Sudan's 2011 Referendum on Southern Secession

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Abstract

The Comprehensive Peace Agreement (CPA), signed in 2005 by the incumbent National Congress Party (NCP) and the rebel Sudan People's Liberation Movement (SPLM), brought to an end more than two decades of civil war in Sudan. The holding of a referendum on the issue of southern secession was the last key provision of the CPA. It was hoped that the CPA would be the catalyst for internal change; bringing greater political and economic power to the marginalized peripheries, thereby demonstrating to the southern Sudanese the possibilities of continued unity. However, after delays, disputes and ongoing violence, the southern Sudanese voted overwhelmingly in favor of secession. The NCP and the SPLM must now resolve a number of complex post-referendum issues, including the sharing of oil revenues and status of Abyei. Considering the difficult NCP-SPLM relationship prior to the referendum it remains to be seen whether the two parties can address these issues ahead of the South's independence in July 2011.

1.   Introduction

From 9 January to 15 January 2011 the people of southern Sudan voted in a referendum to determine whether the South is to secede from the North and become an independent state. The referendum marks the culmination of six years of the Comprehensive Peace Agreement (CPA). The CPA, signed on the 9 January 2005 by the ruling National Congress Party (NCP) and the primary opposition group in the South, the Sudan People's Liberation Movement (SPLM), brought to an end more than two decades of civil war in Sudan. With the creation of the Government of National Unity (GONU) and the Government of Southern Sudan (GOSS), the CPA provided a formula for a power sharing partnership between the NCP and the SPLM. Key features of the CPA included: the sharing of oil revenues between the GONU and the GOSS, the demarcation of the North–South border, the completion of a national census, national elections, and a referendum on the issue of southern secession (Johnson, 2007: xviii). Over a six-year interim period, the CPA was designed to achieve a more equitable division of political and economic power in the hope that the southern Sudanese would vote for unity and not separation (Thomas, 2010: 5).

On the eve of the referendum much of the optimism that accompanied the signing of the CPA had dissipated. Since the death of John Garang (Commander-in-Chief of the SPLM/A since 1983) in 2005 the aim of establishing a united 'New Sudan' gradually faded from the SPLM's agenda and the party increasingly focused on ensuring that the referendum was delivered as scheduled by the CPA. For its part, the NCP, fearful of the political and economic consequences of southern secession, sought to delay the implementation of the CPA in an attempt to ensure the regime's survival beyond the referendum (International Crisis Group, 2010: 1-2). Khartoum's attempts to disrupt the implementation of the agreement led to a series of disputes between the NCP and the SPLM which, at times, threatened to derail the CPA entirely. Disagreements over the demarcation of the North-South border, revenue sharing, the status of Abyei, and the census, slowed the implementation of the CPA, eroding trust and heightening tensions between the NCP and the SPLM (Thomas, 2009: 10). Consequently, as the referendum drew ever closer, relations between the SPLM and the NCP became increasingly hostile; public statements became

more confrontational and negotiations on post-referendum issues were delayed as both parties engaged in dangerous game of brinkmanship (Verjee, 2010: 5). The fractious nature of the NCP-SPLM relationship meant that all but a few southerners expected independence and many northerners were resigned to, or even supportive of, separation (De Waal, 2009: 21; Thomas, 2009: 10).

This paper examines some of the issues that confronted the NCP and the SPLM prior to the January referendum. Then, in view of events in Sudan since the signing of the CPA in 2005, it addresses some of the challenges that are yet to be resolved ahead the South's independence in July 2011. These include: the sharing of oil revenues, arrangements on citizenship and nationality, the resolution of ongoing conflict in South Sudan, the holding of 'Popular Consultations' in Blue Nile and South Kordofan, and the future status of Abyei.

2.   The Referendum Law

In 2009 Sudan's National Assembly passed the Southern Sudan Referendum Act (SSRA). The referendum law was scheduled to be enacted by 2008 but, like so many other aspects of the CPA, the SSRA was subject to a series of delays and disputes (Government of Republic of Sudan and Sudan People's Liberation Movement, 2005: 142; Democracy International Reporting, 2010: 6). The SPLM, concerned that the South's right to self-determination could be held hostage to other political arrangements, insisted that a procedural bill for the referendum be enacted as a precondition for political progress on other issues, while the NCP sought to stymie negotiations in an attempt to disrupt the process and exact concessions (Thomas, 2010: 18). One of the key areas of disagreement was the issue of whether a simple or a qualified majority would be required in order for secession to take place. The NCP initially proposed a super-majority to pass the secession vote: 75 per cent of all voters on a 75 per cent turnout. In response the SPLM argued for a simple majority in both the turnout and in the vote (Thomas, 2010: 18). In the end a compromise was agreed, with the SSRA requiring a simple majority vote on a turnout of 60 cent. If the turnout requirement was not met then the referendum would be repeated within 60 days (Government of National Unity, 2009: 23).

Although it is not unusual for referendum laws to specify a minimum turnout requirement, some observers warned that Sudan's turnout requirement might prove problematic (Democracy International Reporting, 2010: 7-8). There were concerns the requirement could encourage those voters, who wanted the referendum on southern secession to be defeated, to boycott the poll. It was also feared that security, administrative, and logistical issues could undermine both the registration and the polling process, thereby preventing eligible voters from participating in the referendum – as was the case during the 2010 national elections (Verjee, 2010a). In addition to these concerns, where there is a minimum turnout requirement, determining who is eligible to vote becomes as important as the polling itself (Verjee, 2010a: 21-3). After all, self-determination is as much about 'peoples having the right to decide who they are' as it is about determining the political structures that will govern their lives (Thomas, 2010: 19). However, in a referendum on the issue of secession, which involves numerous ethnic and regional identities, it is a state body which determines who is eligible to vote. As a result, there were fears that the process of defining voter eligibility could become politicized, particularly among the migrant and displaced communities in northern Sudan (Thomas, 2010: 19).

According to the SSRA, in order to register, voters were required to meet the following conditions:

1. Born to parents both or either of whom belongs to any of the indigenous communities residing in Southern Sudan on or before the 1st of January 1956, or whose ancestry is traceable to one of the ethnic communities in Southern Sudan, or,
2. Permanently residing, without interruption, or whose parents or grandparents are residing permanently, without interruption, in Southern Sudan since 1 January 1956 (SSRC, 2010: 14).

The eligibility criteria, in recognition of the widespread displacement that occurred during the civil war, were made purposefully broad so as to include southern Sudanese resident in South Sudan, North Sudan, and outside of Sudan (Carter Center, 2011: 4). Such broad

criteria, however, resulted in an ambiguity since the SSRA does not define what constitutes an ethnic or an indigenous community. To overcome this it was suggested that a list of southern ethnic communities eligible to participate in the referendum should be agreed upon. This proposal was rejected by the Southern Sudan Referendum Commission (SSRC) – the organization mandated by the SSRA to oversee the administration of the referendum (Verjee, 2010a: 22). The SSRC's refusal to compile a list of ethnic groups eligible to participate in the referendum was an astute decision. In a region where inter-ethnic violence has been ongoing, in spite of the CPA, defining eligibility to participate in the referendum on the basis of membership to an ethnic group could have had a divisive impact upon the communities of southern Sudan (Verjee, 2010a: 22). Moreover, not only would it have been difficult to agree upon a definition of an ethnic group but even if such a list were complied authenticating an individual's claim to membership of an ethnic group would have been equally problematic – again particularly among the migrant and displaced communities in northern Sudan (Verjee, 2010a: 22; Thomas, 2010: 19).

3. Voter Registration

The SSRC's decision not to present a stricter, or narrower, definition of those groups eligible to participate in the referendum meant that, ultimately, it was left to officials at voter registration centers to decide whether an individual was entitled to vote in the referendum (Carter Center, 2011: 5). In this way, although the SSRC avoided the problems that might have arisen as a result of including or excluding individuals on the basis of ethnicity, the Commission risked repeating the mistakes that had undermined the registration process for the 2010 national elections, where different practices in different areas resulted in confusion, irregularities, and discrepancies (Carter Center, 2010b: 24-6; Verjee, 2010a: 23).

The registration process for the 2010 elections, which was regarded as a rehearsal for the referendum, was widely criticized. The National Elections Commission (NEC) reported that out of an estimated electorate of 20.7 million approximately 16.4 million people registered to vote (National Elections Commission, 2009; Carter Center, 2010b: 24). Although the NEC achieved its overall target of registering 80 per cent of the electorate, in some states there were significant discrepancies between the population data collected as part of the 2008

census and the number of voters registered (Carter Center, 2010b: 24). In Unity and Eastern Equatoria states 190 per cent and 141 per cent of the total population counted in the census were registered to vote, while in Jonglei state only 82 per cent were registered (Verjee, 2010a: 41). 'One or both figures', as Aly Verjee points out, 'must … have been inaccurate.' (Verjee, 2010a: 40). The census was arguably inaccurate in parts of southern Sudan, but, according to observers' reports, voter registration was equally flawed. Officials' efforts were hampered by inadequate training, logistical and security difficulties, shortages of registration materials, and a lack of voter education. A Carter Center report, for example, noted that registration officials often 'verified neither registrants' age, nationality, or duration of residence, nor whether individuals had registered earlier elsewhere' (Carter Center, 2010b: 26). The combination of technical, administrative, and logistical issues meant that there was insufficient time to conduct a thorough audit of the voter lists. When it came to polling, some voters were disenfranchised as they were either not registered, registered in the wrong constituency, or they were unsure of where they were supposed to vote (Verjee, 2010a: 41).

With registration due to take place in both southern Sudan and northern Sudan, as well as overseas, analysts warned that the registration for the referendum was likely to be as flawed as the process for the elections. In practice registration for the referendum was less contentious than many observers anticipated (Verjee, 2010b: 1). The Carter Center noted some difficulties but it concluded that these issues 'did not fundamentally undermine the success of the process' and that overall registration was 'generally credible' (Carter Center, 2011: 8). Some confusion regarding the implementation of the eligibility criteria was reported. This resulted in the subjective application of the eligibility criteria by registration officials, particularly with regard to migratory peoples, persons with only one parent from the South, and southerners living in and around Khartoum (Carter Center, 2011: 8). However, by suspending the formal identification process as stipulated in the SSRA and by extending the 17 day registration period by one week, until 8 December, registration was, generally speaking, an inclusive process. According to the SSRC, 3,947,676 people registered to vote in the referendum with 3,770,600 people registered in the South, and 177,076 people registered in the North and in the eight Out-of-Country Voting (OCV) locations

(South Sudan Referendum Commission 2011: 2). Therefore, in order to meet the 60 per cent turnout threshold set by the SSRA, 2,368,605 people needed to vote during the polling period.

4. Polling

Polling began as scheduled on 9 January and finished on 15 January. In the South some voters started queuing overnight in order to be able to cast their vote when the polling stations opened at 8 am. The southern Sudanese' determination to participate in the referendum process resulted in an overwhelming turnout, especially during the first two days, when there were reports of very long, slow moving queues, particularly in the urban areas. Most voters expressed their excitement and determination to vote rather than frustration with the long wait (Xan Rice, 2011; Morri Francis, 2011). In northern Sudan the atmosphere was more subdued with a significantly lower percentage of the registered population casting their vote (Carter Center, 2011: 12-13). There were a number of reasons for this. One report noted that the transportation that had been provided during the registration process was not available during the voting period while some southerners, who lived and registered to vote in the North, were in the process of returning to the South in anticipation of secession. Other southerners, who had opted to remain in the North, expressed anxieties about potential security issues at polling stations and, as a result, had chosen not to vote (Carter Center, 2011: 13-14). Carter Center officials recorded 'disproportionate numbers of security officials' outside polling stations in both northern and southern Sudan (Carter Center, 2011: 13-14). However, in spite of concerns about voter intimidation and a repetition of the administrative issues that had undermined the 2010 national elections, it would appear that the vast majority of eligible voters were able to participate in the referendum.

5. Referendum Result

The Southern Sudanese' enthusiasm for the referendum was reflected in the referendum results. Preliminary results released on 2 February, which were later confirmed on 7 February, indicated that 3,851,994 people had cast their vote during the polling period. This

put the turnout at 97.85 per cent, which was easily in excess of the 60 per cent threshold required for the referendum to be valid. Out of the 3,770,600 voters registered in the South 3,697,467 (97.57 per cent) voted for secession with 16,129 (0.43 per cent) voting for unity (South Sudan Referendum Commission, 2011: 2). In the North, perhaps reflecting the uncertain atmosphere, the turnout figures were lower. 69,597 voters, approximately 60 per cent of the electorate, cast their ballots. Of these voters 27,918 (42.35 per cent) voted for unity, while 38,003 (57.65 per cent) voted for secession. In the OCV stations, 57,889 voters participated, with 57,048 (98.55 per cent) voting for secession and 841 (1.45 per cent) voting for unity (South Sudan Referendum Commission, 2011: 16). In total 3,792,518 people (98.83 per cent) voted in favor of secession (South Sudan Referendum Commission, 2011: 2).

6.   Post-Referendum Issues

In late 2010, with attention focused on the administration of the referendum, NCP–SPLM negotiations on a range of post-referendum issues stalled, as both parties attempted to extract last minutes concessions from the opposing side (International Crisis Group, 2010: 1-9). As a result, a number of significant, and potentially contentious, post-referendum issues are yet to be resolved. These include: future arrangements on citizenship and nationality status, revenue sharing, sovereign debt, the demarcation of the North-South border, and the status of Abyei (International Crisis Group, 2010: 1). The NCP and the SPLM have until 9 July 2011 to reach an agreement, after this date the CPA will expire and the South will become an independent state. Although Omar al-Bashir, the Sudanese president, has stated that he will recognize the legitimacy of the referendum result and is 'resolved to reach agreement' on post-referendum issues 'before the end of the transitional period' (Sudan Tribune, 2011a), the difficult nature of the NCP–SPLM relationship since the signing of the CPA in 2005 would suggest that a swift resolution of these complex issues will not be easy.

6.1   Wealth Sharing

The sharing of oil revenues is likely to be one the most difficult issues to resolve, as the matter is closely linked to other post-referendum matters such as border demarcation and

the status of Abyei (Wolff, 2011). Under the terms of the CPA oil revenues are shared equally between the GONU and the GOSS. However, the SPLM has often complained that it has not received an equal share – a claim supported by Global Witness, which has reported discrepancies in the production figures published by China National Petroleum Company (CNPC), Sudan's largest oil industry partner, and the data published by the GONU (Global Witness, 2009: 6-9). Although such accusations have helped to fuel mistrust between the NCP and SPLM each party is dependent upon the other. Approximately 75 per cent of Sudan's proven oil reserves are located in the South but the only export route is a pipeline through the North (Patey, 2010). Moreover, in the South 98 per cent of government revenue is derived from oil production, while in the North oil accounts for approximately 60 per cent of government revenue (Global Witness, 2009: 7; Global Witness, 2010: 24). In view of the current production arrangements and with both governments heavily dependent upon oil, agreeing a post-referendum formula for revenue sharing would help to reduce tension between the NCP and SPLM and would provide both parties with a stake in continued dialogue over other post-referendum issues (Voeherven and Patey, 2010).

Such an agreement would only be a short-term solution to the two governments' dependency on oil revenues. The Sudanese Oil Ministry estimates that Sudan's reserves are only sufficient to sustain commercial production for the next decade, while other reports have predicted that output levels will decline from 2012-13 onwards (Voeherven and Patey, 2010). Diminishing oil reserves could undermine the viability of an independent state in South Sudan, where ninety percent of the southern Sudanese live on less than a dollar a day, in a region where even the most basic infrastructure is lacking (Global Witness, 2009: 16-17; United Nations Mission in Sudan, 2010: 1). The CPA's wealth sharing arrangements have provided the GOSS with a large annual budget which has increased from approximately $800 million in 2005 to approximately $1.7 billion in 2010 (Thomas, 2009: 27; Government of Southern Sudan, 2010: 2). This should have provided the GOSS with sufficient revenue to begin the process of creating a broad-based economy but since the signing of the CPA expenditure has been unbalanced, with spending on security and government salaries rising sharply (World Bank, 2007: 67-74). In 2007, out of a total budget of approximately US$1.5 billion, 30 per cent was spent on security, in contrast, the same

amount was spent on education, health, and infrastructure combined (Thomas, 2009: 27; Government of Southern Sudan, 2007: 11). The prospect of independence has raised the hopes of the southern Sudanese but unless there is a more equitable division of government spending the SPLM could be confronted with popular opposition if the jobs and infrastructure do not materialize.

The economic situation confronting the NCP in the North is similar to but perhaps not as stark as the one facing the SPLM in the South. According to the World Bank, Sudan's economy, as measured by nominal gross national product, has grown fivefold between 1999 and 2008 (World Bank, 2009: 1). The pattern of economic growth, however, has been uneven. While some regions, such as Darfur, remain underdeveloped, other areas, in particular Khartoum, have enjoyed considerable improvements to social and physical infrastructure (World Bank, 2009: 5). The expansion of the road network, improvements in electricity generation, and the development of social services have enabled the NCP to cultivate political support within the central region of northern Sudan (de Waal, 2010: 17). The success of this policy was underlined during the 2010 national elections when al-Bashir achieved a comfortable victory in the presidential elections and the NCP increased its representation in the National Assembly (Curless, 2010: 6-10). In addition to consolidating political support, the NCP's investment strategy has also been part of the regime's attempts to prepare for a post-oil economy. Between 2005 and 2008 as much as 80 percent of public investment was allocated to irrigation, transportation, and energy, and in 2011 the NCP has stated that it hopes to attract up to $3 billion in foreign investment for non-oil industries (World Bank, 2009: 115; Sudan Tribune, 2010d). These policies are part of the NCP's strategy of developing Sudan's considerable agricultural resources, as the regime aims to reduce its dependence upon oil and thereby lessen the impact of southern secession (Verhoeven, 2011; de Waal, 2010: 17).

Although the long-term outlook is more positive in the North than in the South, in the short-term, the NCP is confronted with a number of economic problems. Since the global economic crisis, when the price of oil fell from a high of approximately $100 per barrel in 2008 to approximately $60 per barrel in 2009, the Sudanese economy, which had enjoyed

an average annual GDP growth rate of 7 to 8 per cent between 2000-8, has grown at a much slower rate, with GDP growth declining to 4.2 per cent in 2009 and 5.5 per cent in 2010 (World Bank, 2009: 25-7; International Monetary Fund, 2010: 87). During the boom years the oil exports generated a foreign exchange windfall, which, in turn, fuelled an increase in demand for imports. The decline in export earnings means there is now much less foreign exchange available to meet the cost of imports. An IMF report recorded a sharp decline in the currency reserves held by the Sudanese central bank from $1.58 billion in 2006 to $390 million in 2009 – sufficient to cover two weeks' worth of imports (IMF, 2009). In late 2010, in an effort to alleviate concerns about Sudan's capacity to meet the cost of its import bill, the central bank introduced a series of measures in the hope of stabilizing the Sudanese pound and rebuilding foreign currency reserves (Sudan Tribune, 2010a). The success of these measures has been limited. In January 2011, just days after the annual budget was announced and with reports indicating that inflation could reach 14 per cent in the next twelve months, the National Assembly was forced to pass a number of additional austerity measures in an effort to curb imports and reduce government subsidies on basic commodities (Sudan Tribune, 2011b). Such measures may help to stabilize the economy but the combination of rising prices, continuing restrictions on political freedoms, and dissatisfaction with the NCP for its part in the breakup of the country, could add momentum to the popular protest movement, which has already staged some demonstrations in northern Sudan.

6.2   Citizenship and Political Reform

Some observers have suggested that when the South secedes the NCP could re-adopt the Islamist agenda it had previously abandoned (Verhoeven, 2011). With as many as one and half million southerners living in Khartoum such a move would be interpreted as an attempt to strip these people of their citizenship status. Prior to the referendum senior NCP officials issued a number of inflammatory statements (Verhoeven, 2011). The National Assembly Speaker, Ahmed Ibrahim al-Tahir, claimed southerners would be 'second class citizens' in the North while Kamal Obeid, the Information Minister, announced publically: 'They will not enjoy citizenship rights, jobs or benefits, they will not be allowed to buy or sell in Khartoum

market and they will not treated in hospitals' (The Citizen, 2010; Sudan Tribune, 2010b). Similarly on 19 December al-Bashir rejected the current constitution's recognition of Sudan's multi-ethnic and multi-religious status, instead insisting that in the event of southern secession 'Shari'a will be the main source for lawmaking … and Arabic language will [be] the official language of the state' (Sudan Tribune, 2010e).

While such rhetoric might appease the conservative elements within the NCP, any attempt to return to the Islamist agenda of the 1990s would risk not only jeopardizing post-referendum negotiations with the SPLM but would only serve to further alienate the moderate northern political opposition (Verhoeven, 2011). Such a move would also undermine the regime's efforts to normalize relations with the West, particularly the United States, which has indicated a willingness to offer certain incentives, including debt relief and the lifting of economic sanctions, providing the NCP continues to support the referendum process and remains engaged in the Darfur peace talks (International Crisis Group, 2010: 6). The NCP's need for political stability has become even more important in the wake of events elsewhere in the Middle East and North Africa. Although some popular demonstrations have been suppressed by the security forces, the NCP, mindful of aggrieved political forces coalescing in an alliance against the regime, has demonstrated a willingness to enter into dialogue with the northern political parties and has even indicated al-Bashir will not stand for re-election in 2015 (Sudan Tribune, 2011d; Sudan Tribune, 2011e). Once the current political tension subsides the NCP may well renege on these concessions but the move to introduce selective political reforms suggests that Khartoum is cognizant of the need for political stability – particularly if the regime is to attract the foreign investment it requires to create a broad-based economy (Patey, 2010; Xan Rice, 2011b; Verhoeven, 2011).

6.3   Conflict within South Sudan

South Sudan has its own internal political problems. In spite of the near-unanimity of the pro-independence vote, the SPLM faces a range of pressures, including political division, persistent inter-communal violence linked to the history of the war, and the presence of armed militia groups, such as the Lord's Resistance Army (LRA), which continue to operate

within the South (Wolff, 2010; Small Arms Survey, 2009: 1). Quantifying ongoing armed conflict is difficult but reports indicate that in some parts of South Sudan the security situation has been deteriorating over the past two years (McEvoy and LeBrun, 2010: 18). In 2009 inter-communal violence and LRA attacks killed an estimated 2,500 people and displaced another 350,000, nearly twice as many in comparison with 2008 (United Nations: Office for the Coordination of Humanitarian Affairs, 2010a: 108; International Crisis Group, 2009: 1). The security situation was no better in 2010, when it was estimated that more than 900 people were killed and approximately 215,000 displaced as a result of armed conflict (United Nations Office for the Coordination of Humanitarian Affairs, 2010b).

The causes of the ongoing violence are manifold and are often related to local issues. Nevertheless some general points may be made. Since the signing of the CPA, preoccupied with the referendum and concerned about the possibility of renewed war with the North, the SPLM's security strategy has focused on defending the North–South border and other key strategic positions. This strategy requires considerable resources and has therefore limited the SPLM's ability to address ongoing security problems within the South, where the basic infrastructure and enforcement capacity necessary for the provision of civil security are still developing (Small Arms Survey, 2009: 1). The nascent Southern Sudan Police Service, for example, numbers about 28,000 but most of its members are untrained, irregularly paid, and have little or no equipment (International Crisis Group, 2009: 19). Consequently, much of the worst violence has occurred in remote areas, where the GOSS has little or no presence. Here communities, competing over the scarce resources and unable to rely upon the state to provide security, are resorting to violence in order to protect livelihoods (McEvoy and LeBrun, 2010: 18).

6.4   Other Armed Groups (OAGS)

The security situation has been exacerbated by the continuing presence of armed militia groups. During the civil war the number of armed groups in southern Sudan proliferated, especially after the 1991 split within the SPLM, when a group of senior commanders, disillusioned with Garang and his support for a united 'New Sudan', defected (Johnson,

1998: 62-5). Khartoum exploited the divisions within the SPLM by supplying arms and ammunition to the various southern militias (McEvoy and LeBrun, 2010: 13). In 1997 a number of the government backed militias signed the Khartoum Peace Agreement, which resulted in the formation of the South Sudan Defence Forces (SSDF). Although the SSDF militias proved to be a loose coalition, whose loyalty to Khartoum was often in flux, they were strategically valuable. The militias provided protection for the Sudan Armed Forces (SAF) garrison towns in the South and, with support from SAF helicopter gunships, they facilitated the 'clearing' of the southern oil fields of local inhabitants. It was during this time that some of the worst atrocities of the war occurred. In Unity state, fighting for control of the oil fields between forces loyal to Riek Machar and Paulino Matiep, who were both backed by Khartoum, resulted in mass displacement, the misappropriation of food aid, and the deliberate targeting of civilians (Johnson, 2007: 123-6). In short, Khartoum's strategy of 'divide and rule' exacerbated inter-communal tensions within the South; thereby adding a further twist to the spiral of insecurity (Johnson, 2007: 127).

By the time the CPA was signed in 2005, the SSDF militias posed a significant threat to the SPLM. Comprising of 30 different militias, with between 10,000 and 30,000 soldiers, the SSDF controlled parts of Upper Nile, Northern and Western Bahr el Ghazal, and Eastern Equatoria (Small Arms Survey, 2006: 3; Young, 2006: 19). In spite of their strength, the SSDF, like the political opposition in the North, were excluded from the CPA negotiations. Under the terms of the CPA all militias (referred to in the text as Other Armed Groups (OAGs)), except for the SPLA and the SAF, were outlawed. This meant that the SSDF had to either join the SPLA or the SAF, or become civilians (McEvoy and LeBrun, 2010: 15). This seemed unlikely since negotiations between the SPLM and the southern militias, which began in April 2005, had quickly stalled, as Garang refused to accept a number of key SSDF demands (International Crisis Group, 2006: 12). However, in contrast to Garang, his successor, Salva Kiir, has been more conciliatory and has attempted to reconcile with the SPLM's southern opponents (McEvoy and LeBrun, 2010: 16; Johnson, 2007: xviii). In January 2006 Kiir agreed the Juba Declaration with General Paulino Matiep, Chairman of the SSDF, which provided for the official integration of the SSDF into the SPLA (Young, 2006; Small Arms Survey, 2006).

6.5   Disarmament

Although the majority of SSDF have since integrated into the SPLA a number of militia leaders have refused, including Gordon Kong in Upper Nile state and Gabriel Tang Gatwich Chan in Jonglei (Small Arms Survey, 2006: 5). These remaining SSDF forces are not particularly significant in terms of numbers, it is estimated that Gabriel Tang Gatwich maintains a force of approximately 400, but their continuing presence represents an ongoing threat to the stability of the South (Small Arms Survey, 2006: 5). Fearing that the SSDF, with support from Khartoum, might mobilize resistance among communities with long-standing grievances against the SPLA, the GOSS has carried out a number of disarmament campaigns in the South, notably in Upper Nile and Jonglei states (Arnold, 2007: 32). However, disarmament campaigns in 2005-6 and in 2008 have had limited positive impacts on the security situation. The problem is twofold. Firstly, efforts to disarm communities have been selectively implemented. Some communities have been authorized to maintain weapons, while others have been ordered to disarm. In the latter case this has resulted in some communities perceiving of disarmament as being targeted along ethnic lines; as an attempt to weaken those groups which represent a threat to the SPLM's authority. Secondly, the GoSS has been unable to provide adequate protection to communities. The maintenance of weapons is, as a consequence, regarded by many groups as being crucial to their defense (Small Arms Survey, 2009: 4-5).

During the 2005-6 disarmament campaign the SPLA attempted to disarm the Lou Nuer, who were suspected of having links to the White Army – a coalition of village militias which had emerged during the civil war and had, at times, clashed with the SPLA (Young, 2007: 11-14). Fearing reprisals, a number of the Lou Nuer, allegedly with the support of local SSDF commanders, launched a pre-emptive strike, killing several hundred SPLA soldiers. In response the SPLA pursued the attackers, engaging in a series of running battles. During these skirmishes both sides looted cattle and property from local communities, and the SPLA burned the villages of Karam, Gogoak, and Chuai Dok, which were thought to be the principal centers of resistance. The consequences were widespread food-shortages and civilian displacement. It is estimated that 1,200 White Army and 400 SPLA soldiers were

killed, in addition to at least 213 civilian deaths (Small Arms Survey, 2006-7: 3-4; International Crisis Group, 2009b: 2-3). Although over 3,000 weapons were collected, the Lou Nuer resented not only the violence that accompanied the campaign but also the fact that they were the only community to be disarmed. The perceived vulnerability of the Lou Nuer resulted in the neighboring Murle launching a series of cattle raids. In response the Lou Nuer re-armed and retaliated. This cycle of conflict between the Lou Nuer and the Murle was at its worst in 2009, when clashes in Akobo and Pibor counties resulted in more than 1,000 casualties (International Crisis Group, 2009b: 5). The disarmament campaign of 2005-6 demonstrates that unless groups are disarmed simultaneously and adequate security is provided in the wake of a campaign, the cycle of conflict is likely to continue (International Crisis Group, 2009b: i).

6.6   Post-Referendum Violence

In late 2010, with the referendum approaching, senior SPLM officials once again attempted to neutralize internal dissent and improve security conditions within the South. In October Salva Kiir convened a southern Sudan Political Parties conference, which brought together 24 southern political parties, factions, and militia groups, in an attempt to resolve some of the grievances arising from the April elections (Small Arms Survey, 2011). Key provisions of this reconciliation process include amnesty for a number of the militia groups, including those of George Athor and Gabriel Tang, and arrangements to discuss post-referendum issues such as the formation of an inclusive interim government, the completion of a new census, and the holding of elections (Sudan Tribune, 2010c). While this South-South dialogue is promising, recent events in South Sudan have served as a reminder that political divisions remain strong and that insecurity is a continuing problem.

On 9 and 10 February clashes at Fangak in Jonglei state between the SPLA and soldiers loyal to General George Athor, a renegade SPLA commander, resulted in scores of civilian deaths, with the southern authorities reporting that as many as 200 civilians may have died (Small Arms Survey, 2010a). It is unclear what led to the outbreak of the fighting as both sides have accused each other of instigating the violence. Since the initial confrontation other incidents

of violence have been reported but again the details are unclear (Small Arms Survey, 2010a). Discontent in Jonglei state, arising from the SPLA's failure to resolve the security threat posed by Athor, is mounting. Following the February attacks, local government officials and a GOSS minister, James Kok, accused the SPLA leadership of failing to protect civilians in Fangak (Small Arms Survey, 2010a). There are reports of similar discontent in Fashoda County in Upper Nile state and in Bentiu in Unity State, where insecurity has been violently suppressed by the SPLA. In both instances, rather than restoring security, the SPLA's 'strong-arm approach' has hardened local resistance (Small Arms Survey, 2010b; Small Arms Survey, 2010c). If the security situation in South Sudan does not improve there is risk that the number of militias will multiply as groups seek to protect communities and livelihoods. Such a scenario would exacerbate the security situation and could lead to further political fragmentation at a time when the GOSS is looking to build a sense of national cohesion ahead of independence in July (Small Arms Survey, 2009: 3).

6.7   Popular Consultations

In addition to the referendum on southern secession, the CPA stipulates that 'Popular Consultations' should be held in the states of Blue Nile and Southern Kordofan in order to evaluate the implementation of the CPA (Safer World, 2010). The Popular Consultations are a multi-staged process. In Blue Nile, from 14 January to 2 February 2011, an Assessment and Evaluation Commission, appointed by the state's legislative assembly, investigated issues such as land rights, security, and development (Sudan Tribune, 2011c). A comparable process will happen in South Kordofan after legislative elections in April 2011. Following the completion of their investigations the two commissions will submit their reports to the federal government, who, in turn, will appoint commissions to conduct similar consultations in the two states. If consultations indicate that the CPA has failed to address the peoples' grievances, which is likely to be the case, the two legislative assemblies should then engage in dialogue with the central government in an attempt to address these outstanding issues (Safer World, 2010). The way in which Khartoum responds to the demands of the citizens of Blue Nile and South Kordofan will be a significant indication of how, and if, the NCP intends to increase political participation in the North after the secession of southern Sudan. If

successful the Popular Consultations could provide a template for the regime as a mechanism for addressing similar grievances in other parts of the country, namely Darfur and eastern Sudan. However, if the NCP neglects or purposefully mismanages the process, there would be a risk of destabilizing not just Southern Kordofan and Blue Nile but all of Sudan – as instability along the North–South border would inevitably involve the SPLM. If such a situation arises this could destabilize the South's transition to independence (Gluck, 2010).

6.8   Abyei

The CPA also includes a separate protocol for the disputed territory of Abyei, which states that a separate referendum, to determine if the area is to remain in the North or become part of the South, should be held in January 2011. Abyei has long been, and indeed remains, a point of conflict, an area where land, grazing rights, and oil contribute to tensions. The Ngok Dinka are permanent residents of Abyei but the Misseriya nomads migrate seasonally through the territory. The Misseriya fear that the secession of the South, possibly including Abyei, could result in a loss of grazing rights, which would threaten their way of life (International Crisis Group, 2010: 4-5). Although the GOSS has stated that the Misseriya may continue their traditional grazing patterns into Abyei and South Sudan in the event of southern secession, the fact that the NCP and the SPLM are yet to resolve the Abyei issue has done little to alleviate Misseriya concerns (International Crisis Group, 2010: 5).

The Abyei Protocol has proved to be one of the most difficult aspects of the CPA to implement. The Protocol establishes the process by which the Abyei dispute is to be resolved but it does not define the territory covered by Abyei. Therefore, who is a resident of the Abyei area is not defined and, as a consequence of this, who is eligible to vote in the Abyei referendum is unclear too (Johnson, 2011: 3). These issues were supposed to be resolved by the report of the Abyei Boundaries Commission (ABC). However, when the ABC submitted its report in 2005 it was rejected by the NCP. The NCP rejected the report, in part, because the ABC's findings placed a number of development projects, namely the oil fields of Bamboo and Heglig, within the Abyei area (Johnson, 2008: 17). When subsequent

attempts to resolve the dispute failed, the issue was transferred to the Permanent Court of Arbitration (PCA). In 2009 the PCA defined Abyei as consisting of the area permanently settled by the Ngok Dinka. This ruling ensures that the NCP will retain control of the oil fields but the PCA also stated that the intent of the Abyei Protocol was to provide all the Ngok Dinka with the right to participate in the Abyei referendum. In response the NCP argued that the Misseriya should be permitted to vote in the referendum on the basis of their seasonal use of grazing pastures. In other words, having sought to restrict the definition of the Abyei area, the NCP have subsequently attempted to apply a broad definition of the territory so as to give the Misseriya voting rights (Johnson, 2011: 3-4).

When further NCP–SPLM negotiations in late 2010, mediated by the United States and the African Union, failed to resolve the issue of who is eligible to vote in the Abyei referendum both sides agreed to postpone the referendum (International Crisis Group, 2010: 4-6). The NCP and the SPLM will now attempt to resolve the issue of Abyei as part of the post-referendum negotiations. If these negotiations stall the risk of Abyei becoming the focus of a North–South confrontation is significant. Since 2005, in spite of the ceasefire, there have been a series of violent incidents between the SAF and the SPLA around Abyei. In 2008 89 people were killed and more than 50,000 people displaced following a confrontation between the SAF and the SPLA (Sudan Tribune, 2008). Tensions have been further heightened by the deployment of troops on both sides of the North–South border. In late 2010 the International Crisis Group reported the deployment of SPLA forces inside the Abyei area, as well as SAF deployment near the South Kordofan–Bahr al-Ghazal border and the White Nile–Upper Nile border (International Crisis Group, 2010: 6). The proximity of the two forces along the North–South border presents a considerable risk of violence between the two sides, as a single incident could spark a much broader conflict. From the 7 to 9 January, just as voting in referendum was getting underway, there were reports of Misseriya gunmen attacking SPLA outposts in Abyei, resulting in 23 deaths (Johnson, 2011: 1). Following these clashes a security arrangement was quickly negotiated but renewed violence in March indicates that tensions in Abyei remain high (Sudan Tribune, 2011f). So far these incidents have remained isolated but they underline the point that over the coming months, with the post-referendum negotiations likely to be tense, the NCP and SPLM's commitment to

resolving the Abyei issue without resorting to violence will be severely tested (Sudan Tribune, 2011h).

7.   Conclusion

Following two decades of civil war the CPA was supposed to transform Sudan's exclusionary political economy through a more equitable and inclusive division of wealth and power. However, after delays, disagreements, and ongoing violence, it came as little surprise that the southern Sudanese voted so overwhelmingly in favor of independence. The challenge now confronting the NCP, the SPLM, and the CPA's international guarantors is to manage Sudan's impending divorce without risking further political instability. Central to this task will be the successful negotiation of those post-referendum issues that are yet to be resolved, such as the status of Abyei and the sharing of oil revenues. Given the difficult nature of the NCP–SPLM relationship prior to the 2011 referendum, it remains to be seen whether the two parties can resolve these issues ahead of the South's independence in July. It is unlikely that the SPLM will tolerate any attempt by the NCP to stymie negotiations but with the political and economic situation deteriorating in the North it is not inconceivable that Khartoum may attempt to disrupt the South's transition to independence. In short, while the southern Sudanese have decisively answered the question of unity or separation, the immediate future of Africa's newest state remains unclear.

8.   Bibliography

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