

Implications for the Church in Sudan of the Referendum on Independence for the South

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Introduction

This brief report has been written in response to a request by a Sudanese Christian leader to facilitate informed prayer concerning the possible implications for the church of the referendum on independence for southern Sudan. The referendum, scheduled for 9th January 2011, was a key part of the *Comprehensive Peace Agreement (CPA)* of 2005 which was intended to end a long-running conflict between North and South. Sudan is a large, diverse and complex country. There have been political, ethnic, racial, economic, cultural and religious factors behind the numerous conflicts within the country.

Chapter 1 presents four possible post referendum scenarios derived from the answers to the following questions:

1. Will the referendum result in a vote for or against independence?
2. Will the result be accepted and implemented peacefully or violently?

Following these, it addresses several questions and assumptions concerning the referendum (section 1.3) and then briefly analyses whether or not a disputed outcome will be recognised by the international community (1.4). These sections describe the potential for a complex, disputed and volatile outcome. Whatever happens, it seems likely that there will be forced migration of people within Sudan. Will the authorities and NGOs be willing and able to provide the assistance needed?

Chapters 2 and 3 provide necessary background.

Chapter 2 summarises the situation of the Sudanese church and religious freedom in Sudan.

Chapter 3 describes the CPA, covering the historical context, summarising the key terms and detailing the implementation to date. It notes the complexity of the situation across Sudan with continuing conflict and displacement of people in the West (i.e. Darfur) as well as the South. The CPA was signed by President Omar Hassan al-Bashir of the National Congress Party (NCP) and John Garang, head of the Sudan People's Liberation Movement/Army (SPLM/A).

Much is being written about the state of implementation of the CPA, with the common theme of warning that difficulties lie ahead. Will the referendum happen as scheduled? If so, will the result be accepted by all key participants?

The implications for the Church are profound, with the threat of serious challenges for Christians and Churches. In the North, we need to distinguish between those of Southern and Northern origin. They have a shared Christian faith but are ethnically, linguistically and racially different, and can expect different challenges following the referendum.

The major concerns of Sudanese Christian leaders are a changed legal status for the church in the North and the potential forced migration of Christians of Southern origin living in the North leading to a crisis of leadership for Churches and Christian ministries in the North and a large influx of people in the South.

1 The Four Scenarios

1.1 Votes against Southern independence

The immediate consequence of such an outcome would be the need to review the status of the Government of Southern Sudan (GoSS) which governs the South as an autonomous region within Sudan.

1.1.1 Accepted peacefully

This amounts to a continuation of the status quo, subject to reviewing the status of the GoSS. As such it has the fewest consequences for the church and the current situation could be expected to continue.

One caveat to this would be that the status of Shari'a law in Khartoum would need to be reviewed. The current status is described in section 3.3.9. We note here that there is a risk that further application of Shari'a to non-Muslims might occur, more often and/or with greater severity. There is also a small risk that a harsher form of Shari'a might be adopted, notably application of the *hudud* punishments, e.g. amputation for theft. For Christians there will be greater confusion over such matters as dress code and the enforced Islamisation of the culture. For the Church difficulties may arise over recognition of festivals and pressure on church buildings, especially the construction of new ones. The implications for those who choose to follow Jesus are potentially more serious, with charges of apostasy being enforced by the courts, something that does not happen at present.

1.1.2 Not accepted peacefully

There seems very little to suggest that the NCP would reject an outcome of Sudan remaining as one country. Therefore, this scenario equates to the result not being accepted by the SPLM. They would undoubtedly react politically, possibly even withdrawing from the federal government. If they chose to react violently then there would be a combination of an insurgency campaign in the North and army-to-army clashes along parts of the North-South border.

Concerning the church, it seems likely that the church in Khartoum would be affected. Shari'a would probably be formally imposed in Khartoum. Christians would be faced with the choice of staying under that legal code or of fleeing to the South (or elsewhere). A large refugee problem would seem likely.

1.2 Votes for Southern independence

Sudanese Christian leaders are concerned that this will lead to the forced expulsion of southerners, especially Christians, from the North. One effect of such expulsions would leave the Church in the North without many of its leaders.

One likely consequence is that full Shari'a law would be applied to all people in Khartoum, since there would no longer be any reason for the Khartoum government to act otherwise. It

could be argued that this is already effectively the case, since only well connected and supported non-Muslims can challenge the imposition of Shari'a (see section 3.3.9).

North Sudan would probably become an overtly Islamic state with limited religious freedom for non-Muslims. The consequences for the church are hard to predict. The extreme outcome would be that all Christians would be forced to leave, including those originally from the North. The more moderate outcome is that Church would be allowed to exist with reduced legal protections and restricted to serving only those recognised as Christians¹.

1.2.1 Accepted peacefully

In this scenario, there would be no sudden forced expulsion of Christians, but rather a fairly rapid rise in the social pressures against them as the Islamic nature of the North became apparent. This would have consequences for jobs and education.

1.2.2 Not accepted peacefully

This scenario is similar to above, with the addition of forced flight of a large number of people over a shorter period of time, making the effect on the South more pronounced. There is also the risk of large-scale migration of refugees abroad.

There are several possibilities for how widespread and intense violence might be. Both North and South have built up their armed forces over recent years². The most likely scenario would be an intensification of inter-tribal clashes slowly spreading southwards. The effect of this would be to create more internally displaced persons (IDPs) within the South.

Where might such a violent scenario end? One option would be that parts of the South would be forced to become part of the North, with this possibly being confirmed by local referendums. The effect would be to deprive the South of its access to oil revenues (see section 3.3.8) and reduce the amount of highly fertile land available. Both would diminish the resources available to the South's government, making economic and other development more difficult, thereby increasing the existing tensions on the pace of development in the South (see section 3.4).

Recent experiences of peacekeeping operations in Eastern Africa by the African Union and UN suggest that the international community will not be able to effectively intervene to establish peace. Examples include Darfur (see section 3.1.3 below) and Somalia, where an African Union effort has been able to do very little outside the areas immediately adjacent to its bases.

The church in the South would be faced with huge social needs in society as a whole and amongst its membership in particular.

¹ Another consequence would be the breaking of "assumed political associations" between the Church in the North and the SPLM. By "assumed political associations" we mean the linkage in Islamic culture between religion and politics, so that any political action is assumed to have religious motivation and any religious activity is presumed to have political consequences.

² See section 1.3 for evidence of this

This scenario looks bleak.

1.3 Questions and assumptions

We need to make one clarification before addressing several questions and assumptions. The clarification is that our focus in this chapter is the referendum on independence for the South. The parallel referendum on Abyei's status along the disputed North-South border is considered in chapter 3. However, we need to be aware that a postponement or an unclear outcome, or a clear outcome not being implemented effectively, is likely to destabilise Abyei and the surrounding areas.

First, will the referendum be held as scheduled? There is no guarantee that a referendum will be held in January 2011. If the referendum is not held then the most likely scenario is that the Government of Southern Sudan (GoSS) declares independence following a vote to do so by its parliament. Such a declaration would be violation of the CPA³. Therefore, it is almost certain that it would not be recognised by the federal government, causing serious political tensions between the NCP and SPLM. This would most likely lead to a similar situation as the fourth scenario discussed below, i.e. a vote for independence that is not implemented peacefully. It also raises the question of whether such a declaration would be recognised internationally (see below).

Second, will the referendum be conducted effectively as assessed by the participants together with national and international observers? Elections and referenda are complex processes with numerous steps, including (i) compilation of the list of those eligible to vote (ii) equal treatment by the authorities of all candidates/campaigns (iii) voters being able to cast their votes without fear (iv) accuracy in the counting process and (v) the announced result reflects the actual count. Effective national and international monitoring of all aspects is required to assure all parties that the process is in accordance with the agreed procedures and criteria. The geography of Sudan makes this a challenge.

Third, will the outcome of the referendum be accepted as valid by both the federal government and GoSS? It is plausible that the GoSS regards the referendum outcome as voting for independence whilst the federal government declares it inconclusive⁴. The question would then arise as to whether or not the vote for independence would receive international recognition.

Fourth, what do we mean by *peaceful implementation*? We have noted the continuance of armed clashes within Sudan at present. *Peaceful implementation* in this context is therefore understood to mean no increase in violence in the South or against Christians in the North.

Both North and South have increased their military capability since 2005. Reports of incidents of inter-tribal violence in the south have included allegations that the attackers were very well equipped and wearing new uniforms. Funding seems plentiful for militias and many believe that the north is supplying them, despite repeated denials by President Bashir

³ This comes from the Machakos Protocol of 2002 which became part of the CPA and includes the requirement that "implementation make the unity of Sudan attractive". A unilateral declaration of independence clearly violates this clause.

⁴ E.g. on the turnout criteria not being met according to its voter registration list as noted in section 3.3.5

and others. For the southern side, one piece of evidence was the hijacking on 26th September 2008 of the Ukrainian freighter MV Faina whose cargo included 32 tanks and other weaponry. The ship's paperwork indicated that the cargo was being taken to Mombasa, Kenya for onward transportation to southern Sudan. Kenya's claims that they were the intended recipients were widely discredited. The ship was released in February 2009 following payment of a ransom reported to be \$3.2 million.

Fifth, will implementation be according to an agreed timetable? The state of preparedness for this is discussed in chapter 3. At this point we note that some preparations have been made but much remains to be agreed.

Sixth, will the South's infrastructure be able to support an influx of people returning from the North or abroad? The current situation in the South is described in section 3.4, with one point being the weakness of the South's infrastructure. Will the competition for scarce resources lead to internal conflict within the South? Inter-tribal conflict has occurred in the South in the past, including in cases where both groups are predominantly Christian.

1.4 Disputed outcome and international recognition

The above suggests that a disputed outcome or unilateral declaration of independence by the South, is likely. Should this occur, then the question will arise as to whether or not the South is recognised as an independent state by the international community. This could become very complex should different countries, or major international bodies such as the African Union, act in different ways.

A number of countries are likely to play significant roles, including:

- ❑ Norway, the UK and the US, i.e. the guarantors of the CPA
- ❑ China, which is a major customer of Sudan's oil and invests in the oil industry
- ❑ Russia, which is a major supplier of arms to the North.

The latter two have provided diplomatic support for the Sudanese government at the United Nations in recent years.

International bodies will also be significant, notably

- ❑ the African Union, which in recent events has been supportive of President Bashir
- ❑ the United Nations, notably the United Nations Security Council (UNSC)

Of interest here is how the five permanent members of the UNSC appear likely to respond. In recent years two have consistently supported President Bashir (i.e. China and Russia) whilst the other three (i.e. US, UK and France) have supported the South. However, the GoSS has been courting China, seeking to reassure a major customer of its intention to be a reliable and dependable supplier. This leaves the position unclear, since if China were to support the South's view in a contested outcome then the UNSC may well recognise the independence of the South.

There is scope here for the world-wide church to lobby on behalf of Sudanese Christians, urging these influential countries and organisations to recognise and place appropriate emphasis on the importance of upholding religious freedom in Sudan, and in particular to protect the rights of Christians in the North.

2. The Church in Sudan

The constitution upholds freedom of religion. The federal government generally respects this, though there are some exceptions (e.g. the application of Shari'a to non-Muslims in Khartoum as described in section 3.3.9). In contrast, street distribution of Christian literature is permitted in parts of Khartoum⁵. Simplistically, there is religious freedom for Christians in the South and in many respects within Khartoum but there are restrictions elsewhere in the North.

2.1 Established churches

There are large established Catholic, Orthodox, Episcopal and other Protestant Churches. Estimates for the size of each vary, but there is general agreement that the Catholic Church is the largest, and the most likely estimate is that the Episcopal Church in Sudan (ECS) has approximately 2.5 million members. Orthodoxy is much smaller. Collectively, about 20% of the population are Christians. The ECS claims to be the fastest growing such church in the world.

Geographically, the established churches are well represented in Khartoum and across the South. There are large numbers of displaced southerners living in camps in and around Khartoum, plus many who have moved into better established communities.

2.2 Followers of Jesus from a non-Christian background

There are a number of people who have chosen to follow Jesus having grown up as Muslims. Such people face strong family and societal pressure. The government in the North provides no protection from such pressures.

2.3 Violence against Christians

Inter-ethnic clashes are not new in the South. However, the number and intensity rose in 2009, and one new development was attacks deliberately timed to coincide with church services:

- ❑ In August renewed attacks by the Lord's Resistance Army (LRA) caused many to flee from areas near the borders with the Democratic Republic of Congo and the Central African Republic. At least one attack was timed to coincide with a church service. In an attack in Ezo on 12th and 13th August three people were killed including a church's lay leader.
- ❑ On 29th August the Anglican Archdeacon of Wernyol was shot dead at the altar of his church during a service. Other worshippers were injured, some seriously. Again the attack appeared deliberately timed to coincide with a church service.

An example of more indirect discrimination would be the threats against an ECS school in the North when the route of a new road was altered to go through the school's premises. The construction of the road has been delayed, thereby removing the threat for the time being. There have been similar incidents in previous years in which ECS received no compensation for their property.

⁵ The only other Arab country where this is permitted is the predominantly Christian areas of Lebanon

2.4 Social engagement

The church is active in social action and gospel proclamation. This is being done amongst Christian communities in all parts of the country. The church is active in development work wherever there is openness by local communities to receive such work. There is large scope for more such activity.

2.4.1 NGOs

Many international NGOs are active in meeting humanitarian needs in Darfur (see below) and employ some national staff. Some of these groups are Christian based organisations.

Many NGOs operating in the North gave their locally employed staff who were southerners the option of returning to the South, an offer that most accepted. This has affected their staffing in the North.

Many NGOs in the North, together with some in the South, are requiring their expatriate staff to leave the country in the period leading up to the referendum and to return shortly afterwards. If the referendum is delayed then these organisations will have to decide whether to return. For some NGOs, the absence of their expatriate staff will severely affect their operations. There is the potential for difficulties in restarting operations when staff return, e.g. due to the federal government claiming that it is now providing the services previously provided by the NGO.

3. The Comprehensive Peace Agreement (CPA), 2005

3.1 Historical context

3.1.1 Conflict between North and South

Sudan has a central government in Khartoum. President Omar Hassan al-Bashir of the National Congress Party (NCP) has been the president since seizing power in a coup in 1989. It is a large and diverse country, with approximately 600 different ethnic groups with 100 different languages.

Sudan has suffered from internal armed conflict since independence in 1956. The conflict has often been presented in the West as primarily religiously motivated, i.e. Muslim North against Christian and animistic South. However, this is an over-simplification. There have been political, ethnic, racial, economic and cultural as well as religious factors at work.

One major factor has been the economic and political marginalisation of large parts of the country by the central government in Khartoum, who are accused by many of not equitably sharing national resources. A second major factor is the domination of many ethnic communities and cultures by Arab Muslim culture, a process frequently described as *forced Arabisation*.

Long-running talks aimed at resolving the conflict between the North and the South resulted in the signing on 9th January 2005 of the Comprehensive Peace Agreement (CPA). These talks were conducted primarily in Kenya and facilitated by the Intergovernmental Authority for Development (IGAD)⁶. Three Western governments acted as guarantors of the agreement, namely Norway, the UK and the USA. Since 1984, the North-South conflict is estimated to have killed two million people and displaced seven million others, many of whom remained within Sudan as internally displaced persons (IDPs) and some went abroad as refugees.

Conflicts have also occurred in the east and west.

3.1.2 Conflict in the East

The conflict in the East was resolved by an agreement signed in October 2006 which provided for power and resource sharing between the federal government and the eastern states of Kassala, Red Sea and Gaderaf. The agreement gave the *Eastern Front*⁷ one post of assistant to the president, a presidential adviser, one state minister's post, eight parliamentary seats in Khartoum and ten parliamentary seats in each of the three eastern states. The agreement also stated that areas affected by conflict would receive affirmative action in the allocation of federal development funds. The agreement has been maintained and armed conflict has not recurred.

⁶ IGAD is a grouping of six east African countries

⁷ The Eastern Front was formed in February 2005 when the *Beja Congress* merged with the *Free Lions* group formed in 1999

3.1.3 Conflict in the West, i.e. Darfur

By contrast, conflict continues in the West, i.e. Darfur, despite several signed agreements and ongoing negotiations and mediations. The same basic underlying grievance applies, that the central government neglected this region. When political expressions of grievances proved ineffective, some turned to violence. In Darfur, the central government has armed militias, often referred to as the *Janjaweed*, to fight those they regarded as rebels. The term *Janjaweed* is a generic term for several armed groups. One complication in Darfur is the multiplicity of armed groups now involved.

This section is a very brief treatment of a complex situation. The key point is that conflict and human suffering continue in Darfur, though the means, scale and international attention continue to vary.

Two historical points are worth noting:

- The CPA was negotiated, drafted and agreed during 2004. With international attention on Sudan at the time focussed on this process, the widespread violence and human suffering in Darfur attracted little international attention.
- A statement issued on 18th December 2006 by Madeleine Albright, Joschka Fischer and others published in the Financial Times noted the variety of factors involved whilst assigning responsibility to the central government. They said:

“The Darfur conflict is more complex than often characterized. It does not simply reflect, but rather cuts across tribal, Arab v. African ethnic, and farmer v. herder stereotypes. It is coloured by local grievances and aggravated by greed, which takes the form of banditry and competition for scarce resources. ... The primary cause of the ongoing crisis, however, remains the callousness of the governing elite, intent on preserving its own privileges and indifferent to its population.”

Events in Darfur have attracted the attention of the International Criminal Court (ICC), including the issuing in July 2008 of a warrant for President Bashir to face war crimes for his government’s actions in Darfur. On 12th July 2010 the ICC issued a formal arrest warrant⁸. One consequence is that President Bashir has cancelled planned visits to some countries for fear of being arrested and taken to The Hague⁹. It is unprecedented for legal action to be taken against the serving head of a nation state. The ICC has charged others concerning their role in Darfur, including government officials and militia group leaders.

During May 2010 600 people were killed in violence in Darfur. This is the highest casualty figure since the arrival of a joint AU-UN¹⁰ peacekeeping force (UNAMID) in January 2008. UNAMID remains at approximately one third of its planned size¹¹.

⁸ The process is complex. Key stages have included (a) in March 2009 a panel of judges ruled that there was insufficient evidence to support the three charges of genocide (b) in July 2009 prosecutors appealed this decision, requesting that the judges review the evidence again (c) in October 2009 the panel requested more time.

⁹ Examples include planned visits to Uganda in July 2009 and Turkey in November 2009

¹⁰ I.e. African Union-United Nations

¹¹ In June 2007 the Sudanese federal government approved the deployment of 19,555 military personnel, 3,772 police officers and 5,105 civilians by UNAMID to replace a 7,00 strong force provided by the African Union.

In August 2010 the Sudanese government endorsed a new “Security and Development Strategy” to facilitate the return of IDPs to their homes. This followed unrest in at least one IDP camp. The plan was warmly welcomed by the AU, US Government and UNAMID. However, Human Rights Watch¹² expressed concern that the plan does not give clear measures to ensure that their returns are voluntary, that militias are disarmed and soldiers held accountable. The plan calls for NGOs to switch from humanitarian assistance to a focus on development. However, there is concern that humanitarian work would be closed down before conditions have improved sufficiently for such work to be unnecessary. There is precedent in Sudan for access to food and humanitarian aid being used as a weapon of war.

3.2 Summary of the CPA’s terms

In outline, the agreement:

- ❑ granted the South self-regulation for six years, at which point they should hold a referendum on secession; hence the date of 9th January 2011 for the referendum, exactly six years after the signing of the CPA
- ❑ affirmed that both parties would work towards unity, though there was substantial evidence that the majority of Southerners were in favour of secession
- ❑ divided oil wealth 50%-46%-4% amongst the North, South and some ethnic groups in the oil rich Abyei region, which is on the disputed North-South border, respectively
- ❑ there would be a referendum in Abyei over whether it was part of the North or the South
- ❑ made the leader of the SPLM First Vice-President of Sudan
- ❑ authorised the use of Shari’a law in the North but not the South, with special provisions to be enacted to protect non-Muslims in Khartoum, the federal capital, from Shari’a punishments
- ❑ the SPLM was granted 28 of the 80 seats in the federal parliament; the proportion reflecting the South having roughly one third of Sudan’s population¹³.

3.3 Implementation

Some aspects were quickly implemented, including a permanent ceasefire agreement, a significant relaxation of travel restrictions, the SPLM flag was raised in Khartoum, the SPLM leader became Vice President and the Government of Southern Sudan (GoSS) was formally installed in Juba, the capital of southern Sudan.

In January 2007 the second anniversary of the signing was marked by the introduction of a new currency, called the *pound*. It replaced the *dinar*, whose name was perceived by many southerners as a symbol of Arabisation. This was seen as a significant step, and evidence of some attempt at working towards uniting the North and South.

¹² See www.hrw.org

¹³ Accurate demographics are not available for Sudan. Commonly quoted figures are a total population of approximately 40 million, of whom 9-10 million live in the south. However, a large number of people from the south live in the north, with an estimated two million in the Khartoum area.

3.3.1 Political process

The CPA was negotiated and signed by two key players, namely President Bashir's NCP and the Sudan People's Liberation Movement (SPLM). The SPLM was led by John Garang until he died in a helicopter accident on 30th July 2005¹⁴. His deputy, Silva Kiir, took over as SPLM leader and First Vice President of Sudan. Kiir is believed to be less able than Garang to hold together the diverse tribes and factions resident in southern Sudan.

The SPLM found it difficult to fill its seats in the federal parliament because many nominees decided to serve in the GoSS rather than in Khartoum. Their intention was to build up a power base in the South in case it became independent. In contrast, being effective in Khartoum and getting much popular credit for doing so amongst their southern constituents would be very difficult. This dilemma continues.

Tensions have emerged between the NCP and SPLM in Khartoum. The SPLM withdrew from the parliament and cabinet for a period due to concerns about the non-implementation of the CPA.

On 7th December 2009 three senior SPLM leaders, Pagan Amum, Yassir Arman and Abbas Gumma, were arrested on their arrival in front of Parliament in Omdurman¹⁵ to participate in a protest about the slow pace of improving the democratic processes. 70 other demonstrators were detained. The three leaders were swiftly released. However, the incident revealed the tensions between the NCP and SPLM.

3.3.2 National census

The CPA proposed that a national census be conducted to:

- ❑ prepare for future elections and the referendum on southern independence
- ❑ determine the allocation of central government resources to the different regions.

A census was started in April 2008, having been postponed from the original schedule of 2007. The start was shrouded by controversy. The central government pressed for it to proceed despite objections from many in the South that there had been insufficient preparation, and that insecurity in Darfur and the North-South border areas would limit the ability of many to participate. Further, many citizens remain displaced and further mass migrations are a distinct possibility. In April 2008 the South bowed to international pressure for the process to start, but stated that it would not be bound by the results.

In December 2009 the process was extended by a week to allow for completion in more areas of the country. Serious concerns remained that instability and the large number of displaced persons means that there is no assurance that the process was done accurately or comprehensively.

¹⁴ There are several conspiracy theories surrounding the death of John Garang. However, none are conclusive, and the official explanation of it being a genuine accident in bad weather is reasonable.

¹⁵ An area just north of Khartoum where the federal government meets

3.3.3 Democratic processes

National elections were held in April 2010, the first for 24 years. They elected the federal president, the president of the GoSS, and members of the federal parliament in Khartoum and the GoSS in Juba. There were also votes on many other items at the same time, making the process complex. Senior political figures including Silva Kiir noted that it took 20 minutes to cast their votes.

In the South, where there is widespread illiteracy¹⁶, there was widespread concern that the majority of citizens would be unable to effectively participate because of their unfamiliarity with such things and the lack of effective education. Some awareness raising activities were conducted through community, church and youth groups.

3.3.4 Referendum conditions

Agreement was reached on 13th December 2009 on the criteria for independence, namely that a simple majority of the votes cast were in favour, provided at least 60% of eligible voters cast valid ballots. The original intention was for two thirds of votes to be in favour, irrespective of the percentage of eligible votes cast.

The exact phrasing of the referendum question has yet to be decided. Accompanying symbols will likely be used to denote the choices.

3.3.5 Referendum preparations

The CPA stipulated that a commission be established to oversee preparations. There were significant delays in naming the secretary general and members of the commission. In October 2010 commission chairman Mohammed Ibrahim Khalil stated that deadlines would be met. However, the commission had not received the funds for its US\$370 million budget. Half is expected from international donors, the other half split between the federal government and the GoSS.

In October 2010 it was announced that voter registration will start on 14th November and end on 4th December, with campaigning starting a few days later. Final registration lists were supposed to have been published at least three months before the vote, but that deadline has been cut to a month, which leaves little time to run the entire process. About 3,600 registration centres are planned, including for Southerners living in the North. The logistical challenges are huge, though the UN Mission in Sudan has promised support, including transport of materials to remote areas by helicopter.

It remains unclear how voting eligibility for Southerners will be decided, especially those living in the North or abroad. The 2008 census estimated that 500,000 Southerners live in the North, but the GoSS and numerous NGOs put the number at more than 1.5 million. There have recently been unconfirmed reports that the authorities in the North are talking about a higher figure somewhere between 2.5 and five million and that vast numbers of "ghost" registrations are being planned so as to make a turnout of 60% impossible to attain,

¹⁶ One estimate is that the functional illiteracy rate (i.e. the ability to read the front page of a newspaper) is 95% - see Salter, Colin; *Issues Facing Christians in Sudan Today*, Redruth, Weefour Publications, page 217

thereby invalidating the result. UN-mediated talks are being held in Ethiopia to try and resolve these issues, and also the physical demarcation of the north-south border.

Northern leaders claim pro-unity campaigners in the South are being harassed, accusations denied by the South. In retaliation, the South points out that pro-independence campaigners have little freedom in Khartoum. Tempers are fraying over claims that both sides are bolstering troop numbers along the still undefined border. This is denied by both sides, but observers believe tensions will increase as the date for the referendum vote nears.

In October 2010 the UN deployed peacekeeping forces to the border areas. This has created much controversy as the Federal government did not approve of such action, and symbolizes a divide that does not officially exist as they are one country.

Southern leaders are adamant the referendum will go ahead on time, not least because they fear that any delay could lead to a cancellation. Politicians also warn of anger on the streets even if a delay is agreed for legitimate reasons. While most CPA milestones have been achieved later than originally planned¹⁷, many diplomats and analysts fear the South would rather declare independence following a vote in its parliament than accept delay (see 3.1 above).

Preparations for the separate referendum also to be held on 9th January 2011 in Abyei, on whether the oil-rich region wants to be part of the North or South of the country, are making less headway. The commission to oversee this referendum has yet to be appointed.

The US-based *Carter Center* has deployed 16 international observers to monitor the process, but that effort will be spread thinly over Africa's largest nation. More international observers are expected, including from the European Union and African Union, and domestic observers are preparing to monitor the processes too.

3.3.6 North-South border issues

Agreement on the North-South border has been hard to achieve. In 2009 both the federal government in Khartoum and the GoSS agreed to abide by an international arbitration ruling. This was duly made in July 2009, and the ruling placed the border such that two oil-rich parts of Abyei became part of North, while maintaining that a significant portion of land remain for the indigenous groups that use the land for grazing. However, neither the federal government nor the GoSS have taken steps toward official demarcation to the court's standards.

Mediation continues. In October 2010 mediators in Addis Ababa tabled new proposals for the NCP and SPLM to break the deadlock over the Abyei region.

Meanwhile, tensions are rising in Abyei between the pastoralist Misseriya, who enjoy grazing rights within Abyei, and often sided with the federal government during the 1983-2005 North-South conflict, and the Ngok Dinka, who mainly supported the SPLM/A.

¹⁷ E.g. the census as note above

3.3.7 Negotiations on post-referendum conditions

There are four working groups focusing on:

- ❑ citizenship, notably of those of southern origin currently living in the North
- ❑ security, especially in the North-South border areas
- ❑ financial, economic and natural resources, notably oil (see below), use of Nile waters and what proportion of the \$35 billion national debt should be transferred to the southern state
- ❑ international treaties and agreements.

Agreements in these areas are crucial to the smooth implementation of the referendum outcome.

One factor concerning the national debt is that the GoSS appears likely to be able to obtain debt cancellation in contrast to the federal government which has been unable to until recently when \$40 million (i.e. approximately 0.1% of the total) was cancelled by Slovakia.

3.3.8 Oil industry and revenues

Oil revenues are very significant, accounting for 60% of federal government income and 98% of GoSS income.

At least 80% of Sudan's known oil reserves are located in the South and near the North-South border. Export is via pipelines to Port Sudan on the Red Sea coast. The implication is that North-South cooperation is required for the continuance of this industry, since the oil fields are in the South but export, and hence financial income, is dependent on facilities in the North.

In recent years other oil fields have been discovered in parts of Darfur. The infrastructure to extract and export these is currently being developed.

The CPA divided oil revenues from the southern areas amongst the North, South and province of Abyei as detailed above. There are reports of the North delaying payment to the South, and of reducing the amounts due. One analysis compared oil export figures provided by the Sudanese government and the Chinese state oil company, with the latter showing more oil being received from Sudan than the former was accounting for.

The idea of developing new pipelines to Kenya is under consideration. This would remove the North from any involvement in the South's oil industry. The Kenyan government is keen since it would benefit from the infrastructure construction, transit fees, use of its ports and a secure supply for its own needs.

3.3.9 Shari'a in Khartoum

The CPA condition that Shari'a would not be applied to non-Muslims in Khartoum has not been respected. This was dramatically illustrated by two reported incidents in 2009:

- ❑ In July, 13 women were arrested at a restaurant and charged with indecent clothing because they were wearing trousers. Ten ladies, including several Christians, chose not to contest the charge, and were sentenced to ten lashes and a fine of

approximately \$100. Lubna Hussein and two others requested lawyers and chose to fight the charge. They faced 40 lashes and the \$100 fine if convicted. Ms Hussein was a United Nations employee and a journalist. She actively sought to publicise the case. Her trial on 29th July was adjourned because the judge offered her immunity due to her UN status. Ms Hussein promptly resigned in order to fight the case, seeking to have the law changed. On 7th September she was convicted and fined the equivalent of approximately \$220. She chose not to pay this and was imprisoned for a month. However, the fine was paid on her behalf and she was duly released the next day.

- On 27th November a 16-year-old Christian girl, Silva Kashif, was stopped by police while walking alone in a knee length skirt near her home in Khartoum and accused of wearing “indecent dress”. She was taken to court, convicted, sentenced to 50 lashes and the punishment carried out immediately. Her parents were not informed of her arrest.

The first incident suggests that the imposition of lashes is common, to the point that many simply accept it as normal. Lubna Hussein was in a position to contest the charge, and overtly stated her objective of challenging the law. If the CPA condition that Shari’a was not to be applied to non-Muslims had been implemented effectively then the incident would not have occurred. The second shows several breaches of normal legal protocol and human rights (e.g. treatment of a minor, a minor’s parents not being informed and no opportunity for appeal) and total disregard for the CPA condition of not applying Shari’a punishments to non-Muslims in Khartoum.

The implication for the post referendum era is the fear that Shari’a will be overtly applied to all citizens irrespective of their faith background in Khartoum and throughout the north.

3.4 Situation in the South

The South continues to face humanitarian challenges and there are tensions across the South with many disappointed that the CPA has not led to a much more rapid pace of development, notably concerning infrastructure, education and health care.

The issues concerning payment of oil revenues noted in section 3.3.8 have reduced the ability of the GoSS to fund infrastructure development. There is growing widespread dissatisfaction across the South at the low pace of development. More had been expected when the CPA was signed. Corruption is another cause of slow development and consequent dissatisfaction. Some southerners are concerned that the GoSS is behaving like the federal government in that it is not equitably using its resources for all parts of the South.

There is a major need for international support to develop the South’s infrastructure.

Violence between rival communities continues. The UN Office for the Coordination of Humanitarian Affairs reported in September that at least 890 people have died and more than 188,000 been displaced during 2010. More than four million people (i.e. roughly half the population) are affected by drought or floods and are in need of food aid.

Concluding comments

Much is being written about the state of implementation of the CPA, with the common theme of warning that difficulties lie ahead. Will the referendum happen as scheduled? If so, will the result be accepted by all key participants?

At present it appears that the chances of the referendum happening as scheduled and producing a clear result that is accepted as valid and definitive by all parties is remote. The implication is for major challenges within the country. There are significant risks of increased violence in parts of the country and for the forced displacement of many, with followers of Jesus being particularly vulnerable.

The implications for the Church are profound, with the threat of serious challenges for Christians and the Churches. Of note is the risk to the Church's position of acceptance within society in the North, or restricted opportunities for engagement in meeting social needs, and the challenge of supporting an influx of displaced people into the South.

The prayers of Christians are sought, that the Church worldwide would stand beside their Sudanese brethren.

Praise & Prayer

- ❖ Praise for the growth of the Church in Sudan
- ❖ Pray that such growth continues
- ❖ Pray that growth is seen in all parts of the country

- ❖ Pray for effective preparations for the referendum on southern independence
- ❖ Pray for effective preparations for the referendum on whether Abyei is part of the North or South
- ❖ Pray for agreement on the North-South border and that it is accurately and effectively demarcated

- ❖ Pray for a reduction in violence

- ❖ Pray for the provision of health care to the wounded and traumatised
- ❖ Pray for effective distribution of food and medicine to all
- ❖ Pray for wisdom for NGOs as staff leave pre the referendum and decisions over when to return
- ❖ Pray that the federal government and GoSS facilitate the work of NGOs

- ❖ Pray for the rapid development of infrastructure across the South and other disadvantaged areas
- ❖ Pray for equitable use of oil revenues and natural resources

- ❖ Pray for international efforts on mediation of outstanding North-South issues
- ❖ Pray for wisdom across the international community should a disputed outcome occur