



SOUTHERN SUDAN: REFERENDA AND BEYOND

On 9 January 2011 the referenda to determine the future of Southern Sudan and Abyei are scheduled to be held, as set out in the Comprehensive Peace Agreement (CPA). These referenda will determine the independence of Southern Sudan or whether the country will remain united with the North; and in Abyei the citizens will decide whether or not the territory will become part of a potentially independent Southern Sudan.

How the referenda are held, the potential different scenarios that may result both prior to, during and after the referenda will shape the future of Southern Sudan. The majority of Southern Sudanese support a vote for independence and most international observers assume this will be the outcome. There have been and continue to be considerable challenges to holding peaceful, free and fair referenda. The registration process for the Southern referendum only began on 15 November after considerable delays.

There have been speculations that both the failure to hold the referenda on time and a potential vote for Southern independence may result in renewed war between the North and the South. There is mistrust between the parties to the CPA and both sides have used language

indicating that a return to war is a distinct possibility. Critically however, this language was considerably toned down in the period leading up to the registration for the Southern referendum. The Government of Southern Sudan (GoSS) is very focused on ensuring that the referendum will take place. A key example of this was the All Parties Conference (South-South Sudan Dialogue Conference) which brought all the political actors in Southern Sudan together with the aim of uniting them for the referendum and to ensure a peaceful process.

While a resumption of North-South conflict is possible, other scenarios seem much more likely. In particular, there is a high risk of fighting in the border areas and continuous efforts to minimise this are critical since it has the potential

to escalate conflict. Politically GoSS is downplaying the animosity in an effort to ensure that the referenda happen; and there is great awareness that any incident can escalate and thus hinder or significantly delay the referenda. An example of this was the recent bombings by the Sudan Armed Forces (SAF) in Northern Bahr el Ghazal, which the Sudanese Government explained was targeted at a Darfuri rebel group who had fled into Southern territory. This was an episode that could have easily escalated – however, it is clear that the Sudan People's Liberation Movement/Army (SPLM/SPLA) did not want this incident to escalate and affect the referendum process.

The situation is fragile and continued international support at all levels is vital to ensure that there is no resumption of large-scale conflict and that any violence is contained. Thus it is critical that international actors take a long-term view of how to support peace and stability in Sudan (both North and South) and are prepared for all potential outcomes. Continued mediation, engaging potential spoilers, supporting the provision of security, ensuring adequate numbers of referenda observers, and preparing for post-referenda and post-CPA are core issues that both GoSS and international actors need to continue focusing on.

LOOKING BEYOND THE REFERENDUM

All eyes are currently focused on the 9 January 2011 referenda for Southern Sudan and the contested oil-rich area of Abyei. The complex challenges facing what could become Africa's newest nation-state in the post-referendum period are receiving much less attention.

Many important arrangements around citizenship, security, North-South border demarcation, international obligations as well as financial, economic and natural resource management remain unresolved to date and have been pushed to the post-referendum period. Working groups under the Government of Southern Sudan (GoSS)-appointed Southern Sudan 2011 Referendum Taskforce are currently tasked with discussing these issues and proposing feasible solutions. Some of the issues under discussion are very complex and have wide-ranging implications for the security and stability of Southern Sudan. These include border demarcation,

oil exploration and export, as well as security arrangements – in particular the fate of the Joint Integrated Units (JIUs) and the National Intelligence and Security Services (NISS) as well as the integration of other armed groups (OAGs). Their resolution requires urgent attention.

Security sector reform will be critical in the post-referendum period. The Sudan People's Liberation Army (SPLA) is far from being an integrated, professional army. Ethnic and individual allegiances continue to prevail over the formal command structures. Thus institutional strengthening of the SPLA will be key to maintaining external security. The Southern Sudan Police Service (SSPS), who are tasked with maintaining internal security, are under-resourced and understaffed. Support, not only in terms of logistical and technical assistance, but also improving police-community relations through community-based policing will

be crucial for maintaining stability in the post-referendum period. Oversight and accountability of the security forces is critical to ensuring continued stability. The formal judicial system is weak and highly centralised, resulting in high levels of impunity. Limited efforts have been made to strengthen the formal system, but much more will need to be done on the formal and informal systems in order to establish the rule of law post-referendum.

Support for the SSPS in improving police-community relations will be crucial in maintaining stability in the post-referendum period.

Guns continue to be widely available and civilians are heavily armed. This is due to years of armed conflict as well as failed – often forceful – disarmament exercises, accompanied by a lack of alternative protection and security guarantees by the government. Assisting the GoSS in developing a meaningful framework for small arms control, is thus another key area to be addressed in the medium to long term.

Inclusive, decentralised and credible governance is also key to containing likely post-referendum intra- and inter-communal struggles over access to scarce resources and political power. Un-demarcated or contested borders between the North and the South, conflict over partial or non-implementation of the Abyei Protocol as well as other disputes with regard to cross-border migration, citizenship, land, grazing rights, resources and revenue may spark recurrent conflict along the border areas as well as internally in the South. This in turn is likely to provide an excuse for continuous high investments in the defence and security sector at the expense of real security sector reform, development and investment in Southern Sudan.



'PEACEFUL REFERENDUM WITHOUT GUNS' PUBLIC RALLIES

Peaceful rallies in anticipation and support of a successful referendum continue to draw a wide variety of people from all kinds of ethnic and political affiliations across Southern Sudan. Sharing the experience of diverse traditional dances and songs, as well as listening to speeches by church, political and civil society leaders, thousands of people are coming together in celebrating and advocating for a peaceful referendum, uninterrupted by violence and guns.

CIVILIAN DISARMAMENT

Since the signing of the Comprehensive Peace Agreement (CPA), concern has grown regarding the rampant insecurity, inter-communal and inter-state violence perpetrated across Southern Sudan. In 2006, in an attempt to counteract this, the Government of Southern Sudan (GoSS) began to advocate for and implement a very controversial forceful civilian disarmament process.

This approach to disarmament caused violence between the Sudan People's Liberation Army (SPLA) and those being disarmed, thus escalating insecurity. As a result, grass-roots and civil society organisations and the international community put pressure on GoSS to stop the forceful disarmament exercise in order to look for an alternative sustainable mechanism for civilian disarmament. One of the results was a process that led to the establishment of the Southern Sudan Bureau for Community Security and Small Arms Control in October 2008, promoting peaceful, voluntary civilian disarmament.

However, forceful disarmament was resumed. On 30 June 2008, President Salva Kiir issued a presidential decree on forceful civilian disarmament and requested the SPLA and state governments to implement it. In response, Lakes state began disarming civilians in Rumbek town and surrounding areas – resulting in human rights abuses and the population demanding that the SPLA should not conduct disarmament.

In mid-2009 resolutions subsequent to the Southern Sudanese Chiefs' Conference in Unity state and the Governors Forum in Juba demanded forceful civilian disarmament when necessary. Like the preceding presidential decree and other related local initiatives, there were limited results.

The latest attempt at forceful disarmament took place around the April 2010 elections. Proponents of forceful disarmament requested the SPLA to remove guns by force before the elections, in order to improve election security. Fortunately there were no major confrontations between civilians and SPLA forces, but the effort was neither exhaustive nor effective.

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THE EFFECTS OF SMALL ARMS IN SOUTHERN SUDAN

The introduction of small arms into Southern Sudan dates from colonial times. The significant increase of automatic weapons in civilian hands was a result of the prolonged civil war in the Sudan that ended in 2005 with the signing of the CPA. During the civil war, more arms flooded in for use by the warring parties, but porous borders with Uganda, Ethiopia, Kenya, the Democratic Republic of Congo and Central African Republic also contributed to the influx.

Post-CPA the acquisition of weapons by civilians has continued, adding significantly to insecurity. Physical security and protection of property are mentioned as the main reasons for acquiring weapons – due to the limited protection offered by the public security forces. However, small arms are also used in robbery, cattle raiding, child abduction and other criminal activities, thus increasing rather than decreasing insecurity. Young men play a particularly important role as many have lived through (or participated in) the war, may not currently have many livelihood options and in some places,

are already active in various types of self-defence or local security groups.

The effects of small arms-related insecurity are enormous: basic services, including health and education, cannot be delivered. Legal experts, traders and construction workers cannot travel freely, particularly to rural areas where the majority of the population lives, because of fears for their safety. Taxes cannot be collected from large swathes of the country. Farmers cannot safely cultivate, and herders are denied their rights of ownership by raiders.

Successful intervention in curbing insecurity in Southern Sudan requires a comprehensive and systematic approach which includes increasing institutional and individual knowledge on small arms control, formulating appropriate laws, providing public services, engaging young people in productive activities and re-activating traditional conflict management mechanisms. This is a long-term process that will continue to demand commitment from government, civil society and the international community for the foreseeable future.

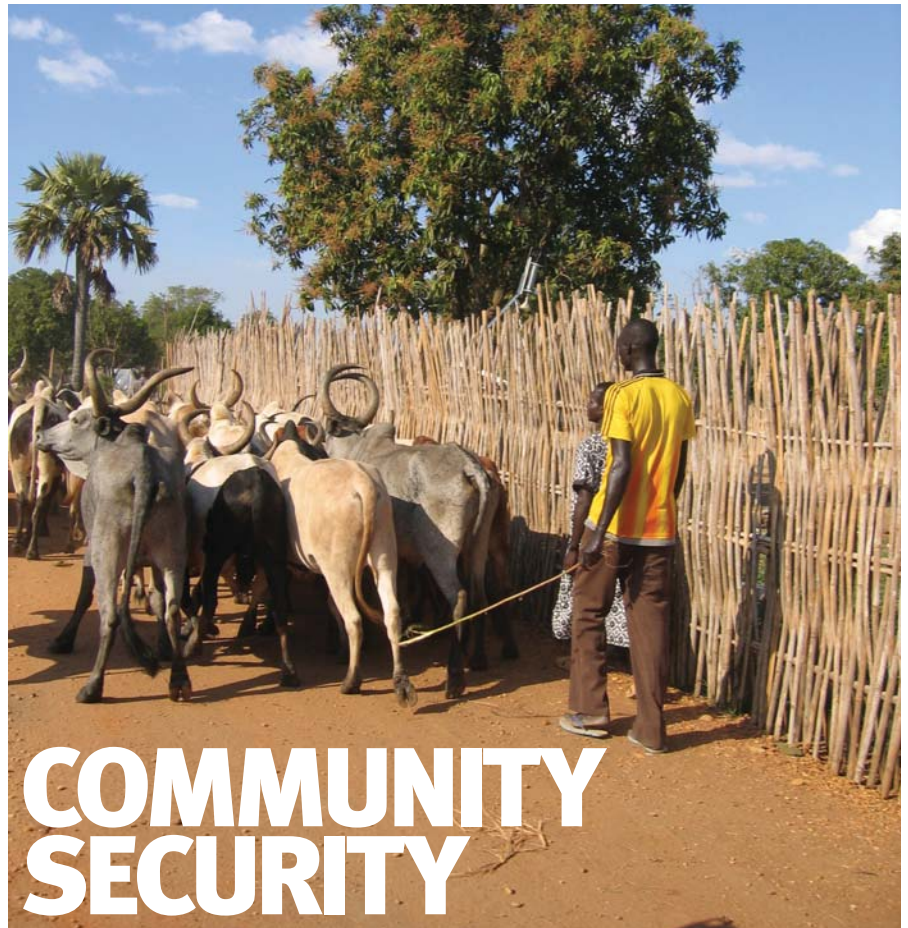
Civilian disarmament *continued*

Forceful disarmament has led to re-arming by local communities due to the absence of public security forces who could provide protection and the fact that the disarmament was not consensual. It was not accompanied by awareness-raising and a fuller comprehension of the need to disarm and what effect this would have on insecurity. Moreover, due to the fact that it was not a comprehensive disarmament process, communities who had been disarmed were frequently attacked by neighbouring communities who still had their weapons.

Once the referendum is over, arms control in Southern Sudan will remain key to reducing local level violence and insecurity.

In a parallel process, there have also been peaceful and voluntary disarmament efforts, for example in Pibor and Akobo counties of Jonglei state. Comparing and contrasting the two approaches can help in convincing the proponents of forceful disarmament that voluntary civilian disarmament is the only sustainable approach for Southern Sudan.

As Sudan approaches the referendum on Southern independence, people are likely to feel nervous about their security. Once the referendum is over, arms control in Southern Sudan will remain key to reducing local level violence and insecurity. Lessons learned from Southern Sudan and elsewhere show that forced civilian disarmament is not sustainable and tends to increase rather than decrease insecurity. Disarmament is not an event – it is a long process that needs the full participation of affected people so as to build their confidence. It needs to take place in conjunction with greater provision of public security services to alleviate the fear of attack from neighbouring communities and to ensure the safety of those who are disarmed. Moreover, it needs to be linked up to the broader development programmes and projects at community level.



The signing of the Comprehensive Peace Agreement (CPA) in 2005 did not bring an end to all conflicts in Sudan. At the local levels, insecurity and conflict persist. The Government of Southern Sudan (GoSS) and many other actors have played a significant role in initiating dialogue among and within communities to try and resolve such conflicts and to improve community security.

As Sudan heads towards the referendum, issues of security – particularly along the border – have taken centre stage. But it is important to remember that community-level insecurity is likely to persist in the medium term. Most prevalent of these are continued incidents of cattle raiding and resource conflicts that affect almost all of the states in Southern Sudan. Some communities already have mechanisms to deal with such incidents. These should be supported if they offer just and accountable solutions to security problems. Equally, issues of compensation and redress need to be addressed to avoid cycles of retaliation.

In Southern Sudan, there is need for enduring interactions between conflicting

communities. Sufficient time must be given to processes allowing communities to build positive relationships that will help them to address the problems themselves. Other institutions and individuals can and should play a supporting role, but should not take away the initiative from the communities themselves.

The issue of supporting long-term security and peace at the local level will need to remain on the agenda long after the CPA period has ended. Supporting community security will be crucial to this effort.

PUBLICATIONS

All our publications are available for download from our website: www.saferworld.org.uk

Our recent reports on Sudan include:

- *Community security and small arms controls: Developing a legislative framework for Southern Sudan*
- *Report of consultations on community-level policing structures in Jonglei and Upper Nile states, Southern Sudan*

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