



East African School of Human Rights

Institute for Security Studies (ISS) Public Seminar Series

SUMMARY REPORT

Southern Sudan 2011: Reflections on the Referendum and Post-Referendum Transitional Period

Organized by the African Conflict Prevention Programme, ISS Nairobi Office

1 February 2011

Introduction

The African Conflict Prevention Programme of Institute for Security Studies (ISS) Nairobi office in conjunction with the Hanns Siedel Foundation and the East African School of Human Rights held a seminar on 1 February 2011 to deliberate on the Southern Sudan referendum and post referendum transitional period. Starting January 9, the people of Southern Sudan conducted a peaceful referendum to decide on possible cessation according to requirements of the Comprehensive Peace Agreement (CPA) signed in 2005. This brought to an end one of the longest running civil wars in Africa, which devastated the Sudan, especially the South. Though official results are yet to be announced, preliminary results indicate that over 98% of voters have opted for cessation. In the absence of an appeal, official results declaring independence from the North, will be announced on 7 February 2011. Some of the outstanding challenges include issues related to governance, institutional reforms, infrastructure and capacity building, relations with the North, citizenship, security, natural resource management, debt sharing and other liabilities, international treaties, border demarcation, status of Abyei, Blue Nile and South Kordofan, resettlement, national cohesion and the mandate of United Nations Mission in Sudan (UNAMIS). In all this, the role of regional and international communities in consolidating peace and supporting the development of the South as a new State is imperative.

This seminar brought together over 70 participants including high-ranking government officials, members of the diplomatic corps, security experts, academics and civil society representatives. In his welcoming remarks, Roba Sharamo, Programme Head for the African Conflict Prevention Programme of ISS Nairobi, thanked participants for their commitment to human security issues in Sudan. Hon. Richard Onyonka, Assistant Minister for Foreign Affairs, gave a keynote address. Brigitte Pleitz of Hans Seidel Foundation and Jakkie Cilliers, Executive Director of ISS made the opening remarks. Brigitte noted that this seminar was the third jointly organized forum between HSF and ISS on human security issues in Sudan and she emphasized the need to examine the key post-referendum challenges in order to develop sustainable policy options for the post referendum period. Jakkie stressed the importance for all to respect the outcome of the referendum. Ambassador Ochieng Adala, Ag. Executive Director of Africa Peace Forum chaired the meeting. Presentations were made by: Lt. Gen. (Rtd) Lazarus Sumbeiyu, Executive Director, Moi Africa Peace Institute; Hon. David Koech, Member of Parliament and Ag. Chair of AMANI Forum; Hon. Josphat Nanok, Assistant Minister for Forestry and Wildlife, Hon. Augustine Lotodo, Member of East African Legislative Assembly and Professor Kenneth Omeje, Lecturer, United States International University. Atunga Atuti of the East African School of Human Rights, made the closing remarks.

Presentations and Discussions

The referendum was largely termed as peaceful, free and fair. The polls were well managed by both the South and Northern governments, allowing the Southern Sudanese an opportunity to exercise their democratic right to vote for or against secession. Key challenges and opportunities arising for Southern Sudan in the transitional period are outlined below.

Challenges

1. Political and Security

Governance will take centre stage in the creation of the new State and four political issues stand out. First, despite the outcome, the interdependence of the South and the North is undisputed in their joint history, shared infrastructure and resources therefore the need to maintain good neighbourliness. Second, the Southern Sudan will have to contend with weak governance structures and lack of technical capacity as they seek to establish a sovereign nation. Third,

unified by their struggle to secede, the government of Southern Sudan now lacks a strong opposition that is essential in providing checks and balances. Lastly, the contested status of Abyei region still poses challenges, which require urgent redress. The International Court of Justice ruled in favour of the delimitations of the Abyei Boundary Commission, however, negotiations are still needed to determine the terms and modalities of the referendum vis-à-vis the eligible voters.

Security is also a pressing challenge both at a regional and national level. Internally, Southern Sudan must embark on a radical security sector reform including disarmament and retraining of the SPLA militias into professional army. National security issues include managing the transition of the SPLA from a guerrilla movement to a conventional national army, and enhancing the capacity of the struggling national police force. Emerging from a civil war, the proliferation of small arms and light weapons is a major security threat to the new nation and would benefit from regional disarmament strategies. Regionally, the Southern Government will need to efficiently manage its border disputes with the North and also with neighbouring countries like Uganda and Kenya. Related to this is containment of the threat of the Lord's Resistance Army in Northern Uganda to prevent further rebel incursions. Southern Sudan shares borders with several countries in the region and potential emerging disputes must be managed peacefully. In Kenya, the contested Ilemi triangle remains a concern.

2. Economic

The immediate economic impediment is the lack of proper infrastructure in the South namely roads, railways, electricity, water, sanitation and social amenities. This lack of infrastructure will hamper full exploitation of the existing rich natural resources base. However, managing these natural resources and ensuring their equitable distribution will be key to sustainable development in Southern Sudan. Under resource management, the South will need to undertake the establishment of regulatory bodies to assist in the economic development of Sudan and provide oversight on foreign investments in addition to making investing in the country attractive. The long-term strategic development plan should be to diversify the economy away from natural resources to ensure sustainability and avoid the common 'resource curse' phenomenon which has confronted many resource-rich African countries. Included in this is providing livelihood

options for the population that are in line with long term economic goals and managing their expectations and those of the diaspora and other returnees.

3. Social

Managing diversity and integration is crucial to the development of a multi-ethnic state and should be prioritized through an institutionalized body. Over recent years, there has been massive population movement to the South and with the outcome of the referendum; these numbers are likely to increase. Resettlement of these returnees, of whom some are currently Internally Displace Persons (IDPs), will pose challenges both socially and economically. Due to the protracted war, the educational system and social amenities are not operating effectively and the necessary infrastructure must be set up to enhance development. Within the South, there is a need to address historical injustices that may have resulted in discrimination and ethnic exclusion.

Opportunities

The Government of Southern Sudan should take advantage of the optimism that is now prevalent amongst the people of the South to transition peacefully and institute the necessary structures. Secondly, South Sudan has been endowed with a wealth of resources and a relatively small population to provide for, giving it a head start in nation building. Lastly, the South should capitalize on the existing regional and international goodwill and use the same support to forge ahead as a unified new state.

Conclusion

Recommendations from the deliberations underscored the positive regard of regional and international communities to both the North and the South, for conducting a peaceful and successful referendum process. Expressed was the enduring need for reconciliation between the North and the South and the role and responsibility of the regional and international communities in backing the stability of the new state in the South and the North as well. In spite of the bitter

history with the North, both the North and the South should promote reconciliation and healing to form a mutually beneficial relationship. In the immediate and mid-term future, the interdependence of the North and the South, and more so the stability of both, remains urgent priorities. Both parties must establish frameworks for negotiation transitional issues and sustain constructive engagements during the interim period in preparation for a split in July 2011.

There was debate over whether the mandate of the UNAMIS should be extended to ensure security; nevertheless it is ultimately up to the governments of the North and the South to jointly determine what would serve their best interests. Linked to this is the need for the South to respect existing regional and international treaties and agreements as they seek to nurture statehood.

Finally, regional and international communities and guarantors of the CPA must remain engaged during this transition to ensure sustainable peace and development of both the North and the South. Regional bodies like the East African Community and IGAD should be on the frontlines of supporting the South to build its capacity as a new nation.