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A Report of the CSIS Africa Program

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# SUDANESE PERSPECTIVES ON THE 2011 REFERENDUM

*Richard Downie and Brian Kennedy<sup>1</sup>*

## Introduction

The people of Southern Sudan are a little more than one month away from casting their votes in a referendum on whether to remain part of Sudan or become an independent state. The referendum is the most significant milestone in a six-year interim period that began with the signing of the Comprehensive Peace Agreement (CPA) in 2005. The CPA was the outcome of a U.S.-backed process that successfully brought an end to almost 40 years of civil war between the North and South. Two votes are scheduled to take place on January 9, 2011. In the first, Southern Sudanese will vote on whether they wish to secede from the North and form an independent country in the South. At the same time, voters in the border enclave of Abyei will decide whether to remain in the North or join the South. CSIS Africa Program staff, Richard Downie and Brian Kennedy, traveled to Khartoum and the southern capital, Juba, in October to gauge views about the forthcoming referenda and assess how preparations are proceeding ahead of the polls.

## The North

There is a sense of unease on the streets of Khartoum as referendum day edges closer. The military presence is noticeable. Our taxi driver alerts us to a truck full of uniformed men speeding through the rush hour traffic in a pickup truck, a mounted gun trained on the passing cars. “War preparations,” he says. There is a sense of foreboding about the coming months and uncertainty about how the referendum process will play out. Most believe the process has been rushed and hope that the vote will be delayed. As for the probable result, opinions are divided. Some reluctantly concede that secession is the more likely outcome of the main referendum. Others think the result will be close and that the Abyei referendum in particular hangs in the balance. Still others are defiant and angry, arguing that a vote for secession would be proof of gerrymandering by the Sudan People’s Liberation Movement (SPLM). “After all we’ve done for them,” says one prominent lawyer linked to the ruling National Congress Party (NCP). “We educated them at our universities for free. They never said as much as a word of thanks. Since the British left this country, not a single southerner

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paid tax.” A Sudanese diplomat argues that “We are better off without the South. It will relieve us of a huge administrative burden.”

A sense of denial is the most common response in Khartoum. A hotel manager shakes his head in disbelief when told that every southerner we have spoken to in Juba has professed their determination to vote for secession. “Really?” he says. “Is that true?”

While the potential outcome of the referendum vote is sharply contested, opinion converges on two issues. One is that northerners of all political colors are adamant that they do not want a return to war. For some, this overriding desire means that it is in the North’s best interest to negotiate an amicable split, a “clean cut” in the words of one serving ambassador. However, if the South wants war, they will be ready for it. One NCP loyalist likens the impact of secession to a bitter divorce. “If anybody talks about good relations after separation they’re painting a rosy picture,” he says. “If people get divorced, they don’t stay friends and go round each other’s houses for coffee.”

The second point of convergence is the sense of absolute certainty that the South will be incapable of running its own affairs. One opposition leader expresses the firm belief that although the South might vote for secession, it will eventually come back to Khartoum like an errant child, pleading for the right to rejoin Sudan. The popular belief is that the only thing uniting the South is its hatred of the North. If it wins independence from Khartoum, so the argument goes, all the underlying “tribal” tensions will bubble up to the surface and tear the fledgling state apart.

Sentiments such as these illustrate one of the most striking things about northern attitudes toward the South: the general level of ignorance and lack of empathy felt toward its people. Few northerners have personal experience of the South. Conversations with Sudan’s educated classes, usually rich in texture and nuance, start to lose their smooth edges when the subject matter turns southward. Stereotypes, paternalistic attitudes, and casual racism often creep into the analysis.

## **The North after the Referendum**

The outlook beyond the referendum is clouded by uncertainty. Most Sudanese agree that the political picture is unlikely to change much, at least in the short term. The NCP will remain in control, drawing on the vast reservoir of skills and survival strategies it has picked up during more than two decades in charge. The formal opposition parties—weak, divided, and discredited by past failings in office—appear unlikely to capitalize. One potential “wild card” is whether a new political movement will emerge to challenge the NCP. Ironically, the best hope could be the northern chapter of the SPLM, the political wing of the southern liberation army. Its candidate in the presidential elections last April, Yasir Arman, is a pro-unity, secular Muslim whose platform calls for a new constitutional configuration that draws in alienated regions and ethnicities in a “new” Sudan. He ultimately boycotted the election but not before his campaign drew considerable support.

Another big unknown is how the general public would react to the loss of the South. Sudan’s status as Africa’s largest country is a source of considerable pride, and President Omar al-Bashir will want to avoid being portrayed as the man who lost a third of the national territory. This leads many to surmise that it is in the president’s best interest to put up a fight to hold on to the South, by

attempting to hold up the referendum or contest the result. Others put forward an alternative explanation for why a smooth referendum might not be in Bashir's best interest. They argue that a referendum vote for secession that was accepted in good grace by the NCP would increase the chances of Sudan repairing its relations with the West. In that scenario, the president, still under indictment by the International Criminal Court, might find himself as one of the few remaining stumbling blocks to a normalization of relations and, therefore, vulnerable to a challenge from an ambitious rival who might wish to deliver him to the Hague in favor of a leg up to the presidency. Those who advance this argument openly admit that they are entering the realm of speculation. They refer to "moderate" and "hard-line" camps led by Second Vice President Ali Osman Taha and presidential adviser Nafie Ali Nafie respectively. The president owes his longevity in office, it is argued, to his ability to play the rival sides off each other and retain the loyalty of the military. Attempts to decipher the inner workings of the NCP are futile, however; only a select few are party to what is going on behind the walls of the Ministry of Defense where President Bashir lives.

In some ways, ordinary people in Khartoum fear the repercussions of a weakened President Bashir, even those who ardently wish his removal from office. Many are anxious that if the South votes for secession, the NCP will lash out in a preemptive bid to snuff out potential rebellion. The main opposition parties, civil society representatives, media, student groups, and unions all express their fears of an impending crackdown, pointing to a pattern of arrests and harassment since the April elections as a sign of things to come.

For most people, however, the biggest challenge to the government is likely to come from the provinces, led by Darfur. Opinion across the political spectrum in Khartoum identifies Darfur as the biggest internal threat to the government in the post-referendum period. They argue that the precedent of southern secession will embolden the main rebel groups, strengthen their unwillingness to compromise, and encourage them to demand full separation. The Justice and Equality Movement (JEM) is viewed as a particular challenge because of its apparent imperviousness to co-option by the NCP, its declared objective to overthrow the government, and its proven ability to act on that threat, coming within a few miles of the capital during a military offensive in 2008. Darfur is not the only source of danger, however. The possible departure of the South will move the southern border nearly 500 miles closer to Khartoum and amplify the grievances and disruptive potential of the marginalized people of Southern Kordofan and Blue Nile, northern states whose sympathies lie with the South. Some of the more apocalyptic forecasts imagine a North splintering into pieces as restive movements in the East, Far North, and Nuba Mountains rise up to challenge the regime, leaving behind the remnants of a state centered on Khartoum and the "core" riverine states.

For many, this picture is overly pessimistic. Their concerns about the future of the North relate to its economic rather than territorial frailty. Forecasts vary widely of the economic cost southern secession would entail. The gloomiest assessments see the reduction of oil revenue from the South as the prelude to a prolonged economic slump. Others point to the fact that Khartoum survived perfectly well without oil for most of its history. But the uncertainty of the referendum is already beginning to bite. The value of the Sudanese pound is fluctuating, food prices are creeping up, and the government is warning that belt-tightening will be necessary. Efforts are being made to reduce oil

dependency by boosting the agricultural sector and making the economy more competitive by privatizing all remaining public companies. For opponents of the NCP, the prospect of economic hardship offers a political opening. The NCP has for a long time been reliant on a steady stream of revenue to keep its patronage network running, buying off rivals and using hard cash to maintain loyalty in the regions. Keeping this network operating during an economic downturn will require careful management. More generally, the economic gloom has the potential to unleash social protests. Rising food prices are already starting to hurt, with anecdotal evidence suggesting that increasing numbers of families are sharing just one plate of “fuul,” the staple meal of fava beans, a day. One important constituency, Sudan’s large youth population, is a potential cause for concern for the NCP. Meeting their demand for jobs is already impossible and will become harder during a prolonged downturn.

While people in Khartoum are primarily preoccupied with the internal threats to stability in the postelection period, many are thinking about the implications of southern secession for Sudan’s relations with the outside world. Northerners commonly express the fear that the pattern of confrontation with the West will intensify once the United States’ “preferred partner” breaks free from Khartoum’s clutches. “What about us, the people of the North?” asks one civil society leader. Resentment toward the United States is palpable. Economic sanctions are uniformly viewed as a misguided strategy that punishes ordinary people for the misdemeanors of their government. In addition, civil society activists and supporters of opposition parties feel that the United States has belittled their political aspirations. They argue that the United States made a cynical calculation by turning a blind eye to NCP vote rigging in the April elections for fear of doing anything to interfere with the greater objective of delivering independence to the South in the referendum.

As the referendum day approaches, a sense of despondency and gloom is evident in Khartoum. Many people are only just beginning to face up to the possibility of “losing the South,” and as they do so, anxiety is mounting about the potential cost, not only to national pride but also in terms of political freedom and economic security.

## The South

In a conference room in one of Juba’s few permanent structure hotels, 30 civil society leaders are seated around a large table. Supported by a grant from the National Democratic Institute, these leaders, members of a coalition of organizations called Sudanese Network for Democratic Elections (SuNDE), are taking turns describing to each other the referendum registration process from start to finish, using cartoons to illustrate each step. Numerous challenges are raised about the vote, which will only be open to those who can prove they are southern Sudanese or have family links to the South. How will the eligibility of voters be verified? How will disputes over eligibility be adjudicated? Will the voter lists be published manually or by computer?

The breadth of the questions illustrates the scale of the challenge facing South Sudan in the upcoming months. Making sure these volunteers know the answers is important: following their training, they will fan out across Southern Sudan’s 10 states to oversee the training of up to 11,000

registration staff. But some questions are yet to be resolved. As November approaches, many polling locations are yet to be determined, and few polling stations are set up. Many of the registration volunteers are yet to be trained. Many procedural questions remain vague or unanswered.

Every stage of the preparations, originally planned to take a month or more, has been compressed into a matter of days. There will be a 17-day registration window,<sup>2</sup> followed by a 12-day period during which all objections to the voter register must be raised and considered. If all goes according to plan, the final voters list will be published just five days before the January 9 vote, instead of the three-month minimum buffer mandated by the CPA.

## 60 Percent Threshold

A crucial provision of the Southern Sudan Referendum Act (SSRA) requires that 60 percent of the registered voting population must turn out to vote. Southern politicians and registration officials are fixated on this provision, and for good reason: in the 2010 elections, 7 out of 10 southern states failed to meet the required benchmark. Because there is no threshold registration requirement, many officials have been busy exhorting voters to register only if they plan to vote.

The 60 percent threshold has become a flashpoint of mistrust between the North and South.<sup>3</sup> Many southerners fear that northern officials will take advantage of the vague eligibility criteria, allowing the registration of northern citizens with questionable ties to the South, who they believe would either abstain or vote for unity. To combat this, the South has launched a massive “Come Home to Choose” campaign, a plan that aims to bring home 1.5 million southerners who are currently living in the North. A second, mainly unspoken fear in the South, is that many southerners living in the North may in fact vote for unity rather than return to an uncertain future in an independent Southern Sudan.

The task of organizing such a complicated vote in such a short time, over such a vast and underdeveloped area, has led some to talk of a possible delay. Proponents of a delay argue that a referendum only happens once: there is no second chance, so it has to be done right the first time. In terms of logistics, a delay of three months or less makes sense. Wait any longer and the rainy season arrives, making any kind of vote impossible.

But a delay of any length is a politically high-risk strategy in the South. A recently released survey by the National Democratic Institute found that “the vast majority” of southerners are strongly opposed to a postponement, and most cannot think of a single legitimate reason to hold back the referendum. Even more damning, about half of those surveyed claim that a referendum delay would be proof positive that President Salva Kiir was either bribed by northerners or else was an incompetent

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<sup>2</sup> The Southern Sudan Referendum Commission later announced a week-long extension of the registration period but said the new timetable would not compromise the date of the referendum itself.

<sup>3</sup> Two other subjective conditions are stipulated by the SSRA: the referendum vote must be held in an “environment favorable” to conducting the referendum, and all voters must “enjoy the exercise of their right to express freely their opinion in a secret referendum on self-determination.”

leader.<sup>4</sup> Given the strength of public feeling, any announcement of a delay would require very careful management. Some believe that an announcement would be accepted by southerners, provided that it explains in clear terms why a short postponement is necessary on purely technical grounds, immediately sets a new date, and lays out in detail the tasks that would be accomplished in the meantime to make the final referendum run more smoothly.

Others fear that a delay would cause the SPLM's fragile unity to splinter into factions. Kiir seems to enjoy broad support for the moment. Since the April elections, he has made a concerted effort to reach out to disaffected populations in the South, and he has resisted the temptation to enter into a war of words with the North when negotiations have been strained or NCP hardliners have issued provocative statements. In October, the government of Southern Sudan (GOSS) invited 23 southern parties, as well as civil society and religious groups, to a five-day conference to reconcile their differences and set a common path forward. The initiative was widely applauded in the South, but any change to the referendum schedule would put this fragile reconciliation at risk.

## Post-Referendum Challenges

A sense of nervous excitement prevails in Juba in spite of the challenges ahead. As one young clerk explains, "The world thinks that we are animals, incapable of governing ourselves. We cannot wait to prove to them that we can rise to this challenge, and peacefully." Many tell us that the referendum "is the only game in town" right now. The epicenter of activity is a cluster of government buildings in the middle of town. Inside, ministers and their skeleton staff tackle the monumental task of building the government of what could be the world's newest country in little over six months' time. But beyond Juba and the other provincial capitals, we are told there is little, if any, sign of the government of Southern Sudan. One UN official adds a dissenting voice to the chorus of optimism: "The only change that most of Southern Sudan has seen since the CPA [in 2005] is that the Antonovs no longer drop bombs on them from above. Otherwise, life goes on as it always has. For most people, change will be a long time in coming." Another security expert in Southern Sudan paints a vivid picture of the challenge the government faces in extending security and authority to all corners of its territory: "There was recently a murder [in a rural village]. One villager, wanting to report the crime, walked five days to the county police station—the nearest formal police presence. The lone police officer on duty had no vehicle at his disposal, so the two set off together on foot back to the village to investigate the crime."

No one is minimizing the size of the task ahead, but for the time being at least, the formidable challenges do not manage to dent the tone of defiant optimism in Juba. One of the most commonly used words to pop up in conversation is "potential." Southern Sudanese are quick to rattle off facts illustrating the rich promise of their land: six ecological zones mean virtually any food crop can grow

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<sup>4</sup> Andrea L. Levy, with Traci D. Cook, *Southern Sudan at the Crossroads: Citizen Expectations, Aspirations and Concerns about the Referendum and Beyond* (Washington, D.C.: National Democratic Institute, September 30, 2010).

within its borders. Seventy percent of the land is arable. There are rich water resources: the White Nile Sudd is one of the world's largest swamplands and home to a vast array of wildlife. There are untapped deposits of gold, diamonds, and other minerals hidden under southern soil. These are all portents of a more prosperous future, but unlocking this economic potential will depend on how the South manages its relationship with the only resource that really matters at the moment: oil. Cutting its hopeless overdependence on oil, which accounts for 98 percent of government revenue, and diversifying its economy will be priority number one irrespective of which way the referendum goes.

One of the biggest political challenges, post referendum, will be transforming a population of warriors into productive farmers, miners, entrepreneurs, and businessmen. In a society that has known little else but war since independence in 1956, a generation's worth of occupational memory has been lost, and the ability of the young to learn valuable skills from their elders has disappeared with it. As a result, the human capacity required to develop an economy and build a government is in short supply.

Best estimates put the number of people in the Sudan People's Liberation Army (SPLA) at 175,000, but in reality the war involved almost everyone directly. Many of those who fought for the SPLA continue to receive a government paycheck, placing a huge strain on the GOSS national budget. For the past five years, there has been no war to fight, but with few employment and training opportunities outside the military, the SPLA remains an invaluable social safety net. Downsizing the national army will be a complex and highly charged issue, one that any public official with a career to protect is wise to approach with caution.

Post-conflict development dilemmas abound. The war has left Southern Sudan's fertile land riddled with mines, but largely untouched by plows. It is estimated that only 5 percent of Southern Sudan's arable land is currently being cultivated. This situation, combined with an ill-nourished population,<sup>5</sup> gives rise to calls for output to be increased as rapidly as possible. Some have argued for a capital intensive, internationally funded agricultural development plan, mechanized where possible to maximize efficiency. GOSS, along with its development partners, is wrestling with another option. Perhaps it would be better to sacrifice yield in favor of a more labor-intensive approach that would keep people in jobs for longer. In other words: more hoes, less tractors. Advocates of this approach argue that slower growth is a price worth paying for a faster reduction in poverty, as a greater slice of the population has an opportunity to work, earn money, and learn new skills at the same time. Several plans were pitched to us, including national service programs, social action funds, and modified reservist schemes that draw on the SPLA's vast labor pool.

Another looming challenge is that of forging a national identity in the South. Many in the South worry that the only thing that unites them is opposition to the North. Will that unifying strength dissipate if independence is won, causing the South to fracture along ethnic lines? Will historic grievances and competition for scarce resources trigger conflict? If so, will the GOSS use the North as

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<sup>5</sup> The UN World Food Program (WFP) estimates that 3.2 million people will be food insecure in 2010.

a convenient scapegoat for these internal divisions, placing the prospect of cordial relations with Khartoum on permanent hold in the process?

Most agree that a sense of nationhood cannot be assumed but is a continual process of definition. In the South, this process has already begun. On the day we arrive in Juba, the city is captivated by a landmark competition. At the Nyakuron Cultural Center, hundreds pack into an auditorium to hear local musical artists compete for the honor of composing the new country's national anthem.

Outside of Juba though, the idea of a "Southern Sudan" remains merely a concept for most. If and when Southern Sudan becomes independent, the government will have to work quickly to establish a physical presence at the local level and meet people's expectations for tangible improvements to their daily lives by delivering schools, clinics, and other public services. This is a huge task that cannot be achieved unless strong connections are formed at the local level with traditional authorities and existing governance structures. The interplay between these structures will be vital. Already, there are worrying signs that the political elite in Juba risks repeating the mistakes of successive leaders in the North who have concentrated power in Khartoum and failed to distribute resources to the local level.

One of the early priorities of the new government will be to establish an inclusive process to help define these structures of authority in a new constitution, codifying the division of political power from national down to local level, and explaining how citizens are represented within the new framework. Whoever holds office in Juba during these foundational years will have a unique opportunity to mold the rules and institutions that will define the character of the new nation state. Competition over political representation is likely to be intense: Southern Sudan is rife with potential political challengers, many of whom retain insurance policies in the form of independent militias. The upheaval of the January referendum might merely be the prelude to an even more hard-fought battle for political power within the South itself.

## Potential Outcomes

As Sudan approaches January 9, the outlook remains as murky as ever. There is an alarming disconnect between northern and southern expectations of how the referenda will be contested and what the likely outcomes will be. The process of organizing the main referendum remains on track but only just. The logistical challenges are formidable and any small hiccup could set the plans off course. Regardless of the obstacles, there is no appetite among people in the South for any kind of delay. International pressure may mount for a short postponement in the coming weeks, but it will be strongly resisted by most southerners. If he is forced to announce a delay, Salva Kiir's position will become precarious. As a result, the most likely outcome remains an on-time referendum, which in all probability would be flawed and chaotic and provide an opening for Khartoum to reject the outcome. A contested referendum result would be a worst-case scenario for the South, forcing it to consider risking everything on a unilateral declaration of independence. Such a unilateral declaration would place international recognition in jeopardy and most likely lead to war with the North.

While the prospects of a southern referendum vote on January 9 remain tenuous but achievable, the challenges facing the separate referendum in Abyei appear far more intractable. Residents of this

volatile border enclave are to decide whether to remain in the North or join what could be an independent South. But the fight over who should be regarded as a resident, and therefore eligible to vote, is deadlocked. The settled population of the area, the southern-oriented Ngok Dinka, say they alone should have that right. The nomadic Misseriya people who migrate there for several months of the year from the North are equally adamant that they should vote. Sudan has a long tradition of settling its crises at the 11th hour with elites at the national level reaching deals behind closed doors and handing down decisions from on high. Such an approach might not work this time. A chasm has emerged between the dealmakers in Khartoum and Juba and the people on the ground, who are not prepared to meekly accept decisions that could affect their homes and livelihoods and challenge their own sense of who they are and where they belong. For the moment, the United States is sticking to the Abyei referendum while suggesting that it is up to the two parties, as signatories of the CPA, to agree on a way forward. The unspoken suggestion is that it would go along with some kind of alternative arrangement that was mutually acceptable to the NCP and SPLM. Such a stance would feed into Sudan's destructive habit of elite bargaining, but alternative approaches are in short supply at present.

The situation is equally volatile in Southern Kordofan and Blue Nile, two border states in the North with large populations who fought with the South during the civil war. The lack of domestic and international attention given to the grievances of people in these regions could have disastrous repercussions after the referendum. Residents regard themselves as the orphans of the CPA, which cut them out of the referendum provision, granting them instead the right to debate their future status in ill-defined "popular consultations." For these people, the referendum carries only the prospect of renewed instability and the realization that any future war between the North and the South would likely be fought in their territory. The population of the Nuba Mountains region of Southern Kordofan is particularly disenchanting with politicians both in the North and South. There are ominous rumblings of a nascent independence movement there.

The other flashpoint area is Darfur, whose population feels that international attention to their plight has wavered in favor of keeping the CPA together. Violence has intensified in Darfur in 2010 with the government resuming aerial bombing raids and the most powerful rebel group, the Justice and Equality Movement (JEM), walking away from peace negotiations in Doha and mounting a series of attacks. The causes and sources of the violence have multiplied, with deadly clashes in camps for internally displaced people and serious fighting between some of the Arab groups once sponsored by Khartoum. None of this bodes well for the post-referendum period.

## Implications for U.S. Policy

Confronted by these multiple crises, the United States is in the unenviable position of marshaling limited resources into "fire fighting" the most serious conflagration of the day. As one blaze is put out, another springs up elsewhere. In terms of priorities, it is right to tackle the referenda votes first. For the time being, the public focus remains on ensuring that the main referendum goes ahead on time, but parallel efforts must be stepped up to prepare for a short delay on technical grounds if necessary. Helping the GOSS sell such a delay will be vitally important. Concurrent efforts to push

the NCP and SPLM to reach agreement on post-referendum arrangements are equally important. The outcome of these negotiations—on oil revenue sharing, border arrangements, nationality, and the division of national assets and liabilities—will set the course for North-South relations for years to come and determine whether they will return to war or embark on a road to cordial relations.

In the likely event of southern secession, the United States will also have to define a new direction for diplomatic relations with both the North and the South. In the South, the United States will continue to play a crucial role in assisting economic development but will have to ensure that its help is not taken for granted. Rather it should be conditioned at an early stage on positive progress toward democratization, accountability, and the equitable distribution of national resources. The SPLM's blatant manipulation of the vote in the April 2010 elections suggests that message might fall on deaf ears.

In the North, the path toward the normalization of relations, set out by the United States in October, is arduous, perhaps unattainable. For a start, it is conditional on the referendum process being completed in a satisfactory way, and Washington has made it clear that a free and fair process can have only one possible outcome: secession. Whether Khartoum can be persuaded to accept such an outcome will largely define relations after January. If it does, the United States must be true to its word and deliver the incentives it has promised. The other major sticking point is a meaningful peace deal in Darfur. Southern secession is likely to make that objective more, rather than less, difficult to achieve. Whatever the chosen course, people of all political persuasions in the North are adamant that the United States must seek a more constructive relationship with Khartoum. The NCP is likely to remain in control for some time to come. This scenario presents the United States with two choices. The first is to continue to isolate the regime, a policy that has achieved little and holds little prospect of finding a solution to the war in Darfur or helping Sudan address its other internal challenges. The second choice is to try to keep the channels of communication open, at least with more moderate elements within the government. Southern secession will trigger unpredictable social, political, and economic forces that have the potential to cause instability, both within Sudan and beyond. The NCP is likely to be embittered and weakened, making the task of constructive dialogue that much more difficult. But engagement is necessary, both with the NCP and the North's long-neglected opposition parties and civil society groups. The United States should be pragmatic and mature enough to realize that if restoring a broken relationship with an unpalatable regime is the price of regional peace and stability, then perhaps it is a price worth paying.



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