

## **Sudanese Church Leaders' Consultation on Self-determination and Good Governance**

Entebbe, Uganda, 29th July to 3rd August 2002

A statement of the Sudanese Church leaders on the Machakos Protocol of 20th July 2002

### **Introduction**

We Sudanese Church leaders, meeting in Entebbe, Uganda, from 29th July to 3rd August 2002, reflected on the recent developments in the peace process in Sudan and particularly the Machakos Protocol signed on 20th July 2002 between the Government of Sudan (GoS) and the Sudan People's Liberation Movement/Army (SPLM/A) under the auspices of the Inter-Governmental Authority on Development (IGAD).

We welcome the Protocol as a framework for the ongoing peace negotiations. The Machakos Protocol is viewed by us as a serious commitment by the warring parties, the IGAD mediators and the international community in their efforts to bring to an end the devastating conflict in the Sudan.

We express gratitude to H.E. Daniel arap Moi for his wise leadership of the process. We encourage and implore all those involved in the peace process to continue to play positive roles in moving it forward until a true, just and lasting peace is achieved for the peoples of Sudan.

We fully agree with the commitment of the parties to a negotiated, peaceful, and comprehensive resolution to the conflict based on the Declaration of Principles (DoP) for the benefit of all the people of Sudan. However we are alarmed at the recent escalation of the conflict since the signing of the Machakos Protocol and call upon the warring parties to exercise restraint until a formal cease-fire can be agreed.

It is misleading to assume that all the people of Sudan share a common heritage and aspirations. In fact the lack of commonality is apparent in the underlying root causes of the current conflict which itself is a manifestation of the absence of consensus and shared values for the people of the Sudan. In reality, there is an extensive and painful history of oppression, exploitation, slavery and aggression experienced by southern and other marginalized Sudanese peoples which is extremely different from that experienced by other peoples in the country.

We note that the Protocol contains gaps, contradictions and ambiguities that may undermine its intended effects unless these are acknowledged and resolved. In this light the next phase of the negotiations due to begin on 12th August 2002 is crucial. We urge that the views of Sudanese civil society be fully represented in these negotiations. We offer the following comments, which are by no means exhaustive:

### **Self-determination**

While in the Preamble of the Protocol the emphasis is on the unity of the Sudan, and this has subsequently been stressed by GoS officials, point 2.5 gives a clear provision of the right of self-determination at the end of the six years of the Interim Period, in which South Sudan will either confirm the unity of Sudan or opt for secession. We are concerned at the apparent different interpretations of this critical issue by the different parties.

We strongly affirm the right of self-determination for the people of southern Sudan and other marginalized areas. We offer the help of the Sudanese Church in a process beginning even today to ensure that the people have the opportunity to exercise their right to freely choose their political future in a referendum. We call on the international community to safeguard this process.

While we recognize the importance of the Assessment and Evaluation Commission, we are concerned about its composition and mandate. It appears to only monitor the progress towards unity and not other aspects of the Interim Period, including the preparation for the self-determination referendum. It is made up only of the warring parties themselves, plus the mediators and any other country or region or international bodies to be agreed upon by the parties. In our view this gives a gateway for inclusion of parties or bodies which might not be acceptable to the Sudanese people as a whole or which might already have preconceived positions. At the same time Sudanese civil society in both north and south is excluded from this commission. Therefore we call for their inclusion through appropriate mechanisms.

We are concerned about the lack of international guarantees that the provisions of the Protocol will be carried out. The procedures for carrying out the referendum are not provided in the Protocol. We recommend that these guarantees and procedures should be discussed and agreed upon during the August 2002 talks. A Referendum Law must be included in the interim arrangements.

## **State and Religion**

We are concerned at the lack of detail on the sources of the Supreme Law which will be worked out during the Interim Period. There is no mention of the revocation of Islamic sharia, which is unpopular in both North and South Sudan and which is discriminatory. There is concern that religion will again become the major source of law for all Sudanese and that, although the South will be exempted from nationally enacted legislation having Islamic sharia as its source during the Interim Period (3.2.2), national legislation may still affect Southerners. There is a need for more clarity and safeguards on the separation of state and religion during the Interim Period. As with self-determination, the Protocol appears to offer room for alternative interpretations. There is concern that 6.5 may imply a licensing scheme for teaching religion and the manipulation of funding to favour one religious community.

## **General Comments**

There is no mention of Abyei, the Nuba Mountains and Southern Blue Nile. There will be no just and lasting peace unless the aspirations of these marginalized areas are also taken into account. South Sudan itself is not defined in the protocol.

During the Interim Period, it is not clear what is the Council of States referred to in 3.2.4, and the mention of a two-thirds majority would appear to give an automatic majority to northern states, which make up around two thirds of the population of

Sudan. There is emphasis on the national-central structures with no detail of regional structures, and no detail on the division of power between the center and the region. While democratic government is mentioned in the protocol, there is need for clarification as to how this will be brought about in both North and South Sudan.

While we welcome the declarations of basic human rights in the protocol, we are concerned at the lack of detail on implementation and guarantees.

Wealth-sharing is a major issue that still has to be negotiated. It must include all the assets of Sudan and should not focus only on oil.

There is no mention of any structure to handle disagreements or disputes that might arise between the parties.

## **Conclusion**

The Sudanese Church and its international partners have been working tirelessly for a just and lasting peace ever since the war erupted again in 1983. In this regard it has issued a number of position papers including Together We Remain United in Action for Peace (1999) and Let My People Choose (March 2002) setting out basic principles for a just and lasting peace for all the people of Sudan. The Church still believes that a just and lasting peace rests on the principles of equality, good governance, cultural diversity, freedom of religion, dialogue, human rights, civic education and reconciliation. We urge all parties to the negotiations to uphold these principles and ensure that they are part of any agreement.

## **Signed**

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Rt. Rev. Bishop Daniel Deng  
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