

Al Khatim Adlan Centre for Enlightenment and Human Development

Conference on

The Future of the Two Sudans: Transition into Post-Referendum

Khartoum, May 14 – 15, 2011

Final Recommendations

Introduction

Al Khatim Adlan Centre for Enlightenment and Human Development has organized a conference in Khartoum on May 14 – 15, 2011 titled “The Future of the Two Sudans: Transition into Post-Referendum.” About 100 participants attended the conference; among them were academics, jurists, civil society leaders, writers, scholars, and journalists. The conference aimed at reducing the escalating tension in the country by encouraging all stakeholders to engage in genuine dialogue and peaceful discussion, tackling vital issues of concern during the final phase of the Comprehensive Peace Agreement. The conference was a momentous opportunity for the realization of three main objectives.

- Promote democratic dialogue and peaceful discussions for the resolution of post referendum issues as well as inclusive participation of all political forces in the process
- Encourage the participation of civil society organizations in the efforts made towards the resolution of the pending issues
- Devise a proactive approach to handle potential challenges ahead and suggesting appropriate solutions through the application of preventive and remedial measures

Various papers covering a wide range of issues were presented during the conference, including papers on citizenship, external debt; contested borders, environmental degradation, popular consultations in Blue Nile and South Kordofan, the constitution-making process and linguistic policies, and management of cultural diversity. The organizers were keen to draw on these issues to create a common approach for the way forward and the possible action plans to be devised before the end of the interim period and the declaration of South Sudan as independent state. The conference is part of a broader effort to enhance the contribution of civil society organizations in the nation building process and their indispensable role in the creation of two democratic governments in the two sides of the border and the imperative need to fight against any attempts to create repressive regimes in the post-CPA Sudans.

After two days of presentations and discussion, participants agreed on the following recommendations.

1. Recommendations to the Partners of the Comprehensive Peace Agreement

- Efforts to resolve the post-referendum issues and other pending issues of the CPA should not be limited to the NCP and SPLM. Civil society, political parties, and Sudan's international partners must push for broader participation and constructive involvement of all actors for better coordinated response to the challenges. Moreover, current discussions must be extended beyond the present contentious issues and look into the bigger picture and see how we can build a better future for the Sudanese nations on both sides of the border.
- The two partners and other partners from the international community should work actively to settle the pending issues within the coming period before and after July 9 without delay to, or deviation from, the roadmaps agreed to by both parties in order not to exacerbate an already strained relation between the two sides and avoid the outbreak of a widespread violent conflict.
- Highlight the importance of establishing the two countries and their affiliated institutions on new basis that realize equality, justice, and democratic governance. The ongoing constitutional dialogue in the two parts of the country must demonstrate commitment to promoting an inclusive and participatory constitution making process that reflects the true aspirations of the Sudanese people and articulates their fundamental rights in accordance with international conventions ratified by Sudan.
- The need to combat and end impunity in the wake of widespread human rights violations committed by perpetrators of conflicts and to ensure the victims' right to justice. Equally important is the disclosure of previous human rights violations, reform of the legal and the judiciary systems to ensure that such grave violations will not happen again, and pave the way for genuine democratic transformation in the country.
- The governments in Khartoum and Juba should respect their commitments regarding the issue of citizenship. According to the agreement signed between the NCP and SPLM in Mekele, Ethiopia, and the February 13, 2011 framework agreement to resolve the pending issues between north and south, the two parties agreed that "any decisions taken with respect to citizenship should not negatively affect the lives and the rights of ordinary citizens." Additionally, the two sides confirmed their commitment that until the separation process is officially completed, citizens in both sides of the country shall enjoy their full rights of citizenship without any distinction, including their right to reside anywhere without hindrance and their right to access government-furnished services. After separation and the possible amendment of citizenship laws, the two countries should take the necessary steps to ensure citizens' rights, including their right to live in the country of their choice in accordance with law and sufficient time to make informed decisions about their final status.
- Reviving and strengthening anti-corruption laws and establishing independent judicial systems accessible to all citizens to try unscrupulous officials, serving justice in line with internationally-recognized legal standards.
- Both governments in Khartoum and Juba are requested to give special consideration to environmental threats and risks, critical lack of basic services, and the resultant contested border issues. Communities residing along the borders areas barely know about political and administrative borders and for so long have existed as models for peaceful coexistence, tolerance, and cooperation. Historically, the border areas were a melting pot of ethnic groups, all of which are customarily seasonal farmers or nomadic groups. Therefore, the demarcation of

boundaries between these groups must be addressed in a way that considers the concerns of all stakeholders.

- With regard to linguistic policies and management of cultural diversity in the new state of Southern Sudan, participants highlighted the fact that both countries are culturally, linguistically, ethnically, and religiously diverse. Ignoring or denying these realities is a recipe for yet further divisions and conflicts. To avoid more disastrous scenarios, participants called on both governments to formulate just and considerate linguistic policies that do not favor the Arabic or English language over local tribal dialects and take the necessary steps to preserve and develop the linguistic mosaic in the two countries.
- For areas with ongoing conflicts like Darfur, the participants urged the government of Khartoum to work closely with all political forces and the independent civil society organizations and Sudan international partners to find a just and satisfactory solution to the crisis.

2. Recommendations to Khartoum Government

- The government in the north must respect the rights of its citizens and treat them equally, regardless of their ethnic or tribal affiliations. According to the framework agreement signed between the two governments, a northerner is defined as a person residing in the north and accepted to be citizen of the Republic of Sudan (north Sudan), and a southerner is a person residing in the south and accepted to be citizen of South Sudan.
- Participants considered this to be the minimum requirement to guarantee citizenship rights, but they aspire for dual citizenship for the people in both sides of the border in accordance with internationally accepted norms.
- The two countries should work to devise a plan to make capital cities of disputed areas such as Abyei integrated between the diverse groups living in that area.
- The government of Sudan and the government of South Sudan and other stakeholders must respect the ruling of the Permanent Court of Arbitration on Abyei. Failure to hold the Abyei referendum will only drive the region back to the cycle of bloody conflicts.
- Popular consultation in Blue Nile and South Kordofan is closely connected with elections in the states the elections and the resultant elected bodies. The participants considered insistence from circles to marginalize key components of the process will jeopardize the popular consultation and increase the likelihood of igniting yet another violent conflict.
- The government of Sudan should revise its policies of constructing dams and major development projects and stop the rampant practice of land confiscation in various parts of the country. The government should not engage in construction activities without prior consultation with the affected communities and should make available open and transparent channels for the affected people to express their grievances.

3. Recommendations to Juba Government

- The government of Southern Sudan should incorporate the southern political forces in the new government and do what is necessary to establish a government that is inclusive and participatory, reflexive of democratic practice and respect for human rights.
- Provide emergency relief aid to the southern returnees en route to their final destinations and assist them to reintegrate in their new settlements.
- The government in the south must respect the rights of its citizens and treat them equally, regardless of their ethnic or tribal affiliations, in accordance with the framework agreement signed between the government of Sudan and the government of South Sudan.
- The government of South Sudan should give special consideration to the tribal constituencies in the border areas and encourage peaceful coexistence to prevent armed confrontations and conflicts between tribal groups.

4. Recommendations to Sudanese Civil Society Organizations

- The onus is on the civil society organizations to craft a clear and comprehensive roadmap for the future relationship between the two countries, and out of which to envisage permanent solutions to the thorny issues between the two peace partners. In fact, politics is inseparable from the day to day lives of ordinary people. Therefore, the authors of this document cannot create viable solutions to these problems in the absence of broader consultations with local stakeholders.
- Adopt a visionary strategic approach in negotiations with the government of Sudan to establish a relationship founded in the principles of cooperation and integration.
- Close cooperation and coordination with the media in general, and with emerging media activists in particular, to press the two partners to honor their commitments in the Memorandum of Understanding to enable civil society organizations and other political forces to participate in the negotiations.
- Establish networks of civil society organizations in the north and the south to contribute to the resolution of pending issues. It is recommended that task groups form around a specific issue for proper brainstorming and troubleshooting. Dedicated civic education campaigns must be carried out to educate the various community sectors on these issues and provide them with training and informational materials similar to those organized during the general elections.
- Influence policy-makers by directly confronting negotiators with diverse and opposing views.
- Organize political events and disseminate their outcomes in the media and influence the public to press negotiators and public officials to adopt their positions.

- Mobilize the people in the north and the south to create a culture that works vigorously to contain and neutralize the repercussions of separation, especially in border areas. To serve this purpose, civil society organizations in the two countries must prepare for massive mobilization of all community sectors, including artists, political activists, trade unions, and other civil society groups to achieve their goals.

5. Recommendations to Mediators and the International Community

- Continue vital mediatory roles in Darfur and between the north and South Sudan and to press the parties of the conflict to respect their international commitments and conventions, especially with regard to the protection of civilians, respect for human rights, and their obligation to negotiate in good faith to reach a peaceful settlement for the conflicts.
- The participants urge the international community and Sudan lenders in particular to work with the government of Sudan and the government of South Sudan to put in place a realistic mechanism for the relief of Sudan debt. Such a mechanism must provide for time-bound commitments based on transparency, accountability, respect for human rights, and promotion of democratic rule, to ensure that ordinary citizens will benefit the most from debt relief.
- Continue to provide international humanitarian and development aid assistance for the two countries and consider the needs of each of the two countries and their development priorities.