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The Evangelical Fellowship
of Canada

**RELIGIOUS FREEDOM IN SUDAN
Referendum
on the North / South Divide**

January 2011

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Introduction:

The question of religious freedom for Christians in Sudan is not as straightforward as in other countries, for multiple reasons. One reason for this is the contrasting realities of steadily increasing Islamic fundamentalism in the North and an encouraging openness to religious freedom in the South. While the North has received international attention for its human rights abuses, the South has one of the best records of religious freedom in Africa despite otherwise grave socio-economic circumstances.¹ A second complicating factor is the history behind these two realities, a decades-long civil war between the North and the South that was strongly fueled by ethnic and religious divisions.

The third and perhaps most important reason for the complexity of this issue complication is the next phase of history that is imminently approaching. On January 9, 2011, inhabitants of Southern Sudan and other regions are scheduled to vote in a referendum on secession to determine whether Southern Sudan remains part of Sudan. This referendum was promised as the conclusion to the Comprehensive Peace Agreement (CPA) signed in 2005 between the ruling Arab-Muslim-backed, Northern-based National Congress Party (NCP) and the African-Christian-backed, Southern-based Sudan People's Liberation Movement and Army (SPLM/A), the main combatants in the civil war (the NCP controlled the Sudanese national military). This referendum has brought increased international attention and involvement to Sudan, as many governments around the world are recognizing the need for a peaceful resolution, and the potentially disastrous consequences should this fail. From the ongoing political issues to the genocide in Darfur, global concern and attention about the outcome of this referendum are again focused and heightened.

¹ United States Department of State, "International Religious Freedom Report 2009: Sudan," October 26, 2009. Available: <http://www.state.gov/g/drl/rls/irf/2009/127257.htm>. Accessed: September 22, 2010. This report states that while in 2009 the north "generally did not respect religious plurality...the [Government of South Sudan] generally respected religious freedom in the 10 states of the South." This language represents a stark contrast: "generally did not respect" and "generally respected" are the two extremes that they report employs.

Given the differing realities described above, the referendum is also of particular interest to the global evangelical community for two related reasons. First, out of abiding and broad concern for the expression of democratic rights, evangelicals are committed to ensuring a free and fair referendum.² Second, the referendum raises concerns due to the differing statuses of non-Muslim religions in the current context.³ Given the expectation that the referendum is essentially a formality (because of its predicted passage), one subtext of evangelical support for the process of the referendum is a measure of support for secession. Fundamental to this support is the hope that secession will ensure freedom of religion, at least in the South. Notably, such support comes in a highly sensitive content: the government in Khartoum has been quite uncooperative with (and at times downright hostile to) international efforts to end the genocide in Darfur,⁴ and securing its cooperation in preparation for the referendum and its result have been difficult. The only certainty here is that the situation is about to change; still uncertain is the context and direction of the change.

The purpose of this report is two-fold. First, it aims to highlight the plight of Christians, particularly in the North. This remains an important task, as international efforts in the region (that have fixated on the CPA and the referendum) must not ignore the grave abuses of human rights faced by Christians and other minorities in Northern Sudan.⁵ Second, it will discuss the past, present and potential futures of religious freedom and the rights of Christians in Sudan, especially given the upcoming referendum.

Undergirding this report is the conviction that “the greatest danger to religious freedom and other human rights in Sudan is the collapse of the fragile peace brought about by the CPA.”⁶ It will therefore conclude by providing recommendations to the Canadian

² WEA, “The World Evangelical Alliance assures Southern Sudanese leaders of support for referendum,” October 11, 2010. Available: <http://www.worldevangelicals.org/news/article.htm?id=3166&cat=press>. Accessed: October 26, 2010.

³ “International Religious Freedom Report 2009: Sudan.”

⁴ Eric Reeves, “The Disappearing Genocide,” *The New Republic* August 20, 2010.

⁵ Regrettably, neither the much-required renewed examination of the genocide in Darfur, or a more in-depth discussion of international political economy (especially oil interests) bearing upon Sudan’s internal conflicts lie within the scope of this report.

⁶ United States Commission on International Religious Freedom (USCIRF), *Annual Report 2010*, “Sudan,” May, 2010, 139.

government and by asserting the role of the Church in working for and maintaining peace, seeking the rights of Christians in the North to safely and openly express their faith, and in praying and publicly hoping for a peaceful resolution to this deep and protracted conflict.

The Sudanese Civil War and the CPA:

The tensions between North and South Sudan originate, in part, from the colonial experience of joint British-Egyptian rule during the first half of the twentieth century. During this time, the colonial authorities divided the territory between a Northern administration populated largely by Arab Muslims, and a Southern administration of widely diverse African ethnicities practicing either Christianity or local animist beliefs. The North was economically and socially favoured to the neglect of the South, which after independence in 1955 quickly led to Northern control of the whole country, centralizing power in Khartoum.⁷ This was militantly opposed by forces in the South, consolidated as the Southern Sudan Liberation Movement and Army. The ensuing civil war was temporarily resolved in 1972, as the warring sides were able to agree to an arrangement in which the South would have a degree of regional autonomy.⁸ It was reignited in the South by the similarly-named SPLM/A in 1983, provoked by Khartoum's imposition of a strict form of *Sharia* law on both the Muslim and non-Muslim inhabitants of the country.⁹ Importantly, and as reflected in the different name of the movement, this was no longer a war of Southern secession but a struggle over the rights and freedoms of the whole country.¹⁰

This development significantly altered the essence of the conflict, which despite maintaining a degree of division on regional and religious lines emerged primarily as an ethnic conflict throughout the country. Francis M. Deng, former director of the Sudan Peace Project (and current Special Adviser to the UN Secretary-General on the

⁷ Chuei D. Mareng, "The Sudan's dimensions: A country divided by ethnicity and religion" *African Journal of Political Science and International Relations*, Vol. 3 (12), (December, 2009), 533.

⁸ Francis M. Deng, "The Darfur crisis in context" *Forced Migration Review* 22, January 2005, 44.

⁹ Mareng.

¹⁰ Deng.

Prevention of Genocide) remarks that

“the SPLM/A’s recasting of the war from secession to the liberation of the whole country began to appeal to the non-Arab regions of the North.... A third identity, comprising the marginalized Black Muslims in the North, began to assert itself.”¹¹

Sudanese-Canadian researcher Chuei D. Mareng, who details the ethnic diversity of these African Muslims, describes such marginalization as being primarily economic. Specifically, continued encroachments by Arab farmers loyal to Khartoum threatened the subsistence of non-Arabs in the Northwest and in Darfur, a situation that exploded in the mid-1990s as both sides employed automatic weapons on a larger scale.¹²

By the middle of the last decade it had become clear that the NCP would not be able to impose its will on both the North and the South, and therefore settled for control over the North. This arrangement was enacted by the CPA in 2005, which formed a six-year interim period that includes: a power-sharing agreement between the NCP and the SPLM/A to form a Government of National Unity (GNU) in Khartoum; a semi-autonomous Government of South Sudan (GoSS) to be governed and patrolled by the SPLM/A; and other provisions. This arrangement is legally entrenched as the Interim National Constitution (INC). Most importantly, the CPA mandates that at the end of the six-year period South Sudan is to hold the referendum on secession, as well as a similar vote in the oil-rich Abyei region.

Given the evolution of focus towards ethnic divisions, the relationship between North and South on religious lines is currently in a state of “tense stability.” Not without difficulty, this stability means that these pre-existing tensions have been more-or-less contained to the political process in recent years, and have largely avoided the open violence of civil war. However, this tension-filled peace was threatened when the SPLM pulled out of the

¹¹ Ibid.

¹² Mareng.

CPA in October 2007 over the delay in the withdrawal of Northern troops in the South. The crisis was averted two months later as the SPLM rejoined the CPA upon an agreement with the NCP that reinforced the power-sharing arrangement. The agreement also committed the NCP to a timetable – which it kept – of completing the withdrawal of Northern troops so that they could be replaced by the SPLA.¹³ The peace has also been threatened in two minor skirmishes as recently as February and October 2009.¹⁴ Despite the fact that open warfare between North and South has been averted, these episodes indicate that tensions are still prevalent.

Persecution of Christians in the North:

Throughout all of these developments, Christians in the North have faced incredible persecution, prompting the United States State Department to designate Sudan a “country of particular concern” for the last twelve years.¹⁵ This report will now focus particularly on the suffering Christians have endured primarily as a result of the entrenchment of a strict interpretation of *Sharia* law in the North.¹⁶ Broadly speaking, there are three main categories of persecution:

- The imposition, legally and socially, of a strict understanding of Muslim moral codes and beliefs on a diverse population
- The limitations and prohibitions placed on Christian NGOs and missionary organizations
- More extreme but transient attacks on Christians

Recall that a strict employment of *Sharia* provided the initial spark for the civil war, and (as will be examined in the next section) is a continued source of tension between North and South. For this reason, the treatment of Christians in the North is not only a humanitarian concern but a geopolitical one as well.

¹³ Agence France-Presse, “North Sudan troops complete Southern withdrawal: ex-rebels,” January 8, 2008.

¹⁴ “International Religious Freedom Report 2009: Sudan.”

¹⁵ USCIRF, *Annual Report 2010*, 139.

¹⁶ United States Department of State, “2009 Human Rights Report: Sudan,” Section 1.c. The INC requires that the South be exempt from this entrenchment of strict *Sharia* law.

Imposing Islam:

With regard to the first category, basing law in the North on a strict interpretation of *Sharia* has caused long-term difficulties for non-Muslim and moderate-Muslim minorities in the North. One area of concern is the requirement that all schools in the North provide mandatory Muslim education at every level, including private Christian schools. A related concern is the requirement that Sunday be a school day, and Christian students do not receive accommodations to be absent from class to attend church.¹⁷ This has been specifically cited by leaders of the various Christian communities in Northern Sudan as a troubling policy due to the potential of mandated education requirements to “[exacerbate] problems in the relationship between the Muslim majority and the Christian minority and... further [marginalize] the place of Christianity in Northern society.”¹⁸ Similarly, the law that mandates employers to grant Christian employees two hours before 10:00 am on Sundays to attend church has not been followed or enforced.¹⁹

Another form of discrimination that falls under this category is the use of criminal law to impose Muslim standards of decency and conduct, which especially targets women. One prominent example includes the requirement to adhere to Muslim dress codes:

In the past year, under a 1991 “public order” law that prohibits acting in “a manner contrary to public morality, or wear[ing] an indecent or immoral dress, which causes annoyance to public feeling,” dozens of Muslim and Christian women and girls were flogged in Khartoum for indecency . The penalty for violating this provision is a maximum 40 lashes flogging, a fine, or both. According to the African Centre for Justice and Peace Studies (ACJPS), indecency charges are primarily used against poor Southern women and the specialized courts in which these cases are heard do not provide due process rights. The most celebrated recent indecency case, that of UN employee, Lubna Hussein, ended when an unknown person believed to be acting for the government paid her fine, apparently as a way of avoiding further adverse international publicity.²⁰

¹⁷ “International Religious Freedom Report 2009: Sudan.”

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ USCIRF, *Annual Report 2010*, 142.

Another point of concern, though without any direct legal enforcement, is that these laws along with societal and culture practices place an intense degree of social pressure on non-Muslims to convert to Islam, while “Muslims in the North who [express] an interest in Christianity or [convert] to Christianity [face] severe social pressure to recant.”²¹

It is plausible that this social pressure is a hold-over from the pre-CPA era, when laws in place regarding conversion from Islam were strictly enforced, thereby entrenching, upholding and defending the non-legislated social practices that continue to this day. A telling example is the 2002 saga of Aladin Mohammed, who faced repeated abuses of his rights for converting from Islam to Christianity.

As a known "apostate" who left Islam 11 years ago to become a Christian, Mohammed is subject to the death penalty under Sudanese criminal law. Since his conversion, Mohammed has been jailed and brutally interrogated numerous times. Although Mohammed managed several years ago to enroll in an Arabic-language Christian seminary abroad, he was forcibly deported back to Sudan when local Muslim authorities learned that he was a convert from Islam.

His suffering began to intensify in late 2001:

His last stint in prison reportedly stretched from June until September of 2001. During the four months since his release, he has been required to report to the security police on "almost a daily basis," according to one source. In January 2002, security officers forcibly gave him a series of injections of unknown drugs that left him drowsy and disoriented.

After it seemed as though the door was opening, it was firmly shut:

²¹ “International Religious Freedom Report 2009: Sudan.”

[In late January 2002,] when his passport being held by the police was returned to him, Mohammed decided to travel to Uganda. There he planned to apply to study theology at the St. Paul Theological Seminary in Limuru, Kenya. On February 2, in the evening he was told that the ban on his travel was lifted and that he should come to the airport the next morning. However on that morning he was stopped at the security desk in the airport and he was asked to go to an office where he found 4 men in plain clothes who introduced themselves as government security personnel. After questioning Mr. Mohammed for some time, they beat him and confiscated his passport and his money. Then they sent him away. Mr. Mohammed is currently in hiding, and his home is being watched. According to a church leader, two other Sudanese converts to Christianity are caught in a similar situation, facing "critical danger" under threats from the security police. Both are reportedly in hiding to avoid arrest and further torture.²²

While the enforcement of apostasy laws have been on the decline since the CPA (for example, there has never been an execution for apostasy, as the law prescribes²³), the culture that tolerated these laws and was itself reinforced by these laws has clearly remained relatively unchanged. For example, authorities have been willing to use less-than-official means of intimidation and detainment:

In May 2006 officers of the National Intelligence and Security Service (NISS) detained and beat Christian leaders who met with a Muslim woman who wanted to convert to Christianity. The Government did not charge the woman with apostasy, and she returned to her family.²⁴

In July 2007 a Catholic priest was jailed and held without charges for 3 days in connection with an investigation regarding a Khartoum woman who had planned to convert to Christianity. The priest was questioned about the woman's disappearance until the woman reported she had run away from home.²⁵

²² Evangelical Fellowship of Canada, "Religious Freedom Internationally: Sudan." Available: <http://www.evangelicalfellowship.ca/NetCommunity/Page.aspx?pid=691>. Accessed: November 8, 2010.

²³ "International Religious Freedom Report 2009: Sudan."

²⁴ United States Department of State, "International Religious Freedom Report 2007: Sudan" Available: <http://www.state.gov/g/drl/rls/irf/2007/90122.htm>. Accessed: November 11, 2010.

²⁵ United States Department of State, "International Religious Freedom Report 2008: Sudan" Available: <http://www.state.gov/g/drl/rls/irf/2008/108393.htm>. Accessed: November 11, 2010.

Furthermore, the most intense pressure largely occurs in the home:

Muslim converts to Christianity are typically regarded as outcasts by their families and are sometimes forced to flee the country. Some Christian converts fear their Muslim families will be at them or report them to authorities for prosecution, although others note that many Muslim families are too embarrassed to draw public attention to the matter.²⁶

Lastly, this is reinforced in public rhetoric:

The President frequently ended his public speeches with a call for victory over the "infidels," and state media outlets routinely referred to Christians as "nonbelievers." Christian parents reported that their children enrolled in public school were commonly asked why they were not Muslims.²⁷

In a July 25, 2007 interview with the Saudi Arabian newspaper, *Okaz*, the Minister of Defence Abdel Rahim Mohamed Hussein claimed "24 Jewish organizations" were fueling the conflict in Darfur. Anti-Semitic rhetoric is common in both the official media and statements by NCP officials.²⁸

The most direct application of this is the fact that legal force is still employed in restricting the efforts of Christians and others to pursue rights in Northern Sudan. While the CPA and the INC provide for the legal means to allow non-Muslims to freely practice their religious beliefs,²⁹ this has for all practical purposes been circumvented in the North with the passage of the *National Security Act* in 1999, which was renewed in 2009. The Act grants the NISS the power to effectively impose martial law, allowing it to arrest and detain with impunity.³⁰ This has had disastrous results for those who are hoping and working for freedom of religion in the North:

²⁶ "International Religious Freedom Report 2007: Sudan."

²⁷ Ibid.

²⁸ "International Religious Freedom Report 2008: Sudan."

²⁹ USCIRF, *Annual Report 2010*, 142.

³⁰ Ibid., 145.

During USCIRF's [December 2009] visit to Khartoum, the NISS and police officers arrested dozens of demonstrators, including National Assembly members, state legislators, and other officials, who had attempted to present a petition to the Assembly's Speaker calling for urgent action to implement CPA legal reforms and prepare the country for the 2010 elections and 2011 referenda. Many demonstrators, including Yassir Arman, the head of the SPLM's Northern Sector, were beaten. USCIRF saw firsthand the busloads of security officers—police, national security, and army—being driven into Khartoum in unmarked vehicles to suppress the demonstration and, in a meeting the following day, saw Mr. Arman's visible injuries.³¹

However, this has not only affected Christians in the North, but more moderate Muslims and those of other religions as well:

Islamic orders associated with opposition political parties, particularly the Ansar (Umma Party) and Khatmiya (Democratic Unionist Party), continued to be denied permission to hold large public gatherings, but did hold regular opposition rallies on private property. Government security agents occasionally attended opposition political meetings, disrupted opposition rallies, and summoned participants to security headquarters for questioning after political meetings.³²

Many Christians rely on the SPLM, other parties, and especially on the broader movement towards democracy to pursue a greater openness in the North. Therefore, the use of the *National Security Act* and other forms of obstruction and discrimination has meant that the political process of securing freedom of religion in the North has been severely restricted.

Restricting NGOs:

Another category of persecution concerns the work of Christian NGOs and other organizations, which often navigate the difficult line between development efforts and missionary work. This persecution further complicates the troubled history between the Sudanese government and organizations of every religious stripe working to rehabilitate

³¹ Ibid.

³² "2009 Human Rights Report: Sudan," Section 2.b.

Darfur and other troubled regions. It is even more complicated by the pressures against conversion and apostasy described above. One important example stands out:

On February 1, 2009, the GNU's Humanitarian Affairs Commission (HAC) expelled the US NGO Thirst No More from Darfur on the basis that it was not a legitimate humanitarian aid organization. Authorities accused the NGO of engaging in Christian proselytizing among Muslims in Darfur, an act forbidden by law. As proof of their claim, HAC authorities claimed the offices of Thirst No More in El Fasher contained 3,400 Arabic-language Bibles.³³

As other Christian aid organizations seek to engage in the region, this episode indicates that they may be prevented from doing so.

Physical Violence:

Together with these two main areas of persecution, Christians in Northern Sudan have experienced other extreme but transient events, such as acts of vandalism and destruction of churches, attacks on worshipping communities, and even death threats faced by pastors and other leaders.³⁴ One prominent example occurred on New Year's Day, 2007:

On January 1, 2007, police raided the seat of the Episcopal Church of Sudan Diocese of Khartoum with tear gas, injuring six worshippers. The raid occurred during an annual prayer service to mark the coming of the New Year and marked the first time since the signing of the 2005 CPA that authorities in Sudan have disrupted a religious gathering.³⁵

Physical violence against Christians rose to a high intensity in early 2009, particularly in South Kordufan (the southernmost state in the North):

Religious tensions between Muslims and Christians in South Kordufan simmered in February 2009 when two local members of the NCP-aligned Popular Defence Force (PDF) threatened to kill a local Presbyterian Church leader, according to the UN.³⁶

³³ "International Religious Freedom Report 2009: Sudan."

³⁴ Ibid.

³⁵ "International Religious Freedom Report 2007: Sudan."

³⁶ "International Religious Freedom Report 2009: Sudan."

The next month, the Popular Defence Force at least partially carried out its threats:

On March 1, 2009, PDF members interrupted a church service and threatened further destruction after breaking the cross on the church's roof. On March 7, the Episcopal church in Shatt Mazarik was the target of an arson attack, and on March 21, there was a similar attack on the Catholic church in Shatt Dammam. Church leaders reported to the UN that Kadugli police took no action to investigate the crimes.³⁷

This continued into the following week:

On March 27, 2009, local officials in Chat, a Nuba Mountains village, allegedly led a mob that razed a building used by the Evangelical Presbyterian Church and the Sudanese Church of Christ. The attack was reportedly in response to the International Criminal Court's decision to prosecute President al-Bashir.³⁸

It was only after these attacks, along with minor clashes between the PDF and the SPLA that the South Kordufan State Legislative Council began to “address the mounting religious and ethnic tensions in the area,” albeit through a “special session.”³⁹ Taken together, this extended episode indicates what is tolerated regarding the treatment of Christians in Northern Sudan.

A more recent although less violent episode exemplifying the rising tensions leading up to the referendum occurred in Khartoum itself, where churches face unfair treatment in the administration of land ownership.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid.

Christians in Sudan's capital city [reported] that police entered the compound of the Sudan Presbyterian Evangelical Church (SPEC) on October 4 at around 2 p.m. and ordered workers to leave, claiming that the land belonged to Muslim businessman Osman al Tayeb. When asked to show evidence of Al Tayeb's ownership, however, officers failed to produce any documentation, the sources said. The church had signed a contract with al Tayeb stipulating the terms under which he could attain the property – including providing legal documents such as a construction permit and then obtaining final approval from SPEC – but those terms remained unmet, church officials said. The policeman leading the officers in the eviction verbally threatened to shoot anyone who interfered, Christian sources said. “We have orders from higher authorities,” the policeman shouted at the growing throng of irate Christians. SPEC leaders have undertaken legal action to recover the property.⁴⁰

As the 2009 U.S. State Department Human Rights Report indicates, this most recent episode is not an isolated one. Rather, it can be counted among the “numerous ongoing disputes between the government and various churches involving confiscated church property.” The report continues by stating that “there were no reports of court-ordered property restitution or compensation.”⁴¹

Conclusions:

Persecution is a reality for Christians in Northern Sudan. This experience can be compared more closely to that of Christians in parts of the Middle East than the rest of Africa. This is logical, given the geographic, cultural and historical proximity of the North to the Middle East. While such persecution is not as acute or widespread as the suffering brought about by the genocide in Darfur or the civil war, the fact remains that this too is a source of immense suffering, especially for children who have been exposed to these experiences. Given the presence of the Christian-Muslim tension in Sudan's recent history, that this tension is a major cause of the majority-minority struggle in the North, and that it underlies the bubbling conflict between North and South, a concern for religious freedom in Sudan must be a major focus of international governments in the coming months.

⁴⁰ Compass Direct News, “Police in Sudan Aid Muslim's Effort to Take Over Church Plot,” October 25, 2010. Available: <http://www.compassdirect.org/english/country/sudan/27596/>. Accessed: November 12, 2010.

⁴¹ “2009 Human Rights Report: Sudan,” Section 2.c.

Competing Discourses:

The alleviation of these tensions will be incredibly difficult, as those in the North and South do not see each other as belonging to one, coherent Sudanese body politic. The same holds true for those who live with the consequences of the majority-minority relationship in the North. Fundamentally, this disunity is perpetuated by ideological discourses concerning the opposing side in the conflict that emerged during the prolonged civil war. Oslo University College professor Anders Breidlid examines such discourses as expressed and reinforced through the two education systems, revealing that these divisive perspectives are ingrained from childhood. His findings conform to the theory of “fundamental attribution error,” which

Refers to situations where the opponents’ behavior is seen by the other party (the observer) to be abilities, traits, motives (internal attributions), while the observer’s own behavior is defined as situational (environmental pressures and constraints).⁴²

The result is that the other party is defined innately (“this is how they are”), while the observer is defined environmentally (“this is how circumstances have formed us”), serving to justify one party’s actions taken at the expense of the other party.⁴³

North Looking South:

Breidlid’s findings are revealing, particularly with regard to the religious dimension of the conflict. These findings affirm that well before the CPA (in fact, beginning with Bashir’s coup in 1989), the NCP had embarked on a project of spreading the fundamentalist strain of Islam in a Northern Sudanese society that had previously embraced an openness to various forms of Muslim expression. Its success was achieved in part through the entrenchment of strict *Sharia* law, as well as the installation of

⁴² Anders Breidlid, “Sudanese Images of the Other: Education and Conflict in Sudan” *Comparative Education Review*, vol. 54, no. 4. (2010), 557.

⁴³ Ibid.

fundamentalist NCP sympathizers in powerful government positions, and as part of such installation through the control of an education system designed to shape the minds of the next generation in this fiercely conservative brand of Islam.⁴⁴

As previously discussed, this has caused great suffering for the Christian minority in the North, and has shaped the way that many Arab Muslims in the North view the South, even after the CPA. The motivation here is to carry the evangelistic impetus of fundamentalist Islam Southward, even beyond the borders of Sudan. One element of this motivation is the concept of *tawhid*, or “unity,” the belief that “everybody is potentially a Muslim, based on the understanding that there is some sort of unity in all existence,”⁴⁵ and therefore that history is inexorably marching towards a Muslim homogeneity. This has carried with it the history-laden attitude that saw those in the non-Arab South as poor, worthless slaves. The opposition in the South to *Sharia* described above and the rejection of Islam itself have been considered to be in defiance of the inevitable flow of history and therefore illegitimate, to the point of justifying a jihad, or holy war, on the South should political tensions escalate to the reigniting of civil war.⁴⁶

South Looking North:

It must be noted, however, that there remains diversity in the Muslim North despite the marginalization of more moderate forms of Islam. Nonetheless, given the fact that the NCP has succeeded in controlling the North—at least operationally if not ideologically—the definition of the North commonly held by those in the South has been cemented by continued centralization in Khartoum. This has been reinforced with policies that favour Northern interests and Muslim beliefs, despite the CPA’s power-sharing agreement between the NCP and the SPLM. The discourse here is not “North” and “South,” but “us Southerners” and “the Arabs,” supported by a narrative of political, cultural and religious conquest, and its consequent economic exploitation. In recounting this history,

⁴⁴ Ibid., 561-563.

⁴⁵ Ibid., 562.

⁴⁶ Ibid., 561-562.

Southerners hold that “It was not the situation of the civil war that had caused the bad behavior of the Arabs; rather, it was the innate, dispositional character of the aggressors that made the civil war inevitable.”⁴⁷ If the main reduction of Southerners by those in the North is the narrative of opposition to the unstoppable march of Muslim dominance, then the main reduction driving hegemonic discourse in the South is a deep-seated victim mentality – that nevertheless possesses a degree of historical validity – ascribing to the North an insatiable thirst for cultural and religious conquest, that if left unchecked would cause further suffering on the part of the Southern population.⁴⁸

Referendum:

Difficult Path Ahead:

In light of these discourses, many believe some form of declaration of secession to be inevitable, as it is hoped that it will provide a halt to Northern domination. The best-case scenario appears to be that such a declaration would come on the heels of a free, fair and open referendum that would be respected by all parties. However, the reality is that this march toward secession poses both opportunities *and* risks even for those hoping to benefit from the emerging situation. Indeed, before any votes have been cast, difficulties have already arisen. These difficulties cast a long shadow of doubt over whether this best-case objective will occur.⁴⁹ The result is that many important and politically sensitive details have yet to be arranged in order to ensure two stable, prosperous Sudanese states. Details that have yet to be decided include:

- Revenue sharing between North and South
- Sharing of Sudan’s rich oil assets (especially given Abyei’s likelihood to join the South)
- Borders (again, especially with regards to the oil fields in Abyei)

⁴⁷ Ibid., 565-566

⁴⁸ Ibid., 566.

⁴⁹ Canada, House of Commons, Standing Committee on Foreign Affairs and International Development (FAAE Committee), *Implications and Ramifications of the Referendum in Sudan*, 40th Parliament, 3rd sess., November 2, 2010 (Mr. Mark Simmons).

- The citizenship status of Northerners in the South and Southerners in the North.⁵⁰

One logistical hurdle is that the CPA requires 60% of those registered to indeed vote, which may be difficult given the lack of infrastructure in South Sudan.⁵¹

US Secretary of State Hillary Clinton famously characterized the referendum as a “ticking time-bomb,” indicating the importance of a smooth referendum as well as the anxiety that this might not occur.⁵² Should it not occur as planned, it is likely that the SPLM will accuse the NCP of obstruction and make a unilateral declaration of secession. This unilateral secession would likely only receive international recognition if it is employed as a last resort, following the breakdown of all other avenues of achieving a bilateral agreement between North and South on secession.⁵³ As it currently stands, Bashir’s pledge to recognize the results of the referendum serves as a tacit bilateral agreement, albeit a highly provisional one that is dependent upon future outcomes.

If the international community does not deem a unilateral declaration to be the last resort, and if it subsequently withholds its recognition of and sufficient tangible support for an independent South Sudan, then the danger exists that Khartoum would view such an act as an act of rebellion (despite prior statements), potentially reigniting the civil war. Even now, the international community is faced with a choice (which it has in recent years failed to effectively make in this and other conflicts), namely whether or not a more robust peacekeeping, peacemaking, or intervention force is needed to prevent or stem the potential for a renewed blood flow. In other words, *some* sort of tangible international presence will likely be needed in the coming months, regardless of whether or not the South has earned international recognition as an independent state.⁵⁴ While the resolve of the international community is uncertain in this matter, it is probable that the moral

⁵⁰ Peter Martell, “Will independence vote bring war or peace to South Sudan?” *BBC News*, October 19, 2010.

⁵¹ America Magazine, “Independence Vote Could Reignite Civil War in Sudan,” October 25, 2010.

⁵² United States Secretary of State, “Remarks on United States Foreign Policy,” Washington, DC, September 8, 2010.

⁵³ “Independence Vote Could Reignite Civil War in Sudan.”

⁵⁴ FAAE Committee, *Implications and Ramifications of the Referendum in Sudan* (Mr. Elsadiq Abunafeesa).

burden of global governance will remain enmeshed in this conflict for years to come.

It appears to be in the South's best interest to ensure as smooth a negotiating process as possible leading up to the referendum. However, should this fail, it may well be that the South's best interest – which by necessity includes the avoidance of further bloodshed – will become the pursuit of the recognition and tangible support of the international community. What is critical in negotiations both before and after January 9 may be the need for short-term concessions, most likely in the form of shared oil revenues, in exchange for long-term stability. Moreover, given the international support that already exists for a free and fair referendum, the widespread desire within Sudan for a peaceful settlement and the likelihood that its oil revenues will not be crippled, it is also likely in the best interest of the North to make good on its pledge to work towards a smooth transition to two Sudanese states. This is highlighted by American promises to deal far more favourably with North Sudan in the future, should they cooperate.⁵⁵ It is certainly hoped that this dangling carrot of a “new relationship” between Washington and Khartoum is sufficient to secure such cooperation, however given the embroiled and less-than-rational history of relationships between North and South, and between Bashir and the world, the situation remains uncertain. The risk here is that they may be able to exploit the “new relationship” offered by the U.S. and others so as to offer a degree of political stability in exchange for decreased accountability regarding their human rights record.⁵⁶ Clearly, this trade-off cannot be allowed to happen.

In the midst of this need for effective negotiations, and despite President Bashir pledging that the referendum will be conducted and respected as planned⁵⁷, Sudan's government has within the last week suspended peace talks with rebel groups in Darfur – an act which could signal potential referendum and/or post-referendum difficulties. Canada's Minister

⁵⁵ “Sudan government ‘committed to January referendum’.”

⁵⁶ See Reeves, “The Disappearing Genocide” for similar examples of this strategy.

⁵⁷ BBC News, “Sudan government ‘committed to January referendum’,” October 24, 2010.

of Foreign Affairs, Lawrence Cannon, issued the following statement⁵⁸ on January 5, 2010:

“Canada is disappointed by the Government of Sudan’s decision to suspend its participation in the Darfur peace process. Sudan took this decision only days after a leading rebel group, the Justice and Equality Movement, re-engaged in ceasefire negotiations. Leaving the Doha talks now shows a lack of commitment to negotiations.

“We encourage the Government of Sudan to resume negotiations in Doha toward both a ceasefire and a full peace agreement that includes all armed parties. We urge all parties to make the difficult concessions necessary to achieve a genuine and lasting peace.”

Both the South Sudanese and the international community hope President Bashir’s stated commitment to the referendum is not a hollow pledge, since anything less than a free and fair referendum on January 9 could potentially reignite the civil war.

The Referendum and the Sudanese Church:

As might be expected, this situation is already having ramifications for Christians in Sudan. The Church throughout the country and especially in the South has historically played a positive role, even as it has been somewhat entangled in the politics of the SPLM. For example, the Roman Catholic Church has been the subject of widespread esteem, as it has led domestic efforts to rebuild communities and provide for basic needs of those affected by the civil war, especially in the impoverished South.⁵⁹ Another example of this role is that by 2007, most of the schooling in the war-ravaged South was provided and run by Christian organizations.⁶⁰ Bishop Daniel Adwok Kur, who is based in Khartoum and chairs the Justice and Peace Commission of the Sudanese Catholic

⁵⁸ Foreign Affairs and International Trade Canada: News Release: Canada Regrets Departure from Darfur Peace Talks. Available: <http://www.international.gc.ca/media/aff/news-communications/2011/006.aspx>

⁵⁹ “Independence Vote Could Reignite Civil War in Sudan.”

⁶⁰ “International Religious Freedom Report 2007: Sudan.”

Bishops' Conference, has affirmed that the Church in Sudan "plays [its role] in the eyes of the people....They look at the Church as another government, an alternative government."⁶¹ This tremendous respect translates into an important degree of influence, meaning that Christians in Sudan can play an important part in maintaining and working for peace, regardless of what course the near future of Sudan takes.⁶²

Christians in the South favour a clear secession, since (as alluded to above) this would provide the opportunity to establish a state in which religious freedoms are respected. It is a real possibility that this opportunity will materialize, especially given the watchful eye of the international community and of the global church. However, the possibility also remains that religious and other social conflicts will develop in an independent South, given that the GoSS is showing signs that – different religious motivations notwithstanding – it is repeating the same poor governance patterns that are endemic in the North.

This is exemplified in the fact that economic and social development has largely been focused on Juba (the Southern capital) and its surroundings, while the rest of the territory remains in abject poverty,⁶³ and the fact that SPLA is still undergoing the slow transition from a militia army to a professional, disciplined, civilian-controlled government armed force.⁶⁴ Of notable concern is that the GoSS has been unable to root out violence and instability within its own territory. At least as recent as 2007, it was reported that "some Muslims leaders in the South expressed concerns about the [GoSS'] treatment of Muslims," and that two years after the assassination of Southern President John Garang in 2005, "tensions remained in Juba as many Muslims reported continuing harassment and intimidation" in retaliation for the assassination.⁶⁵

More recently, it has been reported that members of both the SPLA and the Lord's Resistance Army (based in Uganda) have committed violence and other abuses on

⁶¹ "Independence Vote Could Reignite Civil War in Sudan."

⁶² Ibid.

⁶³ FAAE Committee, *Implications and Ramifications of the Referendum in Sudan* (Mr. James Dean).

⁶⁴ Ibid. (Mr. Simmons).

⁶⁵ "International Religious Freedom Report 2007: Sudan."

civilians in the South,⁶⁶ and that the threat of violence exists for those who may vote in favour of unity in January.⁶⁷ Another focus for the international community must therefore be the improvement of governance standards, civilian consolidation of control over the military, and a greater respect for the pursuit of stability and human rights within the South.

All this being said, the 2009 International Religious Freedom report of the U.S. State Department affirmed that “the GoSS generally respected religious freedom in the 10 states of the South,” an impressive accomplishment given the history of conflict in the region.⁶⁸ Therefore, these trends cannot be seen as wholly definitive of the South as such, given that its general social trajectory is moving towards greater stability and democratization. This appears to be a call to NGOs, churches and the international community to be vigilant and proactive in ensuring that this trajectory continues, so that true religious freedom and good governance can prevail in the South.

The long-term role of the Church in Sudan and throughout the world is therefore clear: regardless of what occurs on January 9, Christians can and must be a force for peace, community well-being and human rights. This includes domestic and international pressure on Khartoum to reform its treatment of religious minorities in the North, keeping a public eye on these events long after others have moved on to other issues, facilitating the migration and resettlement of those who may be fleeing from the North, and most importantly, hoping and praying for peace in Sudan.

Recommendations to the Canadian Government:

While it is true that “the greatest danger to religious freedom and other human rights in Sudan is the collapse of the fragile peace brought about by the CPA,”⁶⁹ the impact of religious persecution in Sudan’s recent history means that religious freedom must be a priority in securing a peaceful transition. This is fundamental in preventing the potential

⁶⁶ “2009 Human Rights Report: Sudan,” Section 1.g.

⁶⁷ FAAE Committee, *Implications and Ramifications of the Referendum in Sudan* (Mr. Simmons).

⁶⁸ “International Religious Freedom Report 2009: Sudan.” See fn. 1.

⁶⁹ USCIRF, *Annual Report 2010*, 139.

trade-off of political stability for human rights accountability: the experience of religious minorities in Sudan demonstrates that they are in fact deeply intertwined.

As DFAIT has stated, “Canada is playing a leading role in the international community’s efforts to find a peaceful, just and lasting solution to the underlying causes of the ongoing conflicts in Sudan.”⁷⁰ The efforts of the Canadian government thus far are certainly commendable, especially the longevity of its multilateral and bilateral commitments, and the comprehensive breadth of its “whole of government approach.” Canada’s tripartite focus on security, development and peace building also demonstrates lucidity in its integrative approach.⁷¹

Canada’s early and sustained support of both the military and diplomatic arms of the United Nations Missions in Sudan (UNMIS), more recent contributions to the Carter Center and the EU’s referendum monitoring operations exemplify this leading role.⁷² Furthermore, Canada’s active involvement in the Stabilization and Reconstruction Task Force (especially through the Conflict Prevention and Peacebuilding Group), its commitment at the UN, the G8 and other multilateral bodies to promoting the well-being of Sudan, and its clear and active diplomatic presence in both Khartoum and Juba are chief examples of Canada’s commitment here.⁷³ The contribution of funds (currently totaling \$800 million since 2006⁷⁴) and more importantly of voices, ideas and initiatives is welcome and effective, and it is clear that this should continue.

The short-term goal for Canada will likely have to be to help South Sudan earn international legal recognition and consequently receive more sustained aid and relief in order to rebuild and develop its communities and infrastructure. Even at this stage the

⁷⁰ Canada Department of Foreign Affairs and International Trade (hereafter DFAIT), “Canada’s Approach,” October 20, 2010. Available: <http://www.canadainternational.gc.ca/sudan-soudan/approche-approche.aspx?lang=eng>. Accessed: January 4, 2011.

⁷¹ FAAE Committee, “The Referendum in Sudan: Where to After 2011?” 3rd. sess., 40th Parliament, December 2010, 6.

⁷² Ibid.

⁷³ DFAIT, “Diplomacy,” October 27, 2010. Available: <http://www.canadainternational.gc.ca/sudan-soudan/diplomacy-diplomatie.aspx?lang=eng>. Accessed: January 4, 2011.

⁷⁴ DFAIT, “Canada’s Approach.”

focus on religious freedom and human rights is critical, as pre-existing tensions can lead to obstructive conflict. Canada should therefore continue to lend its particular gifts at brokerage and mediation in securing the substantive provision of these basic rights and freedoms, as well as securing mutually beneficial compromises over borders, citizenship, oil revenues and other matters in negotiations between North and South.

Regarding the long-term, Canada should continue its initiatives at fostering more effective governance, including the amplification of the economic and political voices outside of Juba, and should work to ensure that the South does not develop the same culture of human rights violations that have plagued the North. The stability of the South depends on the development of thriving and prosperous communities, and therefore CIDA and other agencies are encouraged to provide targeted and substantive support for NGOs working in the region and throughout Sudan. This also includes the direct support of communities, churches and other civil society organizations, especially as they welcome the influx of migrants from the North.

More generally, the Canadian government is encouraged to maintain a public spotlight on the developments throughout Sudan, both in Canada and abroad. The people of Sudan—especially its religious minorities—cannot afford to have the world’s attention prematurely averted.

The transition to two, prosperous Sudanese states should be a major foreign policy priority for Canada for the second decade of this century – should either referendum or legitimate unilateral declaration establish the secession of South Sudan. The long term goal is the emergence and establishment of strongly democratic political cultures in both North and South Sudan, through a constellation of robustly democratic domestic, bilateral and multilateral institutions that promote human rights and that moderate ideological difference. There will also be the need for improving the education, prosperity, generosity and adaptability to difference among its peoples. The defence and promotion of religious freedom and other human rights will be key to maintaining peace and

stability, and perhaps to establishing a beacon for the future of Africa and for emerging democracies the world over.

Appendix: Maps of Sudan

Map #1: General⁷⁵



⁷⁵ US Central Intelligence Agency, “The World Factbook: Sudan,” 2010. Available: <https://www.cia.gov/library/publications/the-world-factbook/geos/su.html>. Accessed: November 12, 2010.

Map #3: Oil Resources and Operations⁷⁷



⁷⁷ University of Texas Library, "Map of Oil and Gas Concession Holders in Sudan," 2001. Available: http://www.lib.utexas.edu/maps/africa/sudan_oil_usaid_2001.pdf. Accessed: November 12, 2010.