



# Sudan: Referendum Countdown

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**Peter Kagwanja & Thomas Kimaru**

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*The stage is set for confrontation with Southern Sudan withdrawing its presidential candidate from the 11 April 2010 general elections citing advance irregularities by Khartoum. In retaliation, President Omar al-Bashir threatened to postpone the 2011 referendum that could see the South break away from the North and which Southern Sudan President Salva Kiir says is more important than the elections. The sounds the war drums for the upcoming independent referendum for the South, itself plagued by ethnic tensions. This brief examines the April elections in the context of the tensions within and between the South and the North ahead of the 2011 referendum.*

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## *T*HE IMPASSE OVER THE APRIL 2010 NATIONWIDE ELECTIONS IN SUDAN

signals a new wave of ethnic regionalism — contrasted with regional integration of states — now frightfully sweeping across Africa and rolling back the gains made in democratisation in recent decades.

Pre-election Sudan faces the risk of joining Cote d'Ivoire, Kenya, Ethiopia, Zimbabwe and other African states where ethno-regionalism in the context of disputed elections has pushed states to brink of collapse.

The clamour for ethnic-based regional autonomy is linked to the worldwide surge of ethnic nationalism — defined by security theorists as the 'clash of the peoples,' everywhere and poised to drive the continent's politics for generations to come.

Ethnic regionalism has become a divisive force tearing African countries apart: Champions of the Ivorite ideology in Cote d'Ivoire attacked 'Northerners,' violently splitting the country into warring North-South regions; in Kenya, crusaders of ethnic-based regionalism have divided citizens into 'native' and 'settlers' as the basis of ethnic cleansing.

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In Sudan, entrenched North-South conflict has deep ethnic, racial and religious fault-lines. Over the years, this divide fed the catastrophic 24-year civil war and now it could mar this month's polls, scuttling the January 2011 referendum on the independence of the South.

A dispute over the participation by the Sudanese People's Liberation Movement (SPLM) in the 11-13 April election, the first nationwide competitive polls since 1986, is heightening ethno-regionalism and separatist sentiments in the South.

The April elections, delayed since 2008, were originally designed to elect a unity government with the mandate to carry out reforms and make unity attractive for the South. This was to replace the power-sharing government agreed on hurriedly by President Omar al-Bashir's National Congress Party (NCP) and the John Garang's SPLM following the signing of the Comprehensive Peace Agreement (CPA) in January 2005 in Nairobi, Kenya. Garang died in July 2005 and was succeeded by Salva Kiir as the President of the semi-autonomous Southern Sudan.

The mid-term election is one of the milestones that the CPA devised to prevent Sudan's fragile peace from breaking down, including referendum on Southern independence in January 2011 and demarcation of the 1956 North-South border.

But over the years, the South's relations with Khartoum turned frosty over the rescheduling of the 2008 mid-term election which watered down the original purpose. Ahead of the April elections, SPLM has charged that the electoral process has been flawed long before the first ballot is cast, citing manipulation of census results and voter registration, gerrymandered electoral districts, electoral insecurity, restricted access to media and the right to hold rallies and election laws drafted to favour President Bashir's party.

As a result, SPLM pulled out its candidate, Yassir Arman, from the presidential race, arguing that the on-going conflict and state of emergency in the war-torn western region of Darfur made it "impossible to have free and fair elections."

However, the SPLM will contest the parliamentary and municipal elections. It is determined to win at least one-third of the seats in the national legislature to frustrate attempts by al-Bashir's NCP to unilaterally amend the constitution and undermine the referendum. But the ensuing uncertainty has ignited fears of a return to a third civil war.

Raising the stakes the Khartoum regime, which has kept democracy in cold storage since al-Bashir seized power 21 years ago, threatened to call off the crucial January 2011 referendum. But SPLM chief, Vice-President Salva Kiir, insisted that the referendum "has to be conducted whether there are elections in Sudan or not."

The ruling NCP badly needs a decisive and legitimate victory in the coming elections. This will guarantee its vision of one undivided Sudan and the safety of President Bashir now facing the threat of extradition to the Hague to stand trial for crimes against humanity in Darfur as the first sitting African Head of State to be indicted by the International Criminal Court (ICC).



The party is fighting to win majority seats in the National Assembly to amend the constitution to enable it to influence the outcome of the January referendum, gain powers to declare a state of emergency in the event of war and maintain stranglehold over the oil-rich region that generates billions of dollars in revenue for the North.

The ensuing North-South conflict set off a flurry of diplomatic initiatives particularly by the Inter-Governmental Authority on Development (IGAD), the African Union and the international community to halt Sudan's slide to back to the civil war that claimed some 1.5 million lives.

External initiatives in Sudan are driven by a general fear of election-related violence which has become the bane of democracy in African countries, particularly in Cote d'Ivoire, Madagascar, Zimbabwe and Kenya.

The level of preparation for elections and implementation of the CPA formed the focus of a recent summit of IGAD's seven member states in March 2010. The meeting committed to undertake shuttle diplomacy to end mistrust and restore confidence between the elites in the North and South of Sudan and to provide technical support towards realising a free and fair election.

During the meeting, the SPLM leader, Salva Kiir, reiterated that "the Southern Sudan referendum is more important than the upcoming elections scheduled in next April and south will defend it at all cost".

On its part, the African Union hopes that Sudan will stage free and fair elections in April by adhering to the Declaration on the Principles Governing Democratic Elections in Africa and the African Charter on Democracy, Elections and Governance (2007). In a March 2010 Agreement, Khartoum promised the African Union that it would uphold these election standards, but as the recent report by the Brussels-based think-tank, the International Crisis Group, Khartoum has already manipulated the electoral process, "resulting in an almost certain victory for the NCP."

Despite this, the AU has no credible sticks or carrots to ensure that Sudan stages credible elections. In any case, Sudan is not a signatory to the Charter, which has been signed by only 29 countries and ratified by three others: Sierra Leone, Ethiopia and Mauritania.

On their part, Western governments and international election observers have called for 'minor' postponement of the election to give the Sudan's National Election Commission (NEC) adequate time to deliver free and fair elections. But Khartoum has ignored this appeal.

Recently, the United States, United Kingdom and Norway censured Khartoum over "continued administrative and logistical challenges, as well as restrictions on political reforms." They also insisted that it was essential to hold the January 2011 referendum "irrespective of the outcome of [nationwide] elections." But China, which has vested interests in Sudan's oil-wealth, is notably mute.



However, Khartoum's failure to make unity attractive to Southerners has fostered strong ethno-regional sensibilities in the South, making separation inevitable come the 2011 plebiscite. The African Union and the international community have now recognised this fact, but Khartoum is prepared to break every rule in the book to frustrate the referendum.

The NCP regime has covertly supported private militias to destabilise the South, leading to escalation of inter-tribal violence which has killed 450 people and displaced nearly 60,000 others in 2010.

Khartoum's vigilante war on the South is aided by escalating South-South tensions over unequal access to resources, poor governance and discontent over the dominance of the majority Dinka. This has raised questions of the South's own stability after the referendum. It is a paradox that ethno-nationalism that defined the South's quest for self-determination as a region is emerging as the greatest impediment to the stability of a new Southern Sudan state.

### ***Post-referendum arrangements***

Ultimately, regional bodies and their international partners should intensify pressure on Khartoum to halt support for militias in the South and step up South-South dialogue to heal the growing divisions between ethnic groups and political elites in the South. They should also halt the arms race between the two parties to the CPA by stemming the sale of arms and the flow of illegal ones to the possible combatants.

Ethno-regionalism is now poised to triumph over the despotic Sudanese state, but negotiations on post-referendum arrangements should now start in order to resolve the North-South boundary problem and the sharing of the oil wealth within the South to prevent the emerging state in Southern Sudan from falling to the same sword of ethnic nationalism.

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