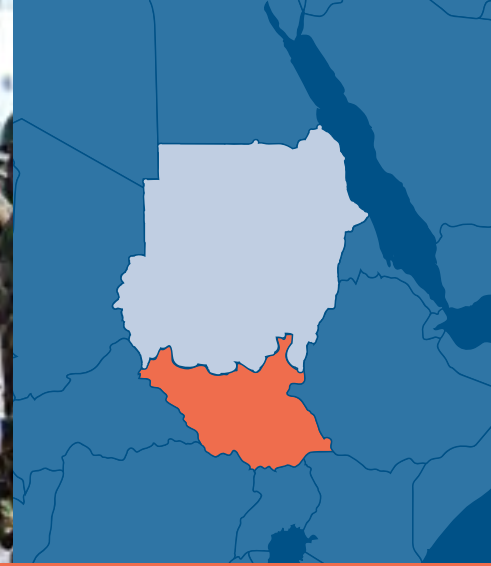




# SECURITY SECTOR REFORM MONITOR



## SOUTHERN SUDAN JANUARY 2011 • NO.4

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Cover photo: President Omar Al-Bashir (in white) arrives in Juba before the secession referendum. He is accompanied by the president of the government of Southern Sudan, Salva Kiir Mayardit (in suit and hat). UN Photo by Tim McKukka.

## INTRODUCTION

The relationship between free and fair elections and the level of security in Sudan is compelling. With the exception of the 1953 elections, rebellions have marred Sudan's multi-party elections and adversely affected political parties and groups — for example, relations between the north and south were negatively affected by the Torit Mutiny that preceded the 1958 elections. Further, insecurity caused by the war between the Anyanya and the Sudan Armed Forces (SAF) resulted in the south being unable to participate in the 1965 elections and, finally, the multi-party elections of 1986 took place during the height of the Sudan People's Liberation Army/Movement (SPLA/M) rebellion (Willis, el-Battahani and Woodward, 2009: 16–21). Insecurity generated by the civil war resulted in the cancellation of elections in many Southern Sudan constituencies. Most multi-party elections in Sudan have, in the past, taken place in an environment of insecurity, making it dangerous for many constituents to vote. The April 2010 election followed a similar pattern — the major difference being the election was the product of the Comprehensive Peace Agreement (CPA) and occurred four years after the civil war ended. This four-year period provided opportunities for reconciliation, open channels of communication and movement toward a democratic transformation of the Southern Sudanese political landscape.

By referencing various problems revealed during the April 2010 election, analyzing the possible security issues leading up to the referendum and considering issues of governance and voting in the referendum as outlined in the CPA and the Interim National Constitution of the Sudan (Government of National Unity [GoNU], 2005a; 2005b), this paper will raise questions regarding the SPLM, possible new political alliances between the north and Southern Sudan, and the influence ethnic and

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regional configurations will have on the referendum and its aftermath.

The April 2010 multi-party elections offer clues on foreseeable challenges for the 2011 referendum. Although these elections passed without any of the coordinated electoral violence that has beset other African countries, the political environment was tense in Southern Sudan. Wrangling between the National Congress Party (NCP) and the SPLM was common in pre-election organizational disputes, a process that led to many adjustments and extensions of the election schedule. Independent political parties who were not signatories to the CPA complained of undue influences, intimidation and malpractices that marred the elections. As a result of NCP and SPLM attitudes of domination over the political scene in the north and the south respectively, some political parties pulled out of the elections in protest, viewing the elections as an “unfair game.” In the south, a large number of independent candidates, some loosely in alignment, competed against official SPLM party nominees, gained seats in the National Assembly, the Southern Sudan Legislative Assembly (SSLA) and state legislative assemblies. Heightened competition between the SPLM and the independents resulted in open intimidation and increased insecurity in some states in the south; nevertheless, the NCP and SPLM enjoyed hegemony in each of their respective greater constituencies. The April elections reinforced exclusive blocs in the northern and the southern parts of the country, which stand diametrically opposed to unity or secession, although the possibility of political divisions within the SPLM may change the situation all over again.

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## PRE-ELECTION TENSIONS

Election security was a major concern in the run-up to the April 2010 election. Episodes of political and ethnic violence during the implementation of the CPA led people to believe that the elections would be marred with election-related armed confrontations. Stakeholders such as the

GoNU, the Government of Southern Sudan (GoSS) and the United Nations Mission in Sudan (UNMIS) engaged in training police forces in election security. Sources (UNMIS, 2010: 30) revealed that United Nations Police conducted 82 election security training courses for 5,072 members of the Southern Sudan Police Service (SSPS), given the legacy of violence and insecurity during elections in Southern Sudan (CIGI, 2010: 5–6). The courses included the training of trainers, basic police training, conflict and post-traumatic management, defence techniques and crowd control, among other topics. This enabled the SSPS to manage security during preparations for the elections and the days of actual voting. Capacity building of the SSPS proved to be beneficial to election operations in Southern Sudan; however, according to election observers such as the Sudanese Network for Democratic Elections (SuNDE), threats of insecurity were associated with the SPLA. The problem was that organizers of security training for the election disregarded the military's role in the election process.

Individual and group security concerns became evident during the electoral processes of constituency demarcation, party nominations and election campaigns. Ethnic and territorial tensions between communities in Southern Sudan were revived during the process of demarcation of geographical constituencies for the National Assembly, the SSLA and state assemblies. Central Equatoria, Upper Nile and Unity states recorded the highest number of objections against the demarcation of geographical constituencies. Many election contestants challenged the National Elections Commission (NEC) on its constituency demarcations decisions. The NEC received and ruled on 47 objections submitted to this effect. The NEC endorsed 12 objections, but rejected 35, as shown in Table 1. The main complaints were regarding unfair competition when some ethnic groups were divided into a number of constituencies and others were not. Ethnic groups divided by constituency boundaries reacted violently in some areas, particularly in Central Equatoria and Upper Nile states. One example of

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such violence occurred when unknown people ambushed the convoy of the GoSS minister for agriculture in the disputed constituency of Wanduruba on November 15, 2010. Five people were shot dead and the minister, seriously injured in the incident, was evacuated to Nairobi for further treatment. In December, shortly after this incident, the deputy governor of Upper Nile escaped an ambush during a tour of Akoka County (UN Security Council [UNSC], 2010a: 2).

**TABLE 1: OBJECTIONS AGAINST DEMARCATION OF GEOGRAPHICAL CONSTITUENCIES AT ALL LEVELS OF GOVERNMENT**

State	Decision by the NEC		
	Endorsed	Rejected	Total
Northern Bahr el Ghazal	1	2	3
Western Bahr el Ghazal	0	3	3
Lakes	1	2	3
Eastern Equatoria	5	8	13
Central Equatoria	1	3	4
Western Equatoria	0	2	2
Jonglei	2	2	4
Unity	1	6	7
Upper Nile	1	7	8
<b>Total</b>	<b>12</b>	<b>35</b>	<b>47</b>

Source: NEC of Republic of Sudan Tables, October 2010.

During the April 2010 election, the greatest security challenge to the elections and democratic transformation in Southern Sudan was the split in the SPLM over nominations to run against other political parties for seats in the assemblies of the three levels of government — the GoNU, the GoSS and the states. The decision by the SPLM political bureau to revise the lists of candidates submitted by state offices was viewed as the party favouring the old guard, by supporting candidates who had lost contact with the popular bases in their respective constituencies, creating a split between voters, the party elites and the popular base. Because of the real and perceived material benefits linked to holding a political and legislative position, those who felt that they were losers in the SPLM decided to run as independents. A stiff competition for power ensued during the election campaign period due to the split between the SPLM and its former members, as well as with other southern political parties, which resulted in violations during the voting, sorting and counting processes in Southern Sudan.

## APRIL ELECTIONS AND POST-ELECTION TENSIONS

Tensions developed between the SPLM and independent candidates for all political positions before the elections began on April 11, 2010. Party agents and observers complained that the SPLM mobilized security organs, including the army in Southern Sudan, in order to intimidate candidates and agents of other political parties and to undermine fairness and transparency through the arrests of independent observers during polling days. The heavy presence of the SPLA created an atmosphere of intimidation and resulted in isolated incidents of violence, witnessed by members of the SuNDE and other election observers. Security agents of the GoSS entered polling stations in Central Equatoria, Western Equatoria, Western Bahr el Ghazal, Northern Bahr el Ghazal and Unity states to intimidate party agents (SuGDE/SuNDE, 2010: 59). NEC observers also reported cases in which agents of independent candidates were dragged from

polling stations and beaten up. NEC officials were also intimidated, and members of State High Committee and Constituency Election Officers (CEOs) in Western Equatoria were terrorized, forcing some to go into hiding as preliminary election results were posted at polling stations (GoNU, 2010: 7–8).

In addition to outright intimidation, allegations were made against the SPLA for the use of “undue influence” in states where strong challengers were contesting the SPLM nominees (GoNU, 2008: Art. 88). What started as a latent conflict developed further after polling ended and results were posted at polling centres. Victories were declared prematurely, well ahead of any official compilation of results in states such as Central Equatoria and Unity.<sup>1</sup> Incidents of violence related to the election were reported during the period of processing results and after their announcements. The burning of election documents in Western Equatoria, riots in Unity and Central Equatoria,<sup>2</sup> and mutiny in the borderlands between Upper Nile and Jonglei states at Khor Fulus and Doleib Hills were all associated with the SPLM and the independent candidates who had broken ranks with their party. With such poor conduct during an election that was relatively successful and free of organized violence, it is reasonable to be concerned about the conduct of the SPLM during the 2011 referendum and in its aftermath.

The election in April 2010 clearly demonstrated that the internal divisions of the SPLM are still not only strong, but grow when polling approaches. The election accentuated the divisions within in the SPLM. Not only did it highlight the division along the line of unity or secession, but it also exposed the struggle for power between individual members who ran for elections without the approval of the SPLM political bureau. Over 300 SPLM members decided to run for elections as independent candidates, creating

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more division in the ranks of the SPLM. Many observers argue that the intra-SPLM competition was the main factor in the intimidation and violent incidents reported during the election campaigns, polling and counting of ballot papers (Carter Center, 2010). Tensions between the SPLM and their “independent” candidates brought about many instances of interference in the electoral process, such as local clashes, detention of constituents, harassment of international and domestic observers, vote rigging and other forms of disruption in different states across Southern Sudan (UNSC, 2010b: 3–4). In fact, there were more violent incidents recorded during the period

<sup>1</sup> Interview with the chairman of the State High Committee for Elections in Juba, Central Equatoria State, April 18.

<sup>2</sup> Interview with the chairman of the State High Committee for Election in Yambio, Western Equatoria State, April 18.

of sorting ballot papers, counting the votes, publishing preliminary results and retrieving voting materials from election centres, than there were in the run-up to the election. The political division in the SPLM continued up to the 2011 referendum, as there were no efforts invested in initiating dialogue and reconciliation.

## IMPLICATIONS FOR THE REFERENDUM

Perceptions of the 2011 referendum differ widely between the different northern and southern sectors of Sudan People's Liberation Movement, with some fearing that if Southern Sudan secedes, marginalized people in the north will be too weak politically to articulate and pursue their legitimate demands. The fact that referenda applied only to Southern Sudan and Abyei generated doubts about the motives of the SPLA/M in the northern states of Nuba Mountain and the Blue Nile. Communities in these states generally feel the SPLM exploited them in the liberation struggle.

The SPLM in Southern Sudan is hopeful about the referendum. This sector of the SPLM aims to achieve secession — a crucial aspect of self-determination as laid out in the CPA. In Southern Sudan, the media and the general population emphasize the secession aspect of the 2011 referendum. Political campaigns have forged the links between the April 2010 election and the referendum, both planned components of the CPA. The President of Sudan, Omar al-Bashir, captured the attention of separatists in Southern Sudan when he gave the impression that if the south decided to separate, he would be the first person to respect the decision.

The situation in the south is complex, especially with respect to the military. For instance, wartime militia forces that did not join the SPLA still exist and hold ground in

Upper Nile. They could be used by unity supporters against the SPLA. This situation has the potential to create violence in Southern Sudan, as the SPLA will not hesitate to use force if necessary.

## ELECTION EXPERIENCES AND THE OUTLOOK FOR THE 2011 REFERENDUM

Historically, referenda were familiar events in Sudan, in particular, under President Nimeiri, who used referenda to confirm his tenure of office (Willis, el-Battahani and Woodward, 2009: 28). The upcoming referendum is, nevertheless, an exceptional case in the history of Sudan elections, as the people of Southern Sudan will exercise the right to self-determination through a vote for either unity with Sudan or secession. The freedom to exercise these rights, enshrined in the Southern Sudan Referendum Act of 2009, requires a favourable environment. These conditions are explained in Articles 4–7 of the Act. While Southern Sudan is preparing to exercise its rights, the NCP is calling for the unity of Sudan, mobilizing resources and international opinion to this effect. The NCP is wary of losing access to critical resources should Southern Sudan secede — in particular, oil and water. There are also a wide range of contentious issues relating to the referendum that will be subject to dialogue between the NCP and the SPLM — the demarcation of the north–south border, grazing areas, cattle rustling and the possibility of the emergence of a new radical political movement in the north that could aggravate the crisis in Darfur.

The strategy of the NCP and other northern political parties is to undermine the secession of Southern Sudan at any cost, including collaborating with international actors to pressure the SPLM for unity. The GoNU is aware of the sympathy the SPLM receives from neighbouring countries such as Ethiopia,

Eritrea, Kenya and Uganda. Media leaks have indicated that there are arms flowing from these countries to the SPLM (International Crisis Group [ICG], 2010: 14). To counter this situation, the NCP, which is in full control of northern Sudan after the April elections, is mobilizing Arab countries to support unity. Egypt has already made its position clear in support of unity, but has said that it will recognize the outcome of the election regardless of the verdict.

Inter-ethnic violence has claimed many lives and displaced many civilians from their villages. The GoSS alleges that the NCP is responsible for inciting tribal communities to fight in order to discredit the SPLA. The SPLM has, on many occasions, threatened the declaration by the SSLA of unilateral independence. The NCP is aware of rising separatist tendencies in Southern Sudan and may deliberately violate critical CPA provisions to stage a renewed armed conflict between the south and the north.

Inter-tribal disputes appear to be the greatest risk to the 2011 referendum process and the implementation phase of its outcome; however, there is no concrete evidence to suggest that inter-tribal violence is fuelled either by the NCP or the SPLA. Although the SPLA/M may not directly fuel inter-tribal violence, church members attending a conference reported indirect interference by the SPLA/M, stating that senior SPLA commanders had armed village cattle herders to protect their cattle camps from raiders from other pastoralists. If the SPLA/M and NCP continue this behaviour, the 2011 referendum could increase conflict in Sudan, instead of working toward the CPA's reconciliation goals.

Another potential issue is the unresolved conflict in Darfur. The 2006 Darfur Peace Agreement (DPA) did not culminate in real peace on the ground, and the SPLM in Southern Sudan volunteered to broker a peace agreement between the GoNU and the rebel groups in the western region of Darfur. A SPLM special envoy was appointed to

mediate between the Darfuri rebel factions to unite their ranks so a meaningful dialogue could take place with the government in Khartoum. The NCP was unhappy about the presence of Darfur factions in Juba. The NCP regime in Khartoum maintained that there were close relations between the Darfuri Sudan Liberation Movement (SLM/A) and the SPLA/M (Wassara, 2010: 271). Tensions related to the January referendum led to the allegation that the SPLM was collaborating with the factions and encouraging them to mount pressure on Khartoum. This situation soured north-south relations as the referendum vote approached. The Sudan Armed Forces (SAF) resorted to aerial bombardments along the border between South Darfur and Western Bahr el Ghazal in November and December 2010. It was alleged that these bombardments were a pretext to disrupt the self-determination referendum, expected to result in the secession of Southern Sudan. The GoSS expressed its disapproval of the military action by cancelling the inter-school competitions that were scheduled to take place in Wau.

## POST-REFERENDUM SECURITY APPREHENSIONS

Population movements have increased since the signing of the CPA in 2005, with the massive return of two million internally displaced persons (IDPs) to Southern Sudan recorded by the International Organization of Migration (IOM) during the period from 2006–2009. Most of these people were returning to states bordering the north, especially Northern Bahr el Ghazal. It was possible to record this movement as people reached their territories of origin via trucks and buses (APO, 2010). The IOM's Complementary Village Assessment Project recorded secondary displacement to original locations of displacement, such as Khartoum, or to urban centres in Southern Sudan, such as Juba and Wau Malakal. The IOM estimated secondary displacement to be 200,160 persons,

or 10 percent of the total returnee population (IOM, 2009: 8–9). The Geneva-based Internal Displacement Monitoring Centre (IDMC) attributed this secondary displacement to factors such as conflict between the host communities in ancestral lands and the returnees, or simply the lack of livelihood opportunities in return destinations (IDMC, 2010). This movement of people is important when considering what will happen after the referendum, especially if the south does secede. Another important post-referendum challenge is the return of refugees from the conflict.

The 2011 referendum is a benchmark in the implementation of the CPA and is enshrined in the Interim National Constitution (INC) ratified in 2005. The two documents contain details of transitional arrangements leading to the end of the interim period in 2011 (Thomas, 2010: 1–2). Uncertainties cloud the fate of some 1.3 million Southern Sudanese IDPs living in Northern Sudan — the greatest concentration residing in Khartoum state — if the result of the referendum vote is secession. Many classified as IDPs in Khartoum are, in fact, settled families with children in schools, people who simply prefer an urban lifestyle compared to life in their rural ancestral lands, and economic migrants who settled in Khartoum many years before the last civil war broke out in 1983 (Smith and Chany, 2010: 1).

In the aftermath of Southern Sudan's secession, there are important issues to be negotiated by the CPA partners and decisions to be reached before the interim agreement expires in 2011. It is feared that the political environment may deteriorate in Abyei during or after the referendum in 2011, creating violent conflict. Partners of the CPA have consistently disagreed on the status of Abyei. The delicate balance of agreement has, in the past, been disrupted in Abyei, with the worst violence occurring in May 2008. The violence in Abyei led to the destruction of Abyei Town, the displacement of the population, including returnees, and the temporary evacuation of UNMIS and NGOs (UNSC,

2008: 3). Currently, the ruling of the Permanent Court of Arbitration in The Hague in 2009 remains a blueprint — no border demarcation has taken place on the ground. Prospects of violence are high in the area, with the possible restoration of Abyei's 1905 administrative boundaries meaning a return to Southern Sudan.

An independent Southern Sudan will share a common border with the north — the longest border in Africa (2,000 km). Borderlands between the north and the south are the source of livelihood for many communities. Northern pastoralists (Baggara tribes in Darfur, Southern Kordofan and the White Nile) depend on water and pasture in the south. Also, the issue of citizenship may complicate life for cross-border communities between the north and the south. In addition, the kind of violence occurring between the SPLA and the Rezeigat of South Darfur along the common border with Western and Northern Bahr el Ghazal, could escalate further and affect other border areas in the post-referendum period if the south secedes.

People from Southern Sudan who currently live in Khartoum worry about the deterioration of the security situation following the 2011 referendum, and have expressed fear and apprehension about their lives afterward. Southern Sudanese and IDPs in the north stated that some groups in the north are already threatening to use violence against southerners if the referendum result is secession. Groups that have threatened violence include special security forces, *Gurwa Hadeed*, a group of popular police and holy fighters who are favoured by the government at the expense of the national army.<sup>3</sup> Southerners in Khartoum referenced past political and physical violence against southerners in Khartoum as part of their apprehension, using the example of the Clement Mboro incident in December 1964, when southerners were killed in Khartoum (Beshir, 1975: 4; Holt and Daly,

<sup>3</sup> Interviews conducted by field assistants with IDP community leaders in Wad Bashir, Haj Yousif and Soba Aradi camps/settlements, July 28, 2010.



2000: 157). Also, many people expressed fear about a possible replication of the situation in Khartoum after the death of Dr. John Garang in August 2005. Southerners and IDPs living in Khartoum have expressed fear of their neighbours, though many also doubt that neighbours and workplace colleagues would be directly involved in acts of violence against them; however, they fear some of them may collude with unknown hostile northern groups to commit atrocities against their southern neighbours. Further, southerners living in the north believe violence may break out against people on the streets or in the markets, fearing they could come under attack anywhere, and at any time.<sup>4</sup>

Southerners residing in northern states may become victims of the northerners' anger over the secession of Southern Sudan. If northern political parties and community leaders should encourage their followers to act, attacks on southerners may happen. Rarely has there been inter-community violence between northerners and southerners to the same degree as that witnessed in Rwanda or Kenya. Most of the massacres that have taken place were politically motivated; however, attacks on southerners in the north should not be ruled out. Such attacks could be engineered by political groups and from boundary incidents similar to incidents between Eritrea and Ethiopia in 1998 (Thomas, 2010: 1–2).

Finally, it is intriguing to consider the issue of the current Joint Integrated Forces (JIUs) if Southern Sudan secedes. The JIUs have not truly integrated since their formation after the CPA; instead, they have remained heterogeneous units that coexist in their locations of deployment. The SPLA units in the JIUs will be integrated into the mainstream SPLA. The SAF units of the JIUS are a problem, as they are composed of wartime local militias. The SAF may refuse to integrate the JIUs into its ranks. Leaders of the

SAF southern-based JIUs realized the possibility of this situation occurring, and have already negotiated behind the scenes with the SPLA/M leadership for integration — revealed during the Juba conference of political parties in November 2010. JIU leaders such as Gabriel Tanginya, known for the Malakal incidents in 2008 and 2009, attended the conference, where he declared allegiance to the GoSS. It is expected, therefore, that integration into the ranks of the SPLA and demobilisation, disarmament and reintegration would be applicable to the JIUs and other armed groups. This will, however, still depend on whether financial resources will be available for launching such programs.

## CONCLUSION

Elections in Southern Sudan in 2010 took place in a state of relative calm, which was a better outcome than many people expected. Incidents of tribal conflicts in Jonglei, Lakes, Upper Nile and Warrap states and other localized conflicts in the year preceding the elections had some pessimists predicting bitter election-related violence. Frightened foreigners began to flee Juba and other major towns fearing post-election violence — fears which did not materialize. Isolated cases of post-election violence were limited to a few states, such as Jonglei and Unity. Elections are an important step forward toward political stability and development; however, that same political stability may be at stake given the sensitivities of the post-referendum environment.

The Constitution of Sudan is silent about post-referendum arrangements. Article 226 of the INC states that if the referendum on self-determination results in secession, all provisions concerning the south will be deemed to have been duly repealed (GoNU, 2005b: Art. 226). If violence breaks out between the government and the SPLA/M in such a situation, it could spread rapidly, aggravate the conflict in Darfur and even draw some neighbouring countries in as well.

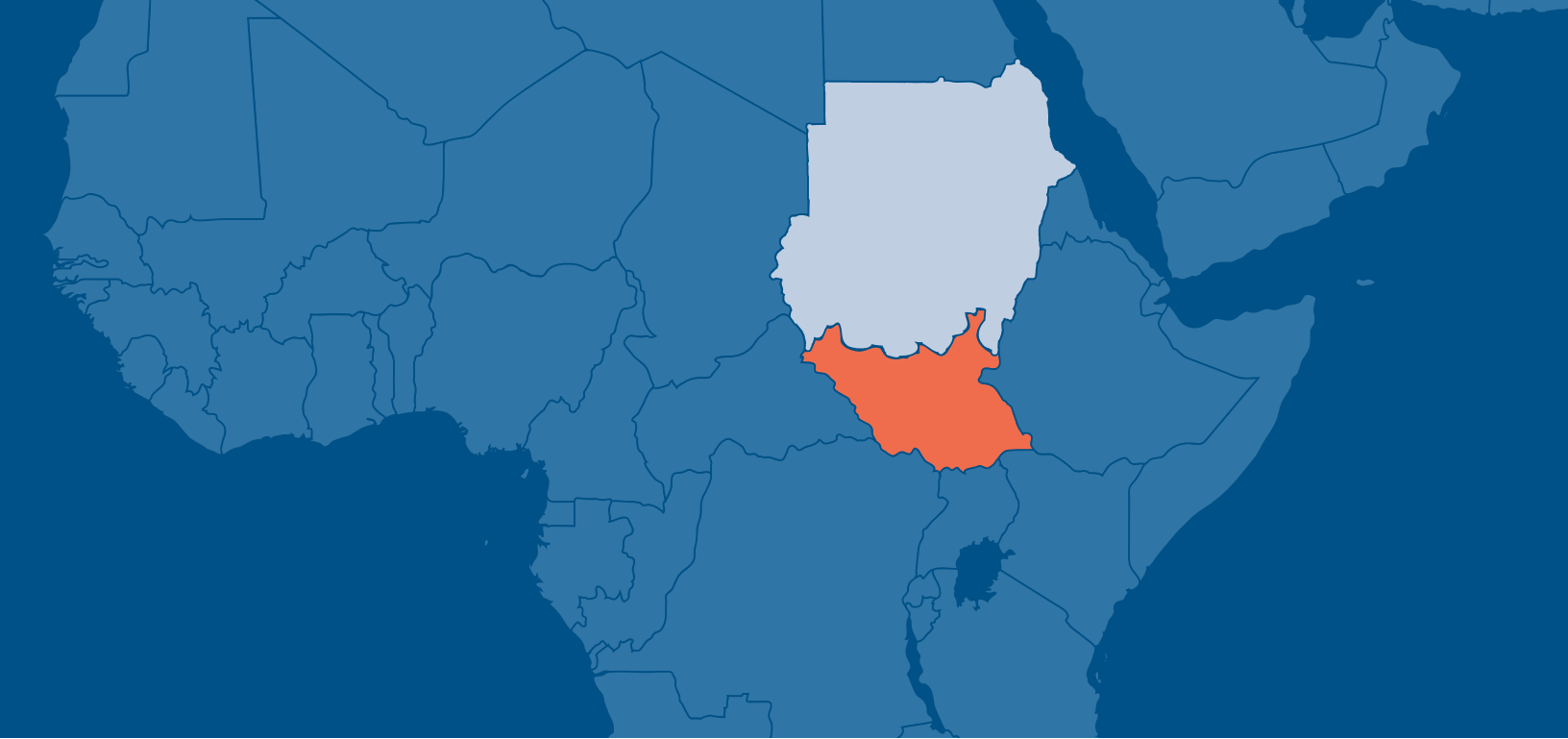
<sup>4</sup> Interviews conducted by field assistants in 17 areas of three towns of Khartoum from July 26–August 1, 2010.

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Le CIGI a été fondé en 2001 par Jim Balsillie, co-chef de la direction de RIM (Research In Motion). Il collabore avec de nombreux partenaires stratégiques et exprime sa reconnaissance du soutien reçu de ceux-ci, notamment de l'appui reçu du gouvernement du Canada et de celui du gouvernement de l'Ontario.

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