



# **Sudan's Last Chance for Durable Peace**

By Peter Kagwanja & Thomas Kimaru

# Sudan's Last Chance for Durable Peace

Peter Kagwanja & Thomas Kimaru<sup>1</sup>

---

*Sudan is at the crossroads. The forthcoming January 2011 referendums for the Independence of Southern Sudan and Abyei Status signify the last chance for durable peace in a fragile country emerging from destructive multiple conflicts since independence in 1956. But uncertainty of timely and peaceful referendums and the escalating North-South tensions risk throwing the Horn of African state back into civil war. Khartoum's neighbours, pan-African organisations and the larger international community must act swiftly and decisively to secure the referendums and avert the resurgence of civil war.*

---

In less than 70 days, Sudan faces two watershed referenda. On 9 January 2011 South Sudan determines whether it remains part of Sudan or becomes a sovereign entity. The same day, the people of the oil-rich Abyei region will vote to decide on joining the North or the South. But an upsurge of ethnic violence, a North-South arms race, an impasse on establishing referendum mechanisms and threats by the ruling National Congress Party (NCP) to disavow the results of the referendum risk pushing Sudan back into civil war. The recently concluded United Nations Summit in New York signposted Sudan's historic plebiscite as the last chance for durable peace. Khartoum's neighbours and the larger international community must act swiftly and decisively now to ensure a peaceful, credible and timely plebiscite, insist on the parties involved to accept the results and halt Sudan's slide back into civil war.

Since the advent of political pluralism in the early 1990s, referenda - also known as plebiscites - have become important tools for manifesting popular democracy, resolving disputes and civil wars, and advancing the course of peace in Africa. Over the last two decades, the fragile continent has witnessed no less than two

---

<sup>1</sup> Prof. Peter Kagwanja is the President of the Africa Policy Institute and an International Consultant on Security and Governance ([pkagwanja@africapi.org](mailto:pkagwanja@africapi.org)). Thomas Kimaru is a Senior Policy Analyst with the Africa Policy Institute ([tkimaru@africapi.org](mailto:tkimaru@africapi.org))

dozen plebiscites from Burundi (1991) to Eritrea (1993), Senegal (2001) to the Democratic Republic of Congo (2005), Egypt (2005) to Uganda (2005) and, more recently, from Zanzibar (2010) to Kenya (2005 and 2010). While referenda are an indelible feature of the latest wave of democracy, they have had rather mixed results in countries emerging from decades of authoritarianism, conflicts, genocide and state failure.

On the one hand, after decades of civil war, Eritrea emerged as Africa's 54th state after its citizens voted 99.8% in favor of independence from Ethiopia in 1993. Direct vote by the electorate is now widely acclaimed as a way of resolving fundamental national questions relating to ethnic discrimination and marginalization, for example in a country like Cote d'Ivoire. Moreover, plebiscites have been used to adopt new constitutions after repression, institutional collapse, ethnic violence or civil wars in the Democratic Republic of Congo, South Africa and Kenya. Direct polls have also been used in an (so far unsuccessful) attempt to find a solution to separatist claims of Western Sahara resisting annexation by Morocco.

On the other hand, the failed constitutional referendum in Kenya in 2005 caused tribal animosity to reach a fever pitch, planting the seeds for the 2008 post-election disorder where over 1,000 Kenyans were killed and over 600,000 displaced. Similarly, despite five constitutional referenda in its independent history, the development of democracy in Madagascar has stalled in the face of elite power tussles and political paralysis, culminating in the March 2009 power grab by the military-backed opposition. More recently, in Niger the August 2009 controversial plebiscite triggered a constitutional and political crisis that ended in a military coup in February 2010.

The impending referenda in Southern Sudan and the Abyei regions are now the latest attempts in Africa to resolve a protracted conflict and to find sustainable peace through direct democracy. The groundbreaking 2005 Comprehensive Peace Agreement (CPA) signed in the Kenyan town of Naivasha between the National Congress Party (NCP) and the Sudan People's Liberation Movement (SPLM) not only ended Africa's deadliest and longest civil war, but also gave the South the right to decide on its independence and the Abyei region to determine its position as part of the North or the South. But continued North-South tensions threaten to derail the referendum and push Sudan back into violence.

Less than three months before the referendum, the Southern Sudan Referendum Commission (SSRC) was formed - three years behind schedule. It has yet to start the registration of voters and other major logistical preparations. In part, the Commission's work stalled following a North-South bickering over the candidate for the post of its Secretary General. Even as the South endorsed a Northern candidate, Mohammed Othman al-Nijoumi, for the post, suspicions have lingered on that the North would tamper with the vote.

Furthermore, maneuvering and inflammatory remarks by both Khartoum and Juba have needlessly raised political temperatures and tensions ahead of the January referendum. A few days ago, Khartoum's Minister for Youth and Sports and a senior member of President Omar Hassan al-Bashir's NCP, Haj Majib Suwar, irked the ire of Southerners by declaring that "we may not recognize the results [of the referendum]." NCP bigwigs are accusing the SPLM of curtailing the freedom of speech and not allowing free campaigning in the South, arresting and harassing those speaking of unity and amassing troops in strategic areas.

On its part, the SPLM leadership has accused Khartoum of seeking to retain its stranglehold in the South. In this regard, the SPLM spokesman, Koul Diem Koul, has charged that “what he [Suwar] is saying is ... a statement of an occupier who wants to occupy more land.” By the same token, the SPLM has threatened to explore ‘alternative options’ for Southerners to exercise their right to self-determination, including the possibility of a unilateral declaration of independence if the North subverted the January plebiscite. The NCP has termed this threat a ‘political suicide’. Adding to this heat is an accelerating North-South arms race as the two rivals brace themselves for a possible return to civil war. Both Juba and Khartoum have spent sizeable parts of their share of oil revenues to purchase weapons.

## **Abyei Referendum**

Also under siege is the Abyei referendum, designed to allow voters in the oil-rich region to decide whether they will join Juba or Khartoum. Preparations reached a deadlock when NCP and SPLM failed to agree on the make up of the Abyei Referendum Commission. At the heart of the North-South dispute over Abyei is the classical settler-native divide. Both the 2005 peace deal and the Abyei referendum law give the right of vote to the ‘natives’ of Abyei identified as the Ngok Dinka tribe. But further complicating the matter, the law also allows the Referendum Commission to decide which “other Sudanese” are considered residents and hence allowed to vote. A 2009 ruling by the Permanent Court of Arbitration (PCA) in The Hague reaffirmed the town of Abyei as the heartland of the Ngok Dinka whereas the redrawn borders left the majority of the Missiriya outside the region, making them ineligible to vote. Both the SPLM and NCP agreed to respect the Court ruling.

In line with this, the SPLM has questioned the eligibility to vote of the largely pro-unity Missiriya nomads who graze their cattle in the South during dry seasons. It has accused Khartoum of smuggling into the region some 75,000 nomads to deceitfully alter the voting demography and tilt the outcome of the referendum in the North’s favour. Already, the rearmed Sudanese Armed Forces (SAF) and the Sudan People’s Liberation Army (SPLA) have positioned themselves around strategic oil fields in a silent scramble for oil reserves in the event of a post-referendum break out of violence.

The SPLM leadership has also accused Hassan al-Bashir’s NCP of sponsoring proxy wars among ethnic groups in the South as part of a divide-and-conquer gambit. In 2009 alone, inter-ethnic clashes claimed over 2,500 lives and displaced almost 400,000 people. Tensions over grazing fields, water and raiding for animals have provided the fault lines exploited to escalate conflicts. Furthermore, an incipient elite scramble for power and control of resources and claims of electoral fraud during the highly contested April 2010 elections intensified the South-South conflict, leaving Southern Sudan more fractured than before.

## **Securing the Referendum**

Sudan’s neighbors, pan-African organizations and the international community must now act decisively to forestall Sudan’s slide back into civil war. At the regional level, while recognizing the South’s right to self-determination, Sudan’s neighbours, particularly Kenya, Uganda, Eritrea and Ethiopia also concede that the stability of the Horn of Africa region is inextricably linked to the future of Sudan. Predictably, renewed conflict

will have serious spillover effects including refugee influxes, destruction of potential markets and the disruption of trade, especially in oil.

Sudan's neighbors should therefore use their experience and best practices drawn from conducting referenda to assist both the Southern Sudan Referendum Commission (SSRC) and the Abyei Referendum Commission to conduct successful plebiscites and avert war. For instance, Sudan can draw vital lessons from Kenya's highly successful constitutional referendum held on 4 August 2010, especially with regards to voter registration, security of the plebiscite campaigns and election management. Furthermore, lessons learned from the 1993 referendum that led to the secession of Eritrea from Ethiopia can also be of great value for both Juba and Khartoum.

Moreover, regional bodies such as the Inter-Governmental Authority on Development (IGAD) and the African Union (AU) must step up their diplomatic efforts to unlock the prevailing stalemate on the formation of the Abyei Referendum Commission and the delayed voter registration. In particular, the AU's High level Implementation Panel for Sudan headed by former South African President Thabo Mbeki should bolster up its efforts in monitoring voter registration and increase its regular mediations to resolve simmering disputes.

On 24 September 2010, the United Nations Summit in New York held a session on Sudan which underlined the right of the people of Southern Sudan and Abyei for self-determination and called for timely and peaceful polls. Notably, US President Obama led global leaders in underscoring the significance of a peaceful and timely referendum for Sudan and the fragile horn region. The US should therefore immediately release \$60 million in funds it pledged to support the Referendum Commission.

The US and EU must also increase diplomatic pressure on the parties, institutions and individuals undermining a smooth referendum, including considering targeted sanctions. Ensuring a free, fair and transparent plebiscite and putting pressure on the parties involved to accept the outcomes of the referendum are central to averting the resurgence of civil war.

---

*This brief was first published by [openDemocracy](http://www.opendemocracy.net/) - <http://www.opendemocracy.net/>*

## About API

*The Africa Policy Institute (API) is an independent, not-for-profit pan-African think tank designed as a centre of excellence on peace, security and governance, and strategic issues in Africa. The Institute is devoted to policy relevant research to stimulate and inform policy dialogue and sharing of innovative policy perspectives with research and policy communities. For more information, visit [www.africapi.org](http://www.africapi.org) or email [nairobi@africapi.org](mailto:nairobi@africapi.org)*

