

Sudan Catholic Bishops Conference: (SCBC)

German-Sudan Conference
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Struggle for peace in the Sudan

Every human being is a person with rights and duties

1.0 Introduction

It is not the aim of this up date to trace the past history of Sudan, but without knowledge of it, understanding of the present will be difficult. Therefore the following highlights on:



- ❖ Background to the conflict
- ❖ The political dispensation created by the Comprehensive Peace Agreement (CPA) is given

Background to conflict

Sudan is Africa's largest country. It is about 2.4 million square kilometers and was misruled and its development and economic potential was squandered by the successive Governments that rotate between parliamentary democracies and military dictatorships.

The obstacles that faced the Sudan from 1955 which resulted in conflicts and civil wars are:

- ❖ *The failure of the Northern Sudanese, and the Southern Sudanese to agree on the element of National Unity,*
- ❖ *To agree on the Identity of the Sudan,*
- ❖ *To agree to reach a formula to govern Sudan properly that ensures, respect and guarantee of the rights of different ethnic, cultural and religious communities of the Sudan.*

1955 (*civil war begins*) .

The problem between the North and the South came to open conflict on 18th August 1955 when the Southern Sudanese Soldiers of Southern Sudan

Defense Force (Equatoria Corps) based at Torit refused forced transfer to the North and mutinied.

The Southern members of the Constituency Assembly in sitting no 43 of 19th December 1955 demanded that Sudan be ruled through Federal System. Their Northern colleagues accepted the idea but requested it will be considered after Independence. Their acceptance was only to allow Sudan to get Independence with a unanimous vote, but this demand for federation was not to be implemented.

1956 (*Sudan's independence*)

Sudan became an Independent State on 1st January 1956. Since 1956 violence not peace has been the country's norm and Sudan is known as a country that does not honor any peace agreements.

"Abel Alier Too Many Agreements Dishonored"

1972 (*Addis Ababa Peace Agreement*)

The Government of Sudan and the Anya- Anya, Southern Rebel signed Peace Agreement in 1972. The Agreement was a political settlement where the Southern Sudan was given local autonomy to administer under the High Executive Council for the Southern Sudan. The settlement covered the Following issues:

- ❖ Draft organic law which defines powers of self- government in the Southern provinces of Sudan.
- ❖ Laws that Regulates relations between the central Government and the Southern regions.
- ❖ A separate draft Ordinance on items of Revenue and grant-in –Aid from the central government to the Southern Region.

1983 (*collapse of Addis Ababa agreement, 2nd civil war begins*)

The Government in Khartoum under General Jafa'ar Nimeiri, through Republican order No 1 of 5th June 1983;

- ❖ Abrogated the whole of the Addis Ababa Peace Agreement and returned all the powers to the central government.
- ❖ It divided the south into three regions (Bahr el Ghazal, Equatoria and Upper Nile) to replace the previous single region.
- ❖ It imposed Islamic *sharia* law known as "September Law" on the whole Country and Islamized its laws, institutions and political system which made the participation of non Muslims more difficult in executive positions in the Country.

1989 (*Islamists overthrows democratic government*)

The Islamists of the National Islamic Front (NIF) on 30th June 1989 came to power under Incumbent Omar Hassen Bashir.

From 1989 the nature of the Sudanese state changed with religious extremists being propelled to positions of power. A ten years Comprehensive Strategic plan was drawn.

1999 (Constitutional Conflict)

Sudan is a Multi-cultural, multi-lingual, multi-racial, multi-ethnic and multi-religious Country. Introducing an Islamic system of administration contradicts with the reality of the Sudan

These new rulers managed to transform the Sudanese conflict from one based on class interest into one based on Religious struggle (Jihad) and Introduced an Islamic Constitution in 1998.

Article 1:

Islam is the religion of the majority of the population. Christianity and customary creeds have considerable followers.

Article 4:

Supremacy in the State is to God the creator of human beings, and sovereignty is to the vicegerent people of the Sudan who practice it as worship of God, bearing the trust, building up the Country and spreading justice, freedom and public consultation. The Constitution and the law shall regulate the same.

Article 18

Those in service in the state and public life, shall envisage the dedication thereof, for the worship of God, wherein stick to the scripture and tradition and shall maintain religious motivation and give due regards in such:

- ❖ In plans, laws, policies, and official business.
- ❖ In political, economic, and cultural fields in order to prompt public life towards its objectives and adjust those towards justice and uprightness to be directed to wards the grace of God in thereafter.

Article 65

Islamic law and consensus of the Nation by referendum, Constitution, and Customs shall be the source of legislation and no legislation in contravention with these fundamentals shall be made.

Article 139(3)

No Constitutional amendment shall come into force where it amends the provisions of basic fundamentals save after the same is also passed by the people in a referendum and signed by the President of the Republic.

ABYEI:

Abyei is a bridge between the North and the South, linking the people of Sudan. The territory is defined as the area of nine Ngok Dinka chiefdoms transferred to Kordofan in 1905. Simultaneously with the referendum for Southern Sudan, the residents of Abyei will cast a separate of Southern referendum. ballot. The proposition voted on in the separate ballot will present the residents of Abyei with the following choices, irrespective of the results of Southern referendum

- a) That Abyei retain its special Administrative Status in the North.
- b) That Abyei be part of Baher El Gazal.



Darfur Conflict



Haj ria Killing 2007

Marginalization

The leaders that governed Darfur from 1956 were from the Northern Province although the Ansar, the power base of the Umma Party was from Darfur.

The Conflict started in 1978 when the people from Darfur refused an imposed Governor appointed by Khartoum and closed El Fasher Airport from the plane which the Governor was in it to land.

Since that time there were rebels in Darfur and Khartoum Administration called them "Bandits" but was not until when the division within the National Congress Party over the post of the President became apparent and Darfur went to flames in 2003.

Islamists' front divides

When the National Islamic Fundamentalist took power in 1989, People from Darfur supported the regime. It is important to know that from 1955 throughout 1999 the bulk of the Sudanese Army, Popular Defense Force and Mujahedeen used for fighting the war in the South came from ethnic groups of Western Sudan and Darfur.

1999 when Dr. Hassan El Turabi requested the military to hand over the power to civilian Administration, the Elite from the Northern Provinces or States saw it as a shift of power base from Northern Province.

They produced a memorandum called the (Memorandum of Ten) and the National Congress Party got divided. National Congress Party was led by the incumbent President and the breakaway Popular Congress Party was led by Dr. Hassan El Turabbi.

Most of the formers members of the Government Ministers from Western Sudan left National Congress Party and joined Popular Congress Party.

It was this group that reorganized the masses in Darfur into a fighting force. There will be no solution to Darfur Conflict unless the Leadership of National Congress Party, The leadership of Popular

Congress Party and rebel commanders is brought to negotiation table

3- Comprehensive Peace Agreement (CPA)



Having given the historical highlights let me turn to the new political dispensation created by the Comprehensive Peace Agreement.

The CPA ushered the Sudan into a transition from war to peace the devastating war in Dar Fur notwithstanding. The NCP made peace agreements with the rebel movements from southern, eastern and western

Sudan without necessarily being ready for genuine power sharing and structural changes to facilitate a transition to democratic pluralistic political dispensation in the country

The Comprehensive Peace Agreement is a transition period of six years.

- ❖ From 9th July 2005 and ends on 8th July 2011
- ❖ It secured right for self-determination for the People of the South through Referendum to choose Unity of the Sudan or secession

Governance

During the Interim Period the Institutions at the National level shall consist of:

- ❖ The Legislature
- ❖ The Executive
- ❖ The Judiciary

In respect of Southern Sudan

There shall be a Government of Southern Sudan as per the borders of 1/1/1956 which shall consist of:

- ❖ The Legislature of Southern Sudan
- ❖ The Executive of Southern Sudan
- ❖ The Judiciary of Southern Sudan

- ❖ There are two flags in the Sudan; (Sudan flag and SPLM/A (South Sudan) flag).

Three Armed Forces

- ❖ Sudanese Armed Forces (SAF)
- ❖ Sudan Peoples Liberation Army (SPLA)
- ❖ Joint Integrated Units-JIU (SAF & SPLA)

Two Interim Constitutions

The Interim National Constitution of the Republic of the Sudan which limited the application of the Islamic Sharia to the Northern Sudan where State and Religion is comprehensive.

- ❖ **Art. 5(1) stipulates**

Nationally enacted legislation having effect only in respect of the Northern States of the Sudan shall have as its sources of legislation:

- ❖ Islamic Sharia and the consensus of the people.

❖ **Art.5 (2)**

Nationally enacted legislation applicable to Southern Sudan or States of Southern Sudan shall have as its sources of legislation:

- ❖ Popular consensus.
- ❖ The values and the customs of the people of Sudan, including their traditions and religious beliefs having regard to Sudan's diversity.

Interim Constitution of Southern Sudan (ICSS)

Article 8:

In Southern Sudan, religion and State shall be separate.

Art (5)

The sources of legislation in Southern Sudan shall be:

- a) the Interim National Constitution (INC)
- b) The Interim Constitution of Southern Sudan (ICSS)
- c) Customs and traditions of people of Southern Sudan
- d) popular consensus of the people of Southern Sudan and
- e) Any other sources.

CPA provides for:

Reconciliation:

- ❖ The parties agree to initiate a comprehensive process of national reconciliation and healing throughout the country as part of the peace building process. Although the Parties agree to initiate a comprehensive process there was no attempt or interest by the parties to the CPA to implement this article of the protocol to date.

(Machakos Protocol 1.7)

Population Census

Population census throughout the Sudan shall be conducted and completed by the second year of the Interim Period. The results of National Census is highly charged with implications for politics, Geographical Constituencies, Wealth sharing and Power sharing, it will also play a part in the preparations for National General Elections and referendum.

The Government in May 2009 released the census result which recorded the number of Southern Population to **8, 263,490** and was rejected out right by the Government of Southern Sudan.

(MP1.8.1)

General Elections

General Elections At all levels of the government shall be completed by the end of the third year of the Interim Period

Art. 216: Of Interim National Constitution

"General Elections at all levels of Government shall be held not later than the end of the fourth year of the Interim Period".

- ❖ National Electoral Law will be adopted by the National Assembly by 9th January 2006: Setting forth the procedure for establishing the National Elections Commission and for conducting national elections.

The National Elections Law known as Act 2008: Was passed by the National Assembly on 15th July 2008 two years behind the timing set in the CPA, paving way for the establishment of the National Election Commission.

- ❖ **The National Elections Commission:** Was established on 23rd November 2008. The Commission according to the Act 2008:
- ❖ Shall form the high Committees and appoint the heads and members of the high committees at Southern Sudan and the States Levels.

Subject to Articles

- ❖ **183(3) and 220 of the Interim National Constitution**

The High Committees shall be responsible to the Commission in administering and supervising the elections and referendum at the Southern Sudan and the States Levels.

High Committees shall be totally independent from:

- ❖ Legislative Assemblies and Executive bodies of the National Government.
- ❖ Government of Southern Sudan.
- ❖ States Governments, as the case may be.
- ❖ **The following laws are to be repealed** to pave way for free and fair elections, freedom for political parties to exercise democratic rights and to conform with the CPA and Interim National Constitution (INC):

- National Security Law
- Press and Media Law
- Code of Criminal Procedure Law
- Code of Civil Procedure
- Penal Code
- Workers Trade Union Act.
- Conducting election while these laws are in force will never be fair and free elections.

d) Referendum on Self-Determination:

Article 11 of ICSS:

Six months before the end of the six –year Interim period, there shall be an internationally monitored referendum for the people of the Southern Sudan organized by Southern Sudan Referendum Commission in cooperation with the National Government and the Government of Southern Sudan.

MP 1.3)

Referendum Act: Shall be promulgated by the National Legislature at the beginning of the third year of the Interim Period.

The Presidency shall as soon as Southern Sudan Referendum Act is issued, establish Southern Sudan Referendum Commission.

- ❖ Referendum Act should have been promulgated by the National Legislature by 9th July 2008 (at the beginning of the third year of the CPA).
- ❖ Referendum Act is not promulgated and the Southern Sudan Referendum Commission is yet to be established.
- ❖ Two years is left for the end of the Interim Period, national general elections and referendum must take place before the end of the Interim Period.

4- National Elections

The National Elections Commission announced the election process to begin by the 15th of April 2009 and to end on 27th February 2010

See the table below

| |
|---|
| 15/4/2009: Demarcation of geographical constituencies |
| 1/6 2009: Publication of geographical constituencies |
| 2/6/2009: Beginning of registration |
| 2/7-2/8 2009: .Revision and preparation of register. |
| 3/8-31/8/2009: First publication of register for appeals and outcome |
| 1/9/2009: Starting date for nominations |
| 3/9/2009: Acceptance of nominations at all elections levels: <ul style="list-style-type: none"> - Presidency of the Republic. - President of Southern Sudan. - Governors. --Legislative Assemblies : National-South Sudan States |
| 6/11/2009: Last day for nomination applications |
| 7/11/2009: Publications of nomination lists for appeals |
| 10/11-27/11/2009: Final publication of nomination lists |
| 30/11/2009- 5/2/2010 Electoral campaign |
| 6/2/2010: Start of polling |
| 21/2/2010: End of polling |
| 27/2/2010: Announcement of final results |

5- Concerns

At the beginning of the Comprehensive Peace Agreement and Interim National Constitution, the negotiators emphasized two sets of ideas: Giving Unity of Sudan a chance and making Unity of the Sudan attractive.

The Government of National Unity appears to have failed to make Unity attractive within the South as could be seen from the speech of the chairman of the SPLM. And Commander in chief of the SPLA,

The spirit and the feelings in the Southern Sudan about the CPA appears to be changing as could be seen from the speech of the SPLM Chairman to Southern Sudan Legislative Assembly on 10th September 2007 I quote:

/"When we signed the CPA, our feeling was that Sudan has entered into a new dawn of peace and hope for our people.

To day the feeling is not the same, I am alarmed and worried and deeply concerned about the status of the CPA Implementation.

- ❖ Two years is left for the end of the Interim Period, national general elections and referendum must take place before the end of the Interim Period.
- ❖ Both National Elections and Referendum are very expensive exercise for any Government and it will be difficult to conduct General Elections in 2010 and Referendum 2011.

South Sudan

At the level of the Southern Sudan Four Years in CPA, the Government of the Southern Sudan can not provide:

- ❖ Good governance, accountability, Security, Stop killing with impunity, corruption and establish the rule of law in the whole of the territory of the South.
- ❖ Control Soldiers and other Security forces that commit human rights violations and other crimes against civilians.
- ❖ Control the communal fighting often linked to competition over land, livestock and other resources.

Sudan is known as a country that does not honor any peace agreement and all indicators show that Elections and referendum may be delayed. Should that happen?

Disturbing concern!

- ❖ Will the Interim Period be extended after 2011?
- ❖ Which institution has that power to extend the Interim Period?
- ❖ Will re- negotiation of the CPA be re-started and between who?
- ❖ Will it be inter-party business between SPLM and the NCP as has been the practice that we experienced in the past years?

- ❖ What will be the role of other Sudanese political forces and civil society?

Highly Visible Issues of Concern

- ❖ **Elections:** These are already behind schedule and there are doubts that they can really take place in 2010.
- ❖ **Referendum:** There has been no preparation to date for the referendum, despite the provision in the Interim Constitution of Southern Sudan (10.1) that the Referendum Act should be promulgated by the beginning of the third year of the Interim Period (ie 9th July 2008).
- ❖ **ICC Indictment of President Omer al Bashir:** This issue has caused a great deal of disagreement and anguish. Few actually support the President. However there are concerns about how justice can be dispensed in a transitional situation.

Key Recommendations

1. Since 2005, the international community has concentrated almost exclusively on Darfur. Without minimising the humanitarian tragedy of Darfur, the focus must shift back to the CPA. If the CPA fails, there will certainly not be peace in Darfur either. The international community must urgently turn its attention to the CPA and give it priority. In particular, the independent Assessment and Evaluation Commission (CPA 2.4) must be established, and both IGAD states and the Observer States (USA, UK, Norway, Italy) must take a leading role in accompanying the CPA and ensuring that it is fully implemented.
2. Significant divisions have arisen within the south, which have led to serious violence, which is destabilizing the CPA. There are even indications that this is being fuelled by forces opposed to the CPA. Southerners urgently need to resolve these divisions by convening South-South Dialogue and Reconciliation Conference(s).

God bless!

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