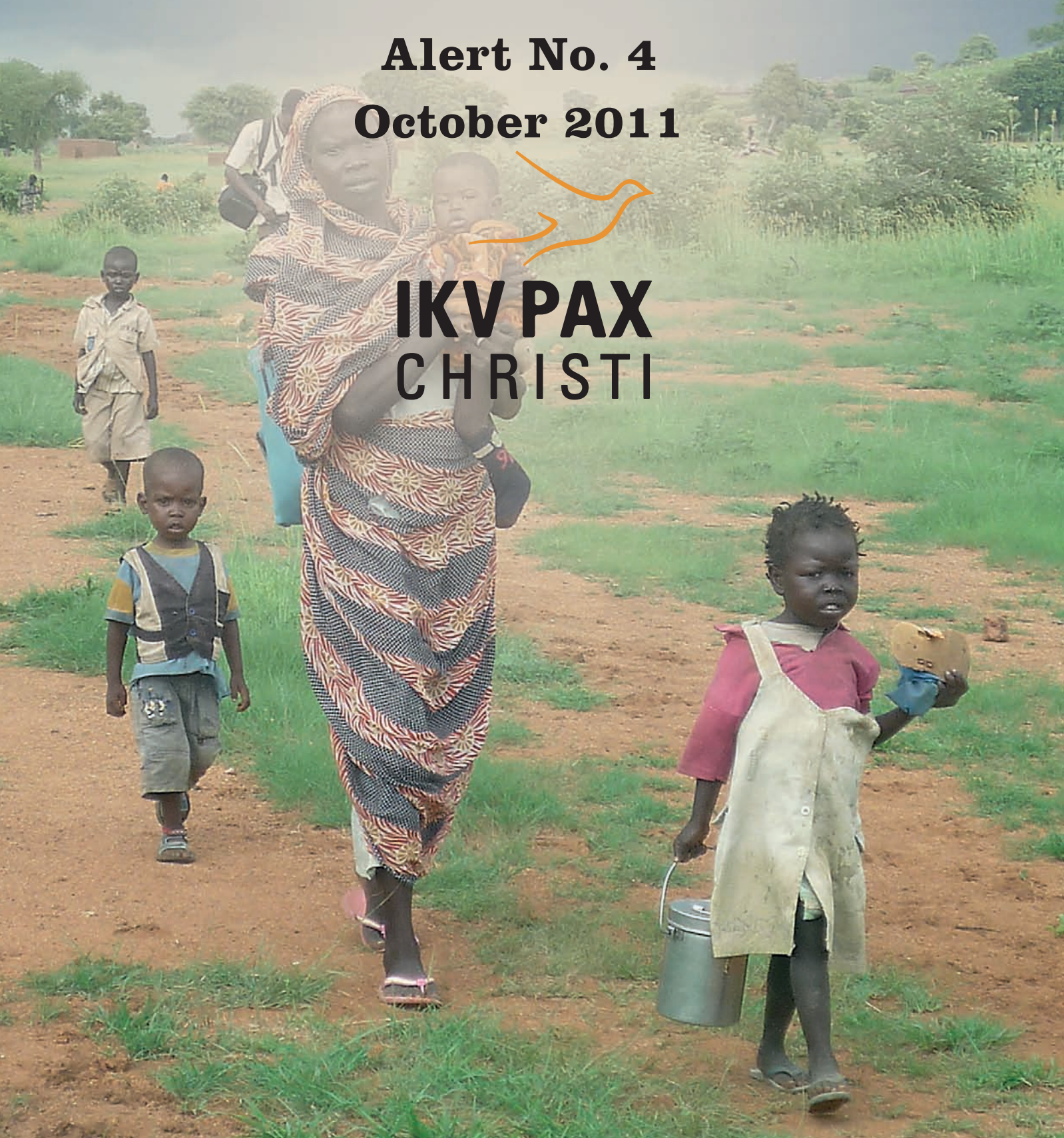


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**IKV PAX
CHRISTI**



Sudan's 'New South':
The War in Southern Kordofan and the Prospects for Peace

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IKV Pax Christi is a Dutch organisation aiming for peace, reconciliation and justice throughout the world. We believe that every human being has the right to a peaceful and safe environment, free from war and oppression. Together with our local partners in conflict areas we work towards democratic societies and peaceful, political solutions for violent conflicts. IKV Pax Christi is supported by a broad network of committed, socially involved citizens who share our main objective: peace!



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Preface

This report is the fourth in a series analyzing the situation in Sudan around issues arising from the 2005 Comprehensive Peace Agreement. In January 2011 we published CPA Alert no. 3: *The NubaMountains: Central to Sudan's Stability*. In this report we warned that failure to achieve a political process that would meet the aspirations of the peoples of Southern Kordofan State would re-ignite conflict. We stressed the importance of resolving the uncertainties surrounding the future of the former rebels of the Sudan People's Liberation Army in the state.

Following disputed elections in May, however, the government began aggressively disarming units made up of Nuba fighters. This was the trigger for the war that broke out in the Nuba Mountains in June, a month before South Sudan became independent, and that now engulfs much of neighbouring Blue Nile state.

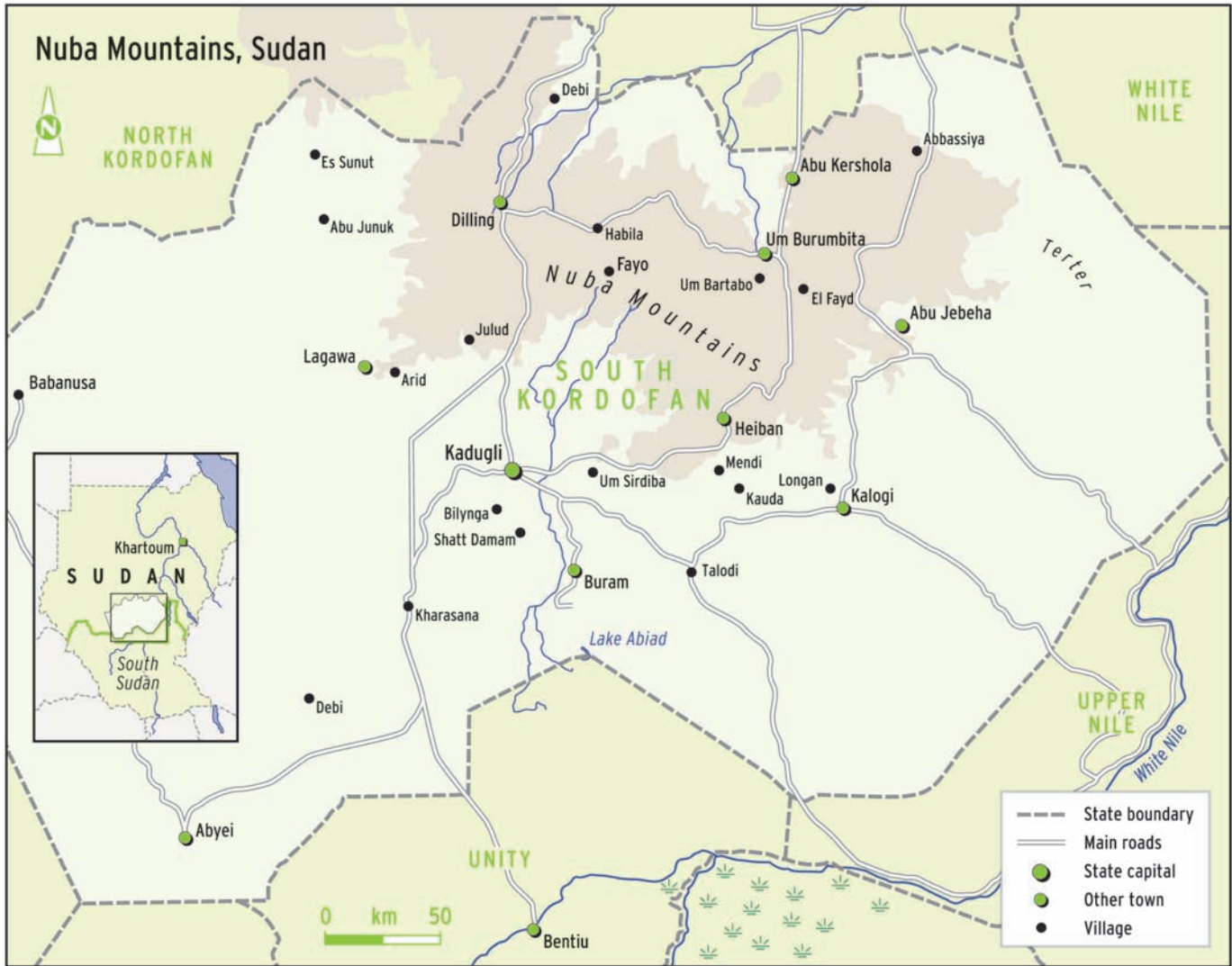
At the start of the conflict in Southern Kordofan, IKV Pax Christi received many reports of human rights abuses and aerial bombardment of civilians - especially in areas inhabited by Nuba, the ethnic group from which the SPLA in the state draws most of its support. With international staff evacuated from Southern Kordofan, and the government refusing to extend the mandate of the UN peacekeeping force UNMIS, these reports could not be independently confirmed. We therefore decided to revisit the Nuba Mountains -even though the Sudan government was denying access to areas under its control. We are aware of the limitations of such a visit, but believe this report will nevertheless help in better understanding what is happening on the ground and in informing the policies that are needed to address an already-grave and deepening humanitarian crisis.

The renewed conflicts in the border areas of (north) Sudan do not only pose a humanitarian crisis, with several hundred thousand civilians already displaced from their homes and villages. They have the potential to reignite wider war - between the two Sudans - and eventually to destabilize the region.

The need for a new political dispensation in the Republic of Sudan is clear. All those looking for peace in Sudan should support it.

Jan Grueters
Director IKV Pax Christi





Small Arms Campaign: The drift back to war: Insecurity and militarization in the Nuba Mountains, Sudan Issue Brief – Small Arms Survey Number 12, August 2008, p.2

Executive Summary

July 2011 was a momentous month in a historic year in Sudan, witnessing both a birth and a death: the birth of the Republic of South Sudan following southerners' vote for independence in January 2011, and the death of the dream of a 'New Sudan' - a continuing single nation whose many peoples would enjoy an equal share of the nation's resources and an equal claim on power in the central government.

Contrary to the expectations of many, partition was peaceful. But it left within the borders of (north) Sudan two states, Southern Kordofan and Blue Nile, where the Comprehensive Peace Agreement (CPA) that ended the 1983-2005 civil war has failed to meet the aspirations of communities aligned with the former southern rebel movement, the Sudan People's Liberation Movement/Army (SPLM/A).

Fighting erupted in Southern Kordofan on the eve of partition, early in June, and in Blue Nile three months later. The trigger was an attempt by the Sudanese Armed Forces (SAF) to disarm Nuba fighters formerly aligned with the southern SPLA - an army of more than 20,000 well-trained men whose future the CPA itself left ambiguous.

The renewed conflict in the 'two areas' already threatens "potentially catastrophic levels of malnutrition and mortality" in Southern Kordofan.¹ It has prompted a recrudescence of tension - if not yet outright hostilities - between Khartoum and Juba, which hosts (and according to Khartoum supplies) leaders of SPLA-North.

With the international community generally showing a disinclination for tough action on Sudan, Yasir Arman, secretary general of SPLM-North has warned that the Nuba of Southern Kordofan and their sister peoples in Blue Nile will be (north) Sudan's 'New South', uniting with other marginalized regions to overthrow a regime that has vowed not to tolerate "cultural or ethnic diversity" in post-partition Sudan.

IKV Pax Christi visited areas of Southern Kordofan held by SPLM/A-N for two weeks in August, at a time when Khartoum was denying access to government-held areas to outside observers. This report examines the descent into violence and the resulting humanitarian crisis. It finds that:

- Fighting erupted after SAF attempted aggressively to disarm Nuba fighters, disregarding already dangerous

levels of discontent resulting from disputed state elections in May.

- Mutinies and defections by Nuba in SAF and associated forces prompted a violent crackdown characterized by arrests and killings of Nuba in garrison towns like Kadugli, the state capital, and Dilling. A government ban on independent access to the state has obscured the full extent, and spread, of the abuses.
- A government blockade of areas controlled by SPLM/A-North has exacerbated a humanitarian crisis among the almost 1.25 million Nuba living in contested, war-affected areas, of whom a quarter of a million are estimated to be displaced. Without immediate humanitarian intervention, infant and elderly mortality will increase drastically over the coming months.
- South Kordofan's Arabs, some of whom fought in government-backed militias and paramilitary groups, including at the start of this war, are beginning to be displaced as the SPLA-N widens the area it controls.
- Without urgent action, the displacement, and suffering, of Nuba and Arab civilians will increase markedly in the coming weeks because of an expected dry-season offensive by the Sudan government and obstacles to the seasonal southwards migration of Arab pastoralists.

International concern over the crisis in Southern Kordofan is understandably focused on humanitarian need. But the crisis is political in nature and requires a political solution—not at the level of the state but in Khartoum, where decisions are increasingly being taken by powerful generals who have marginalized the civilian leadership of the ruling National Congress Party (NCP).

The immediate prospects for peace in the two areas are not good. Both sides believe there is advantage in continued military action. By failing to find a political solution to the problems in its border states, Sudan's leadership risks a widening of the conflict and the very real possibility that partition will not be "a peaceful divorce"², but, sooner or later, a violent one.

Sudan's economy is in crisis. There is, as a result, enormous international leverage over Khartoum on economic issues. The economic normalization of Sudan must be made part of a package that includes democratization, both to fulfill the promise of the CPA in the 'two areas' and to prevent (north) Sudan becoming a 'new South'.

Introduction

A ceasefire brokered by the US and Swiss governments in January 2002 in the Nuba Mountains, the larger part of Southern Kordofan State, brought to an end almost 20 years of armed conflict in the state. It was the first significant step towards the 2005 Comprehensive Peace Agreement (CPA) between the central government and the Sudan People's Liberation Movement/Army (SPLM/A), and evidence of the international community's recognition of the unparalleled suffering of the Nuba people.³

On 6 June this year, after Khartoum disregarded warnings that attempting to disarm the SPLA in Southern Kordofan would ignite a new war, the Nuba ceasefire collapsed - and with it a CPA protocol for Southern Kordofan and Blue Nile, the "two areas" of northern Sudan where many communities fought alongside the southern SPLA.⁴ The 20-year civil war now threatens a replay. This time, within the new Republic of Sudan where the civilian leadership of President Omar al Bashir's National Congress Party (NCP) is being marginalized by powerful generals who, having agreed to the separation of South Sudan, have drawn the line at any further compromise with 'rebels' in a fledgling nation that the president himself has said will have "no room for cultural or ethnic diversity".⁵

With NCP-controlled Sudan showing none of the promise of democracy contained in the CPA, and the international backers of the CPA showing no appetite for tough action on Sudan, Yasir Arman, secretary general of SPLM-North (SPLM-N), has warned that the Nuba and their fellow peoples in Blue Nile will be Sudan's 'New South', joining with other marginalized areas to continue the fight for democratic governance and minority rights.⁶

There is a real danger that the conflict could reignite north-south war. The SPLA leadership in Juba, the capital of South Sudan, is treading a delicate line between winning over southern dissidents through whom Khartoum can destabilise South Sudan, and supporting its former comrades-in arms from the Nuba Mountains, who still have several thousand fighters present in South Sudan.⁷ Khartoum is convinced that Juba is giving the Nuba SPLA military support, hoping for regime change across its northern border. SPLA leaders in Abyei, where tensions are rising again, think a war is inevitable and see the two areas as part of their forces.

The conflict has already spread outside the Nuba Mountains. On 1 September, fighting erupted in Blue Nile (where the Ingessena, like the Nuba, resisted

assimilation by force of arms).⁸ There are new stirrings of political and military mobilization in eastern Sudan.⁹ Reports by the Nuba SPLM/A of alliances with some of the Darfur armed movements have been embellished, by both parties, and senior Nuba acknowledge privately that the agreements are for the moment designed, more than anything, to boost Nuba morale.¹⁰ But there is at the same time a conviction - shared by some in the SPLM/A in Juba - that the Sudanese Armed Forces (SAF) are much-weakened and demoralized, and can be defeated by a united opposition front.

The Nuba, a cluster of black African tribes whose primary occupation is farming, live in South Kordofan alongside the Arab cattle-herding Hawazma and Missiriya. Both groups have been marginalized and neglected by the central government, and enjoyed generally cordial relations until massive land seizures pushed many Nuba to join the SPLA in the mid-1980s, prompting Khartoum to arm the Arabs and declare a jihad against the Nuba. The jihad was one of the most brutal episodes of Sudan's modern history. It was not only a war to defeat the rebels who took the SPLA's rebellion into the 'Arab' North; it was an attempt to resettle the entire population of insurgent areas in camps that would "eliminate the Nuba identity"¹¹ - including by rape - and destroy the tolerant society that challenged Khartoum's oppressive Islamism.

The CPA failed to resolve the major elements of the conflicts in the two areas (see also CPA alert 3: The Nuba Mountains: central to Sudan's Stability). One of its weakest features was the uncertainty and ambiguity over the future of the Nuba enrolled in the SPLA - including in the Joint Integrated Units (JIUs) that were to form the core of a new national army had southerners voted for unity in January.¹² The security arrangements protocol provided that the SPLA members of the JIUs would return to their "mother units"¹³ - implying that they would have to join the army of South Sudan, in contradiction to the principle that the two post-secession states would draw their armed forces from their own citizens, with the Nuba and Blue Nile people remaining citizens of (northern) Sudan.

The CPA also denied the two areas self-determination. Instead it gave them a process of 'popular consultation' in which elected state assemblies would determine whether the CPA was a fair resolution of their political problems. Hope that this flimsy and ill-defined process would satisfy Nuba aspirations died in May when the NCP won a majority in much-delayed state assembly elections which the SPLM claimed were rigged.¹⁴

Final interpretation of the contradictions inherent in the CPA was left in the hands of President Bashir and his southern counterpart in the SPLA/M - since August 2005, Salva Kiir.¹⁵ On 7 April this year, the African Union High-Level Implementation Panel on Sudan (AUHIP), the body tasked with facilitating the negotiations on post-referendum issues, convened a meeting of Presidents Bashir and Kiir in Juba. On the agenda was a decision made by them to dissolve the JIUs sooner than anticipated - three months after the South's referendum, on 9 April.¹⁶ When the Panel voiced concerns about the likely repercussions of this decision in the two areas, Bashir insisted that all the JIUs would be dissolved (save for Abyei's). Salva Kiir, wanting to see SAF troops withdrawn from the JIUs in South Sudan, did not object. Whenever the AUHIP attempted to reopen the issue thereafter, reflecting Nuba concern, Bashir said the matter was closed: Salva Kiir himself had agreed to dissolve the JIUs.¹⁷

"This was the basis for the SAF Chief of Staff ordering the disarmament of the Southern Kordofan and Blue Nile JIUs,¹⁸ and Bashir's argument for not revising this decision," says an observer at the talks. "The counter

argument, made by (Thabo) Mbeki, (chairperson of AUHIP), was that it would start a war. The SPLM (Juba) once again sold out the Nuba and Blue Nile."

"The conduct of the Sudan Armed Forces has been especially egregious"¹⁹

SAF and SPLA-N accuse each other of starting the war in Southern Kordofan. President Bashir has also accused the Nuba of "armed mutiny"²⁰ and has branded the Nuba SPLA-N leader and former deputy governor of Southern Kordofan, Abdel Aziz al Hilu, a "criminal"²¹, three months after offering him the 'Insignia of Political Achievement' in acknowledgement of his effective working partnership with the NCP governor, Ahmed Haroun.²²

The trigger for the war was an attempt by SAF to disarm the Nuba—an inflammatory move, regardless of the different interpretations of the CPA, in the nervous and unstable post-election climate.²³ There was a mutiny in Southern Kordofan in June. But it was not by SPLA-N, which, although prepared for war, did not fire the first shots (see Box 1).

Box 1 : The collapse of the peace

23 May: SAF Chief of Staff Maj. Gen. Ismat al Zain gives a deadline of 1 June for the SPLA component of the JIUs to be dissolved and all SPLA fighters to move to southern Sudan. The AU Panel asks for a delay while the Panel convenes security talks, and contacts SPLA commanders from the two areas to bring them to the table. The commanders are reluctant to talk before SAF's order is formally rescinded. The Nuba leader and deputy governor of Southern Kordofan State, Abdel Aziz al Hilu, calls a meeting of senior SPLM/A figures and tells them: "War is coming. Let them begin."²⁴

1 June: Maj. Gen. Bashir Maki al Bahi, commander of the Nuba Mountains 14th Division, says SAF's intention to "control" Southern Kordofan respects "the spirit" of the CPA.²⁵ Al Hilu says it violates the text of the agreement, which guarantees the JIUs until January 2012.²⁶

5 June: In the early hours, according to UNMIS, SAF blocks all major roads into and out of Kadugli, the state capital. A few hours later, tanks deploy in the centre of Kadugli, which is filled with government forces. Al Hilu interprets this as "a declaration of war" and orders all SPLM constitutional post holders to leave the town. He puts SPLA-N forces on maximum alert but instructs them to remain in defensive positions, telling them "the CPA is on our side". In the town of Talodi, SAF attempts to disarm SPLA soldiers in the JIU. When they refuse, they come under fire and six are killed.

6 June: A security committee of senior NCP and SPLM officials agrees on a series of measures to reduce tension. Soon after, the committee's motorcade comes under attack. NCP officials blame the attack on the SPLA and claim that "at the same time the SPLM forces attacked Kadugli from all sides in a coordinated move aimed at taking over Southern Kordofan State".²⁷ Eyewitnesses however say the vehicle targeted was the last vehicle in the motorcade - an SPLA truck that was hit, from behind, as it passed the headquarters of the paramilitary Popular Defence Forces. The only victim of the attack is an SPLA guard, killed by a rocket-propelled grenade. Al Hilu's residence is shelled immediately after the attack on the motorcade. Three SPLA officers with the JIU are shot dead when their commander refuses to disarm.²⁸ Outside Kadugli, according to UNMIS, SAF begins aerial bombardments and intensifies ground assaults "on civilian-populated areas in Um Dorein and Talodi localities".

Box 2 : A defector's view: "The time of the SPLA is over."³³

"I served 17 years in the Sudanese army, most recently in Kadugli, and was selected for the JIU after the CPA.

Our people, SAF, began this war, at 5 pm on 6 June. They brought tanks and Abu Tera,³⁴ facing the house of Abdel Aziz, and opened fire. I was at home. I put on my uniform and went to headquarters. A SAF officer, 1st Lt. Mohamed al Imam, went to the SPLA in the JIU and told them: 'We have received orders that you be disarmed!'

The SPLA officer consulted his colleagues. They refused. They said they would rather die. A colonel in SAF - write his name! Sheikh al Faki Bosh - told Imam: 'Give them two minutes. If they refuse, open fire!'

The next day, 7 June, they started to arrest Nuba in SAF. They said 65 collaborated with the SPLA. I saw them take three away in a car - Sgt. Khalil Kuku, someone called Jibril, and a third whose name I don't know. When they came back, at about 10 pm, they said they had shot them.

In the morning, they brought a list of SPLA 'spies' to headquarters. Thirty were from the JIU. I was among them. I decided to escape. An Arab in the JIU, a man called Jaffaf, Told me: 'You Nuba, you want to mutiny. We have already finished three of you. We have a list of 30 and we will finish them today!'

I went home, took off my uniform, and began walking towards the mountains. I had to pass in front of the artillery division. An Arab there told me to sit. I sat. He said: 'Do you see these two people?' They were civilians. They had been shot. I said: 'Yes.' He said: 'What happened to them?' I said: 'They are dead. But I am your colleague!' I showed him my army ID. He said: 'OK. Pass.'

Further on I saw a civilian with his hands tied, being beaten by a soldier. I heard the soldier say: 'The time of the SPLA is over. This is our time. You will suffer and you will see.' I reached the mountain and found the SPLA."

The mutiny was by Nuba in the government forces who refused to fight their fellow Nuba in the SPLA-N (see Box 2) - a reflection both of the hardening ethnic divide in Southern Kordofan, and of a vigorous SPLM election campaign that increased awareness of the discrimination of the Nuba people and the chronic neglect of the Nuba Mountains region.

IKV Pax Christi met dozens of Nuba defectors who refused to fight with SAF. Several said the idea of mutiny took root in May, when their superiors began saying openly that SAF would "destroy the SPLA rebels" after the elections. Defectors from the headquarters of the Nuba Mountains 14th Division, in Kadugli, cited one officer as saying: "From this day on we don't want any black in this state." "But what about us, who are with you?" the defectors responded. "When you finish the SPLA, will you start with us?"²⁹ In another unit, Nuba mutinied "because SAF took us to fight our families—our father and our uncles."³⁰

The mutiny began in Kadugli in the early hours of 6 June, after SAF attempted to disarm JIU soldiers in Um Dorein and Talodi, and in the following days was replicated in key garrisons including Dilling, Talodi, Heiban and Mendi.³¹ Al Hilu claims that more than 1,500 government soldiers defected in the first week of

the war - a week in which SAF has admitted to losing 55 of 60 positions in just five days.³² Many Nuba simply refused to fight. Some were approached by SPLA-N and agreed to hand over their weapons. Others gave them up voluntarily.

Reacting quickly, SAF dispatched to Kadugli Maj. Gen. Ahmed Khamis, the man who commanded Military Intelligence in Southern Kordofan in the early 1990s, with orders to seek out those responsible for the mutinies.³⁵ Maj. Gen. Khamis is notorious among Nuba, consistently named as having been responsible for detentions, interrogations, torture and executions during the jihad.³⁶ The abuses that followed his return in June were therefore entirely predictable - from the bloody rampages of the Central Reserve Police (CRP),³⁷ reliably reported to have cut the throats of Nuba women,³⁸ to the deaths, including under torture, of Nuba soldiers, SPLM cadres and, in numbers yet to be determined, civilians.

Despite eyewitness reports to the contrary, the NCP-controlled state government in Kadugli claims the Nuba SPLA initiated the violence and "carried out several assassinations in the cities of Southern Kordofan, particularly Kadugli and Dilling where civil society leaders were targeted as well as imams of mosques, head

and members of popular service committees and senior civil service employees.”³⁹ A June report by the human rights division of the United Nations peacekeeping force UNMIS⁴⁰ highlighted abuses by government forces, however, saying that “Instead of distinguishing between civilians and combatants and accordingly directing their military operations only against military targets, SAF and allied paramilitary forces have targeted members and supporters of the SPLM/A, most of whom are Nubans, and other dark skinned people.”

Khartoum’s refusal to allow an independent investigation into claims like these - most commonly against SAF and two associated security forces, the Popular Defence Forces (PDF) and CRP - makes it impossible to prove, or disprove, al Hilu’s claim that NCP-aligned forces committed a ‘slaughter’ in Kadugli, forcing his men to act ‘in self-defence’. But many Nuba say the events of June were even more shocking than the early days of the jihad, when intellectuals and leaders who could articulate the Nuba cause were arrested and killed. In 2011, they say, ordinary Nuba men and women were killed simply because they voted for, or were suspected of having voted for, the SPLM in May.

One such was Ahmed Bahr Hajjana, a retired SAF general and Nuba from Dilling. At 1 a.m. on 8 June, according to an eyewitness interviewed by IKV Pax Christi, Gen. Hajjana was pushed into a small cell in 14th Division headquarters. His body was covered in bruises and he was unable to speak. He died an hour later. When other prisoners asked that his body be removed, they were told: “For us you are all dead!” The following day, some of the prisoners were driven to a river south of Kadugli (a favourite dumping ground for bodies in the jihad) and ordered to throw a number of corpses, including Hajjana’s, into the rushing waters.⁴¹ Government restrictions have meant that there has been no independent access to the Dilling area, where similar abuses reportedly took place. SPLM officials claim the PDF shot dead eight members of one household whose head voted for the SPLM in the elections. A Nuba artillery officer in SAF who refused to shell a village suspected of harbouring SPLA fighters was reportedly executed in front of his men.⁴²

In the months following the outbreak of war, the CRP and Arab tribes associated with the PDF saw a number of revenge attacks as the perpetrators themselves became victims. In the village of Khor Dilib, early in

Box 3: “This war is for us and our rights,” Mek Abdalla Tia Gijeja⁴⁵

“During peace security was good, but we faced another war - for services. There was no development, no schools, hospital or water. In the rainy season children die in our hands because roads are impassable. As mek I cannot support war, but this war is for us and our rights.

We have a clinic, but no medicines. Before this war, the nearest medicines were in Buram, a day’s walk away. Two out of three boreholes are not working. We had two schools: one using the Arabic curriculum; the other the ‘New Sudan’ curriculum of South Sudan, with teachers paid by the community. We were short of many things - salt, drugs - but we were free and comfortable. We were not controlled.

In the last war, there were no government troops here. The 1st brigade of SAF came after the CPA. They controlled the area, then left a company. They were bad with the people. They beat them and used their authority to do whatever they wanted. If they wanted a cow or an ox, they didn’t go politely to the civil authorities, they just ordered the mek or the omda⁴⁶: ‘Bring us, now!’

The SPLA never abused me, never talked badly to me. They gave me full freedom to live and control my people in justice and equality.

During the election campaign this year, the PDF came in SAF vehicles with 55 AK 47s, two rocket-propelled grenades and two heavy machine guns. They concentrated on Moslems, telling them: ‘If the SPLA wins, there will be no respect for Moslems and no mosques.’ The NCP told us we are not Moslems as we allow Christians to pray! We sensed trouble coming, so I called a meeting with the civilians. Anyone who didn’t have a gun sold cattle and bought an AK.⁴⁷ If he didn’t have cows, someone else could buy it for him.

They attacked us two days after they attacked Abdel Aziz in Kadugli - first the New Sudan school, then the SPLM office. They were all Nuba. We told them: ‘You are our sons; they lied to you. This war is not against Islam. It is not against Christianity. It is against us.’”

October, the SPLA reportedly attacked a CRP compound before dawn, killing the guards with knives and setting fire to the huts where the police were sleeping.⁴³ In surrounding areas, a number of Arabs accused of collaborating with the PDF were 'arrested'.⁴⁴ A human rights activist said the attacks were not random; the SPLA appeared to be 'targeting certain people' suspected of spying for the government.

“Potentially catastrophic levels of malnutrition and mortality”⁴⁸

In the fifth month of the war in Southern Kordofan, almost 1.25 million Nuba are living in contested, war-affected areas, without access to markets, commodities or state-run public services including health and education. Of these, an estimated 226,000 are displaced without food in SPLM-held areas that are, to all intents and purposes, blockaded by Khartoum. More than 9,000 others have become refugees in South Sudan, fleeing militia raids and aerial bombardment - most frequently by Antonovs, modified cargo aircraft which indiscriminately drop bombs filled with jagged chunks of metal, sometimes weighing several kilos, from railings mounted in the back of the aircraft.⁴⁹

On the other side of the divide, Arabs have been displaced from SPLA-controlled areas, in as yet unknown numbers, as a result of cattle rustling and reprisal attacks and arrests.⁵⁰ The movement of Arabs has been especially apparent in the eastern part of the mountains where tribes associated with NCP-affiliated militias fear revenge attacks as the Nuba SPLA makes inroads into areas from which SAF is withdrawing in order to protect key garrisons.⁵¹

The displacement of both groups is expected to increase with the onset of the dry season in November. Nuba fear the kind of counter-insurgency most recently seen in Darfur as government tanks, troops and militias currently halted by waterlogged roads are able to move into rural areas controlled by the SPLA-N. Government officials have indicated privately that they are confident they will be able to regain lost ground once the rains end and the SPLA-N loses the advantage of better mobility and high grass cover. Arabs who usually migrate south with their animals in the dry season fear armed opposition from the SPLA-N if they attempt to move this year. In the absence of a negotiated settlement, or even local agreements, many will soon face a choice between losing their animals through drought or risking their own lives in armed clashes.

A deadly combination of war, late rains, the humanitarian blockade of SPLM-held areas⁵², and a government ban on all international involvement in

relief work - including needs assessments⁵³ - is expected to leave 400,000 Nuba civilians without any food in the next few weeks. Only 90,000 of the known displaced have received any supplies since the war began - a one-week ration from pre-positioned stocks distributed by Nuba relief workers working as a collective. There remain very limited food stocks of approximately 220 metric tons, the equivalent of a similar one-off ration to only 35,000 people.

The Sudanese Red Crescent, (SRC), officially the only permitted channel for relief⁵⁴, has no presence at all in eastern regions of Southern Kordofan - where fighting is expected to intensify as the SPLA-N deploys in force there - and acknowledges its incapacity to meet even the present need.⁵⁵ Any attempt by the SRC to work in SPLM-held areas will likely meet resistance because of the popular perception that the organization is infiltrated, if not indeed controlled, by Khartoum's security services.

Conditions are already declining fast as the 'hunger period' before the next harvest (in December-January) reaches its peak. Most of the displaced lack adequate shelter, food, clean water and medicine, and are being re-displaced as host communities themselves run short of food. Cultivation has been severely hampered by the late onset of rains,⁵⁶ and local relief workers estimate that the next harvest will be less than a quarter of usual production. Aerial bombardment - including at night, for the first time in the region - has deterred many farmers from tending their 'near farms'. Bombardment and ground attacks in front-line areas have limited access to the bigger and more productive 'far farms'.

In several of the areas visited by IKV Pax Christi around Kadugli, a further deterrent to cultivation has been the capture by government forces of groups of men and women working in the fields. Relatives say the seizures are part of a government strategy to use food as a weapon of war (as in the jihad, when a three-year famine killed tens of thousands⁵⁷). SPLM-N officials speculate that the Nuba, reportedly taken to Kadugli, will eventually be portrayed as voluntary "returnees".⁵⁸ In some government-controlled towns, Nuba traders are now required to obtain a permit from Security or Military Intelligence before accessing markets.⁵⁹ Prices of the little that is available in local markets have rocketed. Already in August, sorghum, the staple food, was 500 per cent up; sugar 250 per cent; cooking oil more than 300 per cent. Most families, and many traders, have been unable to access banks in government-controlled towns to change their savings to the new currency introduced on the eve of partition, and as a result have lost everything.

Without immediate humanitarian access, infant and



Nuba kinderen op het schoolplein. Foto: Tomo Kriznar

elderly mortality from malnutrition is expected to increase drastically over the coming months. A survey among 2,594 children in the Delami region, in the north-east of the mountains where government forces have looted and burned food stores, found 4.7 per cent suffering from severe malnutrition. Many were suffering from diarrhoea (32 per cent), vomiting (17 per cent), fever (23 per cent) and coughing (30 per cent), suggesting the presence of underlying diseases such as malaria, pneumonia and dysentery. Unless these conditions are treated and nutrition rapidly improved, malnutrition levels will deteriorate rapidly given the plethora of other aggravating factors.



The Appetite for a Peaceful Settlement

In the 1990s, the Nuba became a cause célèbre of advocacy groups and a focus of US policy on Sudan after research into the war revealed the genocidal nature of the jihad.⁶⁰ Since then international interest in, and support for, the Nuba people has lapsed. This is in stark contrast to the new support for al Hilu among Nuba not affiliated to the SPLM. In 2005, al Hilu was severely criticized by many Nuba for not negotiating better terms in the CPA; in 2011, many of his most outspoken former critics have rallied around him, believing that “Khartoum is determined this time to wipe out the Nuba race, having succeeded in getting rid of the southerners.”⁶¹

The warning signs of conflict in Southern Kordofan were clear to all who cared to see.⁶² But the governments in Khartoum and Juba, the UN, and the major international partners chose either to play down the likely problems or to focus elsewhere. Their efforts were directed almost exclusively to holding ‘free and fair’ elections in Southern Kordofan in May and then the Popular Consultation, passing over the all-important security issues that reignited the conflict in June.

In the wake of the elections, as both sides moved up forces, only the AU was active in trying to seek solutions (albeit handicapped by organizational overstretch and the low priority given to the issue by both Khartoum and Juba). The UN and US were preoccupied with a crisis in neighbouring Abyei that led to military occupation of the area by SAF. Senior UN officials transited Kadugli en route to Abyei but displayed no interest in Southern Kordofan and downplayed the prospects of any disturbance. US diplomats made clear to the AU Panel that they had no appetite for any crisis except Abyei.

The international community appeared not to be aware of the different dynamics between Abyei on the one hand and Southern Kordofan and Blue Nile on the other.

After the outbreak of war, the AU brought the NCP and SPLM-N together in Addis Ababa for intensive negotiations. At the insistence of the two parties, the political issues were put at the top of the agenda, especially the recognition of the SPLM-N as a legitimate party in (north) Sudan, the need for a functional government in Southern Kordofan, and the broader need for an all-inclusive process of generating a new political dispensation in northern Sudan. The two failed to agree on a ceasefire, remaining stuck on whether to demand that the SPLA-N return to its positions before 5 June, or to use the de facto military positions - in which the SPLA-N had made major territorial gains - as the

basis for ceasing hostilities.

The US and UN concerns were dominated by humanitarian issues and the potential embarrassment of UNMIS withdrawing when its mandate ended on 9 July, in the middle of an ongoing conflict. They feared the reputational damage to the UN if it were perceived to run away on the eve of major violence against civilians, as had occurred in Rwanda in 1994.

The delegation leaders in Addis Ababa - NCP deputy chairman and presidential advisor Nafie Ali Nafie and the SPLM governor of Blue Nile, Malik Agar Eyre - each made difficult concessions and signed a Framework Agreement on 28 June. Each anticipated a tough assignment ahead in convincing their respective parties that the deal was acceptable.

The next step envisaged was establishing political and security committees which would address the most difficult questions, but in the event President Bashir publicly rebuffed Nafie, on the grounds that the resolution of the issue should henceforth be conducted by direct negotiations between Khartoum and the SPLM-N without any third-party mediation. In turn, the SPLM-N leadership took a tougher line, publicly advocating for regime change, and on 1 September the conflict escalated with the outbreak of fighting in Blue Nile and the banning of the SPLM-N.

Conclusion

The renewed conflict in Southern Kordofan and Blue Nile is the direct product of a history of misgovernment in Sudan. It originates in neglect of the country's peripheries and, since 1989, in Islamist government that denies fundamental freedoms and is now returning to its military roots, marginalizing even its own civilian leadership.⁶³ This malaise has not been resolved by the secession of the South. On the contrary, it is deepening. President Bashir has said repeatedly that the price of surrendering control over almost a third of Sudanese territory, and three quarters of oil reserves, will be a refusal to acknowledge "cultural and ethnic diversity" in the north, and instead the introduction of an Islamic constitution.

Already the regime is closing down in terms of tolerating dissent and allowing an international role and access, especially in the two areas. This has strengthened the conviction of the Nuba SPLA, and other opposition groups in the peripheries, that the problem of Southern Kordofan cannot be solved at the level of the state. The evident lack of morale in SAF is cited as confirmation that opposition forces, working together, can change the regime.

International concern over Southern Kordofan, initially focused on human rights abuses, is now shifting to humanitarian need, propelled by the inability of the UN Security Council to agree on anything else and by belated expressions of concern in the UN - recently, Under-Secretary-General for Humanitarian Affairs Valerie Amos's warning that "people in many parts of the state face potentially catastrophic levels of malnutrition and mortality" as a result of the denial of "unhindered independent access throughout Southern Kordofan".⁶⁴

The crisis, however, is political in nature, and requires a political solution - not at the state level, where senior figures both in SAF and the NCP were initially opposed to war, but at the national level. The SPLM's demand for a democratic, equitable, multi-ethnic Sudan had the unqualified support of the international community during the negotiations that resulted in the CPA. But international support for democratization cooled when the secession of the South became inevitable, to the extent that election observers justified accepting the rigged April 2010 elections in Sudan because they were a stepping stone to the CPA's main event - the referendum on self-determination in the South.

The need for a new political dispensation in the Republic of Sudan is now back in focus, not least because of the repeated failure to negotiate a solution to

the conflict in Darfur. Attempts to negotiate a partial solution in Southern Kordofan and Blue Nile alone are also doomed to fail. Not only are they unlikely to win the support of SPLM-N but they risk generating new problems, including reawakened conflicts in other marginalized regions including Darfur and the long-forgotten east.

The AU-mediated Framework Agreement contained provisions for the NCP and SPLM-N to establish a partnership for an 'inclusive national process' that included constitutional review, but the SPLM-N and other opposition groups will now be looking for much stronger guarantees that such a process will indeed bring about a fundamental restructuring of the republic.⁶⁵ Meanwhile, over the few months since President Bashir rejected the Framework Agreement, Sudan's financial and political crisis has deepened. What Sudan needs is not a drawn-out process of constitution-building leading to a new governance structure, but a new Government of National Unity mandated to stabilize the country, normalize its politics, economy and relations with its neighbours (including South Sudan), and preside over such a national dialogue.

The immediate prospects for peace in the two areas are not good. Both sides believe there is advantage in continued military action - the SPLA-N because of its early successes and what it perceives as a process of disintegration in the government's forces and finances; SAF because of the approaching dry season and the chance, as it sees it, of redressing the military balance. The ability of international stakeholders to influence Khartoum has been severely curtailed in recent years - first by China's emergence as Sudan's all-important economic partner, especially in the energy field; then by Washington's lack of access to Khartoum's military powerbrokers and its failure to deliver on its promise of normalizing relations after the CPA. Today, however, Sudan's economy is in crisis, hard hit by the loss of billions of dollars in oil revenues. The exchange rate from the Sudanese pound to the US dollar on the black market has passed four, the highest it has been since 2005, and the International Monetary Fund predicts continued contraction in growth through 2012. The economic crisis has already led to rising food and fuel prices - and power outages and brackish water even in Khartoum - and has the potential to galvanize popular protest in a way that the demand for democratic reform so far has not. Emergency financial bailout is a powerful tool, if used across the board and made contingent on a new government of national unity.

Recommendations

To the government of the Republic of Sudan:

- To immediately stop all aerial bombardments and fulfil its legal responsibility by allowing immediate and unconditional humanitarian access to all parts of Southern Kordofan.
- To return to the negotiating table, with third-party mediation, to flesh out the inclusive national process, including constitutional review, agreed on in the AU-mediated Framework Agreement.

To the United Nations:

- Urgently fill the vacant position of Resident/ Humanitarian Coordinator (RC/HC) in Khartoum.
- Appoint a humanitarian special envoy to negotiate humanitarian access at the highest level with the Sudan government.

To the international community:

- Make debt relief and any other financial and economic support conditional upon strong guarantees to a process leading to an inclusive national government that respects its international legal obligations. Recognizing that any Southern Kordofan settlement must be part of a wider northern Sudan process of democratization.
- Advocate and prepare for a monitoring mission to fill the void left by UNMIS in Southern Kordofan and Blue Nile, including ceasefire monitoring, human rights/ civilian protection and, later, integration of forces.
- Ensure that humanitarian assistance is delivered on the basis of need alone to all parts of Southern Kordofan and that all recovery and development activities are pursued on an equitable basis on both sides of the conflict, within a framework that allows engagement with all communities and belligerents across the region.
- Engage with the leadership of the Sudan Armed Forces, to seek a process of reform and rebuilding of the national army, with international partnership, to reduce risk in conflict areas. This could take the form of western bilaterals, such as the UK, working with other key actors, such as the Arab League and Organization of the Islamic Conference, to support a dialogue on professionalizing the army and ensuring that all irregular forces are disbanded or integrated within the statutory security apparatus.



Notes

- ¹ Statement by UN Under-Secretary-General for Humanitarian Affairs Valerie Amos, 30 August 2011.
- ² This was the hope expressed by Foreign Minister Deng Alor, of the SPLM, in November 2009, addressing a conference in Khartoum.
- ³ For a comprehensive account of the war in the Nuba Mountains, see *Facing Genocide*, African Rights, London, 1995. Available online at <http://www.justice-africa.org/publishing/online-books/facing-genocide-the-nuba-of-sudan/>
- ⁴ *Protocol Between The Government of Sudan (GOS) And The Sudan People's Liberation Movement (SPLM) On The Resolution of the Conflict In Southern Kordofan and Blue Nile States*, Naivasha, Kenya, 26 May, 2004. This became Chapter V of the CPA.
- ⁵ *Sudan's Bashir sees Islamic law, defends flogging*, Reuters, 19 December 2010
- ⁶ *AFP, SPLM warns Khartoum of widespread conflict, Khartoum*, 3 July 2011.
- ⁷ Western estimates put about half of these on active service, including stationed in and around Juba. Some observers believe they could create serious problems if Juba did not support the Nuba Mountains cause.
- ⁸ The fighting began after government forces opened fire on a convoy carrying three senior SPLA-N officers. The SPLA-N claims that eight SPLA locations, including the house of Gov. Malik Agar, came under fire within minutes, "indicating that there was a deliberate plan awaiting execution".
- ⁹ The Beja Congress of East Sudan issued a statement vowing to rejoin the military opposition. See <http://www.crisisgroup.org/en/publication-type/media-releases/2011/africa/stopping-the-spread-of-sudans-new-civil-war.aspx>
- ¹⁰ Interview with the Nuba leader, Abdel Aziz al Hilu, Juba, August 2011. Despite public statements about agreements with two factions of Darfur's Sudan Liberation Army (SLA)—allegedly signed in the Nuba Mountains but in reality not—Nuba SPLA leaders acknowledge privately that the SLA is not engaged in any way in the Nuba Mountains. They say fewer than 20 members of the Justice and Equality Movement (JEM)—all from Southern Kordofan, none from Darfur—approached al Hilu in June and fought alongside the Nuba in one battle soon after. Nuba commanders were surprised by their "almost suicidal" tactics and appalled by their subsequent indiscipline and misbehavior. Al Hilu says he asked the group to leave and not return.
- ¹¹ Interview with 1st Lt. Khaled Abdul Karim Saleh, former head of security in the Office of the Governor of Kordofan, Bern, Switzerland, 13 June 1995.
- ¹² See IKV Pax Christi's CPA Alert No. 3: www.cmi.no/sudan/news.cfm?787=the-nuba-mountains-central-to-sudan's-stability
- ¹³ CPA Chapter 6, 4.
- ¹⁴ The SPLM said it would not accept the results of the elections, no matter what they were, and would form a parliamentary opposition. It did not use the election issue as a *casus belli*. Al Hilu told IKV Pax Christi he would have initiated war only if the NCP had set him up to fail by engineering a result that saw him elected as governor with state assembly dominated by the NCP. For an independent assessment, see a report by the Rift Valley Institute, *Disputed Votes, Deficient Observation: The 2011 election in South Kordofan*, August 2011.
- ¹⁵ When the suggestion was made in November 2004 that the NCP and SPLM try to iron out the contradictions, they decided against, on the grounds that it would take too long and would reopen agreed texts.
- ¹⁶ The SPLA rationale for accelerating the process was that it didn't want the SAF component of the JIUs to remain in the South.
- ¹⁷ E-mail from Alex de Waal, advisor to the Panel, 19 September 2011.
- ¹⁸ The order came in a letter, dated 23 May and marked "Highly Confidential", from Maj. Gen. Ismat al Zein. The letter was headed "Ending mandate of the Joint Integrated Units in the two areas of Blue Nile and South Kordofan."
- ¹⁹ *UNMIS Report On The Human Rights Situation During the Violence in Southern Kordofan State*, Khartoum, June 2011.
- ²⁰ www.sudantribune.com/Sudan-s-NCP-declares-situation-in,39149
- ²¹ Sudan Vision, *Armed Forces Operations Will Continue in S. Kordofan*, 3 July. <http://www.sudantribune.com/South-Kordofan-s-deputy-governor,38739>
- ²² www.sudanvisiondaily.com/modules.php?name=News&file. Al Hilu refused the award, recalling that Bashir had threatened to use "boxes of bullets" if the SPLM challenged the results of May's elections.
- ²³ On 26 July, Gov. Haroun told a press conference in Khartoum that the SPLA had planned to stage a coup on 6 June, including the assassination of 110 political figures in Southern Kordofan. He claimed that documents seized from al Hilu's residence revealed a plan to control Kadugli with three SPLA divisions. He did not produce the documents.
- ²⁴ Interviews with SPLA commanders at the meeting, August-September 2011.
- ²⁵ Letter marked "Top Secret" and addressed to the High Security Committee of the state.

- ²⁶ This view is based on Article 7.1.4 of Annexure 1 of the CPA.
- ²⁷ *A Tale of Two States*, Southern Kordofan State Information Ministry, 3 October 2011.
- ²⁸ The three are 1st Lt. Malik Abdul Gader, 1st Lt. Shura Shanto, and Lt. Zingilla Gundran. Eyewitnesses say SAF opened fire on the JIU with rocket-propelled grenades.
- ²⁹ Interview with Arif Khamis Jumaa, near Kadugli, August 2011.
- ³⁰ Interview with Sgt. Somi Yaacoub, near Kadugli, August 2011.
- ³¹ The mutiny began in the headquarters of the 14th Division and the 18th Brigade in Kadugli, according to defectors and the Nuba SPLA.
- ³² Conversations between senior military officers and the AU Panel, June 2011.
- ³³ The family of this man, interviewed in August 2011, remain in Kadugli, where he was posted. He asked that his name be withheld for their safety.
- ³⁴ The popular name for the Central Reserve Police, initially a small riot control force but today a force of tens of thousands combining heavy weapons more usual with an army with an undisciplined and largely untrained rank and file—many of them young teenagers forcibly recruited from city streets and markets.
- ³⁵ This was admitted in private conversations with members of the AU Panel.
- ³⁶ *Facing Genocide*, p. 96.
- ³⁷ A major general in the CRP was in the three-man team that accompanied Ahmed Khamis to Kadugli.
- ³⁸ Interview with Samir Abu Ganabil Umbasha, who on 8 June witnessed the murder of three young Nuba women from the garden of government house.
- ³⁹ Email from Shimaa Mohammad Ali al Kaaris, Executive Director, Office of the State Minister of Information in Kadugli, 3 October 2011.
- ⁴⁰ UNMIS' mandate ran out in July 2011 and has not been renewed.
- ⁴¹ Telephone interview with an SPLM official imprisoned with Gen. Hajjana. The official was released after three weeks' detention, having signed a document guaranteeing he would not involve himself with any party other than the NCP.
- ⁴² Interview with Esquiel Kuku Talodi, elected an MP for Dilling, August 2011.
- ⁴³ Telephone interview with a local human rights activist, who asked not to be identified. October 2011.
- ⁴⁴ In one area of which IKV Pax Christi has details, 11 Arabs were arrested. Nine were later released, just as a new list reportedly began to circulate.
- ⁴⁵ Interviewed in Shatt Safiya, August 2011. *Mek* is the highest-ranking chief in a village or cluster of villages, derived from the Arabic word 'malik' or 'king'.
- ⁴⁶ *Omda* ranks below *mek*.
- ⁴⁷ One AK-47 cost two cows.
- ⁴⁸ *Over 200,000 could face catastrophe in Sudanese state as Government bars aid*, UN News Centre, 30 August. <http://www.un.org/apps/news/story.asp?NewsID=39418>
- ⁴⁹ In a 2005 study on customary International Humanitarian Law, the International Committee of the Red Cross held that indiscriminate attacks include those which employ a method/means of combat with cannot be directed at a specific military objective and which consequently strike military and civilian objectives without distinction. UN human rights monitors and arms experts have concluded that apart from the casings and explosives, Antonov bombs have contained scrap metal including nails, pieces of construction rods and other junk metal.
- ⁵⁰ There are no statistics yet of Arab displacement. All Southern Kordofan's citizens have been neglected by Khartoum, and international interest in the humanitarian crisis in the state has focused, as it did in Darfur, almost exclusively on the non-Arab "victims".
- ⁵¹ Telephone interview with a human rights activist from the area, October 2011. The Awlad Himeid tribe is reported to be especially affected in Rashad locality, where predominantly Nuba villages were targeted on the eve of war by a wave of Arab violence, including assassination, rape, and the destruction of livestock, property and belongings.
- ⁵² On 28 September, Foreign Minister Ali Karti reasserted the blockade, saying aid groups would be allowed to work in Southern Kordofan only if the SPLA-N put down its arms in the two areas.
- ⁵³ On 20 August, Military Intelligence denied three UN agencies access to SPLM-N areas to assess need, restricting their mission to government-controlled Kadugli.
- ⁵⁴ *Southern Kordofan Civilians Tell of Air Strike Horror*, Human Rights Watch, and Amnesty International, 30 August, 2011. <http://www.hrw.org/news/2011/08/30/sudan-southern-kordofan-civilians-tell-air-strike-horror>
- ⁵⁵ Private communication from the SRC to international NGOs in Khartoum.
- ⁵⁶ FEWSnet Sudan reports that the 2011 harvest is likely to be below average due to a 30-day delay in the start of the rainy season. <http://www.fews.net/sudan>.
- ⁵⁷ *Facing Genocide*, pp. 89-94.
- ⁵⁸ This tactic was employed in the jihad. Hundreds of thousands of Nuba burned out of their homes and forcibly removed to Kadugli by government forces were presented to the international community as fugitives from an allegedly abusive, but in reality widely

supported, SPLM/A.

- ⁵⁹ Interview with Jamil Mekki Abdo, SPLM Secretary of Agriculture and Food Security.
- ⁶⁰ See *Facing Genocide and Sudan's Secret War*, BBC2, launched in the same day in May 1995.
- ⁶¹ E-mail from Suleiman Rahhal, director of Nuba Survival Foundation, October 2011. The most prominent Nuba within the SPLM/A who are critical of al Hilu have been co-opted by the NCP and have thereby lost credibility. For example, Nuba taken by SAF to a new military camp for "The Friendly Forces", at Shaeer, near Kadugli airport, have been told it belongs to Daniel Kodi, the former SPLA deputy governor of Southern Kordofan whose opposition to al Hilu is frequently cited by the NCP as evidence of Nuba divisions.
- ⁶² Virtually every church document over the last two to three years has warned of brewing conflict. As early as July 2010, the Sudan Catholic Bishops Conference warned that "dissatisfaction in Southern Kordofan "may lead to violence which could derail any peaceful future for the whole of Sudan".
- ⁶³ Well-informed sources in Khartoum say Gen. al Zain and the head of Military Intelligence went to President Bashir on 5 May, after an SPLA ambush in Abyei killed 11 SAF soldiers, and demanded powers to act as they saw fit, without consultation with the political leadership, to restore "order" in the north after a series of betrayals, as they saw it—including US insistence on prolonging the Doha talks to keep Darfur as an open wound.
- ⁶⁴ *Over 200,000 could face catastrophe in Sudanese state as Government bars aid*, UN News Centre, 30 August. <http://www.un.org/apps/news/story.asp?NewsID=39418>
- ⁶⁵ The SPLM-N wants a new UN mission, despite the manifest failings of UNMIS. Stronger guarantees could include a financial package supervised by a number of countries (Turkey is hosting a Sudan bailout conference scheduled for December) and including a strong component of military reform assistance.

Glossary of abbreviations

AU	African Union
AUHIP	African Union High-Level Implementation Panel
CPA	Comprehensive Peace Agreement
CRP	Central Reserve Police
JIU	Joint Integrated Unit
NCP	National Congress Party
NGO	Non-Governmental Organisation
PDF	Popular Defence Force
SAF	Sudan Armed Forces
SPLM/A	Sudan People's Liberation Movement/Army
SPLA-N	Sudan People's Liberation Army - North
SPLM-N	Sudan People's Liberation Movement - North
SRC	Sudanese Red Crescent
UN	United Nations
UNMIS	UN Mission in Sudan





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