



















BEYOND THE PLEDGE:

International Engagement
After Sudan's Comprehensive Peace Agreement



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 CEPO Central Election Panel of Sudan	 Darfur Consortium	 DRDC	 enough The secret to real peace is not more weapons.	 SAVE DARFUR	 GLOBAL CENTRE FOR THE RESPONSIBILITY TO PROTECT	 global witness
 ICCO	 fidh Fédération Internationale des Ligues des droits de l'Homme International Federation for Human Rights Federación Internacional de los derechos humanos الدراسة الدولية لحقوق الإنسان	 International Refugee Rights Initiative	 KENYA HUMAN RIGHTS COMMISSION	 SUNDE	 WagingPeace	

Women and children carry their belongings on their heads as they flee Abyei town.

Credit: Tim Freccia/Enough

Executive Summary

On 9 July 2011, South Sudan will declare independence, forming the world's newest state, and initiating a new era for North Sudan. It will be an historic moment for Sudan and the surrounding region, and should be a vital opportunity to promote peace and stability in a volatile territory.

Instead, this historic moment looks set to be scarred by violence. As Northern and Southern leaders move to strengthen their positions before Sudan splits in two, the cycle of turbulence and violence has escalated alarmingly. Sudan is now the closest to war that it has been since the signing of the Comprehensive Peace Agreement (CPA) between North and South Sudan in January 2005. Without strengthened high-level engagement by the international community, backed by tough measures including increased targeted sanctions, the prospects for stability and security in North and South Sudan look bleak.

Recent military aggression in Abyei and Southern Kordofan has brought North and South Sudan close to all-out war. With only a week until the arrangements of the CPA lapse, ongoing negotiations between the two sides are increasingly precarious and many of the most difficult issues, such as border demarcation and security arrangements, are still unresolved. Added to this is increasing instability within North and South Sudan: conflict between the South Sudan army and dissident rebel groups continues, and aerial bombardments, mass displacement of civilians, and humanitarian restrictions in Darfur have increased.

Life for civilians caught in the middle is increasingly untenable. Between January and mid-May 2011, over 117,000 people were displaced and almost 1,400 killed in South Sudan alone, more deaths than in all of 2010.¹ In May and June 2011, a further 113,000 people fled conflict in Abyei, following a military invasion and aerial bombing by Khartoum's forces.² Since the outbreak of fighting in Southern Kordofan in June, 61,000 people have been displaced, and up to 1.4 million others affected.³ In Darfur, approximately 70,000 Darfuris were displaced between December 2010 and March 2011,⁴ and there were at least 80 Government air strikes against civilian populations from January to April 2011.⁵ Across Sudan, 4.27 million people are still internally displaced.⁶

To address the deteriorating situation, the international community must recalibrate its relationships with both North and South Sudan. In the run-up to the referendum, key international players moved towards greater engagement with the North, with a focus on highlighting incentives and trust-building. With the South, the international community has been reluctant to criticise the fledgling government too strongly for fear of jeopardising its transition to independence. In the wake of outright violations of the peace agreement by the North, and concerning human rights violations by the South, this must now be reversed.

As a priority, the international community must broker a cessation of current hostilities between the Sudanese government and the northern chapter of the Sudan People's Liberation Movement (SPLM). Now is also the time to send strong and clear messages that North and South Sudan must end the cycle of violence and agree to a mechanism through which they must continue to implement their obligations under the 2005 Comprehensive Peace Agreement (CPA) and international law after 9th July, including a demilitarised zone along the border. These messages should be backed by the credible threat of substantial repercussions for lack of compliance.

In the face of the increasingly combustible situation across Sudan, a well-resourced United Nations peacekeeping mission with a robust mandate and a strong leadership with the political will to implement it will be a necessity. Confronted with opposition from North and, to a lesser extent, South Sudan, there is a risk that the United Nations Security Council will agree to a weaker mandate. There should be no compromise on this. As well as a presence in South Sudan, a peacekeeping presence must be retained in the North and in the volatile border areas, particularly Abyei, Blue Nile and Southern Kordofan. Moreover, the new United Nations mission must take a more assertive approach to implementing its mandate so that it has unimpeded access to sensitive areas and can provide protection to civilians who are threatened by violence. Such an approach will also be critical to ensure the safety and security of humanitarian and development actors.

Brokering a resolution to the current border crisis is the most urgent task but one that must be coupled with re-setting relations with North and South Sudan over the longer-term. In addition to North Sudan's aggression in the recent conflict along the border, the regime's ongoing abuses against its own citizens must be confronted. Millions remain marginalised by the Government, particularly in Sudan's peripheries. State governance continues to be predicated on repression, violence and intolerance, with human rights defenders and political opponents constant targets of the regime. In Darfur, civil and political rights remain heavily circumscribed. Hopes for an effective peace process are fading as armed attacks by the Government against rebel groups increase, along with restrictions on humanitarian access. If there is no improvement, the international community must use all points of leverage within its control, including increasing targeted sanctions, and withholding incentives such as debt relief and, in the case of the US, the normalisation of diplomatic relations. The international community must see North Sudan in the context of the Arab uprisings and be prepared to use the same targeted measures in response to repression in Sudan as elsewhere.

A new Republic of South Sudan will be a landmark achievement, but the future of the new state will be blighted if it is unable to protect its population from ongoing violence, govern responsibly, allow democratic pluralism, and tackle poverty. In the infancy of its statehood, South Sudan will require a great deal of international support. The international community should use this leverage to develop a forthright and responsible partnership with South Sudan and insist that the leadership avoids political repression and the routine use of violence as an instrument of state policy. Long-standing friends of South Sudan should also use their influence to broker initiatives on good governance, and measures to stem corruption and strengthen transparency for the oil sector and other extractive industries. For all these reasons, South Sudan will need international partners who are willing to critique and exert tough pressure as needed as well as to provide assistance. If required, the international community should not shy away from using the full range of diplomatic tools to encourage the Southern government along the path to viable statehood.

Reforming international donor assistance mechanisms is also critical. Development and humanitarian priorities should be better supported on both sides of the border, and help provide a genuine peace dividend for all Sudanese.

International support has played a crucial role in promoting peace in Sudan over the last decade. In particular, the international community's support for the CPA between North and South Sudan has protected untold numbers of civilians. Robust international engagement leading up to and beyond secession will be critical in protecting the fragile gains of the six years of the CPA era, as well as the viability of North and South Sudan as functional, independent states. At this crucial juncture, the international community must demonstrate that its commitment to North and South Sudan and stability in the East African region is resolute in response to the current border crisis and will be sustained well beyond the CPA.



RECOMMENDATIONS

1. In response to the current crisis along the North/South Sudanese border, we urge CPA Guarantors and international friends of Sudan to:

- Help broker a swift end to conflict in Southern Kordofan and Abyei by:
 - Demanding an immediate ceasefire in Southern Kordofan; for the North's military withdrawal from Abyei; and for a secure environment in which displaced residents can return home
 - Enforcing a demilitarised zone along the volatile North-South border
 - Extending the transition period in Blue Nile and Southern Kordofan to allow for the full implementation of credible and inclusive popular consultations
 - Pressing for an independent, international investigation of alleged war crimes committed in Abyei and Southern Kordofan, including attacks against United Nations facilities. This should include establishing the role played by International Criminal Court (ICC) indictee Ahmed Haroun and redoubling efforts to secure his arrest and prosecution
 - Calling for the Government of South Sudan to identify and prosecute those responsible for the attack against the United Nations in Abyei on 19 May
 - Pressing for a return to the principles of the Abyei Protocol and the Permanent Court of Arbitration's ruling on Abyei's boundaries
- Increase the robustness of their engagement in response to any continued military aggression and non-compliance with CPA obligations and international law, including by:
 - Increasing targeted sanctions by the European Union and others, including travel bans and asset freezes on those most responsible for the violence
 - Withholding of debt relief
 - Withholding the normalisation of diplomatic relations by the United States
 - Withholding benefits of full diplomatic relations
- Mandate and deploy a successor peacekeeping operation to the United Nations Mission in Sudan (UNMIS) that has protection of civilians as its top priority. Implementation of such a mandate will require that the mission is afforded the necessary political support and resources to monitor and robustly respond to threats to civilians and provide protection for them. It will also require that there is a continued United Nations presence in the North and the border areas, at a minimum in Abyei, Southern Kordofan and Blue Nile

2. We urge the international community to sustain their engagement beyond 9th July, including by:

- Actively supporting the retention and strengthening of the following mechanisms for international engagement with North and South Sudan:
 - The Troika (United States, United Kingdom and Norway)
 - The African Union High Level Implementation Panel (AUHIP) beyond the expiry of its mandate in October 2011 (with support from the African Union Peace and Security Council, AUPSC)
 - The joint United Nations – African Union mediation team in Doha (including support for a new empowered mediator)
 - The Offices of Special Envoys to Sudan, particularly those of the United States and European Union
- Establishing and supporting a post-referendum mechanism to monitor and support adherence by North and South Sudan to post-referendum arrangements

- Increasing pressure on North Sudan, including by insisting on:
 - An end to human rights violations perpetrated against human rights defenders and journalists, and protection of the right to freedom of expression
 - Genuine consultative dialogue with opposition groups and civil society, including an inclusive constitutional review process that protects pluralism and diversity
 - Reform of the national security services, including oversight mechanisms to facilitate greater independence of the judiciary and protect against violations of due process
 - Legislative reform to ensure the North honours its regional and international legal obligations, such as the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights (ICCPR)
- Support efforts for a comprehensive peace in Darfur, including:
 - Demanding an end to aerial bombardment, attacks against civilians, and the state of emergency in Darfur
 - Requiring The African Union/United Nations Hybrid Operation in Darfur (UNAMID) to demand access to all areas in which civilians are in need of protection, and for United Nations agencies and UNAMID to regularly publish comprehensive data on the human rights and humanitarian situation
 - Insisting on unfettered humanitarian access throughout Darfur, and for there to be no shift to returns and recovery until the conditions on the ground are suitable and root causes of the conflict are addressed
 - Ensuring a genuinely inclusive peace deal is agreed, without pressuring any stakeholders through a premature return to negotiations inside Sudan
- Develop a forthright partnership with South Sudan that includes:
 - Holding the Government of South Sudan to its obligations to uphold the human rights and fundamental freedoms of its people, including through honouring existing commitments to political consultation and pluralism, and entrenching strong protections for the media and the right to freedom of expression
 - Assisting the Government of South Sudan to develop a new strategy to deal with disaffected political and armed rebel groups, based on reconciliation and mediation, rather than military approaches
 - Supporting robust efforts to tackle corruption in government institutions, and promoting good governance and transparency in the extractive industries, including oil production
 - Renewing efforts to support Sudan People's Liberation Army (SPLA) reform, and sustainable demobilisation, disarmament and reintegration (DDR) programs
 - Supporting and coordinating efforts at protecting civilians from the threat of the Lord's Resistance Army (LRA)
 - Reforming donor mechanisms to ensure that aid assistance is delivered on time, on target, and where genuinely needed



A young member of the South Sudan Police at a defensive position in Aniet (Agok) established in anticipation of a SAF advance south.
Credit Tim Freccia / Enough Project

1. Introduction: Violence on the rise

Over the last six years, the Comprehensive Peace Agreement (CPA) has provided the basis for international support for Sudan's transition to peace. On 9 July 2011, South Sudan will become a sovereign country following the relatively peaceful referendum vote for independence in January, a principal achievement of the CPA.

While 9 July signals the end of the CPA's interim period, Sudan's transition to peace is far from complete – the current violence in the border areas is threatening to spiral out of control, many of Sudan's humanitarian and political problems remain unresolved,⁷ and there are serious threats to civilians in both North and South Sudan in the months ahead.

In the lead-up to 9 July, conflict has escalated throughout the South, along the North-South border and in Darfur and Southern Kordofan. Along the border, the North has invaded Abyei (following a southern attack on a northern convoy), conducted offensive military operations and air strikes against civilians and the Sudan People's Liberation Army (SPLA) in Southern Kordofan, and there are reports of Northern military build-up in Blue Nile. In the North, aerial bombardments and restrictions on humanitarian access have increased in Darfur while the government continues to disregard political pluralism, civil liberties, and respect for diversity. In the South, these principles are also under threat by an increasingly autocratic government while conflicts between dissident Southern rebel groups and the South Sudan army continue to destabilise parts of South Sudan. Both states are economically vulnerable, and there is an ongoing humanitarian crisis in South Sudan.⁸

To salvage the hard-won gains of the past six years, the international community must urgently recalibrate its relationships with the two future countries and be prepared to use the full array of possible punitive measures, including increased targeted sanctions, and with-holding debt relief and the normalisation of diplomatic relations by the US.

As a permanent ceasefire, the CPA proved surprisingly resilient, despite the many shortfalls in implementation (vividly demonstrated in recent developments in Abyei and Southern Kordofan). International assistance and negotiation through mechanisms such as the Troika, AUHIP and Special Envoys have been crucial in preventing a full scale return to war between North and South. This assistance has also helped to nudge the parties towards implementation of the CPA, particularly in regard to the South Sudan referendum. But most of the CPA's commitments have been only partially fulfilled,⁹ and important aspects have been completely ignored or abrogated, including the Abyei Protocol and democratic transformation in the North. Residents of Abyei have been denied a long-promised vote on whether to be part of South Sudan or to remain in the North. For the North, the 2010 national elections, a critical benchmark of the CPA, were marred by procedural irregularities, intimidation, and took place in a highly repressive environment.¹⁰ The popular consultations in Southern Kordofan and Blue Nile are also well behind schedule, and will be forced to continue beyond July 2011.¹¹



Coordinated and robust engagement by the international community will be critical in consolidating the fragile gains achieved under the CPA. This includes continuing current mechanisms, such as the Troika, AUHIP (supported by the AU PSC) and Special Envoys and establishing and supporting a post-referendum mechanism to ensure adherence to post-referendum arrangements. Any withdrawal would be a strategic error with serious ramifications for the security, development progress and aspirations of the peoples of North and South Sudan, as well as broader regional stability.

We urge CPA Guarantors and international friends of Sudan to:

- Increase the robustness of their engagement in response to any continued military aggression and non-compliance with CPA obligations and international law, including by:
 - Increasing targeted sanctions by the European Union and others, including travel bans and asset freezes on those most responsible for the violence
 - Withholding debt relief
 - Withholding the normalisation of diplomatic relations by the United States
 - Withholding benefits of full diplomatic relations
- Actively support the retention and strengthening of the following mechanisms for international engagement with North and South Sudan:
 - The Troika (United States, United Kingdom and Norway)
 - The AUHIP beyond the expiry of its mandate in October 2011 (with support from the AUPSC)
 - The joint United Nations – African Union mediation team in Doha (including support for a new empowered mediator)
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- Establish and support a post-referendum mechanism to monitor and support adherence by North and South Sudan to post-referendum arrangements

2. The future of the United Nations in Sudan

The presence of the United Nations peacekeeping operations remains an important contribution by the international community to peace and security in both Sudan and South Sudan. On April 27, the Security Council extended, unchanged, the mandate of UNMIS, until 9 July.¹² The Council must soon decide on the future of peacekeeping efforts in Sudan, particularly with regards to a new mission in South Sudan and the possibility of its operations in the North-South borderlands, including Abyei.

It is critical that any new United Nations mission draws on the lessons to be learned from the current missions in Sudan, UNMIS and UNAMID. Despite the substantial resources and thousands of troops and civilian personnel, both missions remain deficient in their ability to protect civilians, as mandated by the United Nations Security Council. Any future mission needs to have quality troops and take a robust approach to the implementation of its mandate to ensure United Nations personnel have full freedom of movement throughout their area of deployment, including areas experiencing conflict. This will be critical to ensure that the mission provides security that facilitates an environment conducive to humanitarian access.

The new United Nations mission and the future Special Representative of the Secretary-General (SRSG) in Juba, will be the lens through which much international support for the newly independent South Sudan is focused. The leadership of the new mission, including the SRSG, should not turn a blind eye to the excesses of the new state. Rather, they should act as honest brokers who assist the government to fulfil its obligations as a sovereign state, and speak out unreservedly when violations occur.

The international community, through the United Nations Security Council, has a critical role to play to ensure that the mission has the protection of civilians as its top priority. This will require that the mission is mandated, structured and supported to take a decisive stance to protect civilians. It will also require that the mission has a detailed understanding of the complex range of threats faced by civilians; is deployed in areas where these threats are highest; has the right mobility and assets to reach these areas; and is willing and able to operate beyond protecting its own forces.¹³ Finally, to enable the mission to take a more proactive approach to the protection of civilians, it should be provided with an improved information gathering and analysis capacity, as well as a strong human rights monitoring and public reporting component. The failure to prevent violence will undermine confidence in the new state, as well as the credibility and legitimacy of the United Nations mission.

Given the ongoing volatility in the transitional areas, a future United Nations mission should have a cross-border presence. In the short term, the departure of the United Nations from Southern Kordofan, Blue Nile and Abyei could leave a dangerous vacuum. The current United Nations mission should remain to bridge the gap until a successor peacekeeping force begins to support border security efforts, to assist with the popular consultations, and to help resolve the final status of Abyei.

As demonstrated by recent events, any instability in these areas could threaten a return to full-blown conflict that may have a serious impact on the broader region of East Africa. To be effective in the protection of civilians, any future mission in South Sudan will also need to closely cooperate with the Government of Sudan.

We urge CPA Guarantors and international friends of Sudan to:

- Deploy a successor peacekeeping operation to UNMIS that has protection of civilians as its top priority. Implementation of such a mandate will require that the mission is afforded the necessary political support and resources to monitor and robustly respond to protection threats. It will also require that there is a continued United Nations presence in the North and the border areas, at a minimum in Abyei, Southern Kordofan and Blue Nile

3. The successor state– North Sudan after 9 July

The end of the CPA and the secession of South Sudan will create a new reality for the northern regime and 15 northern states of Sudan. While the Government of Sudan and the ruling National Congress Party (NCP) were rightly commended for their decision to accept the referendum outcome, the international community must make it clear that the good will from this has dissipated following the North's recent military aggression along the border. The international community must increase pressure on the North to end military attacks along the border, implement its CPA commitments and make genuine progress towards resolution of the conflict in Darfur.

Violence in the borderlands

The two northern border states of Southern Kordofan and Blue Nile are crucial to the stability of what will soon be one of Africa's longest international boundaries. Militia groups in these states fought with the South during the civil war. While both states sought greater autonomy from the North, they did not obtain the right of a referendum vote during CPA negotiations. Instead they became subject to special federal arrangements with the central government in the North.

These arrangements have yet to produce a lasting peace for the citizens of Southern Kordofan and Blue Nile. Following May's recent disputed state elections in Southern Kordofan, violent clashes broke out between elements of the Sudanese Armed Forces (SAF) and the SPLA, leading to the displacement of 61,000 civilians and up to 1.4 million people further affected.¹⁴ There have been widespread reports of extrajudicial killings, sexual violence, and the deliberate targeting of civilians and humanitarian workers.¹⁵ Khartoum has ordered aerial bombing of civilian areas, which constitute violations of international humanitarian law.¹⁶ UNMIS in Southern Kordofan has come under attack from the SAF, and staff have been subject to mock executions.¹⁷ To ensure accountability for these attacks, the international community should press for an independent, international investigation of alleged war crimes committed in Southern Kordofan by North Sudan.

As one of the most heavily militarised states in Sudan, Southern Kordofan is extremely vulnerable to a growing cycle of destructive and intensifying violence. An immediate ceasefire between the combatants is vital, as well as the cessation of ethnically-charged attacks against civilians. The Government in Khartoum must cease offensive military overflights in Southern Kordofan, and allow unrestricted humanitarian access to the state. Failure to do so should result in severe consequences for Khartoum, including an extension of sanctions against those responsible for the violence.

The citizens of Blue Nile are also at risk. As in Southern Kordofan, the Northern army has threatened to occupy the state.¹⁸ In both Southern Kordofan and Blue Nile, genuine political dialogue is the only solution to end a history of violence and instability. Under the CPA, both states are to review whether the CPA has met the aspirations of citizens by process of popular consultations.¹⁹ The process would ideally allow for the possibility of adjusting the federal arrangements for the ethnically and culturally distinct regions of Southern Kordofan and Blue Nile.

Both popular consultation processes could provide avenues for reconciliation. But both have been delayed and are in serious danger. To avoid further conflict and displacement, the CPA's international Guarantors must increase attention on Southern Kordofan and Blue Nile, to ensure that the popular consultation processes are not aborted or manipulated by a reluctant government in Khartoum, but instead result in meaningful consultations and an inclusive government.

With less than two weeks until the end of the CPA's interim period, it will be impossible to complete these exercises on schedule. Extending the transition period for the two areas of Southern Kordofan and Blue Nile would allow for the completion of the popular consultations and demonstrate that Khartoum is serious about addressing the long standing grievances of the populations of these states.

Political repression continues

For millions of northern Sudanese, the promise of democratisation, pluralism and a respect for human rights laid out under the CPA has been broken. National, regional and international commitments to civil and political rights are still routinely violated.²⁰ The Government continues to impose emergency laws and uses the wide-ranging powers of the National Intelligence and Security Services (NISS) to stifle dissent and repress civil liberties.²¹ Critical voices, including human rights defenders and journalists reporting on and denouncing human rights violations – in particular those perpetrated in Darfur – are still being targeted by the regime. They routinely face harassment, intimidation, arbitrary arrests and detentions, acts of torture and censorship. Laws that violate Sudan's international obligations as well as its own constitution are still on the books.²² The need for genuine domestic reform is even more pronounced in view of the seismic shifts in the region, including the overthrow of the regime in Egypt, Sudan's immediate neighbour.

Moderate voices in the NCP have made attempts to bring opposition elements into the political discourse, but these efforts have not resulted in any inclusive political process to date. The opposition parties have demanded the right to participate in a constitutional reform process, which the NCP has rejected. While amending the commas and clauses of the Sudanese constitution may not resolve the deep structural failings of the state, constitutional reform could restart a desperately needed national dialogue.²³ The international community should engage with the Sudanese Government on the constitutional process, to help to ensure that this critical process is inclusive and transparent.

Diversity under threat

Notwithstanding the South's secession, North Sudan will remain one of Africa's most diverse states. Respect for ethnic, religious, cultural and linguistic diversity will be vital if North Sudan is to overcome decades of conflict and marginalisation. The Government of Sudan has a compelling interest to respect and protect its pluralism, but to date the regime has only taken steps in the opposite direction.

Against a history of ethnic violence, particularly the recent conflict in South Kordofan, President al-Bashir's intemperate remarks in December 2010, when he emphatically rejected the principles of ethnic diversity and multiculturalism in a future (North) Sudan, were alarming.²⁴ If the NCP continues to ignore the real need for genuine national dialogue, it is likely to continue to antagonise and spark rebellion and violence in its new periphery of Darfur, the East, the savannah lands of Kordofan, southern White Nile and Blue Nile – the poorest regions of a now shrunken Sudan.

Beyond the CPA, North Sudan must do more to show that it is serious about protecting the rights of all citizens, including minority groups, and continuing on the path to genuine democratic reform. While the Government of Sudan has pledged to not arbitrarily deny citizenship rights to any Sudanese national, there continue to be worrying indications that Khartoum may act vindictively against South Sudanese.²⁵ International actors must make clear to North Sudan that any move to deprive ethnically South Sudanese or other minority groups of full citizenship rights would be a redline that would not only halt Khartoum's rehabilitation into the international community, but could lead to further isolation.

Economic difficulties – the role for debt relief

Sudan is one of the most indebted countries in the world, with around \$38 billion in external debt, most of which is in arrears. A large portion of Sudan's debt could be considered "odious", as funds were used to finance the Government of Sudan's wars in Darfur and the South, or to fund projects that concentrated development in Khartoum at the expense of peripheral regions such as Darfur, Eastern Sudan, and the South.²⁶

The distribution of the debt is one of the key issues that North and South Sudan must resolve before 9 July. The North has reportedly agreed to take all of the debt in exchange for Southern assistance in obtaining debt relief.²⁷ Khartoum will face a dire budgetary situation without debt relief, as the substantial reduction in oil revenues following the secession of the South is likely to send a shockwave through the North's economy. Khartoum is currently seeking a debt relief package under the Highly Indebted Poor Countries (HIPC) initiative overseen by the World Bank and International Monetary Fund (IMF). Full debt forgiveness under this process is likely to take up to three years.

Economic growth following debt relief could encourage the North to be more open to reform. Debt relief and access to new bilateral and multilateral financing will be key elements in restoring future economic stability for the North. But debt relief cannot mean unconditional support for the budget of a state which continues to wage war against communities along its border regions and violate the human rights of its own citizens. Final debt relief should be withheld until there is a durable ceasefire along the border, significant progress on implementation of CPA obligations and towards peace in Darfur, as well as a commitment to greater fiscal transparency, including allowing independent auditing of its oil production figures.²⁸



A woman embraces her sister who has returned from Khartoum the night before in a population movement organized by the Government of South Sudan.
Credit: Tim Freccia/Enough

Post-CPA: Repercussions for Khartoum

The international community must reinforce the message to the Government of Sudan that there will be repercussions if its military aggression continues, and if there is no progress towards internal reform, peace in Darfur, and resolution of outstanding CPA issues.

Progress on these fronts would also generate greater internal stability for the successor state. And while the first hurdle, a final settlement with South Sudan, is quickly approaching, other key milestones may also take place in 2011: resolving the conflict in Southern Kordofan and tensions in the Blue Nile, the delayed popular consultations, the first migration season post-independence, and, perhaps, a new peace deal in Darfur.

The Government of Sudan can frustrate and complicate these processes. Or it can demonstrate a willingness to be a good neighbour to South Sudan and a responsible member of the international community. International actors must scrutinise Khartoum's actions in these processes closely, and be prepared to utilise punitive measures in response to further aggression or intransigence from Khartoum.

We urge CPA Guarantors and international friends of Sudan to:

- Increase pressure on North Sudan, including by insisting on:
 - An end to human rights violations perpetrated against human rights defenders and journalists, and protection of the right to freedom of expression
 - Genuine consultative dialogue with opposition groups and civil society, including an inclusive constitutional review process that protects pluralism and diversity
 - Reform of the national security services, including oversight mechanisms to facilitate greater independence of the judiciary and protect against violations of due process
 - Legislative reform to ensure the North honours its regional and international legal obligations, such as the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights (ICCPR)

4. Abyei – Robbed of a vote and invaded by the North

Abyei – a volatile territory on the North-South border – continues to be a flashpoint between North and South Sudan that could unravel all other efforts towards peace. Intermittent violence flared-up in Abyei during the South Sudan referendum, and escalated into a full-scale military seizure of the area by the Sudanese Armed Forces in May 2011, following an SPLA attack on a convoy of SAF that was being escorted out of the Abyei area by UNMIS troops on 19 May.

Following its invasion of Abyei, the SAF allowed looting and burning of Abyei town, constituting a grave violation of its duty to protect civilian property. More than 110,000 civilians were displaced from Abyei into Warrap, Northern Bahr el Ghazal and Unity states, and a military administration was unilaterally appointed by Khartoum to replace the civilian local authority.²⁹

The tentative progress reached in the January 2011 Kadugli Agreements and the 4 March 2011 Abyei Agreement has been scuppered. Both sides share some responsibility for May's events – the Government of Southern Sudan must investigate, apprehend, and prosecute those responsible for the attack on 19 May – but the Government of Sudan has the paramount and overriding obligation to ensure civilians are protected and order restored. There must be an independent, international investigation into the alleged war crimes committed by the North in Abyei, including attacks on UNMIS facilities.



Police from Abyei patrol outside Abyei town enroute to Tajalei, a village burned to the ground allegedly by northern PDF (Peoples' Defense Forces) and SAF (Sudan Armed Forces) troops.
Credit: Tim Freccia/Enough

The recent violence essentially rules out the possibility that Abyei's final status will be resolved before 9 July. To ensure a return to peace, the full demilitarisation of Abyei is critical. A robust monitoring force, whether deployed through UNMIS or a regional third party state, will be needed to maintain security and enable the safe return of civilians. However, longer term, the only solution is a return to the principles of the CPA. Specifically, the international community should urge a full return to the principles of the Abyei Protocol, which requires that: all decisions on Abyei's administration be taken consultatively between the NCP and SPLM; neither side maintains independent military forces in the area; a civilian administration governs Abyei; and a referendum for the residents of the Area is conducted to determine whether Abyei should remain in the North or join the South.

CPA Guarantors must not allow renegotiation of existing agreements on Abyei to continue endlessly. To do so would undermine any foundation for sustainable peace and allow both the NCP and SPLM to escape their obligations under international law. The Permanent Court of Arbitration's ruling on Abyei's boundaries is legally binding on both parties, as the United Nations Security Council has reiterated.³⁰ Irrespective of whether Abyei remains in the North or becomes part of the South, the Misseriya and Dinka Ngok communities must be supported in finding a way to co-exist. At this historic moment in Sudan's history, the people of Abyei can seize the opportunity for peace, or become mired in intractable conflict.

We urge CPA Guarantors and international friends of Sudan to:

- Help broker a swift end to conflict in Southern Kordofan and Abyei by:
 - Demanding an immediate ceasefire in Southern Kordofan; for the North's military withdrawal from Abyei; and for a secure environment in which displaced residents can return home.
 - Enforcing a demilitarised zone along the volatile North-South border.
 - Extending the transition period in Blue Nile and Southern Kordofan to allow for the full implementation of credible and inclusive popular consultations
 - Pressing for an independent, international investigation of alleged war crimes committed in Abyei and Southern Kordofan, including attacks against United Nations facilities. This should include establishing the role played by ICC indictee Ahmed Haroun and redoubling efforts to secure his arrest and prosecution.
 - Calling for the Government of South Sudan to identify and prosecute those responsible for the attack against the United Nations in Abyei on 19 May
 - Pressing for a return to the principles of the Abyei Protocol and the Permanent Court of Arbitration's ruling on Abyei's boundaries



Darfur's displaced set up huts in a dusty open area near an old airstrip in the village of Jaac in southern Sudan.
Credit: Enough/Laura Heaton

5. Darfur: strengthening civilian protection and reaching a sustainable peace

Darfur remains in prolonged conflict and humanitarian crisis. 1.9 million Darfuris are internally displaced,³¹ with a further 107,000 people displaced by fighting from December 2010 to March 2011.³² In addition to ongoing attacks against civilians, including aerial bombardments, the Government of Sudan maintains a state of emergency throughout Darfur, and routinely uses national security personnel to arrest, detain, ill-treat and torture activists, suspected rebels and other perceived opponents of the ruling NCP, even as it claims to be pursuing the peace process. The international community has shown strong support for the plight of Darfuris in the past, and should not let them be overshadowed now.

Darfur is still in need of protection and humanitarian aid

The international community must call for an immediate end to aerial bombardment. More than 80 incidences of aerial bombing by Government forces were reported from January to April 2011,³³ and in May, UNAMID reported an increase in aerial strikes.³⁴ This directly violates UNSC Resolution 1591 (2005), which bans offensive military overflights.³⁵

Given the ongoing attacks against civilians, there must also be an immediate end to the Government of Sudan's access restrictions on UNAMID and humanitarian organisations operating in Darfur. These restrictions are increasing – in May large areas of South Darfur were blocked from access, cutting off Kalma camp, one of the largest IDP camps in the world with 89,000 displaced persons.³⁶ In addition to government restrictions, violations of humanitarian space and threats to the security of humanitarian personnel, assets and facilities have forced several humanitarian agencies to limit their activities and movements.

While it is operating under difficult conditions, UNAMID continues to disappoint the millions of Darfuris in need of protection. Although UNAMID appears to have had greater success in recent months in accessing Jebel Marra and other war affected areas of Darfur, it continues to lack resolve in robustly confronting threats to the protection of civilians, and is routinely denied freedom of movement by Khartoum.³⁷

In addition, despite commitments by the Office for the Coordination of Humanitarian Affairs (OCHA) to improve public reporting on humanitarian conditions in Darfur, little information about the situation of the population and its urgent needs has emerged, complicating the humanitarian and political response to events on the ground.³⁸ There is a similar information vacuum in relation to the human rights situation in Darfur. The United Nations Office of the High Commissioner of Human Rights (OHCHR) has not issued a public report on Darfur since early 2009.³⁹ UNAMID and the United Nations agencies can do much more to fulfil their mandates, and demonstrate to the people of Darfur a greater resolve to protect lives and improve humanitarian conditions.

Given the ongoing conflict and critical humanitarian needs, the Government of Sudan's proposed shift to returns and recovery (encouraging the return of IDPs to their home areas and focusing on recovery and development needs) is premature. Ongoing displacements in Darfur continue to outweigh voluntary returns by IDPs, and humanitarian agencies often lack access to the pockets of stability to which returns may be possible. Before this shift takes place, the root causes of the conflict need to be addressed, including the role of the Government of Sudan in the conflict, and its responsibility to protect its civilians and provide basic services.

A stalled peace process

Until the violence and political repression end, the conditions do not exist for credible negotiations to resume inside Sudan. Despite this reality, the Government of Sudan continues to call for the process to be 'domesticated', and for future negotiations to be moved to Darfur. While the Justice and Equality Movement (JEM), the Liberation and Justice Movement (LJM) and some of the Sudan Liberation Movement (SLM) factions have recently shown greater resolve to cooperate in the Doha peace process than has been the case in years, a premature rush to end negotiations and force the movements to sign a peace agreement would be counterproductive.

There is a delicate balance to be struck between negotiating the agreement's content and gaining the confidence of the parties to the talks. A push to conclude peace talks at Doha or another location without including all parties to the conflict would backfire, as happened following the Abuja negotiations in 2006. No matter the outcome of negotiations, the road to a lasting peace in Darfur is still a long one, far eclipsing the CPA's end.

A narrow power sharing deal that privileges the distribution of government positions over the concerns of ordinary people will fail to resolve the deep roots of the Darfur conflict. The international community must ensure that Darfuri civil society organisations and groups are able to participate in the peace talks without fear of repercussion at home, and that their concerns and demands are considered. A sustainable peace depends on their support, and they are among the people who would be most affected if peace efforts were to fail. There should be clear criteria for determining the participants from the Darfuri civil society groups and organisations to ensure that there is genuine representation.

The Government of Sudan needs to demonstrate its commitment to peace by creating an enabling environment inside Darfur. This requires taking concrete steps to uphold basic rights to freedoms of speech, assembly and movement inside Darfur, as well as lifting the state of emergency law that has been in place for years. Moreover, the Government must end its tactics of repression. It should charge or release people it has detained arbitrarily, including the people the North claims are associated with Radio Dabanga, who have been detained since October 2010.⁴⁰ The Government should immediately and demonstrably end its practice of ill-treating and torturing detainees.

In addition, the Government should not embark on its unilateral decision to proceed with a referendum in July on administrative arrangements in Darfur, or a plan to create two additional states, dividing up South and West Darfur.⁴¹ The international community must firmly convey to the Government of Sudan that any move to reconfigure Darfur's governance structure outside of the peace process would be unhelpful, and would only give the rebel movements further cause to doubt the government's sincerity.

Urging peace for Darfur

While the appointment in December 2010 of a full-time United States Government representative for Darfur, Dane Smith, is a positive indication of commitment to the peace process, the forthcoming departure of Joint Chief Mediator Djibril Bassolé highlights the need for better international coordination and resolve.⁴²

Following Bassolé's departure, the United Nations – African Union Joint Mediation Support Team (JMST), the African Union High Level Implementation Panel (AUHIP) and the United States and Qatari Governments must redouble their efforts to persuade the Government of Sudan, as well as the rebel movements, to negotiate in good faith and make every effort to end the suffering of the people of Darfur. This process should be led by a single, empowered mediator, supported by all parties, and assisted by an international team of experts.

We urge CPA Guarantors and international friends of Sudan to:

- Support efforts for a comprehensive peace in Darfur, including:
 - Demanding an end to aerial bombardment, attacks against civilians, and the state of emergency in Darfur
 - Requiring UNAMID to demand access to all areas in which civilians are in need of protection, and for United Nations agencies and UNAMID to regularly publish comprehensive data on the humanitarian and human rights situation
 - Insisting on unfettered humanitarian access throughout Darfur, and for there to be no shift to returns and recovery until the conditions on the ground are suitable and root causes of the conflict are addressed
 - Ensuring a genuinely inclusive peace deal is agreed, without pressuring any stakeholders through a premature return to negotiations inside Sudan



Internally displaced Southern Sudanese in Bentiu, Unity State on November 30, 2010.
Credit: Tim Freccia/Enough

6. Challenges for South Sudan, the world's newest state

South Sudan begins life as an independent state on 9 July, in a historic moment for Southern Sudanese that has been generations in the making. The expectations of Southern Sudanese about life post-independence are understandably very high. These expectations will need to be managed against the political, socio-economic, humanitarian, governance and security challenges that face the world's newest country.

While the South has made some progress in state-building and reforms, the early signs of governance – forcing through constitutional changes, restricting the media, centralising power in the office of the President, and resorting to military violence over mediation in conflicts with rebel groups – have not been encouraging.

The South should be urged to break from the politically repressive and divisive patterns of governance characteristic of the North. The emergence of a strong and independent South Sudan will require not only positive will from the international community, but constructive engagement with the government and key institutions on governance, humanitarian and development aid, economic development and security sector reform to develop a new style of governance based on the goals of its revolutionary history: inclusivity, justice and sustained peace.

A struggling government

The ruling party of South Sudan, the Sudan People's Liberation Movement (SPLM), has an unenviable task. Expectations for change are extremely high. Once unfettered by the North, there are hopes that progress will accelerate in tackling the numerous development challenges across the country, buoyed by the vast oil revenues at the South's disposal.⁴³ Yet the state still lacks the capacity to deliver on all of these expectations, or to offer effective governance and security to all its people. Corruption at all levels of government is endemic,⁴⁴ and the identities of the Government of South Sudan and SPLM have become closely entwined. The squabbles of elite politics do little to build confidence in the predominantly rural citizenry that their government cares for their needs.

Humanitarian concerns

South Sudan will emerge as a sovereign country facing significant humanitarian challenges and with hundreds of thousands of its citizens displaced.

Many South Sudanese communities live in highly vulnerable conditions – more than 50 percent of the population continue to live below the poverty line, on less than one dollar a day.⁴⁵ Eighty percent of people lack adequate sanitation.⁴⁶ It is estimated that there are fewer than 100 km of paved roads.⁴⁷ Only 17 per cent of children have been fully immunised against disease.⁴⁸ The decision by the World Food Programme to suspend all operations in most of Jonglei and all of Lakes state due to insecurity from April to mid-May 2011 – halting rations to 235,000 people – was a chilling reminder of South Sudan's humanitarian vulnerabilities to even localised violence and the need to ensure humanitarian access.⁴⁹

Returnees and displaced communities face additional challenges including restricted access to land for shelters and cultivation (particularly as the rainy season starts), threats to vulnerable groups such as women and children, and limited access to services, including water and sanitation.⁵⁰ More than 117,000 Southerners have fled their homes since fighting flared in late January 2011.⁵¹ Approximately 300,000 people have returned to South Sudan from the North since October 2010 and thousands more Southerners are still stranded in Khartoum and at other transit points trying to make their way back.⁵²

Having won independence, South Sudan must allow the millions who are victims of war and displacement to live lives free from fear and violence, and prioritise their protection and rehabilitation as one of the state's highest goals. The new state must assume greater responsibility for the delivery of basic services, and use the wealth and resources available to make further progress in improving the lives and livelihoods of its citizenry.



Waiting at the water pump.
Credit: Mark Lotwis/Save Darfur Coalition

An oil-dependent and Juba-focused economy

Economic development and diversification will be central to future stability and prosperity in South Sudan. While it is oft-noted that more than 95 per cent of the South's revenues derive from oil receipts, the oil sector employs only a tiny proportion of the South Sudanese workforce.⁵³ When coupled with centralising tendencies to concentrate investment and resources on the capital, Juba, the likelihood of inequality increasing across the South is high.

Having long criticised the North for its failure to demonstrate transparency in oil revenue figures, the Republic of South Sudan should promptly demonstrate a commitment to open government by publishing oil sector information (including contracts), and allowing independent auditors to verify the data once it assumes responsibility for the administration of oil fields in its territory. A government commitment to transparency and independent verification should be cemented in the new legal framework governing the petroleum sector. Further, the role of civil society as a watchdog of the oil sector must be ensured and strengthened by the government. There is substantial potential for other industries, such as mining and agriculture, to be further developed in South Sudan. Similar transparency and good governance measures should accompany the development of these industries.

Security spending remains Juba's single largest budget line.⁵⁴ While military expenditure can only gradually be curbed, it limits the state resources that can be dedicated to improving infrastructure, investing in education and health, and fostering economic opportunity. A clear break with the past and a move to genuine rural economic development will be essential to developing a productive, self-sufficient and prosperous society. The new republic must avoid falling into the trap of concentrating most resources and assistance on the central institutions in Juba, while neglecting the real need for support and capacity-building at state and county levels.

Failing security

The recent resurgence in violence by armed rebel groups across several states in South Sudan is partially linked to the lack of alternate economic opportunities, as well as ongoing political disputes following the April 2010 elections. Since the referendum, militia violence by disgruntled ex-army officers has flared in Jonglei, Unity and Upper Nile states, provoking widespread fighting between SPLA and southern rebel groups, and adding to existing inter-tribal conflicts over cattle, land and water. The wave of insurgent attacks has highlighted that the Government of South Sudan has largely failed in its strategy of appeasing the rebels by integrating them into the SPLA, and that security sector reform (including the downsizing of the military and much-needed DDR efforts) has been inadequate.

The heavy-handed military tactics used to confront General George Athor and other disaffected rebel group leaders may win battles, but will not resolve the underlying grievances of these leaders. Reports of looting, harassment of civilians and even extrajudicial killings give cause for great concern. The military campaign has displaced tens of thousands of innocent civilians, and harmed the prospects of local reconciliation.

There must be a greater focus on SPLA reform, and renewed efforts at reconciliation and mediation.⁵⁵ Donors can assist this process through their programmes on security sector reform in the South, including denouncing attacks against civilians and the manipulation of aid assistance delivery by the SPLA, combined with encouraging a genuine process of negotiation and power-sharing. Peace-building efforts should also be supported by a greater focus on ensuring a more equitable distribution of local level economic resources and livelihood opportunities, to help address conflict over resources.

Political exclusion

The SPLM shows understandable pride in celebrating the victory of independence. But the party's tendency to exclude other political voices and renege on commitments to consultation and broad participation in governance will only deepen suspicions that it has no interest in tolerating diverse opinions and genuine multi-party democracy. Such an approach is short-sighted and bears all the hallmarks of the political exclusion that the SPLM experienced – and heavily criticised – at the hand of the NCP.⁵⁶ It has unnecessarily raised tensions with opposition parties in discussions over South Sudan's future transition arrangements and constitutional structures. In moving forward, there needs to be a greater distinction between the interests of GoSS as a representative of the interests of the South Sudanese people, and the SPLM as a political party.

South Sudan has distinguished itself by allowing a nascent media sector to develop in the past six years. However, these gains have been tentative, and independent journalists and media outlets are increasingly coming under attack.⁵⁷ South Sudan could prove its resolve to protect pluralism and allow critical voices to be heard by enacting and implementing long-delayed media laws, which provide strong protections for local journalists and media outlets.

The LRA threat

Activity by the Lord's Resistance Army (LRA) continues to threaten civilians in parts of South Sudan. The Security Council has recognised that the LRA represents a threat to "the stability of individual States and the region as a whole."⁵⁸ Since September 2008, the LRA has killed nearly 2,400 civilians and abducted about 3,400 others across the north of the Democratic Republic of Congo, eastern Central African Republic and Southern Sudan. In the first three months of 2011, the LRA carried out at least 107 attacks, displacing 17,000 people, many of them children.⁵⁹

In South Sudan, the LRA's violence disrupts the livelihoods of communities across Western Equatoria, threatens food security and ruptures cross-border trade links. 40,000 people were displaced by the LRA last year, and there have been at least 19 suspected LRA attacks in Western Equatoria since January.⁶⁰

As part of a coherent regional response, South Sudan must be better supported to address LRA brutality and violence, which directly targets civilians. This requires coordinated international and regional efforts to offer villagers better warning of and protection against attacks, as well as a focus on the long-term security needs of remote areas.⁶¹

The way forward: An honest partnership with South Sudan

State-building is a lengthy, multi-generational process, and South Sudan will struggle to meet the high expectations placed on it by a citizenry fatigued by war and poverty. While there will be missteps along the way, international partners should speak out strongly if political marginalisation and abuses against political opponents occur, corruption persists, and the Government fails to utilise opportunities to address security, humanitarian and development concerns.

South Sudan's first steps – to exclude alternate political voices, increase presidential powers to the detriment of effective federalism, crack down on media freedoms and pursue military reprisals against its domestic enemies – are regrettable. There is now a limited window for the international community to positively influence the course of the new state, given the international support South Sudan will need in its state-building efforts. International allies will not do themselves nor the people of South Sudan any favours by remaining silent. The Government risks losing legitimacy in the eyes of the Southern Sudanese population if it does not work to meet popular expectations, and form an inclusive and stable state that addresses the development needs of its people.

South Sudan's full accession to membership of the international community and ratification of regional and international legal instruments is an opportunity for friends and allies of the new country to remind South Sudan that with statehood comes both rights and responsibilities. Limited state capacity must not excuse irresponsible behaviour; South Sudan must make every effort to govern responsibly, protect civilians, and implement the hard won freedoms it has now achieved.

We urge CPA Guarantors and international friends of Sudan to:

- Develop a forthright partnership with South Sudan that includes:
 - Holding the Government of South Sudan to its obligations to uphold the human rights and fundamental freedoms of its people, including through honouring existing commitments to political consultation and pluralism, and entrenching strong protections for the media and the right to freedom of expression
 - Supporting robust efforts to tackle corruption in government institutions, and promoting good governance and transparency in the extractive industries, including oil production
 - Assisting the Government of South Sudan to develop a new strategy to deal with disaffected political and armed rebel groups, based on reconciliation and mediation, rather than military approaches
 - Renewing efforts to support SPLA reform, and sustainable demobilisation, disarmament and reintegration (DDR) programs
 - Supporting and coordinating efforts at protecting civilians from the threat of the LRA

7. Reframing international assistance

The political commitment to support North and South Sudan has not been matched by effective international assistance policies. The mechanisms for donor support, including the World Bank administered Multi-Donor Trust Funds (MDTF) and the various United Nations administered basket funds, have failed to fulfil expectations and are sources of immense frustration for national United Nations offices, donor governments and implementing NGOs.

The MDTF, Basic Services Fund (BSF) and Sudan Recovery Fund for Southern Sudan (SRF-SS) are all due to end within the coming 12 months and will be replaced by new aid mechanisms. Donor states must ensure that the new post-independent aid instruments function properly and do not repeat the mistakes of previous funds, if they are not to suffer a severe blow to their credibility as partners for change.

The new funding mechanisms should recognise and support the current role played by NGOs in service delivery, and support an appropriate transition from NGO-led to government-led service delivery that allows enough time for these processes to be effectively transferred. The mechanisms should be timely, flexible, predictable and needs-driven, and offer long-term funding rather than only 12 month grants. Funding modalities should also enable a focus on achieving results, encourage appropriate engagement with government, adequately cover operating and support costs, recognize NGO scope and constraints and provide reliable contracts.

We urge CPA Guarantors and international friends of Sudan to:

Reform donor mechanisms to ensure that aid assistance is delivered on time, on target, and where genuinely needed

8. Conclusion: Beyond the pledge, the role of the international community

As highlighted by the recent conflict and displacement along the border regions, the challenges facing North and South Sudan will not be solved by the South's independence. Instead their separation could result in the emergence of two destabilised states, unravelling much of what the CPA has achieved and sowing the seeds for a return to war.

The international community must closely examine its current approach, and ensure that relationships with both North and South Sudan are predicated on robust engagement about the need to end military aggression along the border and in Darfur, fully implement the obligations they each signed up to in the CPA, and peacefully resolve all post-referendum issues, with clear negative repercussions if these are not addressed. To this end, the international community should also support the two states in addressing domestic issues relating to governance, human rights, security and development, as well as monitoring and resolving the range of issues that they will have to confront as neighbouring states.

A renewed pledge by the international community to continue and strengthen efforts at engagement on this basis in both North and South Sudan will be vital in ensuring peace, prosperity and stability in the region.

ENDNOTES

- 1 Oxfam press release, 24 May 2011, "South Sudan facing most violent year since end of civil war", <http://www.oxfam.org.uk/applications/blogs/pressoffice/2011/05/24/south-sudan-facing-most-violent-year-since-end-of-civil-war/>.
- 2 OCHA Abyei Situation Report No. 13, <http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Situation%20Report%20%2313%20on%20Abyei%20Crisis%2016%20June%202011.pdf>.
- 3 OCHA South Kordofan Humanitarian Snapshot, 17 June 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/SS-2010-SDN_0617.pdf
- 4 OCHA Sudan Humanitarian Update 1st Quarter, <http://www.unsudanig.org/docs/OCHA%20Sudan%20Humanitarian%20Update%20Q1%202011.pdf>
- 5 According to public reports including: UNAMID "Air strikes near Kuma, North Darfur", 18 May 2011, <http://unamid.unmissions.org/Default.aspx?tabid=900&ctl=Details&mid=1073&ItemID=13641>; They Bombed Everything that Moved, <http://www.sudanbombing.org/>
- 6 UNHCR Global Appeal 2011, <http://www.unhcr.org/ga11/index.html#/africa>.
- 7 Sudan remains one of the world's poorest countries, ranking 154th out of 169 in the 2010 Human Development Index, one place above Afghanistan. UNDP, 2011 <http://hdr.undp.org/en/statistics/>
- 8 890,000 Southerners are severely food insecure. WFP, "South Sudan Food Security Improves, Though Prospects Depend on Post-referendum Period", 12 January 2011, <http://www.wfp.org/news/news-release/south-sudan-food-security-improves-though-prospects-depend-post-referendum-period>. 1.5 million are projected to be at risk of serious food insecurity by July 2011, USAID/FEWSNET, Sudan Food Security Outlook, April 2011, www.fews.net/docs/Publications/Sudan_OL_2011_04_final.pdf.
- 9 UNAMID, CPA Monitor, May 2011 <http://unmis.unmissions.org/Default.aspx?tabid=2213>; AEC, Assessment and Evaluation Commission Report, January 2010 http://www.aec-sudan.org/docs/aec/2010_AEC_January_Evaluation-en.pdf
- 10 Human Rights Watch, "Democracy on Hold: Rights Violations in the April 2010 Sudan Elections", 30 June 2010, <http://www.hrw.org/node/91274>
- 11 The CPA and national legislation require the popular consultations to be complete by July 2011.
- 12 UN Security Council Resolution 1978, April 27, 2011.
- 13 Stimson Centre, Considerations for a new Peacekeeping Operation in South Sudan: Preventing Conflict and Protecting Civilians Working Paper, May 2011.
- 14 OCHA, South Kordofan Situation Report 5, 15 June 2011, <http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20South%20Kordofan%20Sit%20Rep%20%235%2014%20to%2015%20June%202011.pdf>; OCHA Statement to the Security Council, 16 June 2011, <http://reliefweb.int/node/420652>
- 15 Sudan Democracy First Group, "Ethnic cleansing once again: Southern Kordofan/Nuba Mountains", 13 June 2011; Sudan Ecumenical Forum statement, "South Kordofan: reports of mass atrocities", 10 June 2011; <http://reliefweb.int/sites/reliefweb.int/files/resources/South%20Kordofan%20FINAL%202.pdf>
- 16 UNMIS, "Bombing persists in Southern Kordofan", 14 June 2011, <http://unmis.unmissions.org/Default.aspx?tabid=600&ctl=Details&mid=697&ItemID=14055>
- 17 UNMIS, "Bombs dropped near UNMIS in Kadugli", 17 June 2011, <http://unmis.unmissions.org/Default.aspx?tabid=511&ctl=Details&mid=697&ItemID=14119>
- 18 New York Times, "Sudan Threatens to Occupy 2 More Disputed Regions", 29 May 2011, <http://www.nytimes.com/2011/05/30/world/africa/30sudan.html>.
- 19 Protocol on the Resolution of Conflict in Southern Kordofan and Blue Nile, 2005 Comprehensive Peace Agreement.
- 20 Sudan's Bill of Rights is constitutionally entrenched. Sudan has ratified the African Charter on Human and People's Rights and the International Covenant on Civil and Political Rights (ICCPR).
- 21 A state of emergency is still in effect in all three states of Darfur. The NISS retains broad powers to detain people without charge for up to 4.5 months. Amnesty International, "Agents of Fear: The National Security Service in Sudan", 19 July 2010, <http://www.amnesty.org/en/library/info/AFR54/010/2010/en>.
- 22 The National Security Forces Act, Criminal Procedure Act, and Press and Publications Act are amongst those that are inconsistent with constitutional protections.
- 23 "[A constitutional review] conference should be seen as a more extensive national consultative process, to accommodate the popular consultations in the transitional areas and the Darfur people-to-people dialogue." International Crisis Group, "Divisions in Sudan's Ruling Party and the Threat to the Country's Future Stability", May 2011, <http://www.crisisgroup.org/en/regions/africa/horn-of-africa/sudan/174-divisions-in-sudans-ruling-party-and-the-threat-to-the-countrys-future-stability.aspx>.
- 24 Speaking in December 2010, al-Bashir said that "If south Sudan secedes, we will change the constitution and at that time there will be no time to speak of diversity of culture and ethnicity," Reuters, "Sudan's Bashir sees Islamic law, defends flogging", 19 December 2010, <http://www.reuters.com/article/2010/12/19/us-sudan-bashir-islam-idUSTRE6BI0SI20101219>.
- 25 Human Rights Watch, "Sudan: Guarantee Post-Referendum Citizenship Rights", 16 December 2010, <http://www.hrw.org/en/news/2010/12/16/sudan-guarantee-post-referendum-citizenship-rights>.
- 26 Brooks, Sean. Save Darfur Coalition "A Leverage Point for Peace: how the United States should deal with Sudan's troubling debt", December 2009 <http://www.savedarfur.org/page/-/A%20Leverage%20Point%20for%20Peace.pdf>.
- 27 Sudan Tribune, "North Sudan offers to bear the country's external debt in return of joining relief initiative," 18 April 2011, <http://www.sudantribune.com/North-Sudan-offers-to-bear-the-38610>
- 28 Sudan has participated in IMF Staff Monitored Programs since 1997.
- 29 OCHA Abyei Situation Report No. 9, 1 June, 2011, http://www.unsudanig.org/docs/OCHA%20Situation%20Report_9%20on%20Abyei%20Crisis%201%20June%202011.pdf
- 30 UN Security Council Presidential Statement, PRST/2011/8, April 21, 2011.
- 31 OCHA, Key facts and figures for Sudan with a focus on Darfur, December 2010, http://www.unsudanig.org/docs/darfur_fact_sheet_v26.pdf. A further 300,000 refugees are across the border in Chad. UNHCR, January 2011.
- 32 32,000 displaced in December as of Dec. 23rd: UNAMID Update on Security Situation, 24 Dec 2010, <http://unamid.unmissions.org/Default.aspx?tabid=900&ctl=Details&mid=1073&ItemID=11751>; 75,829 displaced since January as of 17 March: OCHA Sudan Weekly Humanitarian Bulletin, 11-17 March 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/902ECA089E2F00F84925785B00030488-Full_Report.pdf
- 33 More than 80 incidences of aerial bombing have been reported in Darfur in 2011. NGO and local media sources, sudanbombing.org, April 2011

- 34 UNAMID press release, 16 May 2011, "UNAMID Chief deeply troubled over recent air strikes in South Darfur", <http://unamid.unmissions.org/Default.aspx?tabid=899&ctl=Details&mid=1072&ItemID=13618>; UNAMID update, 19 May 2011, "Update on North Darfur air strikes", <http://unamid.unmissions.org/Default.aspx?tabid=900&ctl=Details&mid=1073&ItemID=13662>; UNAMID update, 22 May 2011, "Confirmed attacks in North Darfur", <http://unamid.unmissions.org/Default.aspx?tabid=900&ctl=Details&mid=1073&ItemID=13689>
- 35 UNSC Resolution 1591 (2005), March 29, 2005.
- 36 Since May 15, UN and humanitarian agencies have been restricted to movements no more than 15km from Nyala, the capital of South Darfur, effectively cutting off support to IDP camp Kalma. OCHA, Sudan Weekly Humanitarian Bulletin, 13-19 May 2011, <http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Sudan%20Weekly%20Humanitarian%20Bulletin%2013%20-%2019%20May%202011.pdf>. 37 UNAMID publicly reported movement restrictions on its personnel on: 27 January, <http://unamid.unmissions.org/Default.aspx?tabid=900&ctl=Details&mid=1073&ItemID=12159>; 6 March, <http://unamid.unmissions.org/Default.aspx?tabid=900&ctl=Details&mid=1073&ItemID=12495>; and 17 May, <http://unamid.unmissions.org/Default.aspx?tabid=900&ctl=Details&mid=1073&ItemID=13628>. A UNAMID staffer was arrested by the government in April, and remained in detention as of June 2011.
- 38 In January 2011, the head of OCHA, Valerie Amos, committed that "OCHA Sudan will be able to provide qualitative weekly and monthly updates." Although OCHA's weekly updates have re-started, more detailed analytical reporting remains sporadic.
- 39 The latest OHCHR report on Darfur was "Killing and injuring of civilians on 25 August 2008 by government security forces: Kalma IDP camp, South Darfur, Sudan", 23 January 2009, <http://www.ohchr.org/Documents/Countries/11thOHCHR22jan09.pdf>
- 40 In October and November 2010, the Sudanese authorities detained around 16 people affiliated with Darfur's independent radio service, Radio Dabanga. Six individuals have been detained without charge ever since.
- 41 On 5 May, the Government announced Darfur would be divided into five states – Central Darfur (divided from West Darfur, with its capital at Zalingei), and East Darfur (divided from South Darfur, with Ed Daein as the capital) would be added to the existing North, South, and West Darfur states.
- 42 In April, Bassolé was named Foreign Minister of Burkina Faso. Although he has remained engaged in the peace process, it is understood that this is on a short-term basis. No replacement was immediately announced.
- 43 At \$2.3 billion, South Sudan's 2011 budget almost equals Uganda's national budget, despite having four times fewer people.
- 44 In February 2011, Salva Kiir declared a "zero tolerance" policy against corruption, but the Southern Sudan Anti-Corruption Commission has no power to prosecute cases of corruption and no one has been charged with corruption offenses.
- 45 Southern Sudan Centre for Census, Statistics and Evaluation, "Poverty in Southern Sudan", http://www.goss-online.org/magnoliaPublic/en/Independant-Commissions-and-Chambers/Center-for-Census--Statistics-and-Evaluation/mainColumnParagraphs/0/content_files/file/Poverty_Southern_Sudan.pdf.
- 46 Southern Sudan Centre for Census, Statistics and Evaluation, National Baseline Household Survey, 2009.
- 47 IRIN, "Sudan: Farming the future in the South" 17 February 2011, <http://reliefweb.int/node/389012>.
- 48 Southern Sudan Centre for Census, Statistics and Evaluation, Southern Sudan Household Health Survey, 2006
- 49 Reuters, "WFP spokesperson quoted in: South Sudan insecurity forces WFP to halt food aid", 27 April 2011, <http://af.reuters.com/article/topNews/idAFJOE73Q0EO20110427>.
- 50 OCHA, Humanitarian Update: Returns to Southern Sudan, 10 March 2011, http://www.unsudanig.org/new_gateway/returnee/110310%20-%20OCHA%20Returnee%20update.pdf; International Organization for Migration, "IOM Provides Transport Assistance to Southern Sudanese Leaving the North", 4 April 2011, <http://reliefweb.int/node/395332>.
- 51 Oxfam press release, "South Sudan facing most violent year since end of civil war", 24 May 2011, <http://www.oxfam.org.uk/applications/blogs/pressoffice/2011/05/24/south-sudan-facing-most-violent-year-since-end-of-civil-war/>.
- 52 OCHA, Sudan Weekly Humanitarian Bulletin, 3 – 9 June 2011, http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_1224.pdf
- 53 ECOS, "Post-Referendum Arrangements for Sudan's Oil Industry", December 2010, http://www.ecosonline.org/reports/2010/Post_Referendum_Arrangements_for_Sudans_Oil_Industry.pdf
- 54 Ministry of Finance, Government of Southern Sudan, 2011 Budget, March 2011
- 55 The Sudan Council of Churches said: "We are concerned with the increasing waves of military activities, defections and counter-defections in the south as we approach the declaration of independence. It is our belief that the presidential amnesty offered to all armed groups in October 2010 is still holding and all those concerned should accordingly take advantage of this. Consequently, we call upon all armed groups to lay down their arms and come to the negotiating table. The way of peace is always the best." Communiqué of the 18th General Assembly, 9-11 May, 2011.
- 56 "Meaningful opposition participation – including in defining the transition and in a broad-based government – is not a threat to... power but an investment in stability and legitimate rule... Embracing pluralism now – both inside and outside the [SPLM] – would lay a foundation for stability in the long term. Failing on either front would risk recreating the kind of overly centralised, authoritarian and ultimately unstable state South Sudan has finally managed to escape." International Crisis Group, "Politics and Transition in the New South Sudan", April 2011.
- 57 The Media Project, "Media seek press-freedom guarantees", 2 March 2011, <http://www.themediaproject.org/article/south-sudan-reporters-seek-press-freedom-guarantees?page=0,0>
- 58 UNSC Resolution 1653 (2006), 27 January 2006, para. 8; UNSC Resolution 1919 (2010) also classified the LRA as a "regional threat".
- 59 Sudan Human Security Baseline Assessment Facts and Figures, Lord's Resistance Army (LRA), April 2011 <http://www.smallarmssurveysudan.org/facts-figures-armed-groups-southern-sudan-LRA.php>
- 60 Oxfam International press release, "South Sudan facing most violent year since end of civil war", 24 May 2011, <http://www.oxfam.org.uk/applications/blogs/pressoffice/2011/05/24/south-sudan-facing-most-violent-year-since-end-of-civil-war>.
- 61 Joint NGO Briefing Paper, "Ghosts of Christmas Past: Protecting civilians from the LRA", 14 December 2010, <http://www.oxfam.org/sites/www.oxfam.org/files/lra-ghost-christmas-past-20101214.pdf>.

A photograph of a rural area with a utility pole and people in the background. The scene is set in a dry, dusty environment. In the foreground, a person is walking away from the camera. In the background, there are several people, some carrying items on their heads, and a utility pole with power lines. The sky is clear and bright.

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