phase. With the closing of the Chad-Sudan border – depicted by some experts as an interesting case of effective and serious local arrangement between local leaders – Darfur armed groups

(JEM, Abdel Wahid and JLM) have tended to take refuge in the South or to open new rear bases in border regions. JEM has done so in South Kordofan (Nuba mountains), located rather close to Khartoum, with a view to possibly continuing military manoeuvres. Some analysts think JEM's new strategy to become a Sudan-wide movement (by for instance attempting to open relations with the Misseriya) has had very limited success so far.

The vast majority of the rebels in Darfur are very much in favour of the unity of Sudan. They hoped that in such a scenario the South would be their best ally. They fear being left on their own facing the Khartoum authorities. On the other hand, Southern secession would reinforce Darfur's demographic weight in Sudan and would give it more of a voice in claiming more political space, even within the NCP. In the last months of peace negotiations, a lot of attention was given to the reuniting of the 3 Darfur states, which makes some experts think that a pro-independence wing is emerging in Darfur. It was acknowledged that many Darfurians hope a new North-South conflict would give them new allies and would balance the loss of their Chadian back-up. Analysts shed some light on SPLM tactics to bypass JEM and support small Darfurian armed groups in order to put pressure on Khartoum to respect the SPLA but assessed them as ineffective and short-sighted.

Future scenarios for governance and conflicts.

First, in the next year or so, the international community must be ready to anticipate and react to worst case scenarios that may be summarised as follows: South Sudan's implosion, hardline elements within the NCP taking control of the party and exploiting continuous or renewed instability at the periphery, massive expulsions of Southerners from the North, revival of conflicts in Darfur and in border areas such as Abyei, Southern Kordofan (Nuba mountains).

Second, people in the South will need to feel there is a peace dividend. If they do not, there is a serious risk of a resurgence of violence. In the mid term, large-scale, bottom-up and locally-led peacebuilding efforts will need to be encouraged in the South and in border regions by a coordinated international community committed to the search for models avoiding old style condominium- as well as ethnic- or religion-based local governance. Citizenship models, community-level governance, and sound approaches to disarmament and small arms proliferation will need to be developed by Southern Sudan itself.

Third, preventing state fragility in Southern Sudan will require some adjustments in the UN-South Sudan relationship (UNMIS mandate), in linkages between Juba and Darfurian armed groups but also with other militias like the LRA, in the policies of International Financial Institutions (the World Bank in particular being depicted as particularly slow in its disbursements) and in neighbouring countries' attitudes towards a new African state.

In Darfur, peace efforts and support to international and AU mediations will have to be wisely balanced with justice and reconciliation imperatives. The inclusiveness of the Doha process needs to remain a key objective while some think the implementation of the justice components of the AU High Level recommendations would gain effectiveness in being more in line with ICC prosecution lines (although others think differently). Obtaining these changes will require strong international consensus.

Some experts think that in Darfur, the separation of South Sudan is going to lead to a contradictory outcome: the weakening of the government and the acceleration of NCP diversification. There is serious probability that Khartoum may become much harsher politically and ideologically (with a reemphasised Islamic orientation) in the North and would have less tolerance for armed insurgency. More violence therefore has to be expected in the North. So far and in the foreseeable future, the NCP and the South have no interest in direct confrontation because of oil-related interdependence. In this context it was observed that Khartoum has less than half a billion USD in foreign currency.

Regional and international diplomacies.

A Southern Sudanese unilateral Declaration of independence, if it takes place, would be counter-productive for Juba. It would make international recognition more complicated both for neighbouring countries and for the international community in general. It would alienate most AU members and countries that are already uneasy with separatism for domestic reasons. The best recipe for smooth international recognition would start with Khartoum's recognition of the South's independence although there was a consensus that this seems very unlikely. Neighbours, the AU and then the UN GA would most likely follow suit.

Among Sudan's neighbours, experts mapped the following expected reactions to Southern secession and declaration of independence: because AU members will probably not all recognise the new state, the recognition by the neighbours will make a lot of difference. Egypt has played the role of being very nervous with any language regarding secession and has invested a lot both in North and South. Sudan has the potential to create internal Egyptian problems. The Nile water agreement and regional initiatives sidelining Egypt are of high concern in Cairo. Egyptian authorities, it was argued, have doubts about the sustainability of the new state and of the NCP's ability to keep the country together, especially after the secession blow against the military. Libya has been more pragmatic than Egypt. It has a good understanding of Sudan's diversity and its leadership seems satisfied with the Sudanese agreement with Chad. Chad will probably try to have good relations with the two Sudanese parts. Bangui will probably follow what other big neighbours do. Kenya and Uganda will probably be the first to recognise Southern Sudan's independence because of their old ties with and support to the SPLA. Ugandan investments to South Sudan have tripled in the last few years and the country is now Southern Sudan's first or second trade partner in Africa. Museveni had a very strong relationship with John Garang, although it is not as strong with Salva Kiir. Kenya sees promising perspectives with the oil pipeline project along its North coast but its presidential elections may disrupt its foreign policy. Ethiopia and Eritrea will have to face difficult choices. Analysts consider they would favour a quick resolution of the recognition issue without damaging their relations with the North.

It was acknowledged that EU political, technical and financial support to AU and UN mediations needs to continue despite the challenges they may imply. The hypothesis of an EU mission or direct security intervention was briefly mentioned but has not been at the centre of the debate. The EU has set up an internal Sudan task force chaired by the EUSR and discusses Sudan regularly, as demonstrated by the 13 December Foreign Affairs Council conclusions which ensure that the EU, whatever the outcome of the referendum, will work to support good neighborly cooperation and will increase its support to Southern Sudan's agriculture and economy.

Finally, Sudan was depicted as a test case for China to pursue a more 'responsible' foreign policy.

In conclusion, some of the key points discussed during the day were summarised. The referendum, to be credible, requires that a series of technical steps is fully and duly implemented until 9 January. Both a unilateral self-declaration of independence by Southern Sudan and its implosion would be the worst-case scenarios. Locally-based, land-related, Darfur-related and ethnicity-related insecurity in Southern Sudan will be major challenges for the international community in the next few months.

The need to support ongoing mediation, diplomatic, security and development efforts by the African Union, the UN, and other international actors, and efforts to implement the CPA (Comprehensive Peace Agreement) will remain very strong. It was argued by some participants that some kind of international presence will be needed to prevent crises and could take the shape of direct interventions or a light footprint for the UN and the EU, through accompaniment and support to peacebuilding initiatives.

Finally, it was acknowledged that follow-up events and research could focus on South Sudan's external governance and external relations, on challenges ahead for stability and governance in the North and on the ability of AU diplomacy to live up to the challenges posed by the Sudanese case.