



## BRIEFING

20 December 2010

# Sudan: Hoping for the best, preparing for the worst?

## Section 1: Possible developments and recommendations 2011-2013

### 1. Introduction

This report was compiled based on a review of literature, a series of interviews with local, national and international stakeholders, and discussions with community members in Central Equatoria, Eastern Equatoria and Southern Kordofan states in Sudan in December 2010. It is prepared within the framework of a project which aims to provide European Union (EU) institutions with analysis and recommendations based on the opinions and experiences of local people in a range of countries and regions affected by fragility and violent conflict.<sup>1</sup> At the same time, it is presented as offering a medium-term perspective that may be useful to other key stakeholders engaging in Sudan in coming months and years.

This report is preliminary, in that it was prepared in a limited time period, and will be followed in 2011 by more detailed and participatory analysis of the dynamics identified. Its purpose is to stimulate critical thinking and open discussion. Section 1 outlines developments that may emerge with the conclusion of the Comprehensive Peace Agreement (CPA), which is due to end in July 2011.<sup>2</sup> It suggests that the CPA is at present most likely to result in a secession of Southern from Northern Sudan based on agreement between the parties. Most available analyses and stakeholder views suggest this to be the only outcome that serves the mutual interests of the parties. If this is the outcome of the CPA process, this report articulates the need for a clear vision for next steps that can be taken up with energy by the respective governments, civil society, aid agencies and the international community thereafter.

At the same time, while it is right to be optimistic, it would be wrong to overlook the fact that a number of more dangerous developments cannot by any means be ruled out. Therefore this report advocates that the CPA parties, their international partners, as well as the missions and agencies they support, all need to be ready to respond well to all of the possible developments that the coming months and years may bring.

The developments and recommendations presented in Section 1 of this report are based on the analysis of conflict dynamics in Sudan that is presented in Section 2. This analysis recaps on important conflict dynamics that need to be considered by those working towards peace, good governance and development in Southern and Northern Sudan in the coming months and years. It

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<sup>2</sup> The CPA was signed by the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) in 2005.

also highlights some aspects of external actors' approaches to the Sudanese context that need to be considered in seeking to address conflict dynamics and achieve a conflict-sensitive approach to the Sudanese context in future.

## Key events and agenda items in 2011

Key events	Agenda items
<ul style="list-style-type: none"> <li>• Referendum on secession of South, week of 9 January 2011</li> <li>• Referendum on status of Abyei, week of 9 January 2011</li> <li>• Popular consultations on status of Southern Kordofan and Blue Nile, before July 2011?</li> <li>• Formal end of CPA and likely date for Southern independence, 1 July 2011</li> <li>• Donor pledging conference for Southern Sudan, July 2011?</li> </ul>	<ul style="list-style-type: none"> <li>• Border demarcation and dispute settlement</li> <li>• Conduct and outcome of Abyei referendum, popular consultations and status of the 'three areas'</li> <li>• Citizenship, citizens' rights and arrangements for border regulation and movement</li> <li>• Division of debts and assets</li> <li>• Currency arrangements</li> <li>• Oil revenue sharing</li> <li>• Status of National Congress Party (NCP) in South and the Sudan People's Liberation Movement (SPLM) in North and their allies</li> <li>• International treaties, including on Nile Water Use</li> </ul>

## 2. Post-referendum developments and recommendations

Although there are a wide variety of permutations for delayed, disrupted or disputed referenda, in December 2010 it seems to be clear that a Southern referendum is likely to take place in January 2011, that a vote for the secession of Southern Sudan is virtually inevitable, and that secession is likely to be pursued by the South under CPA or non-CPA processes. This section presents possible developments in the six months to July 2011 and the following one to two years, drawing on the preliminary analysis of conflict dynamics in Sudan included in Section II. It suggests that the first development listed below is at present both the most positive and the most likely. However, it also asserts that any of the more negative developments 2-6 below are possible, individually or in combination, over the period 2011-2013. It is also worth pointing out that, if any of the more negative developments occurs, it strengthens the likelihood of the others occurring also. This section attempts to project the consequences and impacts of these possible developments, and make recommendations about the necessary approach for external actors should they arise.

In all scenarios, the international community should make clear the benefits and costs to each party of undermining successful referenda, popular consultations and smooth post-referenda transition processes. This should include setting out the steps they should not take and the consequences for these, and steps which they should take and the prospective rewards for these.

### Possible development 1

<i>Secession pursued and agreed pragmatically by the parties with outstanding questions and disputes resolved inclusively and constructively</i>	
<b>Projected consequences:</b> <ul style="list-style-type: none"> <li>• Peaceful population exchange</li> <li>• Minimum disruption for transborder groups</li> <li>• Platform for statebuilding in South</li> <li>• Challenges for minorities in North</li> </ul>	<b>Projected impacts:</b> <ul style="list-style-type: none"> <li>• Minimum violence</li> <li>• Best possible scenario in which to address future governance, development and peacebuilding challenges</li> </ul>

## Recommendations:

- Many actors in Southern Sudan feel that, although statebuilding will need to be achieved in a way that does not undermine stability, it will be important from the outset to have a **clear commitment to a vision of a democratic, inclusive, people-focused model of government**, particularly in a system that has relied substantially on patronage and a large military payroll. This will only be possible if the Government of Southern Sudan (GoSS) is ready to make some hard choices and divisive reforms when the appropriate opportunities arise for them to do so without creating instability. These hard choices are necessary and pressing, because the needs and concerns of people across Southern Sudan are urgent, and they will become more vocalised and be a growing source of tension after the CPA concludes.
- To reduce conflict and insecurity to a minimum, it is important for the GoSS **not to put off the transition into a more democratic, accountable and decentralised state for too long**. The challenge will be to support and maintain stability while assisting and incentivising a consistent movement from a military state synonymous with one movement (Sudan People's Liberation Movement – SPLM) and its army (Sudan People's Liberation Army – SPLA) to a democratic nation with a plurality of parties, effective service delivery and participatory decentralised planning.
- To support this process, **donors should develop together with the GoSS a complementary, strategic and clear long term vision and work according to it**. Leadership for this will have to come from the GoSS, and sustainability will come from citizens' demand for better government: the long-term vision of a peaceful and prosperous state is one in which the public has enough information and voice to exert pressure for better governance. Donors' roles are to facilitate this long term process, rather than to lead and control it. At the same time, they must take care not to support possible more negative trends in name of alignment and national ownership.
- **As a stabilising measure, donors should therefore help finance the budget of the GoSS. However, they should also condition prolonged support on evidence of inclusively developed, redistributive and peacebuilding, statebuilding and development strategies.** Thus donors should make incentives clear for funding state budgets that follow participatory, decentralised planning processes which include and are accompanied by civil society organisations, involve the public and respond to public needs.
- Donors should follow this up by **ensuring over time that support goes to plans which answer to the security, justice and service provision needs of the poor and marginalised, and which scrupulously avoid supporting militarisation, nepotism, corruption, oppression and exclusion**. Over time, donors should match the size of their contributions to GoSS national and state level budgets to evidence of the quality of planning processes, of resources reaching communities, and of the satisfaction of communities with government services. In addition, planning needs to be conflict-sensitive, to avoid fuelling or exacerbating divisions between different groups that could turn to violence.
- In the post-CPA period, while aid in all sectors will be crucially needed, it will at the same time be **more important than ever that a vision for security sector reform (SSR), disarmament, demobilisation and reintegration (DDR) and civilian disarmament forms a key element of post-CPA planning and is effectively implemented**. Donors should provide more co-ordinated support to this, emphasising:
  - **Provision of security in partnership with communities,**
  - **Voluntary disarmament** initiatives accompanied by processes that ensure security and development conditions are in place, and
  - The development of the justice sector through a **combination of formal and informal mechanisms**.
- To ensure overall volumes of aid do not fluctuate and that aid is used strategically in support of peace through the various channels available, **donors will require decentralised aid management structures with sufficient staff** present on the ground to sustain an approach that is able to analyse and respond to changing dynamics.

- Donors should also **pursue a strategy for increasing public engagement with a responsive, accountable, democratic and effective state**. Alongside the huge and fundamental need for education to be available across Southern Sudan, this may include increasing work to strengthen independent media and access to information, capacity of communities to engage in participatory and conflict-sensitive development planning, and strengthening civil society organisations. Donors should seek to remove the obstacles many local organisations face in accessing resources to support independent advocacy and having to act as service providers for their partners.
- Donors should also **focus support to relief and development agencies on sustainable approaches**. This means work that promotes the voice of communities in planning processes and develops communities' capacities to help themselves. Although there are persistent humanitarian imperatives in Southern Sudan that need to be met for some time to come, development and relief agency strategies should demonstrate their commitment to phasing out assistance as the relationship grows between communities and government service providers. Relief and development organisations should aim to help this relationship to grow by encouraging participatory and conflict-sensitive peace and development planning processes between communities and government authorities wherever possible.
- Given the strategic vulnerability of Northern and Southern Sudan while they continue to rely primarily on oil for revenues, development agencies should increase their strategic focus on promoting more diverse local economies.
- In Northern Sudan, there is very serious risk of destabilising conflict emerging from a number of areas if the best efforts fail to persuade the Government of Sudan (GoS) to adopt an increasingly inclusive, democratic and rights-fulfilling approach to the different groups that may remain in the North after the conclusion of the CPA. It will therefore be important for international actors to **incentivise respect for the rights of minority groups and their inclusion in processes of development and political decision-making**. If an inclusive and more rights-fulfilling state were to emerge in Northern Sudan, it would be important for the international community to be swift in ensuring the integration of Northern Sudan back into the international economic system and normalise relations with the Government swiftly, to demonstrate the benefits of positive change.
- **In Blue Nile and Southern Kordofan, the parties should work constructively according to the terms of the agreement, and free and fair elections should take place**. International actors, based on clear analysis of the challenges facing election processes to date, should also **ensure the election process is well supported** (that it is sufficiently resourced, voter education and registration takes place, support and preparations for monitoring of the registration and voting processes increase, including ballot casting, counting and recording).
- National and international actors with a stake in the success of the CPA should **work for the success of popular consultation processes in Southern Kordofan and Blue Nile states**. If successful, they should also consider such processes as a model for dispute resolution in other parts of North Sudan, providing support and engagement with the follow up constitutional review process.
- The GoS should also be encouraged to **be aware of the political benefits of multiparty rule in all states**, and the possibility of an SPLM State majority.
- Communication with, and therefore understanding of, grass-roots perspectives in 'special areas' is diminishing at this critical time. Local civil society organisations working closely on the ground see clearly that conflict can be avoided and peaceful coexistence achieved. International actors with a stake in the success of the CPA **should make sure community-based civil society organisations are fully supported to play an active and positive role in preventing conflict and building peace at the local levels**.
- The international community should also offer to **assist the GoS to achieve transition and stabilisation by encouraging other armed groups to engage in constructive dialogue**

**processes to address political grievances and discouraging pursuit of their objectives by violent means.**

- The international community should also **carefully watch patterns of assistance to non-state armed groups, both from within the region and other actors**, to ensure that all parties are helping ensure that Northern Sudan has the best possible chance of achieving a peaceful and inclusive polity in years to come.

## Possible development 2

*Militias, other armed groups (OAGs), nomads along borders/in 'three areas' terrorise civilians and provoke security forces on either side either as a result of manipulation or their own sense of grievance*

### Projected consequences:

- Perceptions of GoS/GoSS manipulation lead to escalations of violence which could draw in SAF and SPLA
- Especially violence in oil rich areas may lead to formal escalation of conflict (although oil fields are well defended by each side)
- Displacements, even if only due to perceived risks rather than actual violence

### Projected impacts:

- Casualties, creation of new grievances,
- Strain on aid agencies and supply of goods
- Collapse of revenues could lead to collapse of military discipline and self sustaining cycle of violence, bringing into play other possible developments discussed

## Recommendations:

- This development would require not only **preparedness by donors to increase funding for a complex humanitarian emergency**, but also readiness to support humanitarian work that builds on the lessons of Operation Lifeline Sudan and from other contexts regarding conflict sensitivity.<sup>3</sup> Donors should have their strategies ready and their dialogue underway regarding how they will meet needs at a time of heightened humanitarian need with agencies that:
  - Are able to work in a conflict-sensitive way;
  - Have institutional policies which will prevent them from repeating the costly mistakes of humanitarian aid delivery to previous complex emergencies.
- **Aid agencies should be ready to provide humanitarian and protection assistance for the population of affected areas, including the displaced – whilst ensuring their strategies and working practices are conflict-sensitive.**
  - As part of this, aid agencies should **avoid as far as possible aid provision that facilitates clearing of specific groups from specific areas in indirect support of any actor's military strategy.**
- Aid agencies and international actors should also **begin dialogue early with armed groups regarding international humanitarian law, the distinction between combatants and civilians and their obligations to enable humanitarian access and to avoid harming civilians through their actions.**
- With one of the largest peacekeeping missions in the world, United Nations Mission in Sudan (UNMIS) **should be prioritising protection of civilians and peacekeeping in the areas most vulnerable to serious violence.** Likewise, regional and international governments should be insisting that UNMIS plays this role in anticipation of the unwanted but clearly possible scenario of a serious breakdown in security leading to a complex emergency.

<sup>3</sup> See for example I Levine, 'Promoting humanitarian principles: the southern Sudan experience', RRN Network Paper 21, (Overseas Development Institute, May 1997), available at: [http://se1.isn.ch/serviceengine/Files/ISN/97740/ipublicationdocument\\_singledocument/454517B4-2DC5-44FB-AC20-A79854EB62ED/en/networkpaper021.pdf](http://se1.isn.ch/serviceengine/Files/ISN/97740/ipublicationdocument_singledocument/454517B4-2DC5-44FB-AC20-A79854EB62ED/en/networkpaper021.pdf)

- At the political level, it would be important to monitor the interaction of the CPA parties with third-party armed groups, to remind the parties of the need:
  - To **adopt a consultative approach to post-referendum arrangements affecting other groups** and find solutions that accommodate their perspectives;
  - **Not to pursue agreements that do not consider the needs of different groups** to maintain access to essential resources, property and enjoy their rights;
  - **For the rights of all minority groups to be protected**, whichever state they are likely to belong to following the conclusion of the CPA process, in the interests of longer term stability as well as in order to fulfil the inalienable rights of those groups themselves;
  - **Not to provide proxy support for other armed groups** during or following the referendum because of the destabilising potential of such actions on either side.

### Possible development 3

<i>Small-scale formal military engagement for particular oil-fields/border/strategic areas</i>	
<b>Projected consequences:</b> <ul style="list-style-type: none"> <li>• Possibly contained, long-term engagement in specific areas without affecting the overall momentum towards secession</li> <li>• Gains in control of oil/other resources by either side</li> <li>• Loss of trust to negotiate outstanding issues</li> </ul>	<b>Projected impacts:</b> <ul style="list-style-type: none"> <li>• Small scale casualties/displacement lead to frozen conflicts /long-term localised insecurity</li> <li>• Inertia of peace process leads to financial crisis and development stagnation</li> <li>• Distrust leads to hard border and limited movement of goods and people affecting livelihoods and nomadic way of life</li> </ul>

### Recommendations:

- As in the above scenarios, there would be a need for peacekeepers to **play a more directly protective and peacekeeping role in locations where security could break down** and for donors and aid agencies to be **ready to meet humanitarian needs of IDPs and others in conflict-sensitive ways**.
- The international community should **be ready to apply strong pressure in a co-ordinated way to prevent both parties from taking steps to escalate hostilities**. This should be 'neutral' but based on close monitoring and analysis of the situation so that blame and discouragement can be fairly apportioned between the parties and other actors, based on a neutral weighing of the evidence. In this context, the international community should **support the closest possible monitoring of the situation on the ground along the border areas** – for which at present there is very limited capacity.

## Possible development 4

<i>Full-scale conflict with SPLA and SAF attacking each other and cities</i>	
<b>Projected consequences:</b> <ul style="list-style-type: none"> <li>• Collapse of revenues leads to unpredictable volatility of alliances on both sides</li> <li>• OAGs used to terrorise civilians on either side</li> </ul>	<b>Projected impacts:</b> <ul style="list-style-type: none"> <li>• Mass casualties</li> <li>• Widespread displacement, placing pressure on scarce resources to South and North of conflict zones, including in neighbouring countries</li> <li>• Destruction of infrastructure</li> <li>• Economic collapse of GoSS and/or GoS</li> <li>• Most violent/successful OAGs gain control of important areas and resources</li> <li>• South and border areas become ungovernable</li> </ul>

### Recommendations:

- This development would possibly make it much more difficult for many humanitarian actors to maintain their operations at a time when they will be very urgently needed. As above, it would again be important for:
  - **Peacekeepers to play a more directly protective and peacekeeping role in locations where security could break down;**
  - Aid agencies to be **ready to meet humanitarian needs of IDPs and others in conflict-sensitive ways;** and,
  - The international community to immediately **engage the parties and other factions in dialogue to pursue compromises that enable violence to be mitigated, ended and replaced by inclusive and fair dispute resolution processes wherever possible.**
- At the same time, even in the case of a humanitarian emergency affecting a large proportion of Sudan, donors and aid agencies should maintain focus on the longer term agenda for working towards peace, security and development, towards which much important progress has been made in recent years. It will be critical to:
  - **Maintain a development approach where possible,**
  - **Provide humanitarian assistance in a way that envisages an exit strategy,**
  - **Encourage communities from day one to be involved in planning and monitoring what and how assistance is provided and**
  - **Help communities develop solutions to their own challenges for themselves.**

## Possible development 5

<i>GoS consolidates a centralised, authoritarian, Islamist state in North</i>	
<b>Projected consequences:</b> <ul style="list-style-type: none"> <li>• Further regional rebellions in support of democracy, secularism or rejecting outside rule in Darfur, Southern Kordofan, Blue Nile, Eastern Sudan etc</li> <li>• Other regional actors engage in support of different factions or to make other gains</li> </ul>	<b>Projected impacts:</b> <ul style="list-style-type: none"> <li>• Large scale violence and humanitarian crises in rebel areas</li> <li>• Humanitarian access even more problematic</li> <li>• Possible implosion of NCP and replacement by other factions</li> <li>• Human rights abuses and displacement of large Southern Sudanese population/other minorities from Northern Sudan</li> </ul>

## Recommendations:

- International actors should **rapidly engage actors in the North to engage in dispute resolution processes** that enable violence to be mitigated, ended and replaced by rule of law wherever possible.
- To work towards more lasting resolution of instability in Northern Sudan, international actors should encourage and support national and local stakeholders either to **follow through on implementation of CPA protocols in areas where these have not been fulfilled** and remain relevant (such as free and fair elections, popular consultations and the constitutional review).
- Where necessary, local and national stakeholders should be supported by the international community to **develop and implement new agreements that are based on consultation with and take accounts of the needs and rights of all groups**.
- As noted above those with a stake in the success of the CPA **should make sure community-based civil society organisations are fully supported to play an active and positive role in preventing conflict and building peace at the local levels**.
- Learning the lessons from approaches to contexts like Somalia, among others, it will be important for international engagement in a more unstable Northern Sudan to be based on sound analysis of the political situation and the objectives of different actors. It will be important for engagement to be based on a genuine understanding of the differences and nuances within and between different factions, rather than relying on broad assumptions about fundamentalism and Islamist/hardline groups.
- Humanitarian agencies require help to maintain continued delivery of essential relief and basic services. Many aid agencies have already been expelled from the North. In a more authoritarian Northern state, humanitarian access could be particularly urgent in areas such as the Nuba Mountains, which currently rely on essential assistance delivered via Southern Sudan, Kenya or Uganda. **National authorities should facilitate humanitarian access where it is needed to respond equitably to the needs of local communities**.
- Meanwhile, such agencies and the international community should undertake outreach and advocacy towards all actors to **guarantee humanitarian access and decent treatment of and assistance to the civilian population regardless of other dynamics and possible escalation of conflict in the three areas**.

## Possible development 6

<i>Internal divisions in South turn to prolonged violence in specific areas (such as Greater Equatoria, Warrap, Lakes, Unity, where conflict has already been ongoing)</i>	
<b>Projected consequences:</b> <ul style="list-style-type: none"> <li>• Large-scale violence, possibly but not certainly confined to specific areas</li> <li>• GoSS weak and incoherent</li> <li>• North destabilised by loss of oil revenues</li> <li>• Possible engagement by North to support factional interests and/or to take control of oilfields</li> <li>• Possible engagement by other regional actors to support different factions, make other gains and/or maintain stability on their borders</li> </ul>	<b>Projected impacts:</b> <ul style="list-style-type: none"> <li>• Thousands of casualties and much increased scale of humanitarian emergency</li> <li>• South becomes partly or wholly ungovernable</li> <li>• Security challenge for neighbouring countries</li> </ul>



## **Recommendations:**

- It will be crucial to identify ways to **encourage different factions to pursue compromises that enable violence to be mitigated, ended and replaced by rule of law wherever possible.**
- If their efforts are needed to support successful mediation, more effort will be needed by external actors to **understand and engage with the internal politics of Southern Sudan and to build on the manifest capacities for peacebuilding** demonstrated by Southern Sudanese political and military leaders in the last two decades.
- Negotiation of humanitarian principles and humanitarian access under this scenario would again be important, as well as insisting that humanitarian aid must not be supplied or blocked in a way that reinforces military strategies, in particular strategies of ethnic cleansing.
- It would also be important for aid agencies to **continue to maintain presence, access and focus on development in more stable areas, in support of state-level and local government administrations, working with them towards responsive, efficient and accountable delivery of services, including security and justice alongside water, sanitation, health and education.**

## **Section 2: Preliminary analysis of conflict dynamics in Sudan**

### **1. North-South and intra-North conflict dynamics in Sudan**

#### **A cynical view of the CPA by both parties**

The Comprehensive Peace Agreement (CPA) will conclude with referenda in which Southern Sudanese will vote on whether to separate from Northern Sudan, and the people of Abyei will have the chance to vote on their status in the event of secession of Southern Sudan. At present, mutual distrust makes the referenda and conclusion of the CPA appear to be a contest in which the two parties must compete to win or lose at the other's expense – rather than as a framework to pursue their mutual best interests in co-operation.

The National Congress Party (NCP), which holds power in Northern Sudan, is perceived by many in the South to be better at manipulating negotiations and processes under the CPA (such as negotiations on boundaries, or registration and voting processes) to its advantage. This negative perception is one factor generating suspicion during efforts to reach compromises, and if validated by subsequent events could mean that deals that are struck become unstable and dissolve into ongoing disputes and ill-feeling.

At the same time, the NCP leadership is under pressure from elements within the party and other Northern political parties. It is likely to be blamed for allowing the independence of Southern Sudan by less pragmatic elements of the Northern polity, and especially for negotiating anything less than the best deal available regarding a number of unresolved contentious issues – chief among which will be its share of revenues from Southern exports of oil via Northern Sudan. There may therefore be some elements within the North who would wish to deny/delay secession – and there will certainly be a drive by the North to negotiate with skill the best deal possible regarding secession by the South.

For its part, the ruling party in the South, the Sudan People's Liberation Movement (SPLM), has strongly focused its attention on the referendum regarding Southern secession, with logos on display across Southern Sudan that depict the referendum as an opportunity to break shackles. It is, for now, strongly focused on self-determination and a new future as an independent state. This is illustrated by the point that despite at times espousing a vision of a secular Sudan which supported harmonious co-existence of all its groups, the SPLM has since the death of Dr John Garang shortly after the signing of the CPA in 2005, taken little initiative within the power-sharing Government of National Unity to pursue transformation of political life and development in the North. Talks have been convened to negotiate a number of issues surrounding the conclusion of the CPA that could prove divisive in the run-up to July 2011. However, the SPLM is confident of a referendum result in favour of secession, anticipates being in a stronger negotiating position should this indeed be the outcome, and thus is in no hurry to negotiate other issues at present.

As they approach the contentious point of potential separation, recent months have seen a growing military build-up in border areas. Both sides have increased military spending, drawing on oil revenues to obtain and retain additional equipment and troops.<sup>4</sup> While the North appears to be better

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<sup>4</sup> See P Wezeman, 'Arms supplies to North and South Sudan' in Henrik Boll Stiftung, 'Sudan: No easy Ways Ahead' (Berlin, 2010), pp.62-64. Wezeman argues that: 'Facilitated by rapidly growing oil revenues, the Sudanese government increased military expenditures from a total of \$1,722 million in the period from 2001 to 2003 to \$3,868 million in the period from 2004 to 2006. Major arms deliveries in the period from 2003 – when the conflict in Darfur erupted – to 2009 are estimated to have included 12 MiG-29 combat aircraft, 31 combat helicopters, and 30 armored personnel carriers (APC) from Russia; 11 SU-25 ground-attack aircraft and 50 APCs from Belarus; at least 12 A-5 and 12 K-8 ground-attack aircraft and an unknown number of Type-85 IIM tanks and APCs from China; and unknown numbers of light APCs, upgrade packages for tanks, and artillery rockets from Iran. China and Iran are believed to be important suppliers of small arms and light weapons to the North Sudanese army and it is likely that such weapons are also supplied from other countries. With foreign help, North Sudan has built up its own arms industry with limited capabilities, including the production of small arms and an assembly of artillery and armored vehicles from imported parts. Increased military expenditures and arms procurements by North Sudan is not necessarily related to the current developments in South Sudan. Many of the arms procured are for use in the conflict in Darfur, including replacing weapons lost in combat. Sudan's arms procurements should also be seen in the light of its perceived threat toward its neighbors.[...] Ethiopia and Kenya have friendly relations with South Sudan. Southern Sudanese tanks have been repaired in Ethiopia, and Kenya trains South Sudanese military and has been accused of being involved in the supply of weapons to South Sudan.[...] The Government of Southern Sudan (GOSS) is transforming the Sudan People's Liberation Army (SPLA) from a guerrilla force into a regular armed force,

equipped than South, the South may have acquired some heavier weaponry than was previously available to it, and also could expect to draw on high morale amongst its forces and other armed sympathisers should these be needed in combat. The North would be able to create a humanitarian emergency by destroying weak road links to key population centres in the South through aerial attack, and would also be able to support division through support for proxy groups. The forces allied to the South similarly have the capacity to make oilfields, and other areas neighbouring the Southern borders ungovernable through a guerrilla or proxy campaign. Both sides thus know that the other has the capacity to make secession difficult. Paradoxically, this should be a factor guaranteeing that each will work in support of peaceful outcomes.

In this context, the weak alliances upheld by either party through the military payroll and other networks of financial patronage could be vulnerable should violence in oil-producing areas interrupt revenue flows to national budgets. Weak communications and chains of command could make small incidents trigger serious military engagement. Likewise, the tendency to brinkmanship and last-minute deal-making by both sides increases risks of incidents sparking/escalating conflict in coming months.

With all of this said, analyses of the present context, as emphasised in the comments of several key informants to this report, must place due emphasis on strong factors working in support of peace in this context. There are many ways in which the two sides are closely tied – for example through intermarriages and trade relationships. Both sides also understand that peace is in their pragmatic interests, have limited capacity for war, and will be under considerable pressure from the international community should either of them be perceived as initiating an outbreak or escalation of conflict. Alleged bombings and attacks by the Sudanese Armed Forces (SAF) in recent weeks have been brushed away with considerable self-discipline and restraint by the SPLA, and this is indeed exemplary of an attitude of extreme reluctance to engage in violence that could put secession in jeopardy.

### **Oil: source of tension, guarantor of co-operation**

For the time being, Southern oil can only be exported through Northern Sudan. A new pipeline to export oil from Southern Sudan via Kenya is a possible but distant prospect. For both CPA parties, maintaining the alliances on which stability depends is partly a question of revenue flows that are largely dependent on oil.<sup>5</sup>

For both parties, there is an obvious long-term financial and geopolitical interest in territorially controlling as much as possible of Sudan's oil fields. Attractive strategic and oil-rich target locations include Bentiu, Abyei and Heglig. As noted, however, both sides know the other can make oil extraction difficult through direct or proxy violence. They are thus unlikely to choose an escalation of hostilities that presents a threat to oil extraction, if they are able to avoid it. Oil fields are also well defended by the parties who are aware of the risks. However, as the discussion of unresolved post-

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including plans to establish an air force and riverine forces.[...] In 2008 the official SPLA expenditure was \$917 million, which dropped to \$449 million in 2009. The 2010 budget is planned to be almost one-third of the state budget of 4.3 billion Sudanese pounds (\$1.9 billion). However, even though significant arms procurements lie in the line of expectation, it remains uncertain if GOSS has actually acquired sizeable volumes of weapons. In 2008–2009 most of the SPLA budget was allocated for salaries and only about 10% or less for capital spending. Several countries, including the United States and the United Kingdom, provide logistical assistance and military training, but no weapons as far as is known. It is widely believed that up to 110 T-72 tanks delivered from the Ukraine to Kenya in 2007–2008 were actually intended for the SPLA. However, until now no evidence has emerged of possible other major arms procurements and the SPLA is still far less well-equipped than the North Sudanese forces. It has no air force and, as far as is known, only a very limited air defense capability and few other major weapons. Its deterrent capacity toward North Sudan remains a large number of lightly armed men with considerable experience in guerrilla warfare.' See also Small Arms Survey, 'Supply and demand: Arms flows and holdings in Sudan' (Sudan Issue Brief No. 15, December 2009), available at <[smallarmssurvey.org/files/portal/spotlight/sudan/Sudan\\_pdf/SIB-15-arms-flows-and-holdings-in-Sudan.pdf](http://smallarmssurvey.org/files/portal/spotlight/sudan/Sudan_pdf/SIB-15-arms-flows-and-holdings-in-Sudan.pdf)>

<sup>5</sup> For example, 'Incomplete establishment of the payroll system for the military has caused some serious tensions throughout the South, with occasional outbursts of fighting and insecurity in towns like Juba, Wau and Malakal.' F Von Habsburg/Saferworld, 'Southern Sudan conflict analysis', (unpublished, June 2006), p.27. For discussion of maintenance of alliances with financial patronage by the NCP see also A De Waal, 'Sudan's Choices: Scenarios Beyond the CPA', in Henrik Boll Stiftung, 'Sudan: No easy Ways Ahead' (Berlin, 2010). In terms of dependence on oil revenues, regarding Southern Sudan, the Overseas Development Institute (ODI) states that: 'The revenue from oil averaged \$2.1 billion per year over the period 2006 to 2009, accounting for 98.3% of GoSS domestic resources (approximately five times the level of donor aid in 2009)'. ODI, 'Planning and budgeting in Southern Sudan: starting from scratch', Briefing Paper, October 2010, p.2, available at <<http://www.odi.org.uk/resources/download/4980.pdf>>

referendum issues below will note, with many groups who feel excluded from the CPA bargaining process by the two parties present in oil-rich border areas, there are conflict dynamics at play that the CPA parties are not necessarily able to control even if they wish to co-operate pragmatically over oil and other issues.

### **Negotiations on post referendum issues ongoing but unresolved**

A peaceful secession process would involve the parties and a number of other actors reaching agreement on the handling of a very wide range of outstanding issues.

Firstly, the parties to the CPA will need to reach agreement over ending support to rebels by each side across the North-South border. This will by no means be straightforward. For example, the SPLM has strong ties to groups who fought with it in the Nuba Mountains and South Kordofan. It is by no means clear if they will be content if they become separated from the South by secession, and whether, if they pursue armed rebellion, sympathisers in the south would be willing and able to refrain from supporting them. Similarly, the *Difa El Shaabi* (Popular Defence Forces) militias set up by the NCP could play a destabilising role in border areas. Khartoum justified a bombing by Sudanese Armed Forces (SAF) on 14 November 2010 in Northern Bahr El Ghazal on the basis that it was in pursuit of Darfuri rebels, but allegations of further bombings by Northern forces, and counter-claims of southern support to Darfuri rebels have also served to increase tensions.<sup>6</sup> While recent incidents have been met with restraint by the GOSS, they also demonstrate how (perceptions of) support to proxies could lead to escalations.

Secondly, the border between North and South remains undefined. The parties' willingness to proceed without a demarcated border may in fact be good for peace, because it leaves room for a process of consultation, negotiation and compromise rather than hardening of oppositional points of view. However, fears and grievances regarding the placement and nature of a future border are clearly visible in many places.

The headline unresolved issues with regard to where the border may fall are Abyei, Blue Nile and Southern Kordofan. In Abyei, grievances regarding land, grazing rights and oil are likely to outlive the end of the CPA, despite progress of negotiations and the involvement of the Permanent Court of Arbitration (PCA) in settling some of the most contentious issues. One of the more serious threats to an orderly conclusion to the CPA relates to the nomadic-pastoralist Misseriya. They traditionally migrate seasonally through Abyei and the potential border, but are set to be denied the right to vote in the Abyei referendum. Their threat to use violence to disrupt the latter is one of the more serious threats to an orderly conclusion of the CPA. Likewise, the PCA ruling that Abyei does not include major oilfields is not necessarily acceptable in the final analysis to GoSS, which may seek to revisit it.

Blue Nile and Southern Kordofan have special status under the CPA. Although the CPA provides for elections of state parliaments and then popular consultations led by these parliaments, their diverse populations have no right to vote to determine the future status of these states. The merger of South Kordofan with Western Kordofan is bitterly resented by the Misseriya near Abyei and Nuba of Southern Kordofan. In southern Blue Nile, the Nuba and Ingessena who fought with the SPLA now face the prospect of being ruled by their erstwhile enemies. Some of these groups are still in favour of unity and a struggle to transform a united Sudan, rather than secede from it and leave the rest of Sudan to its fate. The Popular Consultation processes in Southern Kordofan and Blue Nile states have potential to lead to a peaceful outcome and demonstrate positive, peaceful ways of addressing grievances between the centre and the periphery, but rapid action is needed now if this opportunity is not to slip away. Key issues and priorities for successful conclusion of the CPA process in Blue Nile and Southern Kordofan are examined in the separate Saferworld briefing, 'The significance of state elections and the popular consultations for peace in Sudan', which complements this report.<sup>7</sup>

Outside of these areas recognised as 'special' because of their fractious dynamics, there are many areas where demarcation of borders is likely to be contentious, along the length of the North-South

<sup>6</sup> Sudan Tribune, 'Juba officials accuse, Sudanese army deny fresh bombing in the South', 8 December 2010, available at: <<http://www.sudantribune.com/Juba-officials-accuse-Sudanese,37195>>

<sup>7</sup> Saferworld, 'The significance of state elections and the popular consultations for peace in Sudan' (December 2010) is available at: <http://www.saferworld.org.uk/smartweb/resources/view-resource/497>

boundary line. The Melut basin in Upper Nile is likely to grow more contested as oil production increases. Agricultural schemes and precious fertile land represent high stakes around which tension is palpable in Upper Nile, White Nile and Blue Nile. Aside from oil resources, there are other valuable resources that could constitute grounds for contestation: copper and uranium in Western Bahr El Ghazal and South Darfur; gold in Mabaan and Kurmuk. Grazing rights are also a likely flashpoint that would be aggravated should a difficult secession process lead to a hardened North-South border, and this could lead to serious unrest led by well-armed nomads in, for example Northern Bahr El Ghazal, Unity and Southern Kordofan.

Disputes over borders can thus be anticipated in an alarming number of areas: between Southern Darfur and both Northern and Western Bahr El Ghazal; in the Unity-Southern Kordofan triangle; over mineral wealth and access to resources in the Megenis Mountains; at the White Nile-Upper Nile border which has been successively moved Southwards since 1956; in Gulli at the border of Sennar, White Nile and Blue Nile states; in Kaka - a site of contestation between Shilluk and nomadic groups which is of strategic importance for access to oil and White Nile State; at Chali al Fil, where the Uduk of Blue Nile and Mabaan of Upper Nile are disputing a contentious border decision.

A further significant issue that would need to be settled during a secession process would be the question of citizenship for Southerners in Northern and Northerners in Southern Sudan. Likewise, movement of goods and people across new borders would be crucial in determining how far the way of life of the diverse population living on either side of a new border would be affected by secession. If secession proves to be a bitter process, the knock-on effect of a hardened border – which would be disastrous for local populations – could in itself catalyse further destabilising resentment and violence.

The last but not least unresolved issue is that of currency. There are concerns that failure to decide on the future currency of a new Southern state could lead to a collapse of the Sudanese Pound. This would be very damaging to the economies of North and South – with economic stability having important implications for the prospects of conflict that have already been highlighted.

On 13 November 2010, the parties agreed in negotiations facilitated by the African Union High Level Implementation Panel (AUHIP), led by Thabo Mbeki, on a framework for resolving outstanding issues regarding the CPA and future north-South relations. This included a commitment to a soft border between north and South, and will guide future discussions in coming months. However, the question of Abyei was excluded from this framework and continues to be discussed under AUHIP facilitation.<sup>8</sup>

### **Reaching the limits of the CPA: the need for a new horizon**

While the CPA was a positive, transformative interruption to a horrific history of destructive conflict, at the same time it cannot be claimed that it offers more than an important foundation for a very long and challenging process of building peace in Northern and Southern Sudan. There has been only slow progress during the period of CPA implementation towards addressing the root causes of conflict in Sudan. While there are important goals in this area – such as the movement towards more democratic, plural polities, greater respect for human rights, the adoption of secularism to facilitate coexistence – it is broadly fair to observe that the parties have instead used the CPA to consolidate their own power. This has led to discontent and, in some instances, violent results. Structurally, of course, the CPA is not comprehensive in that it enfranchises the NCP and SPLM and gives little voice to groups not represented by either party that stand to be affected by the agreement. It is therefore relevant to ask what kind of states the CPA is likely to give birth to in Northern and Southern Sudan.

Firstly, then, it must be asked, 'What happens to secularism and democratisation in the North if the South secedes?' The arrest warrant for Sudanese President and NCP leader Omar Al-Bashir guarantees the agenda of Bashir to retain power at all costs – a factor which is likely to continue to underpin NCP authoritarianism until there is a change of leadership. Already, the institutions of a future Northern state have been dismantled in favour of a model where multiple institutions are used as the vehicles for upholding NCP patronage and control. Although some development efforts are ongoing in tense areas such as Southern Kordofan, NCP expenditure is already weighted towards Khartoum and the 'Hamdi triangle' that surrounds it, while influence outside the Hamdi triangle is

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<sup>8</sup> T Mbeki 'Sudan: Statement of the Chairperson of the AUHIP Thabo Mbeki, to the Security Council', 16 November 2010, available at <[allafrica.com/stories/201011170306.html](http://allafrica.com/stories/201011170306.html)>.

often maintained by distributing financial resources via security personnel.

For many in the North, authoritarianism and in particular the imposition of Sharia law are unacceptable, and the concerns of minorities regarding future exploitation and repression are palpable. They will operate within a context where there are already active rebellions challenging the Khartoum regime from the periphery in Darfur. These dynamics suggest that there are a range of ways in which rebellions in the North could escalate following Southern secession. The NCP's capacity to manage these tensions constructively or by force looks increasingly doubtful.

As the next section of this report goes on to discuss, what people and key leaders have as a vision for the development of a new state in Southern Sudan is also an area that needs to become further defined and where there are manifold risks.

## **2. Intra-South conflict dynamics in Sudan**

The struggle to develop a new independent state in Southern Sudan is a task of immense proportions. Overcoming the legacy of decades of conflict will mean working over decades to meet needs and fulfil rights in every sector across the humanitarian and development spectrum. It will also require supporting the development of a culture of peace in a society deeply traumatised by the experience of and accustomed to living in conflict. The task of setting up a new state and government is underpinned by significant will to succeed and manage difficulties in positive ways. From external partners, this process requires optimism in the face of significant challenges, consistent engagement underpinned by clear political analysis and vision, and imaginative support and sincere encouragement that is carefully balanced between communities, civil society and Government.

### **Security and justice are elusive**

The post-CPA period in the South has not been free of serious violence and grave challenges in establishing the rule of law. Armed conflicts have persisted in Jonglei, Lakes, Unity, Upper Nile, Warap and Western Equatoria states. While the SPLM is to be praised for promotion of the value of 'unity through diversity', there have been worrying incidences of expulsion of those who are not considered part of the mainstream community.<sup>9</sup>

One aspect of insecurity has been the frequency of attacks by unidentified soldiers and gangsters, who have been variously suspected as being SAF proxies, independent bandits, unsalaried SPLA soldiers turning to looting and traders conspiring with bandits to keep prices up. Southern Sudan also plays host to a diverse array of well-armed militias.

Although such figures are impossible to verify objectively, it has been estimated that there may be 750,000 small arms and light weapons in possession of civilians or non-state actors in Southern Sudan.<sup>10</sup> As small arms are felt by many communities to be important for their security, livelihoods and survival, efforts to reduce weapons proliferation will be challenging and will need to be accompanied by measures to reduce poverty and insecurity. Following the CPA, the attempts by the Government of Southern Sudan (GoSS) to disarm civilians and armed groups by force has resulted in deadly violence in Jonglei, Warap, Unity and Lakes. In addition, thousands of ex-combatants have been returning to their communities since the signing of the CPA, with little to show for their struggle, despite expensive but flawed efforts to support their effective disarmament, demobilisation and reintegration.

In view of the clear risks of serious armed violence in different areas of Southern Sudan, the possibility of further civil conflict, plus the presence of regional neighbours and armed groups accustomed to using violence to achieve political objectives, a strong military is needed in Southern Sudan. However, the military also needs to be of the right kind. At present, the SPLA needs to transform in name and reality from being the army of the ruling party to being a national army. It is

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<sup>9</sup> Cf. the analysis that, 'The growing trend in some parts of Southern Sudan of expelling all who are not part of a considered community outside of its boundaries indicates a worrying potential for polarization and segregation.' F Von Habsburg/Saferworld, 'Southern Sudan conflict analysis', (unpublished, June 2006), p.35.

<sup>10</sup> See P Wezeman, *op cit*, p.63.

also still some way from being professionalised, and could be vulnerable to splits – for example, along tribal lines, or if the flow of Government revenues or a monetary crisis disrupts the military payroll. The function of the SPLA needs also to be clarified, with, for example, violence in Akobo (Jonglei state) serving to underline the need to alternative approaches and bodies are developed and used to address serious internal security issues. Conversely, the SPLA's ineffectiveness in protecting civilians from Lord's Resistance Army (LRA) incursions near Yambio in Western Equatoria has led some observers to question the readiness of soldiers from one Southern Sudanese state to risk their lives to protect the people of another.

Progress has been made in addressing the rule of law vacuum that Southern Sudan needs to overcome. The Southern Sudan Police Service (SSPS) has been importantly capacitated since the CPA. However, in this area there are again huge obstacles. Its growing strength (currently 30,000 officers) is inadequate to the vast size of Southern Sudan and the challenge of accessing many areas. At present, lack of paved roads, vehicles, radio and mobile telephone communications means that police have difficulty responding rapidly to law and order issues in many parts of Southern Sudan. The unsuitability of some former guerrillas for the very different role of policing has also been a challenge in making the SSPS responsive, accountable and oriented to public service. Several interviewees remarked on the problem that the SPLA had shed soldiers no longer fit for combat operations into the police, thus weakening its strength in the post-CPA period, although retirements and new recruitments are beginning to address this issue.

While the police is being trained, not all training provided is sufficiently focused on response to public security needs, and some police recruited at state level have bypassed the training received by other recruits. Eighty percent of the SSPS is illiterate. While all police are paid, rates of pay are low, and it can take time for payment to reach officers. As an example of the problems this can cause, in Torit, the research team was told how frustration at delayed payment had led to the fatal shooting of a member of the public by a dissatisfied officer. Other research in Eastern Equatoria suggests low public perceptions of police in terms of trust, efficiency, accessibility, familiarity, and transparency regarding their approach, with respondents ranking them far below traditional authorities in areas where both are present. In explaining these perceptions, the public cited a 'lack of impartiality, corruption, and criminal involvement[...] of both the police and the SPLA'.<sup>11</sup>

The SSPS will offer only part, however, of a much needed, effective criminal justice system. At present, the lack of adequate courts and prisons has led the public to raise concerns that typically when criminals are arrested, they are often simply released.<sup>12</sup> Apart from some important inputs by ILO and UNDP, little effort is being made to rectify the serious weakness of the justice sector. There are traditional systems for managing what the state does not yet and cannot be expected soon to provide. Building on informal local systems has provided some success stories (for example from Eastern Equatoria, Western Equatoria, Upper Nile and Jonglei) but there are many concomitant challenges.

Some interviewees suggested that unless progress with development of the SSPS accelerates, there may be a regression to more use of ethnic militias to respond to security problems (as with the 'Arrow Boys' currently providing makeshift protection for communities against LRA attacks in Western Equatoria).

## **Challenges in governance**

The GoSS has made much progress from a very low starting point in 2005, when almost all the infrastructure of a functional Government, as well as skilled personnel, laws and procedures, were lacking, and needs were diverse and urgent. Despite important progress that must be given due credit, the quality of governance is going to be a key factor determining confidence of communities and different interest groups in the state – and all actors need to be aware that there is a limited time window within which GoSS has the chance to win public confidence in a context where centre-

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<sup>11</sup> Human Security Baseline Assessment, 'Symptoms and causes: Insecurity and underdevelopment in Eastern Equatoria', Sudan Issue Brief Number 16, April 2010, available at: <<http://www.smallarmssurveysudan.org/pdfs/HSBA-SIB-16-symptoms-causes.pdf>>

<sup>12</sup> A concern raised for example during Saferworld activities in Akobo in Jonglei or Torit in Eastern Equatoria State. Some work to develop prisons has been undertaken, for example in Bor.

periphery tensions have historically underpinned divisions and conflict.

At present, governance is centralised (with slowly developing institutions concentrated for the time being in Juba and the State capitals). The Government is also dominated by the military. Commissioners appointed to administer Southern Sudan's government at county level mostly have a military background. Estimates place spending on security and the military (largely going towards the payroll) at over one third of the GoSS budget (currently \$1.5-\$2 billion per year).<sup>13</sup> This is a key issue in terms of governance and conflict dynamics in the South. Issues regarding the military payroll have caused violence since the CPA in Wau, Juba and Malakal. Budget contraction in 2008-2009 may also have been part of the reason for widespread inter-ethnic clashes<sup>14</sup> (although other factors such as access to land and competition for resources should not be overlooked). Stability thus depends partly on flow of cash through the military payroll. This is serious cause for concern in that the GoSS' main source of revenue, oil, is vulnerable both to price shocks and the potential impacts of insecurity on production and export, and even at present, the army is not always receiving salaries. Although the reasoning is clear, so long as scarce GoSS resources continue to be absorbed by security sector salaries, it will remain hard for GoSS resources to be redirected to support infrastructure and service delivery.

The SPLM leadership has made important efforts to tackle corruption. Unequal distribution of resources and power by GoSS is resented (discussed further below): for example, public perceptions of land-grabbing, in some cases supported by GoSS officials, are leading to bitter resentment, among Bari in Juba but also elsewhere; and the public in many areas is fed up with perceived corruption.

The commitment by GoSS to inclusiveness/democracy is less clear. Although state governors now wield considerable power, decentralisation has been slow and become a process reinforcing competition for benefits and nepotism, rather than counteracting corruption. Thus far, efforts at developing decentralised governance have not made sufficient progress in lessening GoSS' remoteness from and unaccountability to communities. In fact, much now depends on effective leaders, because power is concentrated in the hands of and wielded by individuals – not yet under effective institutions, laws and policies. This also reflects the difficulty of setting up local institutions when management and technical skills are weak. For example, there has been a problem of appointments of officials to duplicate roles, and the low level of education means that technical competence among many officials will develop over time.

However, it would be wrong again not to identify some important factors that provide cause for optimism about prospects for dealing step-by-step with conflict dynamics related to good governance. Firstly, in contrast to many governments who are dismissive of efforts to encourage better governance, despite its obvious importance for long term peace and stability, GoSS is willing to seek help and is open to international advocacy and technical advice. Similarly, many in government are genuinely committed to success in decentralisation and delivering services. Interviewees pointed out that achieving a shift in expenditure from salaries to infrastructure and services is as much about creating functioning procurement systems and skills as about commitment to better governance. Secondly, gender equality is an area of slow but steady improvement, with some women beginning to enter positions of leadership and responsibility.

Thirdly, cleavages related to how power is split between ethnic, military and political interest groups – or at least their leaders – have been managed in many cases without bloodshed. Thus tensions over staffing county, city and town councils were negotiated successfully and inclusively. Likewise, the Juba Declaration agreed between GoSS and other armed groups in 2006 effectively bought stability through huge expansion of the SPLA payroll. Another potential internal division in the SPLM was reportedly headed off in 2008, and conciliation between political parties was also promoted through the All-Southern Sudanese Political Parties Conference in October 2010.

This evidence supports the analysis that there is 'glue' binding Southern Sudan together: the common struggle for identity provides at times a strong unifying force among the diverse peoples of Southern Sudan, and the SPLM leadership is also pragmatic and experienced in responding to tensions by

<sup>13</sup> See P Wezeman, *op cit*, p.63. The Overseas Development Institute (ODI) also gives figures that indicate GoSS expenditure on security in 2009 of over \$550 million, not including expenditure of over \$200 million on rule of law. See ODI, *op cit*, p.2.

<sup>14</sup> A De Waal, *op cit*, p.18.



processes of negotiation and compromise. Likewise, the memory of the bloody internal split in the SPLM/A in 1991 acts as a check on internal division. However, the effectiveness of brokering deals to maintain stability also depends on GoSS' track record in meeting its promises. Thus some commentators assert that it is getting harder for GoSS to negotiate successfully with armed actors who feel that past promises have been broken, and the rebellion of George Athor after the elections of April 2010 demonstrate the risks of factional interests turning to violence.

An important aspect to the governance challenges in Southern Sudan is the limited prospect for demand for better government to emerge from the public through constructive channels. There are some links between leaders and their constituencies which provides some responsiveness to and accountability for upholding communities' interests. Nonetheless, the public's voice is very weak. The population has been estimated to be eighty percent rural and illiterate. Given the difficulties of much of the terrain, many communities are very isolated. Although the media is getting stronger and is sometimes surprisingly vocal, there are few media, let alone independent reliable media, making information available to the public across Southern Sudan. Some genuine civil society organisations exist, but these are weak. Likewise opposition parties are weak and disorganised, and the SPLM is yet to stop viewing itself as synonymous with the GoSS.<sup>15</sup> Although political dialogue has provided some reassurance about a multi-party future following SPLM-dominated elections in Southern Sudan, pluralism is not yet a reality.

### **Access to development and resources**

The challenges of developing effective government institutions is linked to the disappointment among many communities regarding lack of discernible progress in delivering development/services during the CPA period. Public feeling varies in different areas, but many interviewees as well as communities consulted affirmed frustration that peace and a new government had not yet resulted in services such as schools, healthcare centres, clean water and policing. In part, delays are unavoidable, as it will take time to develop the skilled human resources to provide better services, such as well trained teachers. At the same time, appointments of unqualified staff were noted by interviewees as a problem. There are also structural obstacles to the pace of development, such as multiple points where duty is charged on goods entering Southern Sudan, or lack of an enabling environment for networks to co-operate to extend mobile phone coverage.

Interviewees consistently noted a tendency to set aside disappointment in anticipation of the referendum, but at the same time expected resentment to be expressed more openly after the referendum. It is not appropriate to generalise about public feeling: it should be noted that, in some parts of Southern Sudan, communities feel remote from the GoSS, are relatively free of expectations or are ready to resist the establishment of government authority. Public sentiments will nevertheless have a significant bearing on the risk of increased conflict in future in Southern Sudan.

Competition and contestation over scarce resources are an integral part of inter-group relations. Drought has been an important catalyst of resource competition and violence in many areas. Disputes over grazing rights, and cattle raiding – sometimes well armed and thought to be linked to political figures, but often driven by custom and cultural pressure to acquire cattle as a brideprice – are both common. Land is a contentious issue, with incompatible claims and counter-claims regarding ownership of and the right to use land asserted vehemently by rival groups.

Tensions over internal border demarcation issues is a further aspect of the competition for resources: drawing boundaries between counties and payams will determine who has authority over services for each community and how close those services will be to a particular community's members. Perceptions of unfairness and exclusion in relation to borders are already routinely causing conflict, and tribal identity is being used to mobilise support in this complex struggle between groups for resources and power. Drawing of boundaries around ethnically homogeneous communities may guarantee a future of ethnic competition and division.<sup>16</sup> This could well obstruct the evolution of a broader national identity, a sense of civic duty among citizens, a public service ethos among

<sup>15</sup> Thus, for example, the flag of Southern Sudan is currently the SPLM flag.

<sup>16</sup> As Saferworld has been told by stakeholders in Upper Nile, Jonglei and Eastern Equatoria States, and as has been extensively documented and analysed by PACT and the London School of Economics in M Schomerus, T Allen *et al*, 'Southern Sudan at odds with itself' (LSE, 2010).

Government officials and a willingness to co-exist and share resources among communities – evolutions that could all prove crucial in mitigating and preventing conflicts in Southern Sudan.

Returns and new displacements will exacerbate tension over resources. Many people are already gravitating South in anticipation of trouble in border areas. Secession or renewed conflict will bring more, and if the sizeable population of Southern Sudanese residing in the North begin to flee in anticipation of trouble, this will place a strain on a system where resource scarcity is already a problem.

The way oil resources in Southern Sudan have been extracted has had terrible impacts on communities living in oil-producing areas. There are many examples of violent retaliation by these communities against the disruption of their way of life and access to resources. In similar fashion, regional pressure on the GoSS to implement the Jonglei Canal project may prove effective. If it does, this will alter the resources available to the local population, which is likely to lead to conflict if not carefully and consultatively negotiated and agreed.

### **Cultures of violence**

While the analysis so far has identified conflict dynamics in Southern Sudan in the social, political, economic and security domains, it is important to analyse Southern Sudanese culture when considering risks of conflict in coming years. The SPLM/A and broader public mindset is still very militaristic – a tendency which some Southern Sudanese interviewees suggested was in part a legacy of past mobilisation. Thus people were mobilised to struggle, and, depending in part on whether fulfilling roles in a more peaceful society and adequate livelihoods become available and attractive to them, it may therefore be relatively easy for leaders to mobilise support for further struggles in spite of the end of the CPA.

In addition to this, among some ethnic groups in Southern Sudan there is a strong martial culture preparing people (especially males) to demonstrate courage, provide protection to and win resources for the community, from a young age. This is true, for example, among the people of Lafon in Eastern Equatoria as well as among other communities consulted in Torit County.

Possibly corresponding with this, there is among many people in Southern Sudan reluctance to adapt ways of life to take advantage of the new commercial or employment opportunities that are becoming available since the signing of the CPA. This cultural challenge exists alongside other obvious difficulties faced by the public acquiring education, skills, experience and credit, and difficulties for small businesses presented by poor infrastructure and insecurity.

Arms availability makes the consequences of a military mentality more lethal and violence harder to mitigate. It also has other impacts on social structures and relations. For example, the authority of traditional elders has in many places been reduced by the existence of youth with weapons.

Acknowledgement also needs to be made of ideological and belief systems which permeate some areas of Southern Sudan and may influence attitudes and decision-making in relation to potential conflicts in unpredictable ways. The songs of the Nuer prophet Ngundeng are interpreted by many in Southern Sudan as predicting further bloodshed in the process in which a new leader will come to power.<sup>17</sup> Although leaders, officials and citizens are strongly focused on peaceful secession, it maybe that the hardline ideology of figures such as Ali Ghutala remains influential among the population in the South. The influence of such ideological and belief systems may mean that particular sections of the public, army and leadership are more ready for further conflict to guarantee secession or pursue internal objectives than outside observers would assume in analysing their rational/strategic interests.

### **Strategic direction in an independent South**

The SPLM mantra of 'unity through diversity' is a strong positive message that could be very beneficial if pursued in practice in Southern Sudan. However, beyond fulfilment of the CPA and achieving

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<sup>17</sup> One illustration of the prophecies' continuing influence is the return of Ngundeng's *daang* from the UK on 13 July 2009, which was attended by GoSS President Salva Kiir Mayardit and Vice President Dr Riek Machar, along with thousands of Southern Sudanese.

secession, the GoSS will need to work towards a clear vision shared across the political spectrum of a state that is able to build peace, achieve good governance and development. However, it is not necessarily clear what the SPLM will stand for in the post-CPA period. In the past, there have been disagreements within the SPLM over whether it was fighting for secession or national transformation of all of Sudan. For the present, most Southern Sudanese leaders are united for secession, but there are many ties within the SPLM to people who may suffer in Northern Sudan following secession. Previous splits in the movement, most notably in 1991, led to the alienation of Nuer and thousands of deaths.

At present, there remain different leanings within the SPLM, with some favouring authoritarianism, some influenced by communism/socialism and others in favour of democratic transformation, human rights and accommodation between different interest groups. Consensus around a vision for the future that is able to respond strategically and coherently to the conflict dynamics at play in Southern Sudan will be needed from the first day of the foundation of a new state if peace, development and good governance are to be achieved.

### **3. Approach of key actors**

The engagement by regional and global actors and institutions has been an important factor in shaping the conflict dynamics between the parties. There is, however, a conspicuous lack of proportionate international attention and engagement in the North, where future security and stability is just as uncertain as in the South.

At the political level, there has been significant international engagement to encourage a successful conclusion of the CPA process. A presidential statement by the UN Security Council on 16 November 2010 urged the parties to co-operate during the final stages of the CPA, to reach agreement on Abyei and other unresolved post-referendum issues, to refrain from unilateral action and release funds to the Southern Sudan Referendum Commission.

The African Union High-Level Implementation Panel, led by Thabo Mbeki mediated talks in November 2010 between the Government of Sudan and the SPLM which has tried to generate momentum for early settlement of post-referendum issues by the parties.

Likewise, the US has sought to encourage co-operation between the parties over the final stages of the CPA process. Should the Government of Sudan fulfil its obligations under the CPA, the US has offered to remove Sudan from its list of states that sponsor terrorism by July 2011. Many other governments are following the developments in Sudan closely at present and are working to encourage successful conclusion of the CPA process.

The EU has been an important actor with political, relief and development aspects to its engagement. In August 2010, it appointed a Special Representative, Rosalind Marsden, former UK ambassador to Sudan. In terms of its political engagement, in recent years the EU's focus has been to support the CPA process with an emphasis on assisting governance reforms. In the immediate term, this is reflected in the EU's support to a peaceful referendum process in the South, including through registration monitoring and security provision. It is also supporting UN contingency planning, and considering ways it could support the work of UNMIS throughout the referendum period.

In the longer term, with the possibility of Southern secession drawing close, the EU's strategy is focused on encouraging good neighbourly relations between the North and South. At the same time, it is considering carefully how best it can underpin stability and statebuilding processes in a future independent Southern Sudan. The EU sacrificed political leverage with its public support for the ICC arrest warrant for President Bashir, and has been seen as more important for its significant humanitarian and development assistance than for any role as a political mediator.

As a relief and development actor, the EU is a major actor. It has delivered €650 million of development assistance since 2005, and €776 million in humanitarian aid since 2003. The EU does need as a priority to align its aid and development work better under a new, long term strategy for supporting peace and development in Sudan, to replace the most recent Country Strategy paper

(originally intended to cover the period 2005-2007). The most recent strategy focuses EU development assistance on the education and food security sectors, but areas in which the EU has provided assistance include rehabilitation and recovery of war-affected communities and infrastructure, support to CPA implementation, capacity development for non-state actors and public administrations, health, rule of law, media and human rights programmes. The EU has also provided financial support for better aid co-ordination and management, as well as being active in encouraging the Government of Southern Sudan to identify a comprehensive vision for the post-CPA period, and encourage co-ordinated donor support to this.

Aside from international engagement in support of peace, military co-operation by a range of actors has important implications for the balance of power between the parties. China, Russia, Iran and Belarus are thought to be among the sources of weaponry acquired in recent years by the Government of Sudan.<sup>18</sup> Arms procurement by the GoSS is less easy to determine but may have been facilitated by Kenya and Ethiopia, alongside military advice from the US and the UK.<sup>19</sup> At the same time, Chad backs armed groups in Darfur, and Eritrea has been accused of doing the same.<sup>20</sup>

The influence of regional powers on conflict in Sudan has been complex and important, and suggests the critical importance of their constructive engagement in the months and years ahead. Ethiopia has shifted its approach to the parties several times since the 1980s, making its approach potentially complex and hard to predict. Concern over management of Nile waters by an independent Southern Sudan is the primary issue on the Egyptian agenda. Egypt has allegedly opposed secession of Southern Sudan as well as proposed a further delay of the referendum by six years through diplomatic channels.<sup>21</sup> Kenya, Uganda and Ethiopia are likely to be concerned by the precedent of secession, but at the same time attracted by the economic opportunities available within a new Southern Sudanese state. This factor could attract them towards supporting peace and stability, but on the other hand, if internal divisions emerge in the South, economic interests may lead neighbouring governments to try to influence outcome of any power struggle in alliance with different actors. In the context of any deterioration into serious conflict or ungovernability, the track record of violence being used by all Southern Sudan's neighbours to pursue political objectives should be cause for concern.

The role of China is an important dynamic, not least because Chinese companies hold the largest stakes in Sudan's oil industry (in which India and Malaysia and European firms also have interests), and China also has the significant influence conferred by its permanent membership of the UN Security Council. As with other external actors, Beijing's position on the referendum has been to support the CPA's aim to make unity attractive. However, China officially states that it will recognise the outcome of a credible referendum. While Beijing maintained close political, economic and military relations with Khartoum during the 20-year conflict, it has also recently established ties with GoSS. In the past, Beijing saw the SPLM as a rebel group and, even after the signing of the CPA, its engagement with the South was conducted via Khartoum. However, in 2008, Beijing established a consulate in Juba, and has encouraged a number of Southern Sudanese leaders and officials to visit China. This illustrates the adjustment of China to changing realities on the ground, especially considering that a large amount of Chinese oil investments are in areas that may come more directly under control of the GoSS should the South secede.<sup>22</sup>

Currently, China's diplomatic engagement on the referenda processes is limited and Beijing is reluctant to play a pro-active or visibly high profile role. Instead officials refer to regional organisations (IGAD and the AU) and the UN Security Council (UNSC) as holding primary responsibility and being best placed to mediate between parties. At the UNSC, Beijing has previously argued that changes to UNMIS's mandate must be consented to by Khartoum, meaning that it may object to a stronger mandate developing. However, Beijing's UNSC positions are also heavily informed by those of African regional bodies, meaning that it may follow their lead if they call for a more active role for UNMIS. While China maintains a 'wait and see' position, if it feels compelled by international

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<sup>18</sup> P Wezeman, *op cit*, p.62.

<sup>19</sup> *Ibid.*

<sup>20</sup> *Ibid.*

<sup>21</sup> Reuters, 'Egypt pressed for delay in Sudan referendum: leak', 3 December 2010, available at: <<http://www.reuters.com/article/idUSTRE6B22VB20101203>>

<sup>22</sup> Dan Large (2009) 'China's Sudan Engagement: Changing Northern and Southern Political Trajectories in Peace and War' in *China Quarterly* 199, pp 610–626.

pressure or by threats to its own interests in the face of an outbreak of conflict, it may start to take a more pro-active but low-profile role, including pushing Khartoum to accept the demands of the international community and regional actors.

China will continue to develop political relations with GoSS and is likely seek to provide infrastructure and economic assistance to cement ties and safeguard resource access. As China conducts such engagement according to the principle of non-interference (and thus without seeking to encourage internal political reform), its position as an alternative partner to the SPLM is likely to undermine the leverage of traditional donors seeking to encourage shifts to good governance, democracy and human rights fulfilment through their own aid and diplomacy.

A key component of international support and assistance to Sudan has been UNMIS. UNMIS has a strength of 9,948 military and 634 police personnel, with an annual budget of \$938 million.<sup>23</sup> Its mandate includes protection of refugees, displaced persons, returnees, and other civilians, UN staff and aid agencies, including from militias and armed groups, supporting refugee/Internally Displaced Persons (IDP) returns and demining processes, and supporting implementation of referenda and other CPA provisions including disarmament, demobilisation and reintegration (DDR).<sup>24</sup> It is complemented by the presence and activities of a number of other UN agencies, as well as by The African Union/United Nations Hybrid Operation in Darfur (UNAMID).

UNMIS provides vital support and co-ordination functions in a number of areas. Its actions have been seen as crucial in support of stability, including assisting in the conduct of elections in 2010. However, it has been described as struggling with several key challenges, including: lack of a clear mandate, delays in getting established cumbersome management structures, co-ordination fatigue, incoherence between mission functions and between its civilian and military elements, and inability to focus effectively on priorities including the failure to protect civilians and deliver results in the areas of SSR and DDR.<sup>25</sup>

In terms of the other assistance being provided to Sudan by the international community, many actors are supporting practical efforts to keep and build peace, support more inclusive and effective statebuilding in Southern and Northern Sudan, and engage in critical relief and development work. ODA to Sudan in 2008 was calculated at 2.38 billion dollars, while the top five development donors to Sudan in the 2007-2008 period were the US, the European Commission, the UK, the Netherlands and Norway.<sup>26</sup>

At the macro-level, aid policy towards Sudan has been criticised in various ways. Although donors are working with GoSS at present to identify a comprehensive strategy for the future, donors have collectively been felt to lack a common vision beyond the CPA. They have also been criticised for engaging too much in long-term capacity building, without delivering a tangible peace dividend in the immediate term. Although there are important efforts to co-ordinate among donors, and to provide assistance through multi-donor mechanisms, they have also been said to lack coherence and complementarity, including between potentially like-minded states (such as EU member states). While humanitarian assistance is needed on an ongoing basis, there has also been criticism of failure to find the right balance relief and sustainable development assistance. Given the strategic vulnerability of North and South Sudan while they continue to rely primarily on oil for revenues, there is an important need for development agencies to focus strategically on promoting more diverse local economies.

In terms of peacebuilding, efforts to focus on inter-tribal conflicts and the proliferation of peace conferences and the way these have been implemented have been felt to be misplaced, especially in cases where broader/different issues were underlying the conflicts than the participants in such

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<sup>23</sup> Security Council Report, 'November 2010, Sudan', available at:

<[http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.6355229/k.F05/November\\_2010brSudan.htm](http://www.securitycouncilreport.org/site/c.gIKWLeMTIsG/b.6355229/k.F05/November_2010brSudan.htm)>

<sup>24</sup> UN Security Council, 'Resolution 1919 (2010)', 29 April 2010 available at: <<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/335/77/PDF/N1033577.pdf?OpenElement>>

<sup>25</sup> P Schumann, 'International Actors in Sudan: The Politics of Implementing Comprehensive Peace', in Henrik Boll Stiftung, 'Sudan: No easy Ways Ahead' (Berlin, 2010), pp.102-114. Author is former Coordinator and Representative of UNMIS in Southern Sudan.

<sup>26</sup> See OECD/World Bank, 'Sudan' [development statistics summary], available at <<http://www.oecd.org/dataoecd/63/52/1878796.gif>>

conferences have had capacities to address.

There are significant efforts to support security sector reform (SSR) and disarmament, demobilisation and reintegration (DDR). This has included engagement by a number of donors to support development of the SSPS. At the same time, notwithstanding increasing, worthy efforts by the International Labour Organisation (ILO), UNDP and others to build capacity, in general, work on justice and prison development has been insufficient.

There are also concerns about whether the various programmes underway in the security and justice sectors are working towards the same goal. Thus, for some actors, engaging in SSR in Southern Sudan needs to include development of combat and intelligence skills. While the idea of seeking to build a military balance between CPA parties in support of peace may underlie such approaches, it is questionable how much this less visible area of assistance reflects the need to ensure civilian oversight, accountability, and adherence to international humanitarian and human rights law. In line with the analysis offered above, it will also be important to consider carefully how to support the development of a professional military for a future Southern Sudanese state without encouraging a military/authoritarian approach to governance in future years.

There has also been criticism of programmes that pursue a template approach without due reference to the context. In particular, expensive efforts to support DDR in Sudan are viewed by many stakeholders interviewed as having been flawed in a variety of ways. It has been argued that these did not take sufficient account of a context in which the CPA parties have been strengthening their militaries to stave off the threat of further civil war. Co-operation between international agencies working on DDR and with other programmes has also been challenging. Interviewees for this study stated that DDR programmes had pursued demobilisation processes that were felt by many SPLA ex-combatants to be perfunctory given the option available to most of returning to mostly welcoming communities and drawing a continued salary and pension. Suitable reintegration packages that are attractive in comparison to remaining on military payrolls or effective in preventing child soldiers from retaining links to the SPLA were also asserted by interviewees not to have been successfully provided. Other analysis has criticised the failure of DDR efforts to build a conducive socio-economic environment for reintegration in receiving communities and link reintegration to broader economic development processes.

The above points on SSR and DDR suggest that, following the likely secession of Southern Sudan, a national vision of SSR based on understanding of existing institutions, stakeholder perceptions and public interests will need to be developed by GoSS as soon as possible, in support of which donors are able to work over the long term in strategically complementary ways.

It is also worth highlighting here some general points about gaps in terms of the conflict-sensitive of aid delivery, particularly relevant in Southern Sudan. Firstly, development efforts have too often failed to make the maximum possible use of local labour and resources. This is a missed opportunity to support development of very weak local economies and provide skills, experience and income to Southern Sudanese people.

Secondly, aid may be focused too much on working with leaders and elites from the centre, but perhaps has not engaged sufficiently with those less easy to consult, reach with services and involve in decision-making processes outside of Juba and state capitals. The balance needs to be corrected to support the growth of public demand for more responsive, effective and accountable government. Progress needs urgently to be made in ensuring a greater proportion of resources actually reaches communities beyond Juba and state capitals.

A third point is that aid activities in some cases risk distorting or ignoring local priorities and processes. For example, aid agencies should in some instances consider more carefully how stakeholder relations are affected by aid agencies' decisions about who to engage with. For example, in some areas, cultural/traditional leaders are not the same people as those officially appointed/recognised as formal 'local leaders'. Aid agencies should be careful about legitimising one set of representatives where they may be in dispute with others.

A fourth point is that many agencies struggle to achieve continuity of staff in Sudan, which affects

institutional memory, depth of knowledge of the context as well as capacity to engage consistently and sensitively – including in areas where engagement with complex political/conflict dynamics is required.

A fifth point is that local civil society is finding it difficult to access donor resources. Even when supported through international non-governmental organisations (INGOs), civil society organisations (CSOs) have generally been instrumentalised as service providers rather than developing and pursuing their own independent programmes. This does not lend itself to development of plural local voices helping to shape and peaceful and well-governed state. Donors do need to avoid engagement with unscrupulous local organisations, but at the same time could make their funds more easily accessible to those who want to develop local CSOs, who often require small inputs to sustain themselves in comparison to the costs absorbed by international agencies' personnel and operations.

Finally, in some but not all cases, agencies have been said to lack a sustainable approach, and therefore require an exit strategy that involves helping communities and government plan and achieve development together.

**For further information contact Larry Attree, Conflict Prevention Advisor**  
**[Lattree@saferworld.org.uk](mailto:Lattree@saferworld.org.uk)**