

Appeal for the full implementation of the CPA:
Joint Statement of Sudanese Churches
on the state of Sudan in October 2009

12th October 2009
Juba, Sudan

The CPA: a missed chance for attractive unity:

The Comprehensive Peace Agreement (CPA) gave the Sudanese nation an opportunity for an “attractive unity” in 2005. The agreement laid out an interim period between 9th July 2005 and 8th July 2011 during which all citizens of the Sudan were to be afforded equal rights: politically, legally, economically and religiously.

The six protocols of the CPA contain the following:

1. The Machakos Protocol setting out the principles of a transition process
2. A security arrangement agreement
3. A wealth sharing agreement
4. A power sharing agreement
5. A resolution process for the conflict in Southern Kordofan and Blue Nile states
6. A resolution process for the conflict in Abyei Area

If the agreement had been fully and honestly implemented from the outset, a peaceful, attractive unity would have had chance in Sudan. However, since the signing of the CPA, every protocol has either not been fully implemented or is under discussion for less-than-full implementation, and therefore unity is no longer attractive, especially to Sudanese Christians and those in the marginalised areas.

- Reconciliation has not been fully pursued.
- The National Interim Constitution 2005 declares in Article 5 that all Northern Sudanese legislation is still based on Islamic Sharia Law. Article 139 declares that such legislation cannot be altered without the signature of the President of the Republic. Citizens in the North therefore lack freedoms and are penalised by un-repealed Northern laws which are contrary to the spirit of the CPA, as follows:
 - o National Security Law
 - o Press and Media Law
 - o Code of Criminal Procedure Law
 - o Code of Civil Procedure
 - o Penal Code
 - o Workers Trade Union Act

- The National Census was supposed to happen by 9th July 2007. In fact it was conducted in 2008 and the results, released in 2009, were rejected outright by the Government of Southern Sudan (GoSS), all the State Governors and the Sudan People's Liberation Movement (SPLM). There was little transparency during the conducting of the census.
- The National General Elections were supposed to be conducted by the end of the third year of the Interim Period. Under the National Interim Constitution, Article 216, they were postponed to the end of the fourth year, 9th July 2009. These elections have still not been conducted and have now been postponed twice.
- The Referendum Bill, which as a parliamentary Act will govern the process whereby Southern Sudanese are to exercise their right of self-determination under the CPA, was supposed to be enacted by 9th July 2008. The bills set to govern the popular consultations in the Nuba Mountains and Southern Blue Nile, as well as the Abyei Area referendum were also supposed to be enacted by 9th July 2008. No such bills have to date been promulgated.
- The Northern government has not been transparent with the national oil revenue figures, which has led to a further deterioration of trust between the North and South.

Consequently there is a widespread lack of confidence by Southerners and other marginalised people in the fairness or true democracy of the upcoming elections and referendum because of a general lack of trustworthiness and transparency from the Northern government. Most northern politicians are not trusted when they talk of democratic unity between the South and the North or confederation, as the people of Southern Sudan remember the 1947 Juba Conference and assume the same thing will happen again. Past northern leaders' records of bloodshed and the further division of the Sudanese people add to reasons why they are no longer trusted in the South.

It is now evident, especially from the congregations of our various sizable Church networks who are confronting us as leaders on these issues, that the vast majority of the Southern Sudanese people no longer trust any talk of confederation or "attractive unity" and want an independent Southern Sudan at all costs. This has also been shown by the recent NDI report which stated that around 90% of Southerners would vote for independence in the referendum.

The North has run out of time to make unity attractive.

Crises in Southern Sudan:

Since August, there have been increased attacks on civilians and government, as well as further fighting across Southern Sudan. These are not isolated incidents, but a co-ordinated campaign by enemies of the peace to destabilize the South in the run up to the elections and the referendum. The international community must take heed of these:

- In Ezo, Western Equatoria State, the Lord's Resistance Army (LRA) attacked the town and the County Commissioner's headquarters, killing tens and displacing thousands.
- In Wernyol and Duk Padiet, Jonglei State, unidentified militia carried out planned attacks on Payam headquarters, killing over 150 civilians in total and wounding many others who have struggled to find adequate health care. It is the opinion of the Church that these were deliberately organised attacks by enemies of the CPA, being used to look like traditional tribal fighting but attacking non-traditional targets in order to destabilize these areas.

- In Bentiu, fighting has recently broken out between rival factions of the Sudan People's Liberation Army (SPLA), as between rival factions of the Joint Integrated Unit (JIU) in Malakal earlier this year.

In all these incidents of violence it has been the case that Southern Sudanese have for various reasons fought Southern Sudanese, a fact that leads the churches to urge our people to unite in this crucial time and not to jeopardise the CPA through infighting. It is also a fact that with better deployment of security personnel, much of the violence that has specifically targeted civilians could have been avoided.

The Government of Southern Sudan (GoSS) and the SPLA have a responsibility to unite and protect all citizens of the South, whatever their ethnicity and wherever they are in danger of attack. God will sit in judgement on those who are working against the rights of their own people in the South.

It is the escalation of this non-traditional de-stabilising violence, specifically targeting civilians and the government that will make registration and voting in the elections and referendum very difficult. The conclusion that is drawn is that this violence is intended to negatively effect the elections and referendum.

No alternative to the CPA:

If the CPA is to be made to work, it must be fully implemented by both signatories and must be fully supported by those guarantor governments who promised to do so in 2005. Those international guarantors and stakeholders must take full heed of the crises affecting Southern Sudan, and be active according to their promises made to the Sudanese people.

The Southern Sudanese people will now no longer accept any renegotiation of the CPA. If such a thing happens with the blessing of the guarantor, stakeholder and IGAD national governments, the Southern Sudanese people will feel betrayed by the rest of the world as in 1956 and 1972: their fundamental rights compromised by nations who exercise democracy and speak of the paramourcy of human rights.

If the CPA is renegotiated or is allowed to fall apart, war or oppressive unity will be the outcome, with serious effects for the whole region, as demonstrated in IKV Pax Christi's *CPA Alert* of September 2009.

The CPA guarantor governments have a duty to their promises and the people of Sudan. As the voice of the large majority of Southern Sudanese people on the ground, the Church proclaims "Let my people choose", and stands by the rights of all Sudanese people to their fundamental human rights and their right under the internationally-guaranteed CPA to determine their own future.

The Church is working for the unity and peace of the people as well as the education of those who are to vote in the next two years. We welcome support for this work from any and all governmental, non-governmental and international institutions and pledge to work with efficiency and integrity for the Sudanese people.

We, the undersigned Church leaders, therefore urge the Government of National Unity (GoNU), the Government of Southern Sudan (GoSS) and the international guarantor nations of the CPA to uphold their promises of equality and freedom to the people of Sudan.

Together in the uniting love of Christ,

His Grace Paulino Lukudu Loro

Archbishop of Juba, Roman Catholic Church

His Grace the Most Rev. Dr. Daniel Deng Bul Yak

Archbishop of Sudan and Bishop of Juba, Episcopal Church of the Sudan

Bishop Andrew Wawa Abe

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