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Negotiating Peace in Sudan

An American Perspective

By Princeton N. Lyman

In January of this year, nearly four million southern Sudanese went to the polls and voted overwhelmingly for the south to secede from the rest of Sudan. The week-long voting process was peaceful. Observers from around the globe pronounced it free and credible. A new state was about to be born. Yet barely a few months earlier, many feared the referendum would not be allowed to take place or that if it did, rather than a step toward peace, it would be the trigger for renewal of one of Africa's longest civil wars. The danger of renewed war has not entirely ended, but one major step along Sudan's path to peace has been achieved.

Sudan has undergone a long and complicated peace process. Sudan's second civil war between the north and the south ended in 2002. From then to 2011, a nine-year schedule of negotiations and major decisions was laid out. The first agreement was the Machakos protocol in 2002, which provided the basis for a cease-fire and peace negotiations. There followed five more protocols and two appendices negotiated over the next two years, culminating in the signing of the Comprehensive Peace Agreement (CPA) in 2005. Within the CPA was a provision granting the south the right of self-determination, specifically to vote on whether to remain part of Sudan or become independent, on January 9, 2011. The CPA would end in July 2011, when arrangements arising out of the outcome of the referendum were to be completed.

Some have criticized the CPA for being too specific and thus too difficult to implement. Others have criticized its implementation schedule, allowing for too long a period for completion and thus producing procrastination and delay. In fact much was accomplished. A government of national unity was established. Constitutional changes permitted the south to establish a largely autonomous government and to retain its own army. At the same time, joint security units were created to patrol the border. Laws

◁ Sudanese march for separation from the north, Juba, Nov. 9, 2010. *Stefano De Luigi/VII/Network/Corbis*

were enacted to provide for national elections in 2010 and the self-determination referendum in 2011. Each step was the source of much hard work and not infrequent international involvement.

As the date for the self-determination referendum approached, it became clear that there was much that had not been done. Most important, the realization that the south would almost surely vote for secession only dawned upon the north and much of the international community in 2010. Partly this was due to mutual misconceptions about the CPA. For the government of Sudan, it was a blueprint for bringing the north and south together in a unified Sudan. Much of the rhetoric in the CPA pointed in this direction and the leadership of both sides was pledged to work for this goal. This was indeed the goal as well of the leader of the Southern Peoples Liberation Movement (SPLM) at the time, John Garang, who envisioned a new, more politically inclusive and diverse Sudan that would encompass Muslims and Christians, northerners and southerners, in the nation's national identity.

But events and lack of action took the process in a different direction. John Garang was killed in a helicopter accident in 2005, just months after the CPA was signed. Southern leadership thereafter became more focused on building the capacity and political foundation for independence of the south than on remaking the national political system. For its part, the government of Sudan did not open up the national political system as envisioned. The elections in 2010, which were expected to finalize this process, instead entrenched the National Congress Party (NCP) in power as opposition parties boycotted the election charging unfair practices and ultimately the rigging of the process. Despite there being a government of national unity throughout this period, there was no new identity promoted to describe a more multi-cultural and multi-religious nation. In the meanwhile, little was done to overcome the economic disparities between north and south. The latter continued to lack basic infrastructure and development, barely recovering from years of war and large-scale displacement of its population. By 2010, the prospects for the south not voting for secession were largely gone.

As the nation faced this reality, it became equally clear that few of the understandings regarding future economic, political, and security cooperation between north and south had been reached. One of the most acute was the future division of oil revenues on which both north and south depended. The south contains most of the oil fields, but the north has all the pipelines and infrastructure for export and refining, making cooperation a natural outcome but the details potentially very contentious. There were disputes over future borders, and competing needs of constituencies on either side that needed to be managed. Addressing any of these issues was made more difficult because of deep suspicion between the two sides about each other's motives that surfaced in almost every negotiating forum. Most worrisome therefore, as the time

approached, was that the referendum would be blocked, delayed, or undermined by elements in the north, or preempted by precipitous action by the south such as a unilateral declaration of independence, threatening a renewal of civil war.

A Very Engaged International Community

From the beginning of the peace process, the international community was deeply involved. Sudan's civil war had cost two million lives, produced as many or more refugees and internally displaced people, cost billions in humanitarian assistance, and upset regional stability. There was thus considerable momentum for bringing the war to a close. In the United States, the war also had attracted politically influential religious and political groups. These included evangelical leaders, upset over the perceived oppression of Christians in the south by the Islamic north, and the Black Caucus in the U.S. Congress, alarmed over reports of slavery. President George W. Bush was thus early engaged on Sudan and in 2001 appointed a presidential envoy for the peace process, former Senator John Danforth. The lead in the early negotiations, however, came from the Intergovernmental Authority for Development (IGAD), an East African association of states, and in particular Kenya, whose General Lazaro Sumbeiywo would prove to be a most incisive and effective negotiator.

The breadth of international involvement was reflected by the number of signed witnesses to the CPA: Kenya, the U.S., the United Kingdom, Italy, Norway, the Netherlands, Uganda, Egypt, the IGAD Partners Forum, the Arab League, the United Nations, the European Union, and the African Union (AU). The CPA further provided for an internationally led Assessment and Evaluation Committee to monitor implementation of the agreement. The AU was later charged with overseeing negotiation of post-referendum issues and has created a High Level Panel made up of three former African presidents to undertake this task. The UN deployed a peacekeeping force and civilian contingent (UNMIS) to monitor security arrangements and to assist in the carrying out of the referendum and other aspects of the CPA. In addition, there are many formal and informal associations of international actors that have since become engaged on Sudan, e.g. the 'troika' made up of the U.S., UK, and Norway; the five permanent members of the UN Security Council who periodically address the Sudan issue; the Contact Group of nations not on the UN Security Council but having concern; a Consultative Group formed by the AU, to which it reports on the negotiations; a Policy Committee to oversee preparations for the self-determination referendum; and continuing attention from IGAD. There are also many individual special envoys for Sudan, from the U.S., UK, Norway, Sweden, the EU, China, Finland, Switzerland, South Africa, Russia, and other countries and organizations. All of this international attention, however, did not prevent the CPA process from teetering on the edge of failure by 2010.

The Darfur Factor

At about the same time as the final protocols were being negotiated between north and south, a rebellion broke out in 2003 in Sudan's western province of Darfur. The rebellion was partly a result of the peace process between north and south, in that people in Darfur—a politically and economically marginalized province—saw a division of political power and wealth being negotiated between north and south but leaving Darfur out. There were other deeper roots to the rebellion—years of drought that had aggravated competition for land between Arab nomadic tribes and African farmers, ethnic and tribal differences, and lack of real political power at the local and provincial level. The government of Sudan responded harshly. It armed Arab militias, the *janjaweed*, who proceeded to attack rebel areas, kill tens of thousands, rape, burn villages to the ground, and displace some two million people. The viciousness of these attacks, which seemed to take on a racial and ethnic character, led to charges of genocide, first by the U.S., later by the International Criminal Court (ICC). The ICC took the extraordinary step of indicting Sudanese President Omar Al-Bashir on charges of crimes against humanity, and war crimes in 2009, and issuing a warrant for his arrest on genocide charges in 2010.

The Darfur crisis had a major impact on U.S–Sudanese relations. Before the rebellion became a major focus of attention, the U.S. had conditioned its policy of normalizing relations with Sudan on completion of the north–south peace process. American officials indicated to the Sudanese government that if it signed the CPA and adhered to its provisions, the U.S. would take Sudan off the list of states sponsoring terrorism. It was a designation made in 1993 when the country hosted Osama Bin Laden and other terrorist organizations and reinforced in 1995 after a Sudan-based terrorist group attempted to assassinate Egyptian President Mubarak, but which by 2005 no longer reflected Sudanese policies or practices. With removal of that designation, sanctions could be removed and full diplomatic relations and economic cooperation could resume. Darfur changed all that. Despite the signing of the CPA and its implementation, the designation remained, and further sanctions related to Darfur were enacted by the U.S. Congress.

It is important to understand why Darfur became so important an issue in U.S. foreign policy. Partly it was timing. In 2004, think tanks, universities, and other organizations were preparing programs, seminars, and studies to look back ten years at the Rwanda genocide, to understand why the world had allowed it to happen. It was in this midst of all these programs that participants suddenly realized that another genocide was happening at that very time. If it was important to know why Rwanda was allowed to happen, it was even more urgent not to allow it to happen again, this time in Sudan. Darfur became a cause célèbre, drawing university students, religious organizations,

human rights groups, and political leaders into a broad coalition to stop the war. Another factor was President George W. Bush. Early in his presidency he read a paper on the Rwanda genocide, and wrote in the margin, "Not on my watch." For Bush, this was a singular moral departure from the actions of the Clinton administration. Bush was further pressed on Darfur by the same evangelical organizations that had urged him to take leadership on the Sudan civil war, even though in this case, the Darfur crisis, both perpetrators and victims were Muslim. Finally, genocide produced a strong visceral reaction in the American public, with memories still alive from the Holocaust and deep guilt over the failure to act in Rwanda.

Jump-Starting the Peace Process

For several years after the outbreak of the fighting in Darfur, international attention vacillated between that crisis and the CPA, though most attention was focused on the former. However, in 2010, recognizing that time was running out on the CPA and that failure to complete it could ignite another civil war, there was a surge of Sudanese and international action to jump-start the lagging peace process. There would be numerous international meetings, high level statements, and visits urging the government of Sudan to adhere to the timelines and requirements of the CPA and to obtain its assurances of the same. The U.S. took several steps to build up its efforts. It increased the size of its presence in Juba, the capital of the south, with an emphasis on building the capacity of the southern government not only to administer basic services but prepare for likely independence. President Obama had early in his administration appointed a full-time presidential envoy for Sudan, retired General Scott Gration. The envoy team was later expanded with my appointment to head the north–south team in the presidential envoy's office and to be present nearly full time in Sudan. President Obama ordered a review of U.S. policy to iron out differences within the administration on how to proceed. He appeared personally at a UN meeting on Sudan in September with a strong speech on behalf of making the CPA work. Thereafter, high-level attention to Sudan within the White House would continue on a daily basis.

Concurrent with the more intense high level diplomatic campaign, there were three other overlapping processes that got under way. One was a more organized, formal negotiating structure. Developed under the guidance of the AU in May 2010, this structure divided the issues that had yet to be negotiated into four 'cluster groups' addressing respectively economic and natural resources, security, citizenship, and international treaties and other legal questions. The cluster groups were to address numerous technical questions. But many of these issues required political decisions. The latter would thus be addressed by a Lead Panel headed by chief negotiators for either side. As progress dragged within the cluster groups and other negotiating fora, the AU concluded

in October that what was needed was a Framework Agreement that would set forth basic principles in each of these areas, as well as commitments to peace, pledges not to support groups aiming to destabilize each other, and other principles of cooperation between the future two states. Differences over Abyei and citizenship prevented the agreement from being signed before the referendum, but the AU publicized the provisions that had been agreed to reassure the public of the commitment of both sides to peace and future cooperation.

The second process was intensive work to plan for the referendum to take place on time. The Southern Sudan Referendum Act was not passed until 2009 and the Southern Sudan Referendum Commission (SSRC), established to carry out the referendum, was not put in place until July 2010. The SSRC was then bogged down throughout September 2010 by struggles over the appointment of a secretary general, dissension among commission members, threats by the chairman to resign, and lack of reliable financing. Given the voluminous decisions, the quantity of material to be designed, purchased, and printed, the thousands of registration and poll workers to be hired and trained, and a multitude of other tasks preliminary to carrying out a credible referendum, meeting the deadline seemed almost impossible. Many within Sudan and among the international community believed that postponement of the referendum was not only desirable but unavoidable. But any postponement threatened the peace. The south was determined on the date being honored. Moreover, any postponement, even justified on technical grounds, played into the hands of those who wanted for other reasons to delay if not scuttle the referendum. Finally, postponement would surely have taken away the sense of urgency needed to overcome the obstacles to getting the SSRC up and organized and able to carry out its job. The U.S. among others thus refused to countenance a delay, and worked to maintain international unity around holding the parties to that date. A major effort that combined frequent political pressuring by international actors, extensive technical support from the UN, the International Foundation for Electoral Systems and other sources of expertise, and courageous leadership by the SSRC chairman in the face of politically inspired criticism and threats, enabled the SSRC to confound all the predictions and be able to emerge on the dawn of the prescribed date ready and able to carry out the self-determination vote. One of the most serious threats to the peace had been overcome.

The third effort was a high-level process to secure the commitment of the parties to the CPA, and in particular to the holding of the southern referendum on time, January 9. In this context, the question had to be asked: what were the underlying concerns of each party that might lead them away from a peaceful process of separation? For the SPLM, the principal cause would be the fear that the north in the end would not allow the referendum to take place. That was leading the SPLM to actively

examine alternatives, such as a unilateral declaration of independence, which would surely have threatened renewed war. The issues in the north thus became the most critical. The NCP had several deeply held reservations. One was the worry that once the south, which had considerable political support and sympathy in the west, was independent, the north would be abandoned and isolated by the international community. More conspiratorial, there was a belief in some quarters that the south would become a springboard for destabilization and regime change in the north, helped by foreign (meaning largely U.S.) powers. On the material level, there was quite legitimate concern over the loss of revenue from oil and the likelihood that continued economic sanctions, debt, and other factors would shut the north out for at least several years from the resources of international financial institutions, which would be needed to ease the shocks created by separation. Finally, the north feared that secession by the south could be followed by similar appeals from other regions of Sudan, whether Darfur, the east, or elsewhere, leading to the dismemberment of the country—or war to stop it. In brief, for some within the ruling party, implementation of the CPA would bring war, or economic collapse, or both. Why do it?

Many of these fears rested on the future relationship with the United States. There was a great deal of mistrust in the government's attitude toward the U.S. As noted above, the U.S. had placed Sudan on the list of states supporting terrorism, a designation that contained sanctions. In 2005, the U.S. promised to remove Sudan from the terrorism list and open the door to international assistance, if the government signed the CPA. However, these promises were withdrawn in the wake of the Darfur crisis. Sanctions were in fact added over Darfur. From the point of view of the NCP the U.S. had reneged, and any future such promises were considered untrustworthy. The ICC indictment of Al-Bashir added another impediment. Though not a member of the ICC, the U.S. took the position that the decision of the ICC should be honored and urged other countries to do so. In addition, the U.S. government would have no direct contact with Al-Bashir after the indictment (not an insignificant factor in trying to play our role in the CPA negotiations). Yet the U.S. was the key to opening the door to debt relief, international finance, and the restoration of Sudan to the good graces of the international community. In the eyes of many, improving the U.S.–Sudan relationship, assuring the NCP on these points, was thus critical to their having confidence in proceeding with the CPA.

Addressing this issue was not easy. U.S. sanctions were embedded in legislation as well as executive orders. Attitudes toward the Sudanese government in some quarters of the U.S. were quite negative, and some viewed any move toward lifting sanctions as a removal of needed pressure on the regime with regard to both the CPA and Darfur. Separating sanctions related to Darfur and the CPA also posed a problem, as the two

situations were operating on different time lines: few expected a peace agreement in Darfur by the time of the southern referendum. Finally, there was some concern that putting too much emphasis on the U.S.–Sudan relationship was an easy way for the parties—and indeed the various international actors—to divert attention and effort from the difficult negotiating issue between the Sudanese parties. For the NCP it could succeed in winning concessions from the U.S. but not necessarily move it very far on the CPA, or simply encourage it to engage in a process of always asking more from the U.S. before it felt comfortable enough to return to the CPA. For the SPLM, putting emphasis on the U.S.–Sudan relationship allowed it to avoid making difficult compromises in the negotiations itself, shifting the responsibility for bringing along the NCP primarily to the U.S. In sum, the U.S.–Sudan relationship was an integral part of the process but it had to be kept in perspective. The CPA involved the most important decisions in Sudanese history since independence. Ultimately it was for the Sudanese to make the hard decisions in terms of their politics and their sense of the future of the country, not simply or primarily on the basis of the relationship with the U.S.

The U.S. first responded to the need to address the bilateral relationship by presenting Sudan with a new time line for normalization of relations. It included lifting some licensing restrictions on the import of agricultural equipment, began a process of consultation with the World Bank on debt relief for Sudan, and laid out a timeline for the process to remove Sudan from the terrorist designation and restoring full diplomatic relations, which was largely geared to both completing the CPA and satisfactory progress toward peace in Darfur. The offer was presented orally by presidential envoy Scott Gration in October 2010. The reaction was not positive. The timeline lacked specificity but implied that the earliest the terrorism designation could be removed was early 2012. Other forms of economic support were vague. Partners in the peace process as well as the NCP urged the U.S. to be more forward leaning. The U.S. followed up with a letter from the secretary of state reaffirming the offers delivered by General Gration. But this too did not satisfy.

In November, the U.S. refined its policy. In a letter to Senator John Kerry, chairman of the Senate Foreign Relations Committee, President Obama set forth a new timeline for normalization. Among the principal changes was that the process for withdrawing Sudan from the list of states sponsoring terrorism, a process requiring some six months, would begin as soon as the Government of Sudan accepted the results of the southern referendum. Further, provided Sudan met the requisite criteria under the law, the decision to remove it would be linked to satisfactory implementation of the CPA, no longer to Darfur. These changes from the original roadmap meant that the removal could come as early as July 2011. Other sanctions and trade restrictions could also be lifted by then, as well as active work with the World Bank and creditors on Sudan's need for debt relief.

Senator Kerry carried these new decisions to Sudan in early November and returned to Sudan a week later to reinforce the message. President Obama took some criticism in the U.S. for delinking the terrorism designation from Darfur, but the message conveyed to the Sudanese parties was that the CPA was of utmost importance and the U.S. was serious about normalization in its wake. Nevertheless, the U.S. warned that any serious deterioration in the situation in Darfur would affect the readiness of the administration and Congress to take these newly outlined steps. While no one in the NCP applauded the new U.S. offer, attention seemed to shift back to the issues at hand in Sudan.

Addressing the Most Critical Issues

The peace process divided the issues to be negotiated into pre- and post-referendum issues. But the line between them was not sharply defined. For example, how important was it to have agreement on the sharing of oil revenue before the referendum, or a firm agreement on citizenship, borders, or on currency arrangements, if the south voted for independence? Was agreement on general principles sufficient or did more specific agreements need to be put in place in order to give confidence to, in particular, the north and the population in general that the process would not be seriously detrimental, and to avoid situations that could produce conflict in disputed regions along the border? A paper prepared by the U.S. Institute of Peace in July 2010 suggested that a considerable degree of specificity in most of these areas was of high priority before the referendum. As the time for the referendum approached, the U.S. assumed that at least four matters needed to be agreed before January 9: sharing of oil revenues or at least general principles defining future cooperation in this sector; a solution for the special region of Abyei; citizenship; and border demarcation. We were to be surprised that few of these in the end were decided by the time of the referendum, as both parties gradually deferred most of these issues to post-referendum negotiations. Whether this was wise or not will be determined in the post-referendum period.

The U.S. had a special responsibility for helping find a solution for Abyei. American negotiators played a major role in the development of the Abyei Protocol within the CPA. Abyei is one of three regions in northern Sudan where the SPLM had active support and where parts of the civil war were fought. The question in the CPA negotiations was how to treat these regions in the context of a southern Sudan self-determination process. As the result of a hard-fought compromise, it was agreed that for Abyei, the Ngok Dinka and other residents of that region would be permitted to vote (also on January 9, 2011) whether to remain part of the north or become part of the south. For the other two—the states of Blue Nile and South Kordofan—there would be a process of 'popular consultations' that would make recommendations to define their future political relationship with Khartoum and for more inclusive governments

at the state level. But this process would not (though this has not always been clear to the residents of those regions) allow for a vote to transfer to the south.

Abyei has become one of the most difficult and emotionally charged issues in the CPA. It has long been considered one of the most dangerous threats to the peace process. Indeed violence broke out there at the outset of voting in the southern referendum, requiring intensive diplomatic efforts to bring the situation under control. There is a long history to this issue that cannot be covered here. Suffice to say that the Ngok Dinka hold that Abyei is the land of the nine Ngok Dinka chiefs transferred to the north in 1905, and that the vote agreed on in the Abyei Protocol is primarily for the Ngok Dinka. It is assumed that they would vote to be reunited with the south. Abyei is also an area in which and through which clans of the Misseriya regularly migrate in the dry season for pasture and water for their cattle. The Misseriya, encouraged by the NCP, argue that they have special rights in Abyei and thus should have the right to vote in the referendum. Their numbers, however, could swamp the Ngok Dinka and thus the Ngok Dinka firmly oppose that proposition. While there are many traditional forms of cooperation between these two ethnic groups, there are deep sources of bitterness. Some of the Misseriya fought on the side of the northern government during the civil war and as late as 2008 attacked and burned down the city of Abyei. Other issues, such as charges of Misseriya kidnapping Dinka children and practicing slavery, color the attitudes of the Dinka. There have been several forms of arbitration. These reduced the size of the territory in question, but largely upheld the Ngok Dinka position on the nature of the referendum. These decisions have hardened the position taken by the Ngok Dinka and the feeling of the justice of their cause. But they have not moved the issue closer to resolution.

Abyei is not a large region and, contrary to media descriptions of it being 'oil rich,' its oil output is relatively insignificant. But it looms large in the political calculation of both north and south. On the Misseriya side, there have been promises by Al-Bashir to them about their rights to Abyei. Al-Bashir has a long personal history with this group. Moreover, the Misseriya remain a potent political and armed force that the NCP cannot afford to disappoint. Within the SPLM, there are high-ranking officials with deep family and personal ties to Abyei who insist that the issue is an important test of the SPLM's firmness in dealing with the NCP. Neither side feels it can afford to disappoint its constituencies. Abyei thus has loomed larger than it might in the CPA process and the hopes for peace.

By the middle of 2010, the issue was stuck. The NCP had not agreed to the formation of the commission needed to carry out the Abyei referendum, putting the referendum in doubt. In late September and early October, therefore, the U.S. attempted to mediate this issue in meetings in New York and Addis Ababa. Much

of the focus in these meetings was on finding a formula for determining voter eligibility that would satisfy both parties and thus allow preparations for the vote to go forward. But following day after day of trial and error, sessions that went late into the night, it became clear that, as one participant put it, the referendum would become more a source of conflict than a peaceful resolution of the problem. We could not find any formula for allowing even some Misseriya to vote (e.g., those who spend at least eight months a year in Abyei and could thus be considered 'residents') that did not lend itself to possible rigging, and would therefore be acceptable to the Ngok Dinka. Indeed, however eligibility was defined to include both groups, registration on both sides could be challenged to such a degree as to paralyze the process and lead to violence. By the end of the Addis meeting, it seemed that a political solution, rather than a referendum, might be better. This could mean a presidential directive moving Abyei to the south (though this would not in itself be satisfactory to either the NCP or the Misseriya) or some compromise solution. The parties also concluded that the issue could perhaps be better addressed in the context of the negotiations on all other issues where trade-offs might be possible. Thus it went back to the overall negotiations under the AU.

It did not take long, however, for the AU to determine that an issue of such emotion, and of important political dimension to both sides, could not be decided by the negotiating teams. It could only be decided by the presidents—Al-Bashir, and Salva Kiir, the first vice president of the government of national unity but also president of the government of southern Sudan. The AU High Level Panel has put several ideas to the two presidents and they have met more than once to consider them. But they failed to reach agreement before the beginning of the southern referendum. The people of Abyei understandably feel angry and abandoned. This issue will have to be addressed early on after the southern referendum is completed.

If Abyei carries such emotion and political weight that it is understandable how hard a solution will be, it is not so clear why other issues have not progressed very far. Despite assumptions in the international community that oil revenue sharing and some of the other issues mentioned above would have to be resolved before the southern referendum, the parties failed to do so, despite numerous negotiating sessions. In the end, the NCP, which would have appeared to have the most at stake, did not insist on the resolution of any of them as a condition of the referendum getting under way. One can only speculate as to why this has happened. One factor is that up to only late November, there was hope in the north that the vote might lead to unity rather than secession. There may also have been hopes within the NCP that that referendum could still be stopped or delayed. That made negotiating on the basis of separation seem premature if not even unnecessary. Thus the NCP was not fully prepared in the waning

days before the referendum to engage with these most important and far-reaching issues. Another theory is that both parties feel they will be in stronger positions on these issues after the referendum, when agreement will be essential. The SPLM will be dealing with them as a soon-to-be-independent nation. The NCP will still hold important cards to make that realization more or less difficult.

One issue that, like Abyei, should not remain long unsettled is citizenship. The NCP has taken a hard line, suggesting that all those eligible to vote in the referendum, should the outcome be secession, automatically become citizens of the new state of southern Sudan. This position raises serious questions of human rights, and given the time lag for the new southern state to establish citizenship laws and procedures, could lead to a situation of statelessness for southerners living in the north. It also creates more uncertainty among those southerners, perhaps one to two million, about their future safety and security in the north. Despite several statements by officials guaranteeing that regardless of the outcome of the referendum, these people's houses, jobs, and security will be protected, other statements, articles in the press, and a growing vindictiveness in some of the discussions have all created fear among this population.

A growing number of southerners in the north are thus moving to the south, creating a humanitarian problem. More than one hundred and fifty thousand have moved since August 2010. Many, after selling their belongings and leaving their jobs, have waited for weeks at roadsides or temporary campsites until transportation is available. There is also little for them when they arrive at their destinations. Thousands have ended up in the south in transit camps or temporary quarters dependent on international aid. Much of the responsibility for this situation lies with the government of the south, including individual governors, who have promoted this return but not provided sufficient transportation or integration when people arrive. But assurances from the NCP that there will be no loss of citizenship for southerners in the north, and allowing for a sufficiently long transition period for people to make personal decisions, will go a long way to avoiding panic and a larger humanitarian crisis.

The Way Forward

The success in carrying out the southern self-determination referendum marks a major milestone in the peace process. Now serious negotiations must begin on all the major issues that will define the future relationship between the two countries.

But even beyond the several post-referendum issues still to be resolved, the CPA faces further tests. One of the shortcomings of the CPA, from the beginning, is that the process has not been transparent. What that means is that it has been a process between two parties, and the international community. There has been little or no

participation by civil society or even by opposition parties. The negotiations over the past year in particular have been largely opaque, with the details so complex and the structures so intricate that the public is not anywhere near informed about either the process or the outcome. The result is that while those directly involved, and those of us in the international community, have become increasingly optimistic that the future of two states can be managed cooperatively and without further war, that is not the feeling necessarily among the public. My meetings in the north with members of opposition parties, civil society, and youth, reveal a deep-seated pessimism. Fears that the CPA will surely lead to more war are prominent. Worries about economic dislocation, growing bitterness and recrimination between northerners and southerners, and political turmoil are readily expressed. None of these outcomes is inevitable, and most can be managed. But if the people of Sudan, perhaps mostly those in the north, feel this way then the CPA could fail due to lack of popular support and actions taken out of fear. Addressing these problems of public participation and anxiety must be high on the agenda of Sudan's leadership in the immediate post-referendum period.

The CPA was also supposed to usher in a period of political transformation in both north and south, with greater democracy and inclusiveness. That has not happened, and as the time for the referendum grew closer, those issues were put aside to deal with the decisions that existing leaders were in a position to make. These issues will now become more salient. Following the referendum, both north and south will need to develop new constitutions. There are large issues to be decided, on forms of government, methods of participation and inclusiveness, and human rights. These are matters in which the international community will be far less involved. They are domestic and sovereign decisions. But for the sake of both north and south, those decisions will need to be made carefully, with widespread public participation, and dedicated to a democratic outcome. In that way, each can emerge as a strong, viable, and stable state.

The views expressed in this article are those of the author and do not necessarily reflect those of the U.S. government.