

# **STATEMENT OF THE CHAIRPERSON OF THE AUHIP, THABO MBEKI, AT THE LAUNCH OF THE SUDAN POST-REFERENDUM NEGOTIATIONS: KHARTOUM, JULY 10, 2010.**

Your Excellencies,  
Members of the Negotiating Teams,  
Distinguished Guests,  
Ladies and Gentlemen:

On behalf of the African Union Panel on Sudan, I would like to welcome to this important occasion everybody present here to participate in the formal launch of the post-referendum negotiations.

In this regard I would like to thank the negotiating parties, the SPLM and the NCP, for taking the initiative to ensure the attendance today of representatives of the broad spectrum of Sudanese society, as well as the international community.

This underlines the vital importance of the process we launch today, the negotiations which will help to determine the future of Sudan after the January 2011 South Sudan referendum, covering both possible outcomes of the referendum, either unity or secession.

Surely the presence of so many representatives of the Sudanese people in this hall communicates the message to the negotiators that the people of this country expect of these leaders that they will approach their task with the required seriousness and sense of urgency, bearing in mind their shared responsibility to advance the interests and welfare of all Sudanese.

Five years ago, on 9 July 2005, Sudan's Interim National Constitution came into effect and the then Chairman of the SPLM, the late Dr John Garang, flew to Khartoum and was sworn in as First Vice President of the Republic of Sudan. Indeed, this major step in the implementation of the Comprehensive Peace Agreement, the formation of the Government of National Unity, was an historic moment in the history of this nation, and of Africa as a whole.

The conclusion of the CPA marked an end to the wars between North and South that had scarred Sudan's half century of independence, and which had blighted the lives of two entire generations of Sudanese citizens, notably those from southern Sudan.

I would like to recognise and salute the leaders of Sudan who negotiated and signed this historic accord.

But the creation of the Government of National Unity, formed by the necessary partnership of two former enemies on the battlefield, the NCP and the SPLM, also marked a new beginning in the life of the nation. The late Dr John made this point when he visited the Nuba Mountains on his way to Khartoum, promising that as First Vice President, he would hold the cause of the Nuba people, along with all those who struggled for a New Sudan, in his right hand.

Peace is a formidable achievement, but on achieving peace, the struggle to achieve the material and social aspirations of the people, must resume.

By the same token, the achievement of the right of self-determination is an historic triumph for the people of southern Sudan. But the exercise of that right is but one step towards fulfilling the aspirations of the people for a better life.

Today, five years after the Interim National Constitution came into force and the Government of National Unity was formed, we are entering the final year of the Interim Period, and face a political challenge of great significance both to Sudan and Africa as a whole.

In six months time, the people of southern Sudan will be voting in their historic referendum on self-determination, choosing between the two options of unity or secession. The Sudanese people in all their formations, the African Union, and the rest of the international community, are together obliged to respect the freely expressed wishes of the people of Southern Sudan, and will surely do so regardless of the choice they make.

Sudan has experienced recurrent violent conflicts for more than half-a-century because of deep-rooted problems with the Sudanese state, essentially centred on the challenge successfully to manage the diversity which defines Sudan.

Indeed the very agreement to recognise the right of the people of Southern Sudan to self-determination constitutes an intervention to address the important issue of the relations between the peoples of North and South Sudan.

Accordingly, the argument has correctly been advanced that the outcome of the Southern Sudan referendum, whether for unity or secession, will offer the first real opportunity since Sudan's independence in 1956 for the people of South and North Sudan to restructure their relationship to define an equitable and mutually beneficial mode of peaceful coexistence.

Even as it provided for the right of the people of Southern Sudan to self-determination, the CPA obliged the two signatory parties to work together to make unity attractive, a demanding task that requires them jointly to address and resolve the causes of conflict, and to restructure fundamentally the nature of the Sudanese state.

That task has not been completed. If the southern Sudanese choose unity, the task to pursue this objective will remain. Indeed it will need to be addressed with renewed vigour.

We have recently returned from Blue Nile State, and observed the preparations that are underway for the Popular Consultation in that state. This process of consulting the elected representatives and community leaders, civil society and others, is a rich, complex and promising mechanism to enable the people to deliberate upon the kinds of governance structures necessary for Sudan to achieve equitable unity in diversity, and realise the common dream for the mutually beneficial development of all its people.

As the post referendum negotiations begin, the negotiators must reflect on the fact that these parallel discussions will be taking place at the community level, again directed at evolving ways of the correct management of Sudan's diversity. Of course, as we all know, South Kordofan will also engage in a similar process of Popular Consultation.

If the Southern Sudanese choose secession, the tasks arising from this will not be less demanding. Should they vote to establish a separate sovereign state in Southern Sudan, the Southern Sudanese will not be voting to change the facts of geography, nor the direction of the flow of the Nile River.

Southern Sudan has been intricately linked to the larger entity of the Sudanese nation, and Southern Sudanese have been closely involved in building the common Sudanese national patrimony. In the event of secession, Northern and Southern Sudan would not be ordinary neighbours, but would be neighbours with generations of a shared history – people who have attended the same universities, worked in the same institutions, danced to the same music.

In preparation for the launch of the post-referendum negotiations, the African Union Panel on Sudan prepared a Framework Document to share with the negotiating parties. We did not intend the document to serve as an agenda, still less a draft agreement. Rather it is a set of general considerations designed humbly to contribute some ideas which might help the two teams.

Rather than formulating a checklist of items to be ticked off, outside and independent of an overarching conceptual framework, we propose instead that first of all the parties should focus on the elaboration of a strategic vision of how the people of North and South Sudan should arrange their relationship.

In this respect we suggest that the positioning of the two phenomena of unity and secession within a paradigm based on the notion of polarity would be overly simplistic and seek to entrench an antagonistic relationship.

In the Framework Document we outlined four different possible outcomes, consideration of which would determine different ways of approaching the post-referendum issues.

In our *Option 1*, we visualised the situation in which Sudan would divide into *two independent countries with no durable links*. This would be the pure separatist outcome. All links would be defined through ad hoc negotiations across hard borders, with Northerners resident in the South continuing such residence on the basis of visa requirements imposed unilaterally by each country, and vice versa.

This was the outcome that many African states envisaged fifty years ago when they embraced sovereign independence and sought to sever ties with their former colonial masters and to forge a new national identity. In the 21<sup>st</sup> century, the world has changed, and especially Africa has changed. No nation is an island sufficient unto itself. The African Union is itself an expression of the African continent's desire for integration and unity.

Continental initiatives such as NEPAD and the Regional Economic Communities, such as IGAD, are expressions of the same impulse.

The striving towards economic and political integration is more than a manifestation of Africa's deep-seated recognition that our strength comes from our common identity. Closer ties among ourselves are a necessity for our continent's security and development.

However, this does not contradict the right of self-determination for the Southern Sudanese. They have and shall exercise that right, at the time and in the way determined in the CPA. But the drive towards African integration and unity provides a context to the establishment of the nation-state different from what obtained fifty years ago.

We believe that the negotiators should take this reality into account as they consider what should happen in the event that the people of South Sudan vote for secession.

The other three options we presented in the Framework Document provide variants on the possible relationship between north and south, again as ideas that might provide a strategic framework for the detailed negotiations.

In our *Option 2*, we visualised the situation in which there would be *two independent countries existing within a broad and negotiated framework* of cooperation making for soft borders that permit freedom of movement for both people and goods.

Significantly, the second conference of the governors of the states adjacent to the north-south border is scheduled to take place shortly. The peoples who live in these states have historical relationships, and engage in ongoing economic and other

activities that straddle the border and will continue to do so, whatever the outcome of the referendum.

Ensuring that these connections, at the people-to-people level, are continued and indeed strengthened, is a challenge that must be addressed by the leaders of both North and South Sudan.

In our *Option 3*, we considered the possibility of the creation of *two independent countries which negotiate a framework of cooperation*, which extends to the establishment of shared governance institutions in a confederal arrangement.

In our *Option 4*, we visualised the possibility of Sudan remaining *one country with a federal arrangement between North and South*, in a country based on the transformation of Sudan, consistent with the objectives in the CPA intended to redress the historical inequalities and injustices which led to war.

Of course this last option would become a realistic possibility if the people of Southern Sudan vote for unity. However it is not an option for the maintenance of the status quo, but calls on the parties to work for the fundamental transformation of Sudan.

The people of Southern Sudan have the right to make the fundamental choice between unity and secession. But the responsibility to determine what will then happen to the entirety of the Sudanese people, whether as one nation or two, falls upon the leaders of the NCP and SPLM.

This is the reason I spoke of the four Options we have presented to the negotiators, to give an indication of the scope of work and the importance to all the people of Sudan of the choices the post-referendum negotiators will make and present to the nation.

The general elections held almost two months ago confirmed that the SPLM and the NCP are the parties that will shoulder the responsibility to guide Sudan through the challenging period of the next 12 months.

It is first and foremost a responsibility to the peoples of Sudan, north and south, to ensure that the final year of the CPA Interim Period is successfully concluded, in a peaceful and orderly manner. I have no doubt that this can be achieved, and that the vote in the referendum will be respected and the decision of the people implemented swiftly and fairly.

It is also a responsibility to Africa as a whole. Africa has charted its course towards political and economic integration, and has invested great efforts in building a peace and security architecture. Sudan's success in navigating the challenges of the next 12 months, which includes respecting the choice of the people of Southern Sudan, and managing the outcome of the referendum in the wider African context, will be an

example to the millions of Africans and a very important factor for stability and prosperity across the continent.

For centuries, Sudan has been a meeting place of Africans, from north, south, east and west. For instance there are millions of Sudanese citizens of Nigerian ancestry. Millions of Sudanese belong to religious communities whose members are spread across the length and breadth of the African continent. Sudan has played host to refugees from no fewer than five of its neighbours and pioneered the generous international refugee asylum laws that we have today. Sudan is not only a bridge between the Arab and the African worlds, but also between east and west Africa, between the desert and the tropics. It is thus a crucible of diversity.

A strong and confident Sudan, whether as one state or two, embedded within a wider African project of development, security and unification, will prove to be one of the cornerstones of Africa's progress in the 21<sup>st</sup> century.

The successful management of the referendum and the post-referendum arrangements will show that Africa's leaders can address and overcome deep legacies of bitterness and mistrust, as they have done in many countries on our Continent, inspired by a shared vision of peaceful, prosperous and united Africa which will take its rightful place as an equal actor among the continents of our common universe.

We are confident that the Sudanese people and their leaders will indeed live up to this expectation and produce outcomes of which all of Africa will be proud.

Our Panel will be honoured to discharge its responsibility as the Facilitator of the post-referendum negotiations, as requested by the Negotiating Parties, fully respecting the Terms of Reference agreed by the Parties. This includes the important provision with which we agree, that the negotiations should be owned by the Sudanese people, underlining the imperative that the sister people of Sudan should have the unfettered freedom to determine their destiny.

Once more, we thank everybody who has privileged this Launch of the Post-Referendum Negotiations by their presence, and extend our best wishes to the negotiators, confident that they will produce outcomes that will serve the vital interests of all the people of Sudan.

Thank you.