

# On the brink:

## Towards lasting peace in Sudan

A report on the role of the  
international community in supporting  
Sudan's Comprehensive Peace  
Agreement and beyond



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Associate Parliamentary Group for Sudan



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# Foreword

David Drew MP  
Chair of the Associate  
Parliamentary Group for Sudan

The next twelve months will be critical for the future of Sudan, and determine whether the CPA, signed in January 2005, could indeed provide the lasting peace it promised, or would just be a truce in Sudan's contemporary history of suffering. In the past decade Sudan has received a tremendous amount of international attention, supported by hundreds of thousands of people worldwide. That attention has borne fruit, including the CPA itself, supported by two of the world's largest international peacekeeping missions and an enormous humanitarian and reconstruction effort. But the progress is fragile.

The Sudan365 campaign launched in January of this year has taken a Sudan-wide approach and called for increased international support. There have been successive visits from British representatives at the highest level – Prime Ministers, Ministers, Under Secretaries - and the last two Ministers for Africa – Lord Mark Malloch Brown and currently Baroness Kinnock – have placed Sudan high on their agendas. Within the UK Parliament there has been sustained engagement, with a number of well argued and informed debates, parliamentary questions, Early Day Motions and meetings with a broad range of stakeholders ranging from the Sudanese diaspora to foreign Ministers, from grass roots civil society representatives to rebel leaders, and from in-country directors of international non-governmental organisations (INGOs) to Special Envoys and Representatives.

The last few months of the CPA period are extremely precious. Peace is only as good as the will to maintain it from day to day. Sudan's peace still needs international support. There have already been a number of reports which have contributed to the debate around what is needed to see Sudan through its next set of challenges. The Hearings have particular importance because they have offered an opportunity to bring a very wide range of people and expertise together, initially with the submissions received from many different sources including a number from within Sudan, and then in oral evidence which allowed the Committee to talk to NGOs, Ministers, advocacy and human rights groups, international political representatives, Archbishop Deng of the Episcopal Church of Sudan, and world renowned experts on the same platform.

This report distils some of that evidence into concrete recommendations for the international community. It is only the next step in a process which needs to lead to action, and the APG will be using these recommendations to continue its efforts to influence policy and enhance political engagement.

## Executive Summary

With less than a year before the referendum on its unity, Sudan is on the brink of a historic achievement. Five years after the Comprehensive Peace Agreement brought to an end more than two decades of fighting which killed nearly 2 million people and displaced 4 million, a lasting peace may be within the country's grasp. However it is not yet assured.

The interim period of the Comprehensive Peace Agreement (CPA) has faced many challenges. The will to make unity attractive has not driven the process, many of the most contentious political decisions still have to be confronted, elections have been delayed to a point where they are only nine months before the referendum, and the threat of violence in the South seems to be increasing. This report outlines the major remaining challenges to the peace process as it enters this critical phase - based on evidence from the parties in the peace process, CPA observers and guarantors, international civil society, church groups, international agencies, and academic experts - and makes recommendations to the main actors in the process for how these challenges can be mitigated.

If Southern Sudan votes for secession, the Committee heard that significant preparation will be necessary to make the transition to an autonomous state possible, involving both parties. This is not to prejudge the outcome of the referendum or to abandon the aim to make unity attractive, but without adequate consultation of how a transition would be managed, including security and wealth sharing arrangements, the resulting uncertainty could potentially become a source of insecurity in itself. In the past, both sides have resorted to brinkmanship to resolve disagreements, as seen recently over Abyei or in the SPLM's withdrawal from the GoNU in 2007. However in the context of the referendum this is a very high risk strategy, with possible consequences for the whole CPA. The challenges of constructing a new Government of Southern Sudan were also emphasized. Although progress has been made, there are many issues - infrastructure, an under-resourced recovery effort, capacity problems, accusations of corruption - which need to be addressed whatever the outcome of the referendum may be. Addressing these challenges will require sustained commitment from the international community over many decades.

Evidence relating to economic resources and development illustrated concerns around distribution mechanisms, with particular focus on oil - "the glue that holds the CPA together". Both parties are dependent on oil revenues and wealth sharing will continue to be important after the referendum in 2011. Discrepancies reported around oil figures accentuate a need for transparency, accountability and revenue monitoring structures. This applies to other natural resources, especially those which lie around border areas. The Committee noted the importance of urbanization, with towns acting as engines of national and regional development. However, a lack of skills, materials and invest-

ment has hampered urban development, highlighting a potential role for international experts.

The past few months have seen rising tensions across all regions – with increased violence in Southern Sudan, renewed conflict in Darfur, a state of unease and apprehension across in some border areas, and the continuing marginalization and neglect of eastern Sudan. 2009 saw an increase in conflict in Southern Sudan, with clashes in nearly every state. The sources of conflict are multiple and interlinked. North-South political tensions, ethnic conflict, ill-disciplined security forces, and an abundance of small arms – all compounded by rumours of behind the scenes interference from both the North and South – have led to confusion and concern at the grassroots level.

The situation in the Three Areas – Abyei, Blue Nile and Southern Kordofan – is extremely complex and each area has its specific concerns which may impact on the process for the whole country, including around boundary rulings, confusion around popular consultations, and post-secession fall out. Eastern Sudan, long a victim of prolonged marginalization, is more than three years into a peace agreement but has little to show for it, and few of the development needs of some of the most deprived communities have been met. Much attention has been diverted towards Darfur over the past few years, however as attention returns to a wider Sudan approach the region must not be forgotten. Darfur has maintained a state of 'insecure equilibrium' in recent months, although both the very recently re-energised peace process and renewed violence indicate that the risk of conflict is still high.

UNMIS and UNAMID both maintain a substantial military presence in Sudan, however criticism has been levelled at UNMIS, particularly at its mixed record around civilian protection, lack of effectiveness, and failure to meet expectations among local people. The Committee heard calls for the Mission's Chapter VII mandate (regarding civilian protection) to be strengthened upon its renewal in April 2010, and for it to become more politically proactive. UNAMID has contributed to a lessening of violence and an increase in security for civilians, however its continuing success will rely upon the mediation effort. This has seen a recent positive flurry of activity and the hope that agreements will be concluded by April. The Darfur-Darfur Dialogue and Consultation, involving Darfuri stakeholders, remains an important mechanism to support political maturity and workable solutions to collective problems.

The Committee heard some criticism that the mechanisms for funding recovery and development in Sudan, particularly in the South, are too complex and have underperformed. Notwithstanding the GoSS and many donors' preference for pooled funding mechanisms, some of these mechanisms have proved to be inadequate to the complexities of post-war southern Sudan. The Multi Donor Trust Fund has received particular criticism during the Hearings for its failure to deliver according to its plans and in a timely and effective manner. Delays have also affected the Sudan Recovery Fund, and the Committee also heard concerns about its shift in focus. More positive feedback was received about the Basic Services Fund, which is due for renewal. Finally, concerns were expressed around the gap in funding from the 10th European Development Fund as a result of Sudan's refusal to sign the Cotonou agreement.

The next steps for Sudan will be challenging, starting with controversial elections in April 2010. The Committee heard a certain degree of pessimism around the prospects for a free and fair election, however in principle democratic transformation is important for the country in accordance with the CPA and also in promoting an understanding of the broader political process. There are many challenges to be met around the practical components of coordinating an election, revisions to legislation that remain outstanding, creating a space for opposition parties, the complexity of the ballot system, and familiarity with the democratic process. In addition, the lowering of expectations resulting from a mediocre election could impact on the referendum. A very tight timescale remains to prepare for the referendum, long seen as the 'promised land'. The scale of technical issues to be resolved both in accordance with the CPA and in preparing for post-2011 arrangements are monumental and must not be underestimated, including security arrangements, oil revenues, border demarcation, identity, currency, and more.

The involvement of the international community will be crucial in supporting the final stages of the interim period of the CPA, in monitoring the election and referendum, and ultimately in helping the Sudanese avoid a return to conflict.

This report makes several recommendations based on the Hearings and directed at the international community, including:

**The APG strongly supports the continuation of high-level political engagement from the UK government, and the coordination of these efforts with other international bodies and governments. The APG also recognises the importance of an international role in supporting and mediating negotiations around the issues still to be resolved from the CPA, and in preparing for post-2011 arrangements. The APG recommends that such efforts are streamlined as much as possible, and make the best use of mechanisms already owned by the parties themselves, such as the AEC.**

To avoid contested secession and the risks of a return to full-scale conflict, the APG believes that the UK government and other CPA international guarantors should concentrate attention now on the January 2011 referendum and post-referendum arrangements. This includes supporting the parties to reach agreement in advance on a number of outstanding issues, including citizenship for southerners in the north and northerners in the south, oil revenue sharing, border demarcation, rights of tribes that regularly cross the north-south boundary and the status of the Three Areas (particularly Southern Kordofan and Blue Nile) post-2011.

The APG believes that the UK government and other donors should urgently develop plans and allocate resources to address potential disputes in the wake of the elections. Donors must also be ready to scale up the political engagement with the parties to help ensure that the formation of a new government following the elections proceeds without major delays.

# Chapter 1: Introduction

On the 9th of January 2010 Sudan celebrated the 5th anniversary of the Comprehensive Peace Agreement, which ended a war that lasted more than two decades, killing nearly 2 million people and displacing 4 million.

The remaining months of this year will determine the future of Africa's largest nation. They will determine whether Sudan is on the path to democracy, whether it is one nation or two, and if two, whether the successor nations are good neighbours or not.

As a guarantor of the CPA and member of the group of observer countries (together with Italy, Norway and the United States) that helped the IGAD mediator to broker the initial agreement, the UK has a key role to play in ensuring full implementation of the CPA and preparation for a post-CPA Sudan. World leaders are currently in a position to help the Sudanese avoid a return to conflict – with implications that go beyond Sudan. However, much criticism has been levelled at the efficacy, dynamism and intensity of international engagement, with calls for a return to the level witnessed during the CPA negotiations and a greater level of coherence.

The CPA was designed as a process, with benchmarks to be met over the six year interim period stipulated in the agreement. To this end, it has enjoyed some success:

- The GoS-SPLM ceasefire has held with remarkably few violations and most Southern Sudanese are enjoying a level of peace and stability, unprecedented for a quarter century
- Sudan has a constitution agreed by the major parties, formerly bitter adversaries, and a Government of National Unity that has brought those parties together, establishing a Southerner as the first Vice President, a Darfurian as the Senior Assistant to the President, and an Easterner as an Assistant to the President
- An autonomous and self-governing administration has been established in Southern Sudan
- Relative peace has allowed around 2 million displaced Southerners to return home, although many have faced serious challenges upon their return

However, provisions have been implemented unevenly and at a slow pace, with delays and missed deadlines. As a consequence, many of the crucial and more complex issues have yet to be resolved in the remaining short period including:

- Ensuring that the April elections are free, fair and inclusive
- Organising the referendum on self-determination in Southern Sudan
- Post-2011 dialogue and arrangements, especially issues of citizenship, the line of the border and the livelihoods and coexistence of

communities on either side, revenue sharing, and security

- The future status of South Kordofan and Blue Nile, transitional areas that have in the past been a fulcrum for conflict

One particularly consistent characteristic of Sudan has been the unpredictable nature of its complex political environment, and a recurring theme of the Hearings has been the need for long term planning, which takes into account different potential scenarios and contingencies. The situation in Sudan is volatile, and each region has its own unique, legal, political, economic and security issues.

This report will address some of the key issues raised during the Hearings, based on both the written and oral evidence. Crucially, the report also contains recommendations aimed at the international community, from the APG and on behalf of the Committee for the Hearings. These recommendations are broad, the idea being that it is the place of experts in each field to flesh out the details around specific issues in the coming period, as already evidenced in their written submissions.

Chapter 1 begins with an introduction, including explaining the background and process to the Hearings, and setting the scene for Sudan in 2010.

In Chapter 2 the report looks at the key challenges of transition. Issues of governance are addressed, and the Committee examines concerns around human rights across the whole of Sudan, and looks at the difficulties in constructing a new Government of Southern Sudan in one of the most difficult physical, social and economic environments in the world.

The next section examines economic resources and development challenges, including the need for transparency around the distribution of oil revenues and other natural resources. This section notes the importance of urbanisation in one of the fastest growing urbanised regions – Southern Sudan. The final section to this Chapter offers an analysis of peace and security, addressing concerns around civilian protection and providing an update on the status of UNMIS and UNAMID. This section also briefly maps out prospects for humanitarian and development assistance in the coming period, and presents a region by region dissection of the security situation and the risk of conflict.

In Chapter 3 the report looks forward to the next steps for Sudan, firstly in the upcoming elections which will take place in April 2010. These elections are somewhat controversial, and the Committee addresses practical challenges in coordinating the election before examining concerns around the prospects for free and fair elections, and voter education. The report then moves on to address the referendum and beyond, emphasizing the importance of an international role in supporting and mediating negotiations around issues still to be resolved from the CPA, and in preparing for post-2011 arrangements.

Chapter 4 concludes the report and the Hearings by listing the recommendations from the APG, which will be used as a basis for action towards influencing policy and shaping political engagement over the coming period.

The CPA aimed to restructure wealth, power and security arrangements in Sudan, by sharing them between the two parties to the CPA – the SPLM and the NCP.

In a burst of activity in 2005, the CPA established the conditions for power-sharing:

- a Government of National Unity (GNU) in Khartoum and an appointed National Legislature. One-third of posts in those institutions were assigned to historically under-represented Southern Sudanese
- a Government of Southern Sudan (GoSS), financed with half the revenue from Southern oil
- special power- and wealth-sharing arrangements for three contested areas on the Northern side of the North-South border (Abyei, Blue Nile and Southern Kordofan), including special arrangements for the war-affected people of those areas to evaluate the agreement

The CPA recognises three legal armies:

- the Sudan Armed Forces (SAF) under the command of the President of the Republic
- the Sudan People's Liberation Army (SPLA) under the command of the President of Southern Sudan
- Joint Integrated Units (JIUs), intended as the nucleus of a future united army, if Sudan itself remains united

Other elements of the CPA aimed to address the causes of conflict in Sudan, by:

- investing resources in Sudan's impoverished peripheries
- developing fair systems for the use of land and natural resources
- subjected the leaderships of North and South Sudan to their first real national electoral test
- consulting people in the war-affected North-South borderlands about their future and physically demarcating the border
- changing political and security structures in order to make a reality of Sudan's constitutional commitment to human rights
- creating an inclusive national bureaucracy
- addressing the traumas and injustices of war through a process of national reconciliation

Delayed elections are due in April 2010, but few measures to address the causes of war have been implemented or in many cases even begun.

#### **An outline of the Comprehensive Peace agreement**

Taken from Edward Thomas, "Decisions and Deadlines: A Critical Year for Sudan", Chatham House, London, January 2010<sup>1</sup>

# Background to the Hearings

The Associate Parliamentary Group for Sudan issued a call for written evidence in September 2009 for Parliamentary Hearings on the role of the international community in supporting the Comprehensive Peace Agreement.

The Hearings provided an opportunity to examine the implementation of the CPA leading up to 2011 and its implications for beyond, specifically how well the peace process has been supported and continues to be supported by the international community, including governmental bodies, donors, agencies and organisations (in particular those based in Britain). As we approach the final phases of the interim period as stipulated in the CPA, one of the aims of the Hearings was to raise awareness in the UK Parliament around the gaps that remain to be filled, and thereby improve policies and highlight the challenges still to be faced by Sudan in the next few years.

The APG was particularly interested in:

- International engagement and commitment, including fulfilment of pledges
- International role in the implementation of the CPA
- Preparations for elections, the referendum and in particular the post-2011 phase
- International engagement with other regional issues, for example in Darfur, the East and the Three Areas (Abyei, Southern Kordofan and Blue Nile)
- Distribution of aid, including efficacy of contributions and funds
- Advocacy and political awareness of critical events and deadlines

Based on the written submissions, spokespersons were invited to give oral evidence to the Committee for the Hearings, comprised of nine Parliamentarians from all three parties and two highly respected Sudan experts – Sara Pantuliano and Alex de Waal. These oral sessions gave the Committee the opportunity to ask specific questions around key issues and questions arising from the written evidence. Most of the oral sessions were open to the public and were well attended within UK Parliament.

This report brings together information from these very rich sources of information, focussing on key issues and identifying key priorities in the recommendations. The evidence gathered from these Hearings will serve as a blueprint for the APG Sudan to help drive productive engagement from the international community.

Expert witnesses to the oral hearings included:

- James Smith, Aegis Trust
- Lutz Oette, Redress
- Mike Davis, Global Witness
- Justin Willis, Rift Valley Institute
- Edward Thomas, Rift Valley Institute
- Pieter Tesch, Journalist and Chief Executive of the Sudan Cultural Society of Britain and Ireland
- Archbishop Daniel Deng Bul Yak of the Episcopal Church of Sudan
- Ambassador Torben Brylle, EU Special Representative for Sudan
- Dr. Daniel Peter Othol, Head of Mission for GoSS Liaison Office to UK
- Paul Molong Akaro, Deputy Head of Mission for GoSS Liaison Office to UK
- Mou Mou Ring, GoSS Liaison Office to UK
- Augustino M Parek, Sudan Embassy UK
- Ambassador Omar Mohamed Ahmed Siddig, Ambassador of Sudan in the UK
- Ambassador Dirdeiry Mohamed Ahmed MP, Member of the National Assembly of Sudan
- Michael O'Neill, Special Representative for Sudan, Foreign and Commonwealth Office

## Acknowledgements

The UK Associate Parliamentary Group for Sudan warmly thanks Hearing committee members, Chair of the APG David Drew MP, and members of the Committee including Baroness Tonge, the Earl of Sandwich, Lord Alton, Baroness Cox, Roger Gale MP, Susan Kramer MP, Sally Keeble MP, and Mark Pritchard MP.

Special thanks are extended to our esteemed Sudan experts on the Hearing Committee – Sara Pantuliano (Overseas Development Institute) and Alex de Waal (Social Science Research Council) – for their support, commitment and work on the Parliamentary Hearings and report. We have been extremely privileged to have this work informed by such world renowned expertise.

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The Hearings team is very grateful for the overwhelming amount of additional support it received from a number of people including: Leah Kreitzman, Catriona Moss, Beth Capper, Sarah Hewes, Anna Macdonald, Rocco Blume, Mette Kjaerby, Sean Mulkerne and Richard Dickinson.

A big thank you also goes to Clare Salier and Natalia Chan for coordinating the Hearings. Additional thanks to Natalia for her hard work in organising and administering the sessions, contributing to and editing the report, and arranging the concluding event.

And finally, special thanks to the experts and representatives from non-governmental organisations, governments, United Nations organisations, academic institutions, religious institutions, advocacy groups, and respected experts, who all provided written and oral evidence to the Hearings.

## About the Associate Parliamentary Group for Sudan

The Associate Parliamentary Group on Sudan is a political campaigning group promoting the cause of peace, human rights, justice and development for the people of Sudan across Westminster and Whitehall. The Group was formed in 1998 in response to concerns raised by Sudanese Diaspora Groups about the political, economic and social situation in their country and as a result of the desire of UK Parliamentarians to highlight this situation.

Based in Westminster, the group has established a growing membership of over 100 British MPs and Peers across political parties, and its officers are:

- Chair: David Drew MP
- Vice Chairs: Baroness Tonge, John Barrett MP and Roger Gale MP
- Treasurer: Earl of Sandwich
- Secretary: Lord Alton of Liverpool

In addition, the Group has an active wider membership including Sudanese individuals and associations, non-governmental organisations, academics, researchers, media and human rights groups. Since its inception the Group has acted as the key forum in Parliament for actively debating and highlighting key issues on Sudan.

## Acronyms

AEC	Assessment and Evaluation Commission	MDTF	Multi Donor Trust Fund
AMIS	African Mission in Sudan	NEC	National Electoral Commission
APG	Associate Parliamentary Group	NCP	National Congress Party
AU	African Union	NDI	National Democratic Institute
BSF	Basic Services Fund	NGO	Non-Governmental Organisation
CNPC	China National Petroleum Corporation	PCA	Permanent Court of Arbitration
CPA	Comprehensive Peace Agreement	PCHU	Population and Community Health Unit
DDR	Disarmament, Demobilisation and Reintegration	RCSO	UN Resident Coordinator Support Office
DFID	Department for International Development (UK)	SLM/A	Sudan Liberation Movement/Army
DPA	Darfur Peace Agreement	SPLA	Sudan People's Liberation Army
DPKO	Department of Peacekeeping Operations (UN)	SPLM	Sudan People's Liberation Movement
ESPA	Eastern Sudan Peace Agreement	SPLM-DC	Sudan People's Liberation Movement – Democratic Change
EU	European Union	SRF	Sudan Recovery Fund
EUSR	European Union Special Representative	SRSG	Special Representative of the Secretary General
GoNU	Government of National Unity	SAF	Sudan Armed Forces
GoSS	Government of Southern Sudan	UNDP	United Nations Development Programme
GoS	Government of Sudan	UNSC	United Nations Security Council
GPA	Global Political Agreement	UNMIS	United Nations Mission in Sudan
ICC	International Criminal Court	UNAMID	United Nations-African Union Mission in Darfur
IGAD	Intergovernmental Authority on Development		
INGO	International Non-Governmental Organisation		
IDP	Internally Displaced Person		
JEM	Justice and Equality Movement		
JIU	Joint Integrated Unit		
LRA	Lord's Resistance Army		

## Chapter 2: Key challenges of the transition

Since the signing of the Comprehensive Peace Agreement in 2005 there has been relative peace between the North and South. However, increasing violence has led to renewed concern.

This section will summarise some of the key issues and challenges which were raised in the Hearings, whilst also presenting an overview of the situation as it stands according to the written and oral evidence.

In 2009 2,500 were killed and more than 350,000 displaced in Southern Sudan and there are worries in parts of northern Sudan. After a long period of low-intensity conflict in Darfur, with a de facto ceasefire among the main parties, March 2010 has seen serious armed conflict and displacement in Jebel Marra. Tensions are rising across the rest of the country, and many aspects of the situation in the Three Areas remain unresolved. Eastern Sudan remains a neglected region, where marginalisation and abject poverty has led to conflict before, and the Eastern Sudan Peace Agreement which was signed in October 2006 shows little sign of impact.

Both the Government of National Unity and the Government of Southern Sudan are, by their own admission, spending a large proportion of their budget on the military (reported to be around 40%). The outstanding issues from the CPA which have yet to be resolved have great potential to raise tensions and lead to renewed conflict. Criticism has been levelled at the international community, especially the 'troika' of Britain, the U.S. and Norway, for failing to sustain the same level of engagement as that which led to the signing of the CPA in 2005. Both GoSS and GoNU argue that the success of the CPA depended on continuing diplomatic and financial commitment, and that both have been disappointing.

### Governance

To move Sudan towards democratic transformation, and create a political environment conducive for free and fair elections, the CPA envisaged reform of certain security and press legislation. As the Assessment and Evaluation Commission report of January 2010 indicates, Press and Media Law and the National Elections Act were adopted; the Political Parties Council and the National Electoral Commission were established and operationalised, and other work under the CPA has progressed to some degree. However, there are many areas yet to be addressed.

A number of submissions received by the Committee pointed to a failure by the GoNU to reform key laws, in line with the CPA. Major criticisms include the failure to set up the Human Rights Commission, to operationalise land commissions that can remedy land tenure systems that have in the past caused inequity and conflict, the passing of a National Security Act that gives the National Intelligence and Security Services powers of arrest and detention

beyond those contained in the constitution, and the fact that the national capital remains subject to a Sharia civil code.

## Human Rights

The Committee noted a shift in a positive direction for women's rights, with a 25% quota for women in Parliament to be filled in the upcoming election. More than 50% of university students and civil servants are female. President Bashir has two female advisers, including his legal advisers. The GoNU also insisted that non-Muslim women are not and will not be subject to Sharia law.

However, there are many issues which remain unresolved. The Committee expressed concern over the case of Lubna Hussein which brought attention to a wider pattern of discrimination and application of discriminatory laws against women in Sudan, including an underlying fear of the police and security services and restrictions on travel. GoNU acknowledged that flogging remains part of the penal code, but expressed that maltreatment from the police was largely due to a lack of training. Despite the promises that all citizens would be treated equally in the national capital, the Khartoum police continues to crack down on impoverished women who sell alcohol, on the grounds that this is against Islamic law.

While the freedom for the media and human rights organizations has much improved since pre-CPA days, there are still worrying signs. The GoNU is extremely sensitive over any human rights or media activity related to the International Criminal Court and has repeatedly arrested and detained, and on some occasions tortured, individuals whom it suspected were promoting the ICC or cooperating with it. In the South corruption and abuse of power by the police and brutality in the actions of the SPLA in different parts of the country, including a number of reported extrajudicial killings, are a cause for concern.

### Recommendation

**The APG believes that some positive developments have taken place with regards to human rights and the situation of women in parts of Sudan, but the GoNU and GoSS must do more to embed a culture of human rights within their institutions. The UK government and other donors should support human rights training programmes across a range of government sectors, including security and policing. Development programmes aimed at enhanc-**

**ing women's access to the law, education and health services, employment and participation in the public and private sectors should also be supported both in the North and the South. The UK Government should urge the Sudanese Government to ensure that justice is done with respect to the crimes committed in Darfur, including establishing a hybrid court in line with the recommendations of the AU Panel on Darfur.**

## Constructing a Government of Southern Sudan: Challenges to be faced

The Government of Southern Sudan has faced the tremendous challenge of constructing a new government in one of the most difficult physical, social and economic environments in the world. Whilst progress has been made on several fronts, a number of challenges remain, many of which directly affect the lives of the Southern Sudan's citizens.

When the CPA was signed, Southern Sudan had very little infrastructure. Despite a recent acceleration of road building, it is still under-served. Representatives of GoSS complain that many of their achievements have been undocumented or received little media attention. According to the oral session with GoSS, over a three month period last year half a billion US dollars from oil revenues (out of US\$7bn since 2006) went towards development. A lot more development is anticipated in the aftermath of the elections.

Be that as it may, GoSS remains heavily dependent on international partners to meet its humanitarian and development needs, and its institutions, financial management and oversight mechanisms are weak. The international community needs to recognise that Southern Sudan will need sustained commitment over many decades – the Committee heard descriptions of the desperate need for capacity building at various levels.

The recovery effort in Southern Sudan has been somewhat under-resourced. Whereas Mozambique received 3000-5000 technical experts post-conflict, the Committee heard that Southern Sudan has only received 150, all of whom were based in GoSS institutions in Juba. About 50% of the Government's budget goes towards salaries – the President has recognised that the payroll is bloated and needs to be downsized. In addition there has been very poor accounting for funds received, and several significant cor-

ruption scandals. Many of those on the payroll have not had a formal education and therefore have a poor grasp of budget management. It has been suggested that this may account for some of the accusations of corruption – money gets lost in the system.

The Committee also heard that GoSS has received about US\$2 billion in oil money each year, with little evidence of how this money has been spent to improve the lives of southerners. There were also allegations around GoSS signing more than a thousand contracts to supply Southerners with grain. These allegations indicate foul play: the quantity signed for was far more than the population of Southern Sudan needs, the grain was of extremely poor quality, and there was no space for storage. None of the grain contracts are mentioned in the government's budget, despite the fact that the contracts that the Southern government has signed for grain and other goods commit them to make payments of four or five times their annual income. It is difficult to know whether this is the result of incompetence or corruption – either way, however, it reinforces the sentiment that the capacity of GoSS and its institutions require much strengthening and that tighter accountability mechanisms should be put in place.

Representative of GoSS have acknowledged an initial problem with corruption, and testified that the government has been working hard to clean up, with some success.

#### **Recommendation**

**The APG believes that irrespective of how political developments unfold, Southern Sudan will require generous, long-term international support to tackle endemic poverty, to build accountable governance structures and to maintain stability and foster a sense of cohesion in an extremely fragile environment. The APG recommends that the international community and GoSS invest in strengthening governance institutions at local and state levels.**

#### Southern Sudan: A humanitarian perfect storm?

- More than 90% of the population lives on less than a dollar per day
- 1.5 million people in Southern Sudan are food insecure
- 1 in 7 women who become pregnant will die of pregnancy related complications
- There are only ten certified midwives in the south
- 92 per cent of women cannot read and write
- There is one teacher for every thousand primary school students
- 97% of people have no access to sanitation
- Polio, once eradicated from Southern Sudan, has re-emerged
- Some of the deadliest and most debilitating diseases in the world are prevalent in Southern Sudan: cholera, meningitis, viral haemorrhagic fever and guinea worm

#### **Taken from a presentation given by Lise Grande**

Submitted as written evidence:  
"Southern Sudan: The Humanitarian Perfect Storm", LSE Crisis States Research Centre, October 2009<sup>2</sup>

# Economic resources and development challenges

Dirdeiry Mohamed Ahmed, representative of the Government of National Unity, emphasised some of the achievements of the past few years to the Committee<sup>3</sup> :

- Economically, the IMF has noted that the GoNU has quadrupled spending in real terms since the CPA was signed on projects that mainly benefit the poor
- Notwithstanding a huge backlog of acute economic development needs throughout all parts of Sudan, attempts for fairly redistributing national wealth are being pursued in earnest
- Since the CPA was signed and until last April US\$6.5 billion in net oil receipts have been transferred to the GoSS and US\$600 million to Southern Kordofan, Blue Nile and Abyei
- Since the DPA was signed US\$900 million were transferred to Darfur
- Sudan is the only significant oil exporter in the world that has consistently racked up budget deficits over the last five years owing to cash transfers to state sub-units

However, there are significant issues around resources that have yet to be resolved and could contribute towards destabilisation if they do not receive sufficient attention.

## Oil

Oil has been described by some as ‘the glue that holds the CPA together’. Both parties are dependent on oil revenues and wealth sharing is not only important now but also important in preventing further conflict in 2011. Oil forms 98% of the income of the Government of Southern Sudan. If the South votes for secession, it will become a landlocked state and depend upon cooperation with the North in order to export oil and therefore receive this income. There is a possibility of exporting oil via Kenya, however this will require new roads, an upgraded port, and a new pipeline – something which is not possible by 2011.

The Global Witness report<sup>4</sup> published towards the end of 2009 reported discrepancies

between the volume of oil that GoNU produced and the volume of oil that the main oil company (Chinese owned CNPC) operating in the country states is produced. This has serious implications for hundreds of millions of dollars worth of revenue sharing if the figures are correct. The Government of Southern Sudan responded to the report publicly by calling for an independent audit of the oil sector.

In an oral hearing session, representatives of the GoNU acknowledged that the figures from the CNPC are reliable, and that the NCP had accepted that an audit is necessary – this is currently underway and results will be made available. They remarked that the National Petroleum Commission is shared equally between the SPLM and NCP, and is the only body that is chaired by both the President and Vice President.

### Recommendation

**The APG recommends that a transparent oil production and revenue monitoring system be put in place that can build confidence between the parties and ensure that future revenue systems are fair and accepted.**

## Other natural resources

The Committee heard of the relationship between the discovery of natural resources and issues around border demarcation, for example around Hofrat-al-Nahas. Hofrat-al-Nahas was in the southern state of Bahr el Ghazal in 1956, however this border was reported to have formally moved in 1972 to become part of Darfur following the discovery of uranium in 1961. The area also has a history of gold, copper and iron ore production. Uncertainty around the border here could lead to political difficulties and confrontation.

A different example of disputed natural resources are the salt pans south of Buram on the Bahr el Ghazal/Darfur border. The question here is not where the border lies, but how the communities that share this resource are to gain equitable access to it in order to sustain their livelihoods. The Barnabas Fund<sup>5</sup> highlights that, although this issue may be tidied into a package deal solution along with other unresolved issues for post-2011, it and others have the potential to cause instability if they do not receive enough consideration.

Access to water was also identified as a potential area of concern during the Hearings, particularly with regards to the White Nile, which

has driven Egyptian attention to the hazards of potential secession. The interests of overseas investors who have been leased thousands of hectares of arable land in Southern Sudan may also contribute to these concerns as they are bound to create tensions with local populations.

### **Recommendation**

**The APG recommends that mechanisms are put in place to ensure that any exploitation of natural resources for investment or public utility is pursued in full respect of communities' rights to access their land or receive adequate compensation.**

## Urbanisation

Southern Sudan was described as the 'fastest growing urbanized region' in oral sessions, as the academic written submission on urban development points out: "there is universal recognition that towns are the engines of national and regional development, even in predominantly rural economies".

In Southern Sudan the vast majority of the population (more than 80%) live in rural areas. However, urbanization is a striking phenomenon for Southern Sudan, particularly as urban centres provide focal points for government, economic services, national and regional infrastructure, and for cultural change, modernisation and social development. Young people are being drawn in to towns and adopting town culture, and the prospect of urban development has the potential to attract back qualified Southern Sudanese.

However, the programme for investment in urban centres has not gone as planned due to a lack of skills and difficulties with obtaining a supply of materials and mobilising large machinery. Investment has been very disproportionate, with Juba absorbing a large percentage of funds leaving little for the other nine State capitals, and reports of political elites gaining with little change for the ordinary citizen. Urban centres have also struggled to meet the basic needs of the urban population, with inadequate infrastructure including safe water and sanitation, an unreliable power supply, and little transparency around land management. The majority of returnees have settled in towns rather going back to their rural home areas.

The Committee also heard of rough and ready class structures being imposed for urban planning, which is particularly problematic for the poor who do not have enough means to meet

the required construction standards. Tom Carter and Patrick Wakely<sup>6</sup> identify a role for the number of highly skilled British development planners who have extensive expertise in practice in developing countries. They also draw attention to a need for development agencies to reprioritise involvement in technical assistance for urban infrastructure and development.

### **Recommendation**

**The APG recommends that the UK government and other donors provide support to GoSS to assist in developing a strategy for managing urban expansion, drawing on experiences of rapid urbanisation (including post-conflict) elsewhere in Africa. DFID should consider drawing together appropriate expertise to advise the GoSS.**

## Peace and Security

Both the GoNU and GoSS have spent lavishly on expanding their security forces and armies, and there are currently numerous police forces, paramilitary groups, and others. Several of these are not under clear constitutional authority. On both sides disarmament and demobilization have been slow and partial. Both parties have bought high-technology weapons systems, although the GoNU retains a significantly stronger military. This makes sense as a strategy of mutual deterrence, but the level of arms available in Sudan is disturbingly high.

This section will summarise some of the key issues relating to conflict from the Hearings, whilst also presenting an overview of the situation as it stand according to the written and oral evidence.

## Civilian protection

UNMIS was mandated primarily to monitor the CPA, but has always had a Chapter VII component to 'protect civilians from the imminent threat of physical violence'. However, UNMIS has received criticism for its mixed record around civilian protection, with accusations that UNMIS leadership and other international stakeholders have not viewed civilian protection as a priority for the mission. These allegations have arisen chiefly in the context of ethnic violence and the incursions of the LRA. UNMIS has been seen as slow to grapple with the protection challenges and to redeploy accordingly, and in response there have been calls to strengthen its Chapter VII mandate in April 2010 when its mandate is renewed. UNMIS

officials however consistently assert that the mission lacks the military capacity or resources for robust civilian protection. UNMIS and the Office of the UN Deputy Resident/Humanitarian Coordinator have developed state stabilisation plans for Jonglei and are doing the same for Lakes and Warrap State.

In the long term, GoSS need to take responsibility for civilian security. The police force has been described as a 'shell', mainly comprised of former SPLA fighters and lacking in resources or training. It may take years for the police to build sufficient capacity to fulfil their duties, and in the meantime the SPLA has often been relied on to fill the gaps in policing. This is proving problematic during the election season, with allegations that the SPLA favours the SPLM over other parties.

There remains an abundance of small arms in the south. GoSS efforts to deal with rising insecurity have focused on civilian disarmament, though the Committee heard reports that this has been poorly planned, on occasion violent and perceived as targeting certain ethnic groups. The disarmament has been carried out by the SPLA rather than the police. In some places, largely peaceful and voluntary disarmament took place, however communities on the ground have indicated they continue to feel vulnerable, especially where their neighbours have not been disarmed. It is difficult to disarm effectively in the absence of security guarantees. Indeed representatives of GoSS have admitted there have been problems with people handing in old rifles and keeping their newer weapons. Many conflicts are locally driven and some communities are so remote with little access by the state government, that civilians see armed violence as the only way to settle a dispute.

A recent Small Arms Survey<sup>7</sup> highlighted the growth in demand for small arms and light weapons from both state and non-state actors, which is being fed by arms imports and internal transfers in violation of the UN arms embargo and other multilateral restrictions. This report lists the primary international suppliers to Sudan, with China and Iran accounting for an overwhelming majority (more than 90%) as reported by Khartoum to UN Comtrade (2001 – 2008), and transfers to Southern Sudan by Ukraine documented in 2007-08. A significant majority of weapons circulating in the country remain outside of government control, with perhaps 2 million weapons in the hands of civilians countrywide. The report also presents information which suggests the involvement of

the governments of Chad, Libya and Eritrea in arming non-state groups in Darfur. In addition, whilst the EU arms embargo seems to have been effective in prohibiting direct arms transfers, European arms manufacturers, brokers, and transporters continue to be involved in indirect arms transfers.

### Recommendations

**The APG recommends that donor governments including the UK should support and pressure the GoSS to develop a civilian protection strategy that ensures civilian disarmament initiatives don't contribute to further insecurity. The APG recommends that GoSS move beyond a focus on disarmament to include improving the discipline and professionalism of SPLA soldiers, establishing and strengthening the police and other civilian rule of law institutions.**

**The APG recommends that the international community pursue better enforcement of the arms embargo, especially governments, companies and individuals based within the EU.**

## UNMIS

Mandated to monitor the CPA, the UNMIS peacekeeping mission has a substantial military presence throughout Southern Sudan and the Transitional Areas. UNMIS receives almost \$1bn a year – a relatively small budget compared to DRC and Afghanistan - and has 10,000 military personnel, 3,000 civilians (mainly nationals) and 700 police. It has no peacekeeping mandate for Darfur, which is covered by UNAMID. UNMIS was deployed and equipped as a lightly armed, traditional peacekeeping operation under Chapter VI, with troops sent primarily to protect UN staff and property, as well as to facilitate the delivery of humanitarian assistance. Whilst it does not have a strong mandate to intervene militarily in Sudan, UNMIS's mandate also includes a Chapter VII element, as the Security Council has given the mission permission (although arguably not the capacity) to protect civilians under imminent threat of violence.

According to its mandate, UNMIS's priority is the promotion of the CPA, but its overall strategy for supporting the agreement has often been unclear. Overall, the mission has lacked effectiveness and success has largely depended on local commanders and staff. In many areas, its monitoring of actual and potential conflicts has been irregular and lacking in vigour. Its restricted mandate (often interpreted too narrowly)

and internal security guidelines have rendered it risk averse and ineffective. In most areas, DDR programmes have been severely delayed or resisted, and other security challenges, such as the transformation of the SPLA into a professional army, police force training, and addressing inter-communal violence in Southern Sudan and the border areas have received limited and/or belated support. Many UNMIS soldiers lack the necessary language skills to interact with each other, let alone local people. As a result, engagement between the military observers and the communities is patchy at best. In general UNMIS is seen to do little in relation to its massive resources. Indeed, international spending on UNMIS presents a striking contrast to the low level of aid delivery visible throughout Southern Sudan. Furthermore, the mere presence of large numbers of international military peacekeepers creates expectations among local people that they will be protected if violence should erupt. This expectation has been compounded by a failure on the part of the mission to communicate UNMIS's mandate and capabilities to people, and by a general failure on the part of UNMIS forces to positively interact with the communities in which they have been deployed.

UNMIS officials argue that with roughly 10,000 troops deployed across a vast territory, severe logistical constraints, and a primarily non-interventionist mandate, their resources are insufficient to provide civilians with the sort of protection that they need. However, even with its current capacity, UNMIS can take concrete steps to more robustly protect civilians including: reconfiguring resources to reflect current conflict flashpoints rather than 2005 planning assumptions; expediting cumbersome internal procedures so that assets (e.g. helicopters) and personnel can be more swiftly deployed; improving information-sharing between its civilian and military wings and with external stakeholders with a view to taking more effective preventative action; clearly explaining its Chapter VII protection of civilian mandate to its personnel and providing adequate training to the military on implementing that mandate; and more proactive engagement with local authorities and community leaders.

UNMIS has also been hampered by the absence of high-level political leadership. If ever a country needed a politically proactive Special Representative of the UN Secretary General, it is Sudan. Since the expulsion of SRSG Jan Pronk in late 2006, that has not been the case. The Special Envoys of the P5 countries plus the EU have taken on the political task, while the SRSG has become akin to the manager of the peacekeeping operation. This is unfortunate to say the least.

### **Recommendations**

**The APG seeks a more politically proactive role for the United Nations and especially the two peace support missions in Sudan, UNMIS and UNAMID. The main task of UNMIS is to facilitate the CPA, and both missions have civilian protection mandates. They jointly represent the international community's biggest financial and human resource investment in Sudan, and it is important that they provide coordinated political leadership in support of Sudanese solutions.**

**The APG believes that UNMIS should upgrade the protection of civilians among its priorities and that the UNSC should strengthen UNMIS's Chapter VII Protection of Civilian mandate at the April 2010 mandate renewal. A strengthened mandate should emphasise UNMIS's responsibility to deal with 'internal' or 'tribal' violence and the LRA as well as CPA-related threats. DPKO and the UN Secretariat must also support UNMIS to better understand and implement its civilian protection responsibilities.**

**The APG believes that the UN should be much more politically proactive in Sudan. The principal reason why UNMIS exists is to facilitate the implementation of the CPA. The incoming head of UNMIS should be given the full backing required to allow him to place the UN at the centre of coordinating international political engagement in Sudan, where necessary revising the mandate, deployment and tasks of UNMIS military and civilian assets and personnel in pursuit of this objective.**

## UNAMID and the Darfur mediation

The UN-African Union hybrid operation in Darfur (UNAMID) was mandated to take over from the African Union Mission in Sudan (AMIS) on 31 December 2007, bringing a more robust and effective peace support operation including civilian protection to Darfur. At its full strength, UNAMID will consist of 26,000 military and police. UNAMID was originally envisaged as taking the field after an inclusive peace agreement had been reached between the GoNU and the Darfur armed movements. However, more than two years later, despite recent indications of forward movement in an otherwise glacial peace process, there is no peace for UNAMID to keep.

Like its older but smaller sibling UNMIS, UNAMID is a vast administrative and logistical enterprise, requiring immense resources simply to exist. Its presence has undoubtedly contributed to a lessening of violence and an increase in security for the civilian population. However, as the recent fighting and forced displacement in Jebel Marra shows, it is remarkably difficult for a peace support operation to be effective where there is no peace to keep. At its most effective, UNAMID military and civilian staff have worked closely with local community and political leaders to anticipate local conflicts, and support local efforts to prevent or mitigate them. This experience reinforces the established peacekeepers' wisdom that the efficacy of a peace support mission lies less in the overall numbers and military assets, than in the social and political skills and knowledge of the senior staff and officers. Moreover, the dynamics of the Darfur crisis, and the prospects for finding solutions, are more than ever closely linked to Sudan's national political processes, including the elections and the implementation of the CPA. In the light of this, the appointment of Prof. Ibrahim Gambari, a senior UN official who is also a seasoned and skilled political leader, is to be welcomed. His leadership promises to be able to shift the focus of UNAMID towards being more politically proactive, at local, national and regional levels, and thereby to contribute to hastening the day on which UNAMID's operations can be scaled down.

The international mediation for Darfur has been ongoing in different forms since 2004. All efforts to secure an inclusive peace agreement have failed thus far. This reflects the inherent difficulty of achieving an agreement on complex issues when there are multiple belligerent parties. The current round of mediation effort, headed by UN-AU Joint Chief Mediator Djibril

Bassole Yipene and hosted by the state of Qatar, is in the midst of a flurry of activity. The GoNU signed a ceasefire and framework agreement with JEM in February and is negotiating with the Liberation and Justice Movement, hoping to conclude agreements before the elections in April. This seems optimistic. In the event of no such inclusive agreement being reached, it will be necessary to rethink the mediation strategy. The proposal of the African Union Panel on Darfur, for inclusive or 'round table' talks involving civil society and other non-belligerent stakeholders, is one option worth considering carefully.

In all these activities, the Darfur-Darfur Dialogue and Consultation, which is a Sudanese led process of local dialogue and peacebuilding, has an important role to play. Local Darfurian stakeholders, including civil society, traditional authorities, and leaders from among the IDPs, pastoralists and other communities, have shown an impressive political maturity and readiness to negotiate workable solutions to their collective problems. The DDDC process provides an important mechanism in support of this.

### Recommendation

**The APG supports the continued deployment and upgrading of UNAMID and the renewal of its mandate. As the mission approaches full strength, the focus of effort should shift towards a more proactive political strategy, engaging at local, Darfur-wide and national levels.**

	<b>Multi Donor Trust Fund (MDTF)</b>	<b>Capacity Building Trust Fund (CBTF)</b>	<b>Sudan Recovery Fund (SRF)</b>	<b>Basic Services Fund (BSF)</b>	<b>Common Humanitarian Fund (CHF)</b>
<b>Fund Type</b>	Development	Development	Recovery	Recovery	Humanitarian
<b>Administrator</b>	World Bank	UNICEF/JDT	United Nations	Private Sector	UN-Resident Coordinator Support Office (RCSO)
<b>Start Date</b>	2005	2005	2008	2006	2005
<b>End Date</b>	2011	2011 (Plans underway to renew)	2011	2010 (Plans underway to renew)	Unknown
<b>Major Donors</b>	UK, EC, Norway, Italy, Netherlands, Sweden, Canada, Germany, Spain, Denmark, Finland	UK, EC, Norway, Italy, Netherlands, Sweden	UK, Netherlands	UK, Netherlands, Norway, Canada	Multiple
<b>Committed Donor Funding 2005-09 (\$m)</b>	\$524m	\$22.7m	\$51.3m	\$66.2m	\$190m
<b>Length of Interventions</b>	2 – 5 years	1 – 3 years	18 months – 3 years	18 months	6 – 12 months
<b>Average Size</b>	\$10m – \$150m	\$0.2m – \$2m	\$0.5m – \$3m	\$2m – \$3m	\$0.2m
<b>Type of Intervention</b>	Large-scale infrastructure, Service delivery, Productive capacity, Core government systems, Cross-cutting (gender & environment)	Public sector reform, Public financial management – training & systems development	Productive capacity and community development, State-level capacity and recovery	Service delivery (primary health, basic education, water & sanitation)	Emergency response, Service delivery (existing safety nets & essential pipelines)

**Table: Southern Sudan's aid architecture**

Taken from Joint NGO Briefing Paper: Rescuing the Peace in Southern Sudan. Oxfam International, January 2010<sup>8</sup>

# Humanitarian and Development Assistance

Funding mechanisms in Sudan are complex in both the North and South. Sudan has been described by some as a laboratory for donor experiments. There have been unrealistic expectations about the speed at which local authorities (some weak or non-existent) could take over service delivery from NGOs, which are likely to remain key service providers for the foreseeable future. There have also been criticisms about the difficulty local NGOs have in accessing funds due to language and educational barriers and the cumbersome procedures of most existing funding arrangements.

The Multi Donor Trust Fund – Sudan's main donor channel, administered by the World Bank – has been characterised by unacceptable delays, a lack of clarity and inadequate support to the Government of Southern Sudan. According to recent media coverage, by the end of last year, only \$181m of the \$524m had been spent (\$75m of which had been contributed by the British Government). More than four years into the fund's six-year lifespan, \$343m has yet to be used. Last year donor donors diverted \$181m that would have gone into the MDTF to three other funds under their control. The World Bank's strict procurement rules have been blamed for these severe delays, with extremely complex bidding processes. Donors have also been accused of being slow to decide on alternative mechanisms – this remaining money must be allocated and spent swiftly and effectively.

In order to assist Southern Sudan during the current economic crisis and to address these delays, international donors and GoSS recently agreed to the Juba Compact, which establishes a division of labour among the five existing trust fund in Southern Sudan and provides mutual commitments by GoSS and donors to areas of donor assistance and governance.

The UNDP administered Sudan Recovery Fund – which came online in November 2008 – was also set up to address the acknowledged gap in recovery funding. National NGOs were able to access the SRF and state authorities participated in all stages of project development, which was viewed as positive. However, priorities have shifted, leading to delays in finalising the third round allocation, which focuses on community security and security sector reform. The Com-

mittee heard concern about the capacity of the SRF to fulfil its original aims of providing tangible peace dividends and strengthening state authorities given the delays experienced to date.

The Basic Services Fund was established by DFID to support the delivery of basic services in health, water and sanitation, and education through NGOs. It has been viewed as efficient, accessible and user friendly. However, its 18 month funding cycle will end in July 2010 and, due to EU procurement rules, DFID is unable to issue an extension to the current private management agent, Mott McDonald.

Since the inception of the CPA in 2005 the European Commission has committed development assistance of over €500m to Southern Sudan, addressing post-conflict recovery, rehabilitation and development activities. Since 2003 the EC has also provided €640m in humanitarian aid to the South, the North and Darfur. It reports smooth working relationships at a technical level with national and Southern ministries involved in planning and implementation, with an increasing degree of trust.

However, there are serious concerns around the 10th EDF consisting of bilateral development aid pledged at the Sudan donors' meeting in Oslo in May 2008. The GoNU has not signed the Cotonou agreement with the EU, which could mean a loss of over €300m pledged for the 2008 – 2013 period. The EC has pledged that it will not cease development assistance to Sudan, and the Committee heard that the EC will use other available instruments. Ongoing projects and programmes will continue to be funded (e.g. extensive programmes in education, health, disarmament etc) and funding from previous EDFs will allow the EU to maintain assistance in 2009 and 2010. The EC is also looking in to other options, such as the European Instrument for Democracy and Human Rights and the Instrument for Stability.

There is a perception that a more fundamental restructuring will take place after 2011, and until then more ad hoc functions and quick responses will be the norm. It should also be noted, however, that despite the failures of the MDTF, GoSS have expressed a strong preference for pooled funds due to the freedom it allows to allocate. Furthermore, GoSS feels that they have now acquired sufficient expertise to navigate the difficult administrative and procurement procedures of the fund, and are concerned that introducing a new funding arrangement may again delay implementation as it will inevitably require a learning phase for GoSS and

the prospective fund manager.

Dr Mukhtar<sup>9</sup> emphasized the importance of Sudanese playing their own role: “Despite the importance of these burning issues, it seems that many Sudanese are not yet prepared to play their role. The reasons for this are many, but the most important thing in my view is that many people in the last few years are looking for the outside to rescue them from many things. The role that could be played by the outside (international community) is important, but by all circumstances, salvation can not come from outside Sudan.”

### Recommendation

**The APG believes that the UK government and other donors should adopt a balanced and effective approach that combines support to pooled funds and bilateral assistance to relevant partners on the ground on the basis of their comparative advantage. Post 2011 funding should reflect a focus on**

- 1. continued service provision, especially in underserved areas**
- 2. strengthening capacity building at state and local levels**
- 3. increased support to security and justice, with an emphasis on community security**
- 4. support to emergency preparedness and response capacity throughout the country.**

## Security and the risk of conflict by region

### Southern Sudan

2009 saw an increase in conflict in the south with clashes in nearly every state, including most recently:

- Attacks and counter-attacks between armed members of the Murle and Lou Nuer ethnic communities in Jonglei which killed over 1200 civilians in 2009
- Clashes between Dinka groups over grazing rights in Warrap state
- Tensions between Shilluk and Dinka communities in Upper Nile state
- Fighting between rival factions of the SPLA in Bentiu, and rival factions of JIUs in Malakal

- More than 24 confirmed dead and over 37 wounded after clashes between armed civilians and soldiers in Cueibet county in Lakes State, linked to the SPLA executed civilian disarmament and cattle raiding
- Reports of LRA attacks in Western and Central Equatoria, killing tens and displacing thousands

There have been accusations that some attacks were deliberately organised by ‘enemies of the CPA’ and engineered to appear as traditional tribal fighting in order to destabilise areas and negatively affect the elections and referendum. Rumours have suggested both that Khartoum is fuelling the violence by organising and arming Southern militias, and that Southern groups and leaders are seeking to build up their constituencies in the run-up to elections and to protect their ethnic groups by arming them. Evidence from the Hearings, including from representatives of GoSS, indicates that there is little concrete evidence that Khartoum has been directly involved. Either way, such perceptions feed mistrust and are problematic for the peace agreement. In addition, there have been accusations that Khartoum has been involved in attacks from the LRA. However, how recently the LRA were in Western and Central Equatoria appeared to be an area of some dispute. Whereas the Churches<sup>10</sup> expressed local concerns around recent attacks, representatives of GoSS were less concerned and dismissed links between the LRA and Khartoum as the result of past involvement, which had ceased to continue.

The sources of conflict in the South are multiple and interlinked, influenced by high-stakes CPA related events, north-south political tensions, ethnic conflict, and ill-disciplined security forces. These intra-Southern tensions have also been linked to competition for resources and historical grievances, and in some instances have been politically fuelled. The Committee heard increasing levels of concern, particularly as the nature of violence appears to have changed with women, children and the elderly increasingly targeted.

After the signing of the CPA, there were very high expectations about the delivery of services – communities saw it as an ending of the war, but also as the beginning of development, yet this has not happened at the pace expected. The fact that most of the conflict is happening in the most remote, rural areas may also suggest that people feel most abandoned in these remote locations where little or no ‘peace

dividend' has been noted and the presence of the state is hardly felt, often undermining its legitimacy. This has also contributed towards a certain degree of uncertainty around the causes of conflict, where accusations have been traded between parties and may contribute towards deterioration in trust. The Committee heard accounts of feelings of concern and confusion at a grassroots level, with people feeling as vulnerable now as they did during the civil war.

Local level engagement remains a priority, with a need for those in power to engage beyond centres of governance, especially in a region such as Southern Sudan where much of the development has been centred around Juba.

As the April 2010 elections approach, some Southern political and civil society leaders expressed anxiety that electoral competition could be the spark for local violence. Among the fears expressed were that the opposition SPLM-Democratic Change party, headed by Dr Lam Akol, possessed its own militia, and that the SPLM leadership would use the army and military intelligence to harass and repress legitimate opposition candidates, including SPLM members who are standing as independents. To date, these fears have not materialized on a wide scale. The summit meeting of political parties in Southern Sudan, held in Juba on 1-2 March, convened by the African Union, was attended by all the parties contesting elections in the south, and ended with the signing of an electoral code of conduct. Immediately thereafter, the GoSS took steps to assure the non-SPLM parties that the elections would be as free and fair as possible, including relieving sitting governors who are standing for election, of their gubernatorial powers for the duration of the campaign period.

### **Recommendation**

**The APG calls for for GOSS and international partners to urgently address second tier conflicts in the region, paying more attention to ongoing dynamics in more peripheral states and investing adequately in reforming the security sector structures.**

### **Abyei**

The Permanent Court of Arbitration on Abyei announced its boundary ruling on 22nd July 2009 following a process which brought together the parties with witnesses to the CPA. This resolution is final and binding, and the Parties must be supported in fully implementing the Court decision.

However, this boundary ruling excludes the oil-rich Heiglig-Karasan area from Abyei, which both the Government of South Sudan and the Government of National Unity are now claiming. GoSS places it in Unity State (where both the Nuer and Panarou Dinka have tribal claims), and GoNU places it in Southern Kordofan. The boundaries of Southern Kordofan and Unity were changed by GoS in the early 1990s. There is a great deal of pressure on border demarcation, which will be key ahead of the referendum.

Linked to this, migration and returns are also key issues, with tensions around managing Misseriya migration and Ngok Dinka returns. North Abyei in particular is a potential flash-point. Since the displacement of Ngok Dinka in the 1960s and 1980s, these areas have been occupied by a few thousand Misseriya and Dinka Twic/Malual who fled there during the late 1980s famine. There are concerns around the Ngok Dinka that the Misseriya will attempt to resettle in large numbers in Abyei to attempt to influence the outcome of the elections, however the Misseriya are concerned that the agricultural Ngok settlements will create barriers to their migration. Tensions due to migration have resulted in the loss of life on numerous occasions, especially along the Meiram-Aweil corridor.

The ability to deliver peace dividends in the form of improved services has been severely challenged by the expulsions of a number of prominent NGOs in March 2009, along with all the major recovery and development projects they were set to deliver. A lack of established programmes and ability to deliver them amongst remaining NGOs could exacerbate tensions, particularly as humanitarian, recovery and development needs remain acute. Above all, NGOs have identified water as a programmatic priority to support peaceful migration and address humanitarian needs.

President of GoSS Salva Kiir has offered assurances in Muglad that grazing rights are guaranteed regardless of the result of the referendum, however a trusted mechanism needs to be established to deliver on this commitment, supported by legislation and practical measures. It is likely there will be multiple land claims. This, and the question of who is eligible to vote in the Abyei Referendum, could contribute towards increasing tension in the next few months.

### **Recommendation**

**The APG recommends that the UK government and other CPA observer governments systematically engage with both the ongoing**

process of border demarcation and the discussions around eligibility for the Abyei Referendum. International partners should also work with all parties to put in place legislation and practical support to provide a trusted mechanism for managing movements. Unimpeded access for UNMIS to the Karasana-Heiglig and Heiglig-Diffra roads must be secured as a priority. This would also help improve NGO access to remote locations where essential services need to be expanded.

## Blue Nile

Blue Nile state has historically been Sudan's cockpit, where the fiercest battles between the armies of north and south have been fought. Although situated north of the internal border, it contains a significant population that is ethnically and politically aligned with the south. These communities are understandably nervous about their fate in the event of Southern secession. The CPA provides only for 'popular consultation' about the semi-autonomous status of Blue Nile, giving the people no self-determination option.

Humanitarian needs are high in the Blue Nile state, where only 29% of children attend primary school and life expectancy for women is the lowest in Sudan at 51.2 years. Although Blue Nile has remained relatively stable throughout the interim period, there has previously been conflict in Kurmuk, Geizan and Bau localities. Other flashpoints remain such as the state announcement at a recent Resident Coordinator Support Office/State forum of intentions to construct 340km of permanent roads and 515km of feeder roads which could potentially exacerbate pastoralist tensions. The Roseries dam will be raised ten metres, flooding 46,000 hectares of land, 45 villages, 15 primary schools, 22 hand-pumps, 11 Population and Community Health Units, and 4 other health centres.

Tensions in the state could also rise as a result of the process of popular consultation, which is surrounded by a great deal of confusion, misunderstanding and unrealistic expectations. The popular consultation is to be held between the elections and the referendum, among the members of the state assembly, to decide whether to continue the special autonomous standing of the state. This mechanism was designed into the CPA in the hope that the south would opt for unity. In the event of secession, it is a weak mechanism that will require additional attention.

### Recommendation

**The APG recommends that the UK govern-**

**ment and other donors expand support to civic education and grassroots projects at the state level in order to mitigate some of the misunderstandings and unrealistic expectations around the popular consultation. Special attention should be paid to minority rights in Blue Nile post-2011.**

## Southern Kordofan

South Kordofan State is, like Blue Nile, in part a minority enclave within northern Sudan. Many Nuba people look south for political solidarity and fear that they will be isolated and marginalized in an Arab-oriented northern Sudan, should the south secede. The mechanisms of popular consultation and the withdrawal of SPLA forces south of the internal border, are much too weak to reassure the Nuba of the security of their future.

In the last twelve months, the situation in South Kordofan has markedly improved. The NCP governor, Ahmed Mohamed Harun, has been extremely energetic in addressing the economic and political challenges of the state. He has established a good working relationship with his SPLM deputy governor, Abdel Aziz al-Hilu. With the deputy governor, he has visited 35 locations and the state has started a radical restructuring of the administration whilst implementing a practice of 'mobile government' involving the rotation of state meetings around four 'state capitals'. Donors should engage with this state restructuring process as it has implications for capacity building, state sector plans, and coordination as changes are made in the allocation of state responsibilities.

Governor Harun has initiated a political programme known as 'tamazuj' or 'intermixing'. This is an agenda that moves beyond the NCP's historic insistence on a mechanical national unity, towards recognizing the interdependence of communities along the north-south border, within the states along that border (such as South Kordofan), and in the Sudanese nation as a whole.

A political deal between the NCP and SPLM in February 2010 provided for four extra seats in the national assembly for South Kordofan, to be allocated to the Nuba people who had refused to participate in the 2008 census and were therefore at risk of being disenfranchised. It also postponed the state level elections until a new census has been conducted. De facto, this postpones the South Kordofan popular consultation until after the 2011 referendum, raising

the question of how appropriate the CPA-envisaged mechanism will be for the realities of that state.

### **Recommendation**

**The APG recommends that the UK government and other donors engage with the rehabilitation, infrastructural development and social integration plans for the state. Donors should at the same time promote civic education and civil affairs initiatives in order to raise awareness of the reasons behind the delays for the state elections and the popular consultation and to minimise misunderstandings amongst the local population.**

## **Eastern Sudan**

Although the conflict in eastern Sudan has been low profile and on a substantially smaller scale than in the South and Darfur, the underlying issues share marked similarities to conflicts in these regions. Prolonged marginalization and uneven development since independence have contributed to increasing tension, and the continuous degradation of access to livelihoods has played a major role in undermining stability and stirring discontent. The Eastern Sudan Peace Agreement is now more than three years old (signed in October 2006) – deadlines were pursued, the process of Disarmament, Demobilisation and Reintegration is underway, and members of the Eastern Front have taken up positions in national government.

However, the Committee has also noted deep concern that little has changed to address the root causes of marginalization. Marginalization has been a prominent characteristic of eastern Sudan since the time of Sudanese independence, both politically and economically. The level of poverty has changed little over the years and there has been barely any support or investment in the region. This is despite the region's strategic significance in hosting the country's only outlet to the sea, a particularly crucial route for its oil exports, and the presence of some increasingly lucrative gold mines.

Although the region suffers from a lack of reliable data, what is available paints a stark picture of chronic poverty. The region has some of the highest malnutrition rates in the country, far exceeding emergency thresholds of Global Acute Malnutrition rates. Neonatal, post-natal and infant mortality in Red Sea State have been reported as amongst the highest in the world. Illiteracy is also prevalent, with rates of over 50% as the norm for the entire region and

pockets as high as 89%.

In an environment of chronic food insecurity where traditional coping mechanisms have been severely undermined by negative policy and exploitation, the chronic neglect of the development of the region by the government is a key point of aggravation. There are few employment opportunities, which is made worse by the mechanisation of the port and of agriculture. Services are also extremely poor. Despite the potential for wealth in the region from the port and natural resources, few benefits trickle down to the community.

Since the signing of the ESPA, the risk of conflict is still palpable: there has been localised conflict between the Beja tribes of the Haddowa and Beni Amer, evidence of fracturing between the parties of the Eastern Front, an increasingly disenfranchised and angry urban youth, ethnic tension and discontent amongst the Diaspora population – all of which may have implications for stability in the long run. In order for the ESPA to succeed, it is imperative that underlying issues of marginalization and exclusion are addressed in more substantive terms whilst promoting a local level reconciliation process between different tribes and ethnicities.

As attention has shifted between other regions in the country, the East maintains a much lower profile, with a limited INGO process as organisations have departed to relocate resources to Darfur and other areas. The Committee heard warnings that the situation in the East could easily deteriorate into an emergency situation. Community coping mechanisms which are already weak have been put under increasing pressure as a result of a number of factors: physical isolation, poor infrastructure, income generating activities which generate very little revenue, and limited employment opportunities.

The written submission by SOS Sahel<sup>11</sup> warns of increasing stress on livelihoods: "Widespread failure of the sorghum harvest in the high productive areas (El Gash, Gadari and Tokar) and in 2008 and again in 2009 has resulted in high levels of food insecurity within the pastoralist communities. Grain prices have increased from SDG 70 to SDG 97 from the second half of 2008 and continue to rise." The problems in the East are chronic and require long-term development assistance and commitment.

### **Recommendation**

**The APG recommends that the UK government and other donors urgently increase**

**support for a large scale, integrated response to the development needs of the region aimed at de-escalating tension amongst the most deprived communities.**

## Darfur

Darfur has been a poster child for Sudan's suffering over much of the past few years. A very strong global campaign has successfully concentrated much attention on the situation in Darfur, mobilising the support of celebrities and contributing towards political impetus to urge strong international attention to the region, including sending a large peace support mission (UNAMID) with a civilian protection mandate and referring the issue of justice to the ICC. However, in more recent times many have argued that this publicity has diverted attention away from the CPA and Sudan as a whole, and the Committee heard various remarks to this effect. This issue was acknowledged during the Hearings, although it was also agreed that the international community must not neglect Darfur in its re-diversion of efforts back to the CPA and the South. There is still a need to a political solution to the problems in Darfur.

A stagnant peace process in Darfur was re-energized in February 2010 when Chadian President Idriss Deby Itno visited Khartoum and made a strong move towards normalizing relations with Sudan. The two countries had been in a state of proxy war, each backing the other's rebels, since 2006. The agreement involved each standing down its support for the other's armed opposition. Less than two weeks' later, the GoNU signed a declaration of a ceasefire and a framework agreement (essentially, an agenda for peace talks), with JEM in the Chadian capital N'djamena. The document was then taken to Doha, Qatar, for a high-profile signing ceremony involving President Bashir and a host of senior international figures.

The JEM ceasefire, while signalling an important change in the dynamics of the peace process, has not yielded the hoped-for results. JEM remains insistent that it is the sole legitimate interlocutor on the opposition side, refusing to recognize other rebel groups. The GoNU on its side refuses to contemplate key JEM demands such as postponing the elections, and is also insisting on talking to others, such as the newly-established coalition known as the Liberation and Justice Movement, headed by Dr Tijani Sese Ateem. Meanwhile, the Sudan Armed Forces have launched a major military assault on the rebel-held areas of Jebel Marra in central

Darfur, killing an estimated 400 people (up to half of them civilians) and displacing up to 100,000. This appears to be an effort to find a military solution to the question of the SLA and its intransigent leader, Abdel Wahid al Nur, who resides in Paris and refuses to negotiate until his demands have been met in advance.

Hearing evidence prior to the February assault on Jebel Marra, the Committee heard that the level of large-scale violence and fighting were much reduced from the high-intensity conflict of 2003-04, however high levels of banditry and lawlessness still threaten security and humanitarian access, and the underlying issues have yet to be addressed. The Committee heard the situation described as one of 'insecure equilibrium' – with relative stability but still many threats to safety continue on the ground. The humanitarian situation remains critical – with 4.5 million affected people, including 2.7 million IDPs. The current crisis in Jebel Marra confirms the underlying volatility of the Darfur situation, and the dangers to civilians of a failure to reach a political settlement.

Human rights groups have suggested during the Hearings that the reason for the change in the level of violence is that ethnic cleansing has already taken place – people have been displaced into camps, both inside and outside Sudan's borders, and the status quo suits those accused of crimes against humanity. Although a major humanitarian crisis following the expulsion of 13 NGOs in March 2009 was avoided, there are still many problems – especially in terms to vulnerable populations - to be overcome. Civil-military coordination still needs work. It has been recognised that the Concept of Operations and the road map for INGO/ Humanitarian Security supported by UNDSS/ UNAMID to NGOs is a positive step forward. However, there is still much room for improvement in the sharing of security information, with big gaps in applying the spirit of the 'Saving lives together' framework which is meant to improve security practice amongst the humanitarian community.

The details and numbers of IDPs seem to vary. Although it has been reported that many IDPs express that they would be keen to return home if it were safe for them to do so, many areas are currently not safe enough for their return. Furthermore, conflict-induced displacement in Darfur has also led to accelerated urbanisation and many IDPs who have settled around major cities may no longer wish to return to rural areas where livelihood opportunities and access to basic services is severely lacking. The GoNU

National Policy on Internally Displaced Persons states that “IDPs have the right to choose freely to go back to their places of origin or resettle freely in any place inside the state” and notes the role of the state in protecting the dignity of, and maintaining security for, IDPs. Internationally accepted principles relating to internal displacement should be adhered to when assessing the appropriateness of returns and should be:

- Voluntary – with IDPs making a free informed individual choice on whether they wish to return. No force or coercion, whether direct or indirect, should be used to persuade people to return
- In safety – with people only returning if it is safe for them to do so
- In dignity
- Appropriately

There are signs that Sudanese authorities have been coercing IDPs to return involuntarily which should be taken very seriously.

The UN-African Union hybrid mission in Darfur (UNAMID), which took over from the African Mission in Sudan (AMIS) on 31 December 2007, is the largest and most ambitious peace support operation in contemporary Africa. It is expected to be 26,000 military and police at fully strength, and has currently reached about 20,000. It has a path-breaking ‘responsibility to protect’ mandate. However, there are concerns that UNAMID is not achieving results commensurate with the enormous investment of troops, resources and political capital. It appears to be spending the great majority of its effort simply on sustaining its operations, which are extremely challenging given the remoteness of Darfur and the lack of infrastructure. Noting that the resolution of Darfur’s crisis requires political action, it is important that the priority of UNAMID leadership shifts away from the logistical demands of fielding this force, to the political requirements of making the different departments of the Mission function in pursuit of the goal of peace and stability.

During 2009, the African Union Panel on Darfur, headed by former South African President Thabo Mbeki, conducted extensive investigations and hearings in Darfur, and compiled a report on the four themes of peace, justice, reconciliation and the position of Darfur within Sudan. The report advocates a comprehensive approach in which all these issues are subject

to negotiation, with the aim of reaching a Global Political Agreement in advance of the elections. The report was endorsed by the AU Peace and Security Council and supported by the UN Security Council. This deadline is unlikely to be met, with the implication that the recommendations will need to be implemented in a more unilateral manner by the GoNU. Of particular importance is the Panel’s recommendation that Sudan establish hybrid courts, consisting of both Sudanese and international jurists, applying Sudanese laws, to prosecute those responsible for the most grave abuses of human rights in Darfur. The Panel also called for an inclusive peace process, in which not only the GoNU and the armed movements are represented at the table, but also non-belligerent stakeholders including IDPs, pastoralists, refugees, civil society and traditional authorities. Noting the fragmented nature of the opposition political leadership and the failure of repeated efforts at mediation, it seems likely that such a ‘round table’ approach will ultimately be necessary to resolve the crisis in Darfur.

### Recommendations

**The APG supports the current efforts to conclude an inclusive Darfur peace agreement in Doha and endorses the efforts of the Amir of Qatar, the Joint Chief Mediator and the Special Envoys of the P5 and EU, and hopes that these yield fruit by April. In the event that this deadline is missed, however, negotiations will need to continue in the post-electoral period. Should this happen, and as new realities emerge, the Joint Chief Mediator, the UNAMID Joint Special Representative, and the head of UNMIS should meet under the auspices of the African Union Panel on Sudan, and the UN Secretary General, to forge an appropriate and coordinated mediation strategy, based on the principles of inclusive representation and a holistic agenda.**

**The APG supports the findings and recommendations of the African Union High-Level Panel on Darfur, headed by President Thabo Mbeki, and its successor, the AU High-Level Implementation Panel for Sudan. This represents a welcome engagement at the highest level in pursuit of comprehensive political solutions for Sudan in line with the demands for peace, justice and reconciliation in Darfur, and the successful implementation of the CPA.**

## Chapter 3: Next steps - Elections, Referendum and Beyond

In the final push to meet the final deadline of the CPA - the 'promised land' of the referendum - Sudan will have to navigate some of its most difficult challenges yet. The elections will be immensely complex and face logistical difficulties, and there has been little preparation for the referendum and beyond, with deals still to be agreed.

This chapter looks forward into the upcoming few months and examines some of the most pressing concerns according to evidence from the Hearings.

## Elections

Elections in post-conflict Sudan are controversial. The CPA included general elections at all levels of government as one of its central pillars. This had the aim of promoting democratic transformation, making unity attractive, and—in the case of a vote for secession in Southern Sudan—making that vote fully legitimate, so that the act of separation would be above reproach. These are all profoundly laudable objectives. However, many Sudanese and internationals fear that elections, in an unstable environment, in which the political stakes are so high that neither the NCP nor the SPLM can afford to lose, could become a flashpoint for conflict.

The Committee heard some degree of pessimism. Elections were originally supposed to be held in between July 2008 and July 2009. However, after being twice delayed in order to allow more time to prepare, the remaining time-frame will still be very tight – both for Sudan and for the international community. The census was carried out in 2008, however GoSS disputed the results when its population was deemed to be just 21% of that of the north. In very recent agreements between the main parties of the north and south, a deal on distribution of seats in parliament has been reached and the south will get an extra 40 seats in parliament, meaning that MPs from the region could maintain the power to block constitutional changes. The census also deems that the voting age population of Sudan is now over 17 million, compared with around 7 million during Sudan's last election. Registration for the elections has more or less progressed smoothly, with some reported irregularities.

However, despite all the challenges around the elections, the principle of having democratic elections in line with John Garang's vision of democratic transformation throughout Sudan remains paramount. All political seats are currently occupied by appointees – the elections will mean that the remaining decisions and conditions of the CPA, including the referendum, will be organised and coordinated by elected representatives. This democratic process also offers an opportunity to promote understanding that focuses on the broader political process, which is particularly important in a country that has only experienced seven years of democracy since independence.

The Rift Valley Institute outlines a brief history of elections in Sudan<sup>12</sup>:

“There have been a number of multi-party elections in Sudan over the last six decades, and a large number of elections and referenda under authoritarian regimes; in every case, the secret ballot has played a prominent part in the electoral performance. In some cases, the multi-party elections have shown the power of the secret ballot in generating a sense of commitment on the part of public servants and involvement among at least some of the population: the experience of the 1953 self-government election undoubtedly helped create the momentum for the creation of a united and independent Sudan. But these elections have also illustrated clearly the ways in which malpractice and failures of organisation may compromise the electoral process, turning it into a performance of exclusion and state incompetence and partiality, rather than efficiency and individual involvement.”

Participation in the elections in Darfur presents a major challenge. The census was only partially carried out in Darfur, and a considerable number of IDPs could not or did not want to be registered. The population in rebel-controlled areas was also not enumerated. An election which fails to fully cover Darfur would present a political challenge, especially as the rejection of the elections by Darfur armed movements remains a critical issue. One option is for a post-electoral negotiation in which additional seats are allocated to representatives of the armed movements and IDPs.

## Practical challenges to co-ordinating the election

Although delays are still possible and in some cases have also been called for, it is generally accepted that elections will take place as planned in April 2010, particularly because, as the evidence from the Hearings suggested, there are few other options. Elections cannot be held between May and October because of the rainy season and the implications that has for accessibility. November is too close to the referendum, with only two months in between, especially as the period immediately after the elections is likely to be politically volatile, with efforts to create a new government. The option of postponing the referendum was also deemed to be completely unacceptable in Southern Sudan.

In a country as vast as Sudan, with its problems of accessibility and ongoing conflict, and the fact that Sudan has only had seven years of democracy since independence, the challenges faced in the preparation and co-ordination of an election are ample. Historically there have been consistent logistical difficulties with registers and shortages of staff and transport for polling stations. This may result in long queues and polling stations not opening when or where they should, further compounded by the need to explain such complex voting systems. Although there will be an extended voting period over three days to allow for the vast distances which have to be covered, there are concerns that people may not manage to vote or may spoil their votes unintentionally. Furthermore, registration and identification difficulties may result in staff having to deny many people the right to vote.

Practically speaking, the elections will also provide experience in organising a secret ballot, and lessons which must be learnt in advance of the referendum.

## Free and fair elections?

There have been reported cases of malpractice in previous elections ( as quoted from Justin Willis’s written submission<sup>13</sup>: “control of press, preventing candidates from standing, restricting campaigning, using state resources to support approved candidates, falsifying voters lists, intimidating voters at the polling station, stuffing ballot boxes, straightforward ballot box switches” ), which has engendered a certain degree of suspicion as to whether elections can offer a genuine choice.

Redress<sup>14</sup> presented in detail the revisions to legislation that remain outstanding ahead of the elections, including most notably the Media Law and the National Security Act. It also highlighted a UNSG quote that elections held in non-permissive security conditions excludes meaningful participation of key groups, and exposes people to undue personal risk. Other human rights groups expressed concern over freedom of expression and the entrenchment of existing elites who are in a position to use elections to their benefit.

Creating a space for opposition parties is a crucial part of the process – political actors need to be able to formulate and communicate their politics and positions freely and in public. The Committee raised concern around orders from senior ministers for Southern Sudan state

governors not to cooperate with SPLM-DC (led by Dr. Lam Akol, who is the only challenger to incumbent Salva Kiir Mayardit for the presidency of Southern Sudan) and to obstruct its political activities. Representatives of GoSS dismissed concerns, reemphasizing that everyone should have the right to freedom of expression according to constitutional law. The attendance of Lam Akol at the summit meeting in Juba on 1-2 March, where he raised his concerns, and after which he was able to launch his campaign in Juba, has assuaged these concerns.

Citizens need to be able to freely inform themselves and contribute to public debate. Although Southern Sudan in general feels politically open, with people able to speak their minds and engage in long political discussions at the village level (although this varies from state to state), there is only a very weak legitimate political system through which to channel activity. This is particularly apparent in regard to the SPLM, as deep confusion can exist around the difference between the political party and government.

Concern has also been expressed around a perceived lowering of expectations, with a hope for 'credible' elections rather than those which are 'free and fair', indicating legislative reform which exists in name only. The NEC is likely to face a very busy period after the elections, and staff are likely to have a difficult and disheartening time. Most importantly, dispute around the elections may have a negative effect on the referendum in diminishing faith in the democratic process.

Flawed elections command limited legitimacy, and observers and international sponsors of the CPA may face difficult decisions around positioning following the results. If they wait until the last moment and then take the position that the elections were not credible, they will themselves be accused of partiality and such a declaration will further endanger the CPA. If they favour keeping the CPA alive by announcing that the elections are acceptable, they will be denounced by multiple voices inside and outside Sudan, who will be able to identify multiple problems with the processes of the elections.

The National Democratic Institute<sup>15</sup> published a report which showed that people interviewed were nearly unanimous in their desire to have the international community involved in the election. The European Commission has earmarked €13m for technical preparations under the 9th EDM, and the EC delegation has

dedicated personnel which are working full time on the elections. Long-term election observers are already present in the country - including the National Endowment for Democracy (NED), the Institute for Electoral Systems (IES) and the Carter Center - which are advising the Electoral Commission and running some civic voter education programmes. A larger number of observers are expected for the closing period of the campaign, including an EU electoral observation mission. These will have a positive role in ensuring the election takes place in line with international standards. The African Union has expressed its intention of sending a high-level monitoring team. It is important that these missions are coordinated and do not merely wait until after the elections to publish their verdict, but are actively engaged in ensuring that violations are reported, investigated and remedied.

The African Union High-Level Implementation Panel for Sudan has drawn up and negotiated an Electoral Code of Conduct and a Declaration of Common Commitments for the elections. This was agreed initially among the national political parties, however the parties comprising the National Consensus Alliance ('Juba Alliance') failed to agree on a summit meeting, demanding that the agenda should include the question of whether the elections should be held at all. The code and declaration were finalized and adopted in Juba on 1-2 March 2010 in a summit meeting for political parties in Southern Sudan. The code calls for 'political parties councils' to meet to raise and resolve disputes, and for robust election monitoring. It provides a much more liberal regime for governing campaigning activities than existing Sudanese regulations. The Code and Declaration were signed by 15 parties in Southern Sudan on 2 March and by the NCP on 8 March. Other parties are also signing up. If observed, the Code represents a big step forward in ensuring that the elections are free and fair. It provides a very useful instrument for election observers and monitors.

The Committee also heard concern over the voting status of southerners in the North, in particular whether they would have to return to the South to register and vote. This matter was not clarified, indicating a degree of confusion around this important matter.

Although it is accepted that these elections will not be perfect, it is hoped that they will contribute towards realising the potential to reshape the political culture and encourage the development of relationships between responsible citizenry and an efficient and impartial state.

Elections will involve a number of distinct ballots for different levels of government.

In northern Sudan, there will be elections for national president, state governor, and for the national assembly and state assembly. The national and state assembly elections will each involve three distinct ballots, as these bodies will be composed of representatives selected by three systems:

- First-past-the-post geographical constituencies
- Party lists elected on a proportional basis at state level
- Women's lists elected on a proportional basis at state level

This will mean each voter in northern Sudan will have to cast eight ballots in the course of the elections, under three different voting systems.

In southern Sudan, there will also be elections for the post of president of southern Sudan and for the Southern Sudanese assembly (the latter, again, having three types of representation). This will mean that each voter in the South will have to cast twelve ballots.

#### **An explanation of the ballots in the April 2010 election**

Taken from the written submission by Professor Justin Willis<sup>16</sup>

## Election education

Many civil society groups are worried about a general lack of awareness around the elections and a lack of preparation. Elections are so complicated that each (educated) voter is anticipated to require around 23 minutes to complete the ballot. This is especially concerning given the high levels of illiteracy in many regions. Campaigns of public information and the provision of technical resources have been reported as being well below the levels needed. Although there has been a certain amount of training of polling staff and party officials and some voter education programmes, there is an urgent need to scale up these efforts dramatically.

The Committee heard a considerable degree of support for the idea of establishing a UN broadcasting unit to educate voters on the electoral process.

#### **Recommendation**

**The APG believes that the UK government and other donors should urgently develop plans and allocate resources to address potential disputes in the wake of the elections. Donors must also be ready to scale up the political engagement with the parties to help ensure that the formation of a new government following the elections proceeds without major delays.**

# Referendum

The referendum, to be held in January 2011, has long been seen as 'the promised land'. It was more or less accepted throughout the Hearings that the referendum was immutable and could not be delayed, although it was also heavily stressed that the CPA does not stop with the referendum – the peace process must continue beyond the referendum, with the requisite international engagement to support it.

Attempts to predict what would happen after the referendum served to emphasize that many scenarios were possible. The general impression from the evidence given was that secession was the most likely scenario, but implications were less clear. Would secession be abrupt and violent, or slow and possibly painful? Would it be a cosmetic process, secured at the very last minute by elite deals? There was much concern expressed over the scarce time remaining to agree to the key political and technical issues in advance of the referendum in order to avoid post-2011 confrontation and instability around and afterwards.

The timescale for preparations for the referendum is very tight. Edward Thomas's report, published in January 2010, identifies in detail the issues still to be resolved in the complex process. In terms of logistical preparations, time is fast running out and the Committee heard strong recommendations to support the establishment of the structure necessary for the referendum to take place as soon as possible, starting with a Referendum Commission - particularly as there is likely to be some dispute around the elections in the following months.

There is a significant lack of preparation or contingency planning for the post referendum phase. If Southern Sudan chooses unity, two armies that currently face each other in a state of confrontation and uneasy anticipation will need to be integrated within 90 days. If it chooses secession, a whole plethora of deals on security arrangements, oil revenues, nationality, currency and more will need to be reached. The Committee heard concern around the post-referendum status of the thousands of southerners who have lived in the northern part of the country for two or more decades, and fear marginalization and discrimination, and potentially eviction following a Southern vote for secession.

The challenge of border demarcation and the difficulties in satisfying the interests of border communities and national policy makers and

institutions must not be underestimated. To avoid conflict, a national level post-2011 wealth sharing arrangement is critical before delineation can be agreed upon; but demarcation is also urgent to maintain confidence around the referendum, and negotiations may take time (and this once the post-election period has settled down). At the community level, the de facto border is so far from the 1956 border as perceived by the communities that there is a high likelihood of grievances. Border communities should be consulted in the demarcation process, indeed wider engagement with people should be part and parcel of the range of complex processes.

Given the propensity of the parties for brinkmanship, it is likely that the run-up to the referendum will be characterised by last minute deals between elites which do not adequately address the longer term concerns of communities or deeper issues which may lead to potential conflict.

## Recommendation

**To avoid contested secession and the risk of a return to full-scale conflict, the APG believes that the UK government and other CPA international guarantors should concentrate attention now on the January 2011 referendum and post-referendum arrangements. This includes supporting the parties to reach agreement in advance on a number of outstanding issues, including citizenship for southerners in the north and northerners in the south, oil revenue sharing, border demarcation, rights of tribes that regularly cross the north-south boundary and the status of the Three Areas (particularly Southern Kordofan and Blue Nile) post-2011.**

## Chapter 4: Recommendations

### Political engagement

The APG strongly supports the continuation of high-level political engagement from the UK government, and the coordination of these efforts with other international bodies and governments. The APG also recognises the importance of an international role in supporting and mediating negotiations around the issues still to be resolved from the CPA, and in preparing for post-2011 arrangements. The APG recommends that such efforts are streamlined as much as possible, and make the best use of mechanisms already owned by the parties themselves, such as the AEC.

To avoid contested secession and the risk of a return to full-scale conflict, the APG believes that the UK government and other CPA international guarantors should concentrate attention now on the January 2011 referendum and post-referendum arrangements. This includes supporting the parties to reach agreement in advance on a number of outstanding issues, including citizenship for southerners in the north and northerners in the south, oil revenue sharing, border demarcation, rights of tribes that regularly cross the north-south boundary and the status of the Three Areas (particularly Southern Kordofan and Blue Nile) post-2011.

The APG believes that the UK government and other donors should urgently develop plans and allocate resources to address potential disputes in the wake of the elections. Donors must also be ready to scale up the political engagement with the parties to help ensure that the formation of a new government following the elections proceeds without major delays.

The APG seeks a more politically proactive role for the United Nations and especially the two peace support missions in Sudan, UNMIS and UNAMID. The main task of UNMIS is to facilitate the CPA, and both missions have civilian protection mandates. They jointly represent the international community's biggest financial and human resource investment in Sudan, and it is important that they provide coordinated political leadership in support of Sudanese solutions.

The APG believes that UNMIS should upgrade the protection of civilians among its priorities and that the UNSC should strengthen UNMIS's Chapter VII Protection of Civilian mandate at the April 2010 mandate renewal. A strengthened mandate should emphasise UNMIS's responsibility to deal with 'inter-

nal' or 'tribal' violence and the LRA as well as CPA-related threats. DPKO and the UN Secretariat must also support UNMIS to better understand and implement its civilian protection responsibilities.

The APG believes that the UN should be much more politically proactive in Sudan. The principal reason why UNMIS exists is to facilitate the implementation of the CPA. The incoming head of UNMIS should be given the full backing required to allow him to place the UN at the centre of coordinating international political engagement in Sudan, where necessary revising the mandate, deployment and tasks of UNMIS military and civilian assets and personnel in pursuit of this objective.

The APG supports the continued deployment and upgrading of UNAMID and the renewal of its mandate. As the mission approaches full strength, the focus of effort should shift towards a more proactive political strategy, engaging at local, Darfur-wide and national levels.

## Humanitarian and donor assistance

The APG believes that the UK government and other donors should adopt a balanced and effective approach that combines support to pooled funds and bilateral assistance to relevant partners on the ground on the basis of their comparative advantage. Post 2011 funding should reflect a focus on

5. continued service provision, especially in underserved areas
6. strengthening capacity building at state and local levels
7. increased support to security and justice, with an emphasis on community security
8. support to emergency preparedness and response capacity throughout the country.

## Support for economic development, security and justice

### Human Rights

The APG believes that some positive developments have taken place with regards to human rights and the situation of women in parts of Sudan, but the GoNU and GoSS must do more to embed a culture of human rights within their institutions. The UK government and other donors should support human rights training programmes across a range of government sectors, including security and policing. Development programmes aimed at enhancing women's access to the law, education and health services, employment and participation in the public and private sectors should also be supported both in the North and the South. The UK Government should urge the Sudanese Government to ensure that justice is done with respect to the crimes committed in Darfur, including establishing a hybrid court in line with the recommendations of the AU Panel on Darfur.

### Natural resources

The APG recommends that a transparent oil production and revenue monitoring system be put in place that can build confidence between the parties and ensure that future revenue systems are fair and accepted.

The APG also recommends that mechanisms are put in place to ensure that any exploitation of natural resources for investment or public utility is pursued in full respect of communities' rights to access their land or receive adequate compensation.

### Urbanisation

The APG recommends that the UK government and other donors provide support to GoSS to assist in developing a strategy for managing urban expansion, drawing on experiences of rapid urbanisation (including post-conflict) elsewhere in Africa. DFID should consider drawing together appropriate expertise to advise the GoSS.

## Civilian Protection

The APG recommends that donor governments including the UK should support and pressure the GoSS to develop a civilian protection strategy that ensures civilian disarmament initiatives do not contribute to further insecurity. The APG recommends that GoSS move beyond a focus on disarmament to include improving the discipline and professionalism of SPLA soldiers, establishing and strengthening the police and other civilian rule of law institutions.

The APG recommends that the international community pursue better enforcement of the arms embargo, especially governments, companies and individuals based within the EU.

## A whole Sudan approach

The APG strongly supports an approach which takes into account the whole of Sudan, and in particular focuses on the following regional issues:

### Southern Sudan

The APG believes that irrespective of how political developments unfold, Southern Sudan will require generous, long-term international support to tackle endemic poverty, to build accountable governance structures and to maintain stability and foster a sense of cohesion in an extremely fragile environment. The APG recommends that the international community and GoSS invest in strengthening governance institutions at local and state levels.

The APG calls for for GOSS and international partners to urgently address second tier conflicts in the region, paying more attention to ongoing dynamics in more peripheral states and investing adequately in reforming the security sector structures.

### Abyei

The APG recommends that the UK government and other CPA observer governments systematically engage with both the ongoing process of border demarcation and the discussions around eligibility for the Abyei Referendum. International partners should also work

with all parties to put in place legislation and practical support to provide a trusted mechanism for managing movements. Unimpeded access for UNMIS to the Karasana-Heiglig and Heiglig-Diffra roads must be secured as a priority. This would also help improve NGO access to remote locations where essential services need to be expanded.

### Blue Nile

The APG recommends that the UK government and other donors expand support to civic education and grassroots projects at the state level in order to mitigate some of the misunderstandings and unrealistic expectations around the popular consultation. Special attention should be paid to minority rights in Blue Nile post-2011.

### Southern Kordofan

The APG recommends that the UK government and other donors engage with the rehabilitation, infrastructural development and social integration plans for the state. Donors should at the same time promote civic education and civil affairs initiatives in order to raise awareness of the reasons behind the delays for the state elections and the popular consultation and to minimise misunderstandings amongst the local population.

### Eastern Sudan

The APG recommends that the UK government and other donors urgently increase support for a large scale, integrated response to the development needs of the region aimed at de-escalating tension amongst the most deprived communities.

### Darfur

The APG supports the current efforts to conclude an inclusive Darfur peace agreement in Doha and endorses the efforts of the Amir of Qatar, the Joint Chief Mediator and the Special Envoys of the P5 and EU, and hopes that these yield fruit by April. In the event that this deadline is missed, however, negotiations will need to continue in the post-electoral period. Should this happen, and as new realities emerge, the Joint Chief Mediator, the UNAMID Joint Special Representative, and the head of UNMIS should meet under the auspices of the

African Union Panel on Sudan, and the UN Secretary General, to forge an appropriate and coordinated mediation strategy, based on the principles of inclusive representation and a holistic agenda.

The APG supports the findings and recommendations of the African Union High-Level Panel on Darfur, headed by President Thabo Mbeki, and its successor, the AU High-Level Implementation Panel for Sudan. This represents a welcome engagement at the highest level in pursuit of comprehensive political solutions for Sudan in line with the demands for peace, justice and reconciliation in Darfur, and the successful implementation of the CPA.

## Advocacy

The APG supports the efforts and the spirit behind advocacy activities around Sudan, in particular the Sudan365 campaign, which draws attention to the need for a sustained, whole Sudan engagement. The APG recognises the importance of such activities in holding to account the actions of the international community, disseminating information across the wider public sphere, and putting pressure on those with the power to influence policy and political decision making. The APG also recognizes that advocacy must emphasize the enormous progress made in Sudan during the last five years and the capacity of Sudanese communities and leaders to resolve their problems, when they are determined to do so.

# Appendix 1

## List of organisations and individuals that submitted written evidence to the Hearings

(\*Only public submissions are listed. All public written evidence can be found on the APG Sudan website.)

- Aegis Trust
- Dirdeiry Mohamed-Ahmed MP, Member of the National Assembly of Sudan
- Barnabas Fund
- Edward Thomas, Rift Valley Institute
- European Commission
- FCO/DFID, UK Government
- Gill Lusk, Journalist and Sudan Specialist
- Global Witness
- International Crisis Group
- International Medical Corps UK
- Professor Justin Willis, Rift Valley Institute
- Khalid Almubarak, Sudanese Playwright and Columnist
- Lise Grande, Deputy Resident and Humanitarian Coordinator of the United Nations, Southern Sudan
- Dr Mohammed Ahmed Mukhtar, University of Juba
- Patrick Wakely, Emeritus Professor of Urban Development, London University
- Peter Moszynski, Sudan Specialist
- Peter Verney, Sudan Specialist
- Pieter Tesch, Journalist and Chief Executive of the Sudan Cultural Society of Britain and Ireland
- Redress
- SOS Sahel
- Sudan Council of Churches
- Tom Carter, Director of Laswell Associates, Urban and Regional Development Consultant
- Ambassador Torben Brylle, European Union Special Representative for Sudan

## **Appendix 2: List of expert witnesses that gave oral evidence at the Hearings**

(\*All sessions were public unless stated otherwise. The audio from the public sessions is available on the APG Sudan website.)

Monday 11 January  
14.00 – 15.00  
NGO SESSION (CLOSED)

Monday 11 January  
15.00 – 16.00  
ADVOCACY SESSION

James Smith, Aegis Trust  
Lutz Oette, Redress  
Mike Davis, Global Witness

Monday 11 January  
16.00 – 17.00

EXPERTS AND ACADEMICS SESSION

Justin Willis, Rift Valley Institute  
Edward Thomas, Rift Valley Institute  
Pieter Tesch, Journalist and Chief Executive of  
the Sudan Cultural Society of Britain and Ireland

Tuesday 12 January  
10.00 – 11.00

SUDAN COUNCIL OF CHURCHES

Archbishop Daniel Deng Bul Yak of the  
Episcopal Church of Sudan

Tuesday 12 January  
12.00 – 13.00

EUROPEAN UNION SPECIAL  
REPRESENTATIVE

Ambassador Torben Brylle, EUSR

Thursday 21 January  
14.00 – 15.00

Government of Southern Sudan  
Dr. Daniel Peter Othol, Head of Mission for  
GoSS Liaison Office to UK  
Paul Molong Akaro, Deputy Head of Mission for  
GoSS Liaison Office to UK  
Mou Mou Ring, GoSS Liaison Office to UK  
Augustino M Parek, Sudan Embassy UK

Thursday 21 January

15.00 – 16.00

**GOVERNMENT OF NATIONAL UNITY**

Ambassador Omar Mohamed Ahmed Siddig,  
Ambassador of Sudan in the UK

Ambassador Dirdeiry Mohamed Ahmed MP,  
Member of the National Assembly of Sudan

Wednesday 24 February,

17.00 – 18.00

**UK GOVERNMENT  
(CLOSED SESSION)**

Michael O'Neill, Special Representative for  
Sudan, Foreign and Commonwealth Office

## Notes

1. Edward Thoma, Decisions and Deadlines: A Critical Year for Sudan, Chatham House, London, January 2010
2. Written submission by Lise Grande, January 2010
3. Written submission by Dirdeiry Mohamed Ahmed, January 2010
4. Global Witness, Fuelling Mistrust: the need for transparency in Sudan's oil industry, September 2009
5. Written submission by Barnabas Fund, January 2010
6. Written submission by Patrick Wakely and Tom Carter, January 2010
7. Sudan Issue Brief 15, Supply and demand: Arms flows and holding in Sudan, Small Arms Survey, December 2009
8. Joint NGO Briefing Paper, Rescuing the Peace in Southern Sudan, Oxfam, Oxford, January 2010
9. Written submission by Dr. Mukhtar, January 2010
10. Written submission by Sudan Council of Churches, January 2010
11. Written submission by SOS Sahel, January 2010
12. Written submission by Professor Justin Willis, January 2010
13. Written submission by Professor Justin Willis, January 2010
14. Written submission by Redress, January 2010
15. Traci D.Cook and Dan Vexler, Imagining the election: Looking at what citizens know and expect of Sudan's 2010 vote, National Democratic Institute, Washington, September 2009
16. Written submission by Professor Justin Willis, January 2010





## Contact

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## Committee members

David Drew MP, Baroness Tonge, Earl of Sandwich, Lord Alton, Baroness Cox, Roger Gale MP  
Susan Kramer MP, Sally Keeble MP, Mark Pritchard MP, Sara Pantuliano, Alex de Waal