

# **Statement of the Government of Southern Sudan (GOSS) to the United States Congress on US-Administration's New Policy and the Comprehensive Peace Agreement (CPA)**

## **Briefing of the House Subcommittee on Africa and Global Health**

**Washington-DC, December 3, 2009**

Chairman Donald Payne, Distinguished members of the US Congress, US Special Envoy, Major Gen. Scott Gration, NGOs, Think Tank organizations, educational institutions, and civil society, the Government of Southern Sudan is pleased to accept your invitation to give a testimony on the state of affairs regarding CPA implementation.

The Government of Southern Sudan is pleased to accept your invitation to participate and testify in this important and historical Hearing in relation to US Administration's New Policy and the Comprehensive Agreement.

Your Excellencies, we would like to inform you that some progress has been made in the implementation of the CPA: this includes continuous dialogue between Sudan People's Liberation Movement (SPLM) and the National Congress Party (NCP) in several forms including a political/Executive Committee mechanism headed by top leadership of the two parties and the constructive engagement of the two parties facilitated by the current Administration of the United States of America (USA) through a mechanism known as the Trilateral Talks. The SPLM has broadened this dialogue by engaging more than twenty Political Parties in the Country to discuss and promote consensus on the coming general Election and Referendum for the people of Southern Sudan. The end result of this process has been positive in some aspects of the CPA implementation and resolutions of crucial issues of disagreement. The reaffirmation by Sudan's political forces of the need to foster a conducive climate of election, and the agreement between SPLM and the NCP on the size of the Referendum Commission are perhaps pointers to some of these achievements. Likewise the earlier joint move by the CPA partners to forestall the crisis triggered by opposition demands that GONU had lost its legitimacy and should step down since elections had not been held as stipulated by the CPA, was also illustrative of how the parties can collaborate to address problems.

Distinguished guests, the accomplishments that have been referred to notwithstanding, we feel it is our duty to furnish you with an objective appraisal of the status of CPA implementation. This would enable you to be updated on progress or the lack of relating to the various constituent protocols of the CPA and thus place you in a better position to make a contribution to assist the parties overcome the hurdles.

## **1. Military and Security Arrangements Protocol**

- *Other Armed Groups (OAGs)*

Most of OAGs have been formally integrated into the two armies (SPLA and SAF). However, elements of the former OAGs under the guise of the SAF component of the joint Integrated Units (JIUs) are being sponsored to destabilize Southern Sudan, notably in the Upper Nile State. The bloody attacks on SPLA and civilians in Malakal in 2006 and 2008 by Major General Gabriel Tanginya, of the SAF component of the JIU's, is a case in point. Repeated requests by the SPLM/GOSS to the NCP through the joint Defense Board (JDB) to redeploy him and his forces out of Malakal in the interest of peace and security, have been flatly rejected.

- The Joint Integrated Units (JIUs).

Although the JIUs have been constituted they are not evolving in accordance with the vision and mission that was set for them by the CPA as symbol of National Unity and a nucleus of Sudan's future National Army should Southern Sudan eventually opt to remain part of a single united Sudan. It has taken the Government of National Unity a long time to start fulfilling its obligations towards the JIUs including the provision of funding for their up keep, training and armament. Reports that GONU has are leased between 30-40% funding for that purpose and whether such arrangements if indeed undertaken are yet to be verified.

- The Lord's Resistance Army (LRA)

The threat posed by LRA in Southern Sudan is of great concern not only to Southern Sudan but to other countries it's in the region as well. If anything, the LRA seems to be expanding its scope of its murderous activities with alarming rapidity. Cross border incursions by the LRA continue to claim innocent lives in Southern Sudan, DRC and the CAR. Under the CPA there is clear obligation upon GONU to assist the Goss and the SPLA to end any presence of foreign insurgency groups such as the LRA on Sudanese soil.

Unfortunately GONU has not lived up to its duty. Addressing the LRA menace calls for concerted regional action to that the AU should strongly urge countries in the region, particularly those affected, to step up their contribution in the fight against the LRA.

## **2. Wealth Sharing**

- Lack of transparency and accountability in the oil sector

The mandate of the National Petroleum Commission (NPC) has been unfortunately usurped by the National Ministry of Energy and Mining in Khartoum leading to complete lack of transparency and accountability in this sector. Efforts to remedy this situation have only yielded modest results. The efforts to audit the oil sector with the international assistance of the USA and other countries have not made much progress.

- the promise by the GONU to investigate discrepancies which have been cited by the Global Witness report, between the figures given for production value and revenues by GONU and the oil companies is yet to materialize. It is worth noting that according to the report, GOSS is believed to have lost out on close to US \$ 600 million of its share of oil revenues, over only a two year period out of the four years of the existence of the CPA.

- Restructuring of the Central Bank of Sudan

The CPA call for the restructuring of Central Bank for Southern Sudan of Sudan (CBOS) to reflect the dual banking system with two windows; Islamic system for Northern Sudan and a conventional system for Southern Sudan. The GONU has failed to request the IMF to study ways and means to operationalize the long overdue implementation of the two banking systems as agreed in the Trilateral Talks.

- Funds Transfer

The GONU has also failed to transfer the full share of GOSS's oil revenue in foreign currency and in a timely manner in accordance with the provision of the CPA. The insistence of GONU to pay GOSS its share of oil revenues in local currency is calculated to drain all forex out of Southern Sudan and render the economy of Southern Sudan subservient to and totally dependent on the North. It is plain for all to see that this is a dangerous policy that seriously

undermines the pillars of the CPA. We call upon IGAD, the AU and the broader international community to urge the NCP to immediately reverse this policy.

### **3. Power Sharing**

- Democratic Transformation

Free and fair Elections are the corner stone of the process of democratic transformation of Sudan. The creation of a conducive environment for free and fair Elections is contingent upon the removal of the following impediments; the 2008 disputed census results, the amendment/ repeal of certain laws notably the National Security and Intelligence Act which sanctions arrests and detentions in contravention of the CPA and Constitution, the Penal Code Act and Criminal Procedure Act, Popular Defense Act, Popular Police Act and Public Order Act which are either restrictive of individual freedoms as guaranteed by the Constitution and/or inconsistent with the provision of the CPA and the Constitution.

- The recently concluded population census produced results that are so anomalous that to use them as a basis for deterring electoral constituencies would be a travesty of justice. No wonder they had been categorically rejected across almost the entire political spectrum in Sudan.

- North- South Border Demarcation

Indications are that the ad-hoc technical committee on the demarcation of North-South border as of 1/1/1956 has failed. It was supposed to delineate the South-North Border by September 30<sup>th</sup>, 2009, and complete the actual demarcation on the ground by 31<sup>st</sup>, December 2009. The fact that this critical task remains unperformed will create difficulties in determining whether certain geographical constituencies fall in the North or in the South.

Notwithstanding the aforementioned obstacles, the SPLM remains committed to the principle of Elections and would therefore continue to engage the NCP to find ways and means of holding elections in some form or the other.

- The Referendum

Contrary to the prevailing perception, the SPLM is not averse to the idea of discussing post-referendum arrangements. What the SPLM objects to is the attempt to link the enactment of the Referendum Bill into law, with post Referendum arrangements. Whereas the SPLM recognizes that agreement on certain Referendum is unavoidable, it does not accept that the NCP make the

passage of the Referendum Law contingent upon prior agreement between the parties on whatever the NCP demands agreement on.

The CPA does not either explicitly or even implicitly require such an agreement prior to the exercise of the South of the Right of Self-determination through referendum. Therefore coupling the two is patently unconstitutional and a contravention of the CPA itself.

Another outstanding obstacle to the Referendum Law is the insistence of the NCP that the Law provide for two-thirds turn out requirement. This is unacceptable. Most referenda of a similar nature do not stipulate such requirement. It is simply designed to complicate matters. Finally and as per the CPA, the Referenda Laws for Southern Sudan Referendum and the Abyei Referendum should be passed by the current National Assembly before it goes on final recess.

#### **4. The two Areas of Southern Kordofan and Blue Nile**

- Popular Consultations.

The NCP objects to the notion that the popular consultation process be regulated by law. However, the SPLM strongly believes that in view of the critical nature of the exercise and its national political ramifications, it should be governed by a legal frame work.

- Integration of Civil Servants.

There is need for integration of civil servants that were in the former SPLM controlled areas into the civil service of Southern Kordofan and Blue Nile State Governments. This has not taken place and is likely to cause discontent and civil arrest.

- The numbers of SAF Forces in the two areas continues to grow unchecked. The presidency is urged to determine the appropriate level of SAF in the two areas as per the CPA.

#### **5. Abyei Area**

- The two parties committed themselves to implement the Abyei Tribunal decision which was formally endorsed by the Presidency. That was followed by directives for the actual demarcation of the boundaries on the ground by the Abyei Boundaries Committee. However, this work has been obstructed by armed hostile elements over which the NCP has controlled but which it has

failed to restrain. Without the actual demarcation of Abyei Boundaries on the ground, the PCA decision will be rendered meaningless and practically nonexistent.

- It was agreed in the Trilateral Talks that an oversight committee be formed to oversee the demarcation process. Unfortunately the NCP has decided that it was not necessary to form it and hence the border demarcation has no one to report to.

- It was also agreed in the Trilateral Talks that the two Parties would solicit technical assistance from the USA and the International community but the NCP has subsequently gone back on that commitment.

## **6. Darfur**

The SPLM can add value to the process aimed at the resolution of Darfur conflict through its efforts to unify the Darfur Movements, as demonstrated in the past. The SPLM has the capacity to play a part in mobilizing regional and international support for the Darfur peace process and therefore its role should not be underrated. The Darfur Conflict is essentially an internal Sudanese political problem and unless we focus on addressing its root causes instead of looking for foreign scapegoats, the Darfur can never be resolved.