

1. Southern Sudan referendum scenarios

Secession vote: legal challenge from NCP elements

Secession vote: legal challenge from NCP leadership

- The NCP may need delaying tactics after the vote is announced, and a legal challenge would be an obvious way forward.
- If the challenge is presented by proxies or junior elements in the NCP, that might be a signal that resolution will be more straightforward: understanding and communicating the reasons for a postponement in acceptance of the result will be critical.
- Any legal challenge will very quickly turn into a political crisis, because of confusions around jurisdiction in the SSRA. An NCP-SPLM deal will be needed to agree jurisdiction, and this could be the means to resolve the problem of acceptance. But consideration should be given to possible legal support that the UNSGP might propose in a situation like this.
- UNSGP understanding of political dynamics within NCP and SPLM will be critical. Other mediators will get involved in this scenario, possibly at a very high level. Coordination with other mediators will be critical.

Secession vote: political challenge from NCP elements

Secession vote: political challenge from NCP leadership

- A political challenge from junior elements or proxies might come through media campaigns or public demonstrations. The leadership could reject through a public statement, which would presumably be the first shot of a war.
- Street politics in Sudan includes the mobilisation of government employees, mobilised through unions and other bodies, who are presumably highly tractable. But the regime has also dabbled with more unpredictable groups. Student politics might be important too.
- Under what conditions would the NCP leadership fail to resist a challenge from junior elements? And how could it explain its predicament to the SPLM?
- An understanding of NCP media management and street-politics management will be critical. Coordination with other mediators will be critical.
- What would be UNSGP's role in a major crisis?

Unity vote: political challenge from SPLM elements

Unity vote: political challenge from SPLM leadership

- An unlikely scenario which nonetheless needs consideration.
- What elements in the SPLM would make the decision, and how swiftly would they move? It is usually assumed that this scenario would lead to war immediately.
- Coordination with SPLM's international supporters will be critical. Understanding of different elements within SPLM and decision-making processes will be critical

Unity vote: legal challenge from SPLM elements

Unity vote: legal challenge from SPLM leadership

- An SPLM legal challenge would be a sign that negotiation is possible, particularly as the SPLM's legal position will probably be relatively weak, given the confusion in jurisdictions mentioned above.

A close vote or a clear majority?

- A close vote for secession will increase pressure on both parties, denting SPLM confidence, encouraging NCP challenges, and undermining the NCP leadership's capacity to resist challenges.
- A close vote for either option will increase the significance of technical irregularities, and UNSGP will be pulled into the discussion of these irregularities. Coordination with other observer groups will be critical. Understanding of the politics of different observer groups will be critical.

A short postponement of the vote for technical reasons

- The Panel would play a decisive role in endorsing the delay.
- Coordination with other observer groups will be critical.

Failure to meet turnout requirements leads to re-run of the vote

- The SRRA requires a 60 per cent turnout for the referendum to be valid (Article 41.2.a). If that threshold is not reached, it requires a re-run within 60 days of final declaration of results. The Act contains no provisions in the case of a second failure to meet the threshold. Turnout for the April 2010 presidential election was under 60 percent in seven out of ten Southern states.
- If turnout is below sixty percent, the Panel will play a decisive role in endorsing the turnout figures. Parties will need to explain the legal provisions for the re-run, which may not be widely known.
- SPLM-aligned observer groups may seek to challenge low turnout figures. The Panel may need to be positioned to respond to such challenges.
- In the very unlikely scenario that a second vote fails to reach the 60 per cent threshold, the Panel's views on legal ways forward will be extremely influential.
- Coordination with other observer groups will be critical.

2. The Abyei referendum

Scenarios around the referendum

- The current dispute between the two parties centres on eligibility to vote. The SPLM wants to restrict eligibility to Ngok Dinka people – Abyei is of central importance for them.
- The NCP wants to extend eligibility to some or all Misseriya groups. Misseriya people are members of a coalition of tribes practicing cattle-herding and agriculture who became increasingly grouped together in the twentieth century. Some of their

leaders developed ambitions at the centre of the state. Not all Misseriya groups have a territorial claim to Abyei, and working out the meaning of Misseriya eligibility would be a confrontational and complex exercise.

- Ngok Dinka groups also have good connections at the centre of state power, and the interaction between political leaderships and tribe members is a complex one.
- A referendum that excluded Misseriya voters might be marred by violence. The government is readying Misseriya elements for a possible proxy war, and the government has limited capacity to “switch off” its proxies. Several armed groups are organising in Misseriya areas.

Abyei: a presidential decree replacing a referendum

- The Abyei referendum may be replaced by a presidential decree, which each party will have to explain to their constituency. The decree would probably award more territory to Misseriya groups.
- There may be a referendum on the decree itself, and the Panel would need to consider its role in monitoring a referendum that is different from that set out in the CPA.
- Either or both of the Misseriya and Ngok might reject the decree. It might be possible to challenge the decree on constitutional grounds, given that it will overturn a constitutionally guaranteed vote.
- Understanding Misseriya and Ngok political dynamics will be critical for the Panel. Understanding the legality of presidential decrees will also be critical.

3. Other considerations

Interactions between Southern Sudan referendum scenarios and Abyei scenarios

- If the NCP decides to recognise the Southern result promptly, it will be tempted to further postpone the Abyei issue, given that postponement offers the NCP a great deal of leverage over the SPLM. So non-resolution of Abyei may be key to a peaceful and prompt recognition of Southern secession.
- The parties are currently discussing the Abyei issue, sometimes with the support of outside mediators. The relevance of international mediation may be diminishing, and this has implications for the Panel. If the Southern Sudan referendum goes ahead smoothly, and there is no longer an international framework for dialogue on Abyei, the Panel may find itself drawn into controversies about Abyei.

The views of security forces

- Political leaderships are dominating negotiations, which may indicate that both leaderships feel confident that they are in command of their security forces.
- In spite of a number of positive signals from defence ministers of north and south, elements in the security forces may seek to mount a challenge, especially if either side makes a mis-step in their ill-concealed preparations for a future proxy war, in the event of a major political crisis.
- To what extent could specific security forces constitute centres of opposition to acceptance of the referendum? The Popular Defence Forces (PDF) is a legally-regulated militia with an Islamist orientation, led by party loyalists but also

coordinating many militias drawn from tribal elements in Northern Sudan (the SAF Military Intelligence generally managed corresponding militias in the South). A 12 December media report quoted its director of campaigns as saying it was prepared to put 1.2 million soldiers at the call of the armed forces to face threats, including those along the north-south borders.

- Some observers argue that elements within the southern security forces seek a return to war, to avoid dealing with the social contradictions in the south, or to limit the concessions that the north can extract from the south.
- The Panel may want to engage with senior representatives of the security forces.

The views of the financial and commercial nexus within the NCP

- Minister of Industry Awad al-Jaz, who has held a string of important economic portfolios; and Abd al-Rahim Hamdi, an influential former finance minister, reportedly reject secession on economic grounds.
- IMF reported that foreign reserves were at historic lows in Aug 2010. This may be an indication that financial or political elites are putting their money out of the country during this volatile period. The financial positions of both parties presumably limit their freedom of action.
- UNSGP could meet representatives of the NCP financial/commercial nexus.

Islamist views

- The Islamist movement is very divided in Sudan but may not present a major obstacle to the acceptance of a possible secession.
- NCP Islamists may welcome secession, as a means to create an unambiguously Islamic state in Sudan. Many opposition Islamists have accepted the likelihood of secession too.
- The major Islamist-linked Darfurian rebel group, the Justice and Equality Movement, may be seeking tactical alliances in Southern Sudan.
- The Panel are well-positioned to engage in meetings with Islamist secessionist groups. They may appreciate an invitation to participate in international dialogue, from which they are often excluded.

SPLM northern sector views

- Many in the northern sector still wish for union, and many are demoralised and disoriented by secession, but they will not obstruct it. The movement has not been able to hold a meeting of its National Liberation Council, because that body would have to address the abandonment of the movement's aim of transforming the political and economic centre of Sudan.

SPLM secessionist views

- Many observers assert that elements within the SPLM and its army will immediately resort to war if there are delays to voting or to acceptance of results. This assertion needs critical scrutiny: many impatient elements are close to the centre of power and the SPLM leadership can presumably control them fairly closely.
- Many ordinary Southerners are secessionists. The Panel could consider engaging with them through radio stations.